

LIBRARY

OF THE

University of North Carolina.

Endowed by the Dialectic and Philanthropic Societies

345.1—N87

Private-1911

UNIVERSITY OF N.C. AT CHAPEL HILL
00035474325

This book must not be taken from the Library building.

19 Jun '36R

Digitized by the Internet Archive
in 2010 with funding from
Ensuring Democracy through Digital Access (NC-LSTA)

http://www.archive.org/details/privatelawsofsta1911nort

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1911

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1911

PUBLISHED BY AUTHORITY

RALEIGH
EDWARDS & BROUGHTON PRINTING COMPANY, STATE PRINTERS AND BINDERS
1911

CAPTIONS

OF THE

PRIVATE LAWS

SESSION 1911

CHAP.		PAGE
1.	An act to validate any supposed error of omission or commission in the election held in the city of New Bern September 3d, 1910, and to authorize the board of aldermen of the city of New Bern to issue fifty thousand dollars of bonds to meet expenses of street paving as specified in the call for said election	3
2.	An act to incorpate the city of Greensboro, and to repeal its present charter and all laws in conflict with this act	3
3.	An act to provide for the registration of electors for the election on the question of the adoption of the commission form of government for the city of Greensboro, to be held on the first Tuesday of February, one thousand nine hundred and eleven	47
4.	An act to ratify and approve twenty-five thousand dollars ($25,000) waterworks and sewer bonds of the town of Murphy, in Cherokee County, and to allow said town to levy a special tax for the payment of interest as it becomes due and the principal at maturity	47
5.	An act to authorize the town of Elkin to issue bonds	49
6.	An act to authorize the mayor and board of aldermen of Hickory to issue bonds to extend the sewerage system now existing in said city	50
7.	An act to amend section three thousand eight hundred and sixty-three of The Revisal of one thousand nine hundred and five, relating to the North Carolina Agricultural Society	51
8.	An act to change the name of the Baptist University for Women	51
9.	An act to authorize the board of commissioners of the city of Washington to pay its existing indebtedness	52
10.	An act to amend chapter two hundred and twenty-two, Public Laws of one thousand nine hundred and seven, and to authorize a bond issue thereunder by the city of Hickory	54
11.	An act to incorporate Company "B," 2d Regiment, North Carolina State Troops	55
12.	An act for the relief of the city of Burlington, North Carolina	56
13.	An act to incorporate the town of Minneapolis, in Mitchell County	57
14.	An act to amend chapter forty-three, Private Laws, one thousand eight hundred and ninety-seven	60

CHAP.		PAGE
15.	An act to validate the street improvement bonds of the town of Wadesboro, in the amount of ten thousand dollars, and the contract for the sale of said bonds, and providing for the levy and collection of a tax to pay the principal and interest thereon	61
16.	An act to amend the charter of the town of Orrum, in Robeson County	62
17.	An act to incorporate the town of Marble, in Cherokee County	63
18.	An act to amend chapter ninety of the Private Laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the Wachovia Loan and Trust Company"	63
19.	An act to allow the Charlotte Park and Tree Commission to sell part of its real estate	65
20.	An act to amend the charter of the town of Plymouth	66
21.	An act to repeal chapter three hundred and fifteen, Private Laws, one thousand nine hundred and nine, relating to the primary elections for Mooresville	67
22.	An act to authorize the board of commissioners of the town of Hendersonville to issue bonds and levy a tax to pay the floating indebtedness of said town	67
23.	An act to amend chapter four hundred and eight of the Private Acts of one thousand nine hundred and seven, entitled "An act to consolidate, revise and amend the charter of the town of Wilson"	68
24.	An act to amend an act to incorporate the city of Greensboro and repeal its charter and all laws in conflict therewith, ratified on the seventeenth day of January, one thousand nine hundred and eleven	69
25.	An act to incorporate the town of Ellerbe, in Richmond County, North Carolina	69
26.	An act to repeal chapter two hundred and seventy-one, Private Laws of one thousand nine hundred and nine, establishing a police commission for the city of Asheville	73
27.	An act to incorporate the town of Woodville	73
28.	An act to repeal an amendment to the charter of the town of Mt. Olive; the said amendment being contained in chapter two hundred and ninety-five, Private Laws of one thousand nine hundred and seven	75
29.	An act to authorize the board of commissioners of the town of Hendersonville to sell and make title to certain property in that town.	75
30.	An act to authorize the mayor and board of commissioners of the town of Rutherfordton to refund a bonded indebtedness of five thousand dollars against said town which became due in August, one thousand nine hundred and ten	76
31.	An act to amend "An act to incorporate the city of Greensboro and to repeal its present charter and all laws in conflict with this act," ratified January seventeenth, one thousand nine hundred and eleven	77

CHAP.		PAGE
32.	An act to enable the town of Waynesville to fund its outstanding indebtedness incurred for necessary expenses of said town and to authorize the town to levy taxes to meet the same	78
33.	An act to amend the charter of the town of Mt. Pleasant, North Carolina	80
34.	An act to allow the town commissioners of the town of Elizabethtown to refund its bonded indebtedness	81
35.	An act to allow the city of Durham to issue bonds for the purpose of building, improving and repairing the streets and to enlarge the sewerage system of said city	82
36.	An act to enable the town of Sanford, Lee County, to issue bonds to fund its indebtedness incurred or to be incurred for the construction of a sewerage system in said town and to levy a special tax for the payment of principal and interest on same, and to repeal section three of chapter one hundred and seventeen of the Private Laws of one thousand nine hundred and nine	85
37.	An act authorizing the city of Monroe to make private sale of certain lands not needed for municipal purposes	87
38.	An act to incorporate the town of Lynn, in Polk County	88
39.	An act to authorize the city of Durham to issue bonds to pay and fund its floating debt	88
40.	An act to authorize the city of Southport, North Carolina, to subscribe to the capital stock of the Wilmington, Brunswick and Southern Railway Company	91
41.	An act to authorize the city of Concord to issue bonds	92
42.	An act to authorize the commissioners of the town of South Biltmore to levy a tax not exceeding one dollar on each one hundred dollars valuation of property	95
43.	An act to grant a new charter to the town of Whitakers, Nash and Edgecombe counties, North Carolina	95
44.	An act to consolidate and revise the charter of the town of Elkin	113
45.	An act to amend chapter one hundred and seventy-seven of the Private Laws of one thousand nine hundred and three, charter of Trinity College, by striking out limitation of the amount of property said college may hold	118
46.	An act to authorize and empower the town of Farmville to issue bonds	119
47.	An act to amend the charter of the Sunset Park Railway Company and to ratify and confirm certain conveyances under which said corporation holds its property	120
48.	An act to repeal chapter three hundred and twenty-three, incorporating the town of Shore in Yadkin County, Private Laws of North Carolina, Session one thousand nine hundred and three	121
49.	An act to authorize the city of Raleigh to issue bonds for public improvement	121

CHAP.		PAGE
50.	An act to amend chapter three hundred and eighty-two (382) of the Public Laws of one thousand nine hundred and three (1903), and chapter two hundred and ninety-seven (297) of the Public Laws of one thousand nine hundred and nine (1909) and to issue bonds and levy an additional special tax for the benefit of Fayetteville graded schools	123
51.	An act to authorize the city of Fayetteville to issue bonds, to extend its waterworks and to install a filter	126
52.	An act to authorize the city of Fayetteville to assign the revenue accruing from the annual installments of assessments laid against owners of lots fronting on and benefited by paved streets, and to issue bonds therefor, the proceeds to be used in carrying on street paving	127
53.	An act to permit Wendell graded school district, in Wake County, to vote ten thousand dollars of bonds	130
54.	An act to amend chapter two hundred and ninety-six of the Private Laws of one thousand nine hundred and nine, entitled "an act to provide for the establishment of board of police and fire commissioners for the city of Durham."	133
55.	An act to amend the charter of the Winston-Salem Southbound Railway Company	133
56.	An act to incorporate the Anson Sanatorium	133
57.	An act to validate certain deeds to Phœnix Lodge number eight, A. F. and A. M., of Fayetteville, North Carolina	136
58.	An act to authorize the board of commissioners of the town of Wilson to issue bonds for the purpose of refunding a portion of its bonded indebtedness	137
59.	An act to amend chapter two hundred and seventeen of the Private Laws of one thousand nine hundred and nine, relating to the paving of sidewalks in the town of Sanford	141
60.	An act to change the boundary line between two special tax districts in Greene County	141
61.	An act to incorporate the Roanoke Seminary	142
62.	An act to incorporate the town of Unionville	142
63.	An act to confer power upon the authorities of the town of Reidsville, North Carolina, to grant license for the use of streets by public service companies	144
64.	An act to incorporate the town of Culberson in Cherokee County	144
65.	An act to create a sinking fund to pay off a floating indebtedness made in the completion of the waterworks and sewage systems of the town of Shelby	145
66.	An act to authorize the commissioners of the town of Tryon to sell lot formerly used as school property	146
67.	An act to amend chapter four of the Private Laws of one thousand eight hundred and ninety-one, which is an act to incorporate the regents of the Orphan's Home of the Presbyterian Church of the State of North Carolina	147

CHAP.		PAGE
68.	An act to authorize the town of Shelby to buy or erect and operate an electric light plant, and to issue bonds therefor	148
69.	An act to amend chapter four hundred and forty-one of the Public Laws of one thousand nine hundred and three, relative to graded schools in the town of Troy	149
70.	An act to incorporate North Carolina Interurban Railway Company	150
71.	An act to amend chapter two hundred and six, Private Laws of North Carolina, passed at its session one thousand nine hundred and nine, and to authorize the board of trustees of the Warsaw high school and graded school district number one in Warsaw Township to issue bonds for the purpose of building a brick schoolhouse for the whites in said district	160
72.	An act to submit to the qualified voters of the town of Waynesville the ratification of contract to connect sewerage system of said town with that of Southern Assembly, and to authorize the issuance of bonds therefor	163
73.	An act to amend the charter of Buckhorn Academy in Hertford County	166
74.	An act to enable the Hertford graded school district to issue bonds	166
75.	An act to amend the charter of the city of Wilmington	168
76.	An act to establish the Higdonville County high school district and to provide for the levy and collection of special taxes therein	186
77.	An act to amend the charter of the town of St. Paul's, in Robeson County	188
78.	An act to incorporate the Westminster school	189
79.	An act authorizing and directing the commissioners of the town of Williamston, North Carolina, to levy a special tax	191
80.	An act to amend chapter thirty-nine of the Private Laws of one thousand eight hundred and ninety-one	192
81.	An act to authorize the town of Thomasville, North Carolina, to establish and operate a system of waterworks and sewerage and to issue bonds for the same	192
82.	An act to permit the board of commissioners of the town of Roxboro and the board of commissioners of Person County to make donations to a Confederate monument to be erected in Person County	195
83.	An act to amend chapter one hundred and forty-seven of the Private Laws of one thousand eight hundred and ninety-nine, relating to the charter of the town of Columbia	196
84.	An act to confer upon the Roanoke and Mount Airy Southern Railway Company certain privileges and subject it to certain rules and regulations and to authorize and enlarge its power in the State of North Carolina	196
85.	An act to amend the charter of the Mt. Prospect graded school of Union County	199
86.	An act to incorporate the Maxton, Alma and Southbound Railroad Company	199

CHAP.		PAGE
87.	An act to amend chapter one hundred and fifty-six, Private Laws of one thousand eight hundred and ninety-five, amending the charter of the town of Elizabethtown, Bladen County	209
88.	An act to repeal chapter fifteen, Private Laws one thousand nine hundred and eight, and to amend chapter four hundred and fifty-one, Public Laws, one thousand nine hundred and three	209
89.	An act to establish a graded school in the town of old Fort, in McDowell County	210
90.	An act to amend the charter of the town of Black Mountain	213
91.	An act to incorporate School District Number One, white race, Mark's Creek township, Wake County, North Carolina	214
92.	An act to authorize the board of trustees of Selma graded school to issue bonds for the purpose of erecting and equipping a graded school building at Selma, Johnston County	216
93.	An act to incorporate the town of Rockwell, Rowan County	219
94.	An act to incorporate the town of Locust in Stanly County	222
95.	An act to authorize the town of Cherryville to borrow money for public improvements	226
96.	An act to levy a special tax to finish paying for the public graded school building in district number one in Dillsboro Township in Jackson County	227
97.	An act to amend the charter of the town of Pittsboro, North Carolina	227
98.	An act to amend the charter of the Carolina and Tennessee Southern Railway Company, and for other purposes	228
99.	An act to revise the charter of the town of Lumber Bridge, in the County of Robeson	229
100.	An act to establish a colored graded school district, to be known as the Ararat colored graded school of Surry County	232
101.	An act to amend the charter of the town of Mount Airy	234
102.	An act to provide for the issuing of bonds in the town of Elk Park, in Mitchell County	234
103.	An act to amend the charter of the town of Bladenboro, in Bladen County	236
104.	An act to incorporate Asheboro Trust Company	237
105.	An act to amend chapter two hundred and ninety-one of the Private Laws of one thousand nine hundred and nine, relative to street or road duty in the town of Marion, McDowell County	242
106.	An act to amend section nine of chapter sixty-seven, the Private Laws of one thousand nine hundred and three, relative to electing the trustees for the Westfield graded school	243
107.	An act to change the dividing line between Bloomingdale special tax school district number two and Barnesville special tax school district number six, in Sterling Township, Robeson County	243
108.	An act to authorize the board of graded school trustees of Oxford to issue bonds for school building	244

CHAP.		PAGE
109.	An act to authorize the board of commissioners of the town of Tarboro to issue bonds for paving Main street	246
110.	An act to incorporate the town of Dundarrach in Robeson County	250
111.	An act to amend the charter of the Black Mountain Railway Company	251
112.	An act to amend the charter of the town of Windsor, North Carolina	260
113.	An act to incorporate the Beaverdam school district in Cherokee County	261
114.	An act to establish a graded school district in Lee County	264
115.	An act to authorize the city of High Point to issue negotiable bonds to raise money for the purpose of funding, taking up and discharging outstanding floating indebtedness and for the extension and improvement of the water and sewer systems of said city and for grading, paving and otherwise permanently improving the streets of said city and for the purpose of building one or more additional public school buildings in said city	269
116.	An act to amend the charter of the town of Littleton, in the counties of Halifax and Warren, North Carolina	272
117.	An act to amend the charter of Morehead City, and to control and regulate the harbor thereof	272
118.	An act to provide for the maintenance of the graded schools of the town of Hendersonville, and to authorize the commissioners of said town to issue bonds for the purpose of erecting a new school building, and for other purposes	274
119.	An act to incorporate the town of Bolivia, in Brunswick County, North Carolina	277
120.	An act to revise and consolidate the charter for Elizabeth City, North Carolina	278
121.	An act to incorporate the social aid society of Siler City	312
122.	An act to incorporate the town of North Lumberton, in the County of Robeson	313
123.	An act to amend chapter two hundred and seventy-nine of the Public Laws of one thousand eight hundred and ninety-one, relating to the charter of the town of Roseboro in the county of Sampson	316
124.	An act to amend the charter of the town of Hazlewood, Haywood County, North Carolina	317
125.	An act to amend chapter two hundred and thirty-five, Private Laws of one thousand nine hundred and seven, relating to the boundary lines of the Aurora graded school district	317
126.	An act to incorporate Womble's Chapel, A. M. E. Zion church at Pee Dee, Anson County	318
127.	An act to incorporate the Hendersonville Hospital Association	319
128.	An act to amend the charter of the National Religious training school and Chautauqua for the colored race, incorporated	320
129.	An act to amend chapter one hundred and sixty-seven of the Private Laws of one thousand nine hundred and nine	321

CHAP.		PAGE
130.	An act to amend the charter of the Wingate school in Union County.	322
131.	An act to appoint three trustees to look after public lot at Lake Waccamaw, in town of Flemington, in Columbus County	323
132.	An act to establish and incorporate the Free Will Baptist Seminary, of Ayden, North Carolina	324
133.	An act to regulate the prices and charges for the use and sale of water, electric lights, gas and other motor and water power in the town of Tryon	326
134.	An act to allow Roanoke Rapids graded school district, Halifax County, to issue bonds to provide for the enlargement of the present school buildings of the district and the proper equipment of the same	327
135.	An act to amend chapter eight of the Private Laws of one thousand eight hundred and ninety-five, charter of trustees of Watts Hospital	329
136.	An act to amend the charter of the town of East Lumberton, Robeson County	330
137.	An act to authorize the commissioners of the town of Highland, Catawba County, to call an election to vote additional tax for school purposes	331
138.	An act to authorize the board of commissioners of the town of Tarboro to issue bonds to improve its waterworks	332
139.	An act to repeal an act to incorporate the town of Maufin, in the County of Pitt	334
140.	An act to amend the charter of the city of Asheville, and to repeal all laws in conflict with this act	334
141.	An act to incorporate Cowee Lodge, No. 24, Order of the Star of Bethlehem	360
142.	An act for the relief of E. D. Snead, public school teacher of Cumberland County	361
143.	An act to incorporate Hodges Institute	361
144.	An act to change certain territory from the Bonsal to the Merry Oaks school district	363
145.	An act to amend the charter of the town of Enfield, North Carolina.	363
146.	An act to amend chapter one hundred and three of the Private Laws of North Carolina of nineteen hundreed and nine, establishing a special tax school district in Wake County and Chatham County, known as school district number four	364
147.	An act to incorporate Mill Creek church in Johnston County	364
148.	An act to incorporate the town of Marietta, in the County of Robeson	365
149.	An act to amend the charter of the Winston-Salem Southbound Railway Company	368
150.	An act to re-charter the town of Aurora in Beaufort County	368
151.	An act to incorporate the town of Maury, in Greene County, North Carolina	369

CHAP.		PAGE
152.	An act to improve the streets of the town of Mount Airy, and to issue bonds	370
153.	An act authorizing an increase in the salary of the recorder of the recorder's court of the city of Monroe	375
154.	An act to extend the eastern boundary of the town of Marshville one-eighth of one mile	376
155.	An act to incorporate the town of Bowdens, Duplin County	376
156.	An act to amend the charter of the town of Tarboro	379
157.	An act relating to pound charges in the towns of Murphy and Andrews, in Cherokee County	380
158.	An act to incorporate the town of Banner Elk, in the County of Watauga	381
159.	An act to amend the charter of the town of Clayton, Johnston County, North Carolina	383
160.	An act to amend, revise and consolidate the statutes that constitute the charter of the town of Apex, North Carolina	386
161.	An act to incorporate the town of Wagram, in Scotland County, North Carolina	397
162.	An act to authorize the issue of bonds for the town of Andrews, in Cherokee County	402
163.	An act to amend and consolidate the charter of the town of Pollocksville	403
164.	An act for the relief of George H. Gray, a public school teacher	404
165.	An act to validate any supposed error of omission or commission in the election held in the city of New Bern, September third, one thousand nine hundred and ten, and to authorize the board of aldermen of the city of New Bern to issue fifty thousand dollars of bonds to meet expenses of street paving as specified in the call for said election	405
166.	An act to amend the charter of the town of Hertford	405
167.	An act to authorize and empower the board of commissioners for the County of Mecklenburg to reduce the tax assessment on the property of the Charlotte Auditorium Company for the years one thousand nine hundred and eight, one thousand nine hundred and nine, one thousand nine hundred and ten	406
168.	An act to amend the charter of the Goldsboro Traction Company	407
169.	An act to authorize the city of Wilmington to issue bonds to acquire wharf property for terminal facilities, and for other purposes	409
170.	An act to amend the charter of the town of Red Springs, in Robeson County	411
171.	An act to amend the charter of Bethel, Pitt County	416
172.	An act to amend the charter of the town of Matthews, in the County of Mecklenburg	418
173.	An act to amend the charter of the town of Mount Airy	420
174.	An act to amend and revise the charter of the town of Trenton	420

CHAP.		PAGE
175.	An act to enable the town of Laurinburg to fund its floating indebtedness for necessary expenses of the town, and to authorize the town to levy taxes to meet the payment of the same	424
176.	An act to legalize the thirty thousand dollar school bond issue of the city of Greensboro	425
177.	An act extending the corporate limits of the town of Laurinburg	427
178.	An act to amend the charter of the town of Canton, Haywood County, North Carolina	427
179.	An act to amend chapter three hundred and five, Private Laws of one thousand nine hundred and five, entitled "An act to incorporate the Waynesville Railway and Power Company," and acts amendatory thereto	430
180.	An act to amend the charter of the town of Chapel Hill and to authorize the board of aldermen of the town of Chapel Hill to issue bonds, to purchase and construct sewer lines	430
181.	An act to authorize the board of commissioners of Morganton to issue bonds for a waterworks system	432
182.	An act to amend chapter two hundred and one of the Private Laws of one thousand nine hundred and five, relative to the corporate limits of the town of Mount Olive, Wayne County	434
183.	An act to incorporate the town of Stem, in Granville County	435
184.	An act to authorize the city of Wilmington to issue bonds to acquire wharf property for terminal facilities and for other purposes.	437
185.	An act to amend the charter of the town of Salem, as contained in chapter forty, Private Laws of one thousand eight hundred and ninety-one, and amendments thereto	439
186.	An act to amend, revise and consolidate the charter of the town of Selma, Johnston County	440
187.	An act to amend the charter of the city of Burlington, chapter two hundred and four, Private Laws one thousand nine hundred and three	454
188.	An act to amend chapter two hundred and ninety of the Private Laws of one thousand nine hundred and nine, relating to the charter of Elizabeth City	457
189.	An act extending the time for construction by the Salisbury Railway Company, and amending its charter	457
190.	An act to incorporate the Hawkins school	458
191.	An act to abate a nuisance in the city of Wilmington, North Carolina.	459
192.	An act to amend chapter two hundred and eighty-two of the Private Laws of one thousand nine hundred and five, to change the name of the town of Cronly to Acme	460
193.	An act to incorporate the town of Proctor, Swain County	460
194.	An act to amend chapter one hundred and three of the Private Laws of North Carolina of nineteen hundred and nine, establishing a special tax school district in Wake and Chatham Counties, known as school district number four	465

CHAP.		PAGE
195.	An act to amend chapter one hundred and ninety-four, section twenty, of the Private Acts of one thousand nine hundred and one, reducing the commissions paid the tax collector of the town of Shelby	466
196.	An act to provide for the apportionment of the general school fund to district number ten, Greenville Township, Pitt County	466
197.	An act to repeal chapter three hundred and twenty-nine of the Private Laws of one thousand nine hundred and nine	467
198.	An act for the relief of Alice N. Lee, public school teacher, of Caswell County	467
199.	An act to amend the charter of the city of Winston, being chapter seventy-two, Private Laws of one thousand nine hundred and nine	467
200.	An act to amend the charter of the Aberdeen and Rockfish Railroad Company	470
201.	An act to amend chapter two hundred and forty-eight of the Private Laws of North Carolina, passed at its session in one thousand nine hundred and nine, entitled an act to incorporate Warsaw high school and graded school in Duplin County	471
202.	An act to dissolve the Asheville Auditorium Company	471
203.	An act to establish the relation of parent and child between Benjamin Gaston Covington, son of Lemuel H. Covington and wife, Mollie Covington, and E. A. Covington and wife, Hattie R. Covington	472
204.	An act to ratify a contract made by the city of Greensboro for lighting its streets and to authorize said city to sell its lighting plant.	473
205.	An act to amend section four of chapter three hundred and thirty-eight of the Private Laws of North Carolina of one thousand eight hundred and ninety-three, relative to the supreme lodge of the Knights of Harmony	474
206.	An act to authorize the city of Rocky Mount to issue bonds for street improvement, and incidental work	474
207.	An act to authorize the city of Salisbury to refund a part of its bonded indebtedness and to issue bonds to fund its current indebtedness incurred for necessary expenses	477
208.	An act to amend Ruffin graded school district in Rockingham County chapter seven and sixty-three, of the Public Laws of one thousand nine hundred and five	479
209.	An act to validate certain bonds of the town of Lincolnton	480
210.	An act to provide a commission form of government for the city or Winston	480
211.	An act to provide for the payment of certain money derived from license taxes in the town of Scotland Neck, into the graded school fund of said town	486
212.	An act to amend the charter of the town of Mooresville	487
213.	An act to authorize the election officers of the city of Asheville to use the county registration books in city elections	489
214.	An act to amend and revise the charter of the town of Robbinsville.	490

CHAP.		PAGE
215.	An act to protect the water supply of the town of Mount Airy	495
216.	An act amending the charter of the town of Middlesex, Nash County, North Carolina	496
217.	An act to authorize the town of Bryson City to establish a sewerage system, an electric light plant, and repair the streets and sidewalks.	497
218.	An act to amend chapter thirty-six of the Private Laws, extra session of one thousand nine hundred and eight, relating to the incorporate limits of the town of Baily's in Nash County	499
219.	An act to consolidate, revise and amend the charter of the town of Smithfield	499
220.	An act to incorporate Goldsboro Title, Loan and Trust Company	520
221.	An act to create a free school district in Anson County	524
222.	An act to amend chapter eighty-nine, Private Laws of one thousand nine hundred and seven	525
223.	An act to authorize the city of Statesville to rebond certain bonded indebtedness	526
224.	An act to incorporate the North State Central Railway Company	527
225.	An act to amend the charter of the city of Asheville	534
226.	An act to provide for the issue of bonds by the town of Louisburg	537
227.	An act to reduce the salaries of the members of the board of light and water commissioners of the city of Concord, North Carolina	539
228.	An act to authorize the city of Durham to issue school bonds	539
229.	An act to amend the charter of the town of Salem	542
230.	An act to authorize the town of Enfield to issue bonds for the establishment of an electric light plant	542
231.	An act to empower the board of commissionrs of the town of Snow Hill to issue railroad bonds	545
232.	An act to authorize the town of Jonesboro, in Lee County, to issue bonds to establish and maintain a system of waterworks in said town	547
233.	An act to re-charter the town of Stanley, Gaston County, North Carolina, and to repeal the former charter of the town of Stanley Creek	549
234.	An act to ratify and approve bonds issued under chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and one, in the town of Albemarle	562
235.	An act to authorize the town of Dunn to issue bonds for the construction of a sewerage system	563
236.	An act relative to school bonds in High Point, Guilford County	565
237.	An act to authorize the town of Jonesville to issue bonds	567
238.	An act to authorize the town of Jonesboro, in Lee County, to issue bonds to establish and maintain a system of waterworks in said town	568
239.	An act to authorize the commissioners of the town of Dunn to issue first mortgage bonds for the purpose of erecting a municipal building and market house	571
240.	An act to amend the charter of the towns of Newton	572

CHAP.		PAGE
241.	An act to incorporate Winston Loan and Trust Company	574
242.	An act to incorporate the city of Raleigh, and to repeal its present charter and all laws in conflict with this act	578
243.	An act to revise, amend and consolidate the charter of the city of Statesville	621
244.	An act to protect the Allen graveyard, in Robeson County	645
245.	An act to authorize the city of Asheville to issue bonds for school purposes	646
246.	An act to allow the town of Clinton to issue bonds for the purpose of installing a system of waterworks and sewerage	647
247.	An act to provide for the remodeling or sale of the market house in the city of Raleigh, North Carolina	651
248.	An act to provide for the amendment of chapter forty-four, Private Laws of one thousand nine hundred and nine, relating to interest on the bonds of the city of New Bern	653
249.	An act to amend chapter four hundred and thirty-two, Private Laws of 1901, and chapter sixteen, Private Laws of 1903, and to authorize the city of Charlotte to levy a special tax for the support of the Charlotte Carnegie Public Library	653
250.	An act to authorize and empower the town of Ayden to issue bonds for the purpose of erecting a school building	654
251.	An act to amend the charter of the city of Charlotte	657
252.	An act to establish a graded school at Davidson, North Carolina	665
253.	An act for the establishment of a graded school to be known as "Oak Grove Graded School," in Surry County	669
254.	An act to extend the court jurisdiction of the mayor of the town of Spencer	671
255.	An act to make certain the terms of the members of the graded school committee of the town of Thomasville	673
256.	An act to authorize the town of Hamlet to issue bonds for street improvements	674
257.	An act supplemental to an act entitled An act to amend the charter of the city of Wilmington	674
258.	An act to authorize the Bethel high school trustees of Pitt County to appropriate funds of the dispensary board of the town of Bethel, Pitt County, to the use of such school or schools	675
259.	An act to amend the charter of the town of Hot Springs, Madison County, North Carolina	675
260.	An act to ratify certain franchises or permits granted by the cities and towns located in Cabarrus and Stanly counties, North Carolina	679
261.	An act authorizing the board of aldermen of the city of Greensboro to turn over the surplus of a special fund to the general funds of said city	680
262.	An act to amend an act relative to the charter of the city of Greensboro, ratified the seventeenth day of January, one thousand nine hundred and eleven	680

CHAP.		PAGE
263.	An act for the relief of W. D. Martin, a public school teacher in Yadkin County	683
264.	An act amendatory of the charter to the town of Rockingham	683
265.	An act authorizing the town of Rockingham to contribute to a fund for the erection of a Confederate monument in Richmond County	684
266.	An act to amend chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five, entitled An act to incorporate the Graham County Railroad Company	684
267.	An act to change the name of the Chowan Baptist Female Institute in Hertford County to "Chowan College"	685
268.	An act to extend the time for the organization of the Weldon and Roanoke Rapids Electric Railway Company	686
269.	An act to enable or authorize the town of Warrenton to establish a water and sewerage system and to issue bonds therefor	686
270.	An act to validate a paper executed by the board of aldermen of the town of Shelby, North Carolina	688
271.	An act to amend and consolidate the charter of the town of Old Fort.	689
272.	An act to authorize the board of aldermen of the town of Gastonia to issue bonds in an amount not exceeding seventy thousand dollars for street improvements, graded schools, waterworks, sewerage and electric lights	701
273.	An act to amend the charter of the city of Washington, North Carolina	702
274.	An act to amend chapter two hundred and eight of the Private Laws of one thousand nine hundred and five, and to amend chapter two hundred and fifty-two of the Private Laws of one thousand nine hundred and seven, being an act to amend the charter of the town of Gastonia	703
275.	An act to amend chapter seventy-three of the Private Laws of one thousand eight hundred and ninety-seven, being an act to incorporate the Grand Lodge, Knights of Pythias, of North Carolina	705
276.	An act to authorize Mrs. W. H. Griffin to disinter and remove the dead body of the infant child of J. L. Harris, buried in lot now owned by Mrs. Griffin in Oakdale Cemetery, in the town of Spring Hope, North Carolina, and to reinter the same elsewhere	706
277.	An act relative to the salary of the mayor of the town of Rockingham	706
278.	An act to enlarge the boundaries of the Winding Hill public school district of Guilford County	707
279.	An act to incorporate the town of Boiling Springs, in Cleveland County, North Carolina	708
280.	An act to amend charter of the Citizens Bank, Henderson, North Carolina	710
281.	An act to empower the town of Jonesboro, in Lee County, to acquire and establish a system of waterworks, and to pass ordinances for the management and control of the said waterworks	711

CHAP.		PAGE
282.	An act to incorporate the town of Lake Waccamaw, in Columbus County	712
283.	An act to allow the town of Lumberton to issue bonds for waterworks and electric lights	714
284.	An act to allow the board of aldermen of the town of Elizabeth City to use certain lands for street purposes	717
285.	An act to incorporate Trent River Railroad Company	717
286.	An act to incorporate the Melrose Power and Manufacturing Company	723
287.	An act to amend chapter two hundred, Private Laws of one thousand nine hundred and nine, relating to Wilson graded school district	728
288.	An act to authorize the town of Asheboro to issue bonds and levy a special tax for street improvements	729
289.	An act to amend the charter of the town of Wilson, by enlarging the criminal jurisdiction of the mayor thereof	732
290.	An act amendatory of chapter one hundred and twenty of the Private Laws of North Carolina, session one thousand nine hundred and nine, authorized the board of commissioners of the town of Rockingham to issue bonds to complete its sewerage system	734
291.	An act to repeal chapter three of Private Laws of one thousand nine hundred and nine, relative to the market house of the city of Raleigh	734
292.	An act to amend the charter of Greensboro Female College	735
293.	An act to incorporate the Washington Branch Baptist church, in the county of Greene	735
294.	An act providing for the building or purchase of a municipal building in the town of Rockingham	736
295.	An act to enlarge the powers of the board of aldermen of the city of Hickory	737
296.	An act to incorporate the trustees of Albemarle Normal and Industrial Institute	737
297.	An act to permit Wendell graded school district, in Wake County, to vote ten thousand dollars of bonds	739
298.	An act to amend chapter two hundred and sixty-six of the Private Laws of the General Assembly passed at its session in the year one thousand nine hundred and nine, entitled an act to incorporate the Industrial Training and Educational School of Faison, North Carolina	742
299.	An act providing for public terminal property at Southport, North Carolina	743
300.	An act to change the boundary line of the Farmville graded school district	745
301.	An act to amend chapter 267 of the Private Laws of 1891, amending the charter of the town of Whiteville	746
302.	An act to authorize the board of commissioners of the town of Rockingham to issue bonds to complete and extend its water system	747

CHAP.		PAGE
303.	An act to authorize the board of commissioners of Harnett County to levy a special tax for the purpose of enlarging and improving the Dunn graded school building	748
304.	An act to amend the charter of the Randolph and Cumberland Railway Company	749
305.	An act to amend section one of chapter eighty of Private Laws of North Carolina of one thousand nine hundred and five, relative to Sylvan graded school district in Alamance County	767
306.	An act to amend chapter two hundred and twenty-nine, Private Laws of one thousand eight hundred and eighty-nine, relative to Thomasville Baptist Orphanage	768
307.	An act to establish a special school tax district embracing territory partly in the county of Stokes and partly in the county of Forsyth	768
308.	An act to amend the charter of the city of New Bern, relating to the pay of policemen	773
309.	An act providing for improvements in sidewalks, etc., in the town of Rockingham	773
310.	An act to incorporate the Colonial Hunting Club of Kings Mountain, North Carolina	775
311.	An act to provide for the sale of certain school property in Caswell County	776
312.	An act to authorize the board of commissioners of the town of Asheboro to buy the electric light plant of the Asheboro Electric Company	777
313.	An act to incorporate the town of Burnsville, in Yancey County	777
314.	An act to amend the charter of the town of Lumberton	780
315.	An act to incorporate the town of Venable	788
316.	An act to define and limit the powers and privileges of the Watauga Railway Company	791
317.	An act to authorize the city of Charlotte to issue bonds for water system, sewer system, streets, schools and auditorium	792
318.	An act to incorporate the town of Eagle Rock, in Wake County	794
319.	An act to amend chapter 75 of the Private Laws of 1909, and to exempt bonds issued thereunder from municipal taxation by the town of Franklin	795
320.	An act to incorporate the town of North Edenton in Edenton Township, Chowan County	796
321.	An act to incorporate the Gloucester Lumber Company	797
322.	An act for the relief of Marion Medlin and Dollie Ferrell, of Wake County	801
323.	An act to amend chapter thirty-five (35) of the Private Laws of one thousand nine hundred and five	802
324.	An act to amend chapter three hundred and fifty-one, Private Laws of one thousand nine hundred and five, it being an act to establish a graded school in Lake Landing Township, Hyde County	802

CHAP.		PAGE
325.	An act to amend chapter forty of the Private Laws of one thousand nine hundred and nine, relative to the establishment of a graded school in Toisnot Township, Wilson County, North Carolina	803
326.	An act authorizing the board of commissioners of the town of Rockingham to issue bonds for the building of streets and sidewalks	804
327.	An act to permit compulsory school attendance in Wilson graded school district, Wilson County	805
328.	An act to provide for the issuance of bonds for Smithfield graded school district, after the same ratified by a vote of the people, and for other purposes	807
329.	An act to allow the people to vote on bonds to build the Durham and Danville Railroad	811
330.	An act to amend chapter 182, Private Laws of 1905, relating to compulsory attendance in Andrews school district, in Cherokee County	814
331.	An act to authorize the board of education of Watauga County to create a school district in the Shawnehaw Township	815
332.	An act to amend chapter three hundred and ninety-five, Public Laws one thousand nine hundred and nine, the same being the charter of the city of High Point	815
333.	An act to amend chapter three hundred and eighty-four of the Public Laws of the General Assembly of North Carolina of one thousand nine hundred and three, relative to the establishment of graded schools in the town of Edenton	816
334.	An act to provide a board of control for the town of Laurinburg and prescribe the duties of said board	817
335.	An act providing for the condemnation and pavement of streets and sidewalks in the town of Rockingham	819
336.	An act to revise the charter of the town of Kernersville	820
337.	An act to revise and amend the charter of the town of Albemarle	839
338.	An act to enlarge the Tyndall Special School District Number Eleven, in Union County, North Carolina	841
339.	An act to amend chapter two hundred and forty-nine of the Private Laws of one thousand nine hundred and five, relative to the town of Council, in Bladen County	842
340.	An act to provide for the building of the Hiwasse Valley Railroad, in Cherokee and Clay counties	843
341.	An act to amend chapter two hundred and seventy-four of the Private Laws of one thousand nine hundred and seven, relative to the charter of the town of Dillsboro, Jackson County	844
342.	An act to incorporate Raleigh, Winston and Western Railway company	844
343.	An act to amend chapter eighty-one of the Private Laws of North Carolina, session of one thousand nine hundred and one, incorporating the town of Merry Oaks	857
344.	An act to establish graded schools in the Cameron graded school district	858

CHAP.		PAGE
345.	An act to levy a special school tax in District Number Nineteen, South Mills Township, Camden County, North Carolina	861
346.	An act to establish a graded school at Faison, in the county of Duplin	863
347.	An act to establish Gatesville graded school district and provide for an election for special tax therein	865
348.	An act to amend the charter of the town of Asheboro	869
349.	An act to improve the streets of the town of Mount Airy, and to issue bonds	872
350.	An act to enable the trustees of the Chadbourn Supplemental Public School for the White and Colored races to borrow money to erect a school building	877
351.	An act to incorporate the Durham and Danville Railroad Company, and for other purposes	878
352.	An act to incorporate the town of Swann's, in Lee County	884
353.	An act to amend chapter four hundred and ninety, Private Acts of the General Assembly of one thousand nine hundred and seven, so as to change the boundary line of the town of Denton, in Davidson County	885
354.	An act to fix the time for holding elections in the city of Durham	886
355.	An act to amend the charter of the city of Durham	886
356.	An act to enlarge the boundaries of Parkton special tax school district, in the county of Robeson, to change its name, and to authorize the board of trustees of said district to issue bonds for the purchase of a site and the erection of a school building, and to levy an additional special tax	887
357.	An act to amend an act relating to the Southbound Railway Company	892
358.	An act for relief of John Laws, register of deeds of Orange County	893
359.	An act to incorporate the Davidson Interurban Railway Company	893
360.	An act regulating the election of aldermen in the city of Raleigh	898
361.	An act to amend chapter twenty-one, Private Laws of one thousand eight hundred and eighty-five, relating to the charter of the town of Oxford	899
362.	An act for the relief of R. G. Taylor and Miss Cynthia Cox, of Alleghany County	900
363.	An act to extend the time for the completion of the Wilmington, Brunswick and Southern Railroad	900
364.	An act to amend chapter ninety-one of the Private Laws of the General Assembly of North Carolina, passed at its session in the year one thousand eight hundred and eighty-five	901
365.	An act to amend an act entitled "An act to establish graded schools in the town of Enfield"	902
366.	An act to provide for a bond issue in North and South Clinton townships, special school district, Sampson County, for the purpose of erecting school building	903
367.	An act to incorporate the town of Arthur, in Pitt County	906

CHAP.		PAGE
368.	An act to authorize the town of Edenton to issue bonds and to levy a special tax	907
369.	An act to authorize the board of trustees of Kenly graded school district to issue bonds for the purpose of erecting and equipping a graded school building at Kenly, in Johnston County	909
370.	An act to change and fix the boundary lines of special tax school district number six, in McNeill's Township, Moore County, by taking a portion of special tax school districts numbers two and three in said township	912
371.	An act to authorize the town of Aulander, Bertie County, to issue bonds and levy special tax for general town improvements	912
372.	An act to establish a local tax school district in Walnut Grove Township, Wilkes County	914
373.	An act to enlarge the powers of the board of commissioners of the town of Pollocksville, in Jones County	915
374.	An act to authorize the County Board of Education of Wake to relieve Nelson Arnold, a public school teacher	916
375.	An act to authorize the town of Graham to borrow money to be used in street improvement and to create a street commission	916
376.	An act to incorporate the Chimney Rock and Hickory Nut Gap Turnpike Company	919
377.	An act to amend an act entitled "An act to amend the charter of the Black Mountain Railway Company," ratified the 24th day of February, one thousand nine hundred and eleven	925
378.	An act to aid in the collection of all special taxes for Eastern Academy District Number Five, Chatham County	926
379.	An act to amend the charter of the town of Bryson City, Swain County	927
380.	An act to prohibit the sale of wine, near-beer or any other fermented drinks of any name or nature, within three miles of Sand Hill colored Baptist Church, in Abbotsburg Township, Bladen County.	928
381.	An act to amend the charter of the town of Bath, in the County of Beaufort	928
382.	An act to amend chapter thirty-seven, Private Laws of one thousand nine hundred and five, being the charter of the town of Spencer, North Carolina	929
383.	An act to validate a deed from the trustees of the Morganton Male Academy to the board of commissioners of Morganton	930
384.	An act to amend the charter of the town of Albemarle, Stanly County.	931
385.	An act for the relief of J. G. L. Crocker, former treasurer of Northampton County	943
386.	An act to amend section six of chapter one hundred and six, Private Laws of one thousand nine hundred and three, relative to trustees of the Greenville graded school, and to amend section one, chapter two hundred and sixty-one of Private Laws of one thousand nine hundred and seven, extending and enlarging the corporate limits of the town of Greenville	943

CHAP.		PAGE
387.	An act to extend the corporate limits of the town of Murphy, in Cherokee County	945
388.	An act creating a waterworks commission for the town of Maxton	946
389.	An act amending the law relating to the graded schools of the town of Lincolnton	948
390.	An act to change the boundary line of Scuppernong special tax district in Tyrrell County	950
391.	An act for the relief of W. J. Haynes, town tax collector for the town of Waynesville	951
392.	An act for the relief of Mrs. Alma Thompson Andrews, a public school teacher in Raldolph County	951
393.	An act to permit the town of Wrightsville Beach to issue bonds to construct a sewerage system	952
394.	An act to increase capital stock of Southern Assembly from two hundred and fifty thousand dollars to five hundred thousand dollars	954
395.	An act to amend chapter three hundred and forty-four, Private Laws of North Carolina, session one thousand nine hundred and seven, relative to the charter of the city of Concord	954
396.	An act to provide a prosecuting attorney for the recorder's court of the city of Monroe	955
397.	An act to change the boundary line of the Dallas special school district, in Dallas Township, Gaston County	956
398.	An act to amend the charter of the town of Chadbourn, Columbus County, regulating the holding of election for said town	957
399.	An act to allow the removal and re-interment of certain dead bodies at Cliffside, in Rutherford County	957
400.	An act to establish an additional school district in Stokes County	958
401.	An act to incorporate the Methodist Protestant Church, Rocky Mount North Carolina	958
402.	An act to amend section two, chapter one hundred and ninety-one, Private Laws of one thousand nine hundred and seven, entitled: "An act to empower the city of Fayetteville to sell or lease its electric light plant, or contract for the operation thereof"	959
403.	An act to amend chapter three hundred and seventy-one, Private Laws one thousand nine hundred and nine, relative to trustees of the graded school of Goldsboro, issuing bonds	960
404.	An act amendatory of the act establishing the Guilford graded school in Guilford County	960
405.	An act to amend chapter one hundred and ninety-six, Private Laws one thousand nine hundred and nine, relative to a graded school in Gates County	961
406.	An act to incorporate Mountain Springs Baptist church, in Union County	962
407.	An act to incorporate "The Farmers' Educational and Co-operative Union of North Carolina, Incorporated"	962
408.	An act amendatory of the charter to the town of Rockingham	966

CHAP.		PAGE
409.	An act to regulate the powers of police authority in the village of Pinehurst	966
410.	An act to continue in force and effect chapter four hundred and fifty-one, Public Laws of one thousand eight hundred and ninety-five	967
411.	An act to authorize the board of education to purchase with the use of the general school fund for said county, a part of the lot and school buildings in Wesley Chapel graded school district and to provide for the management and control of the school in said district	967
412.	An act to amend the charter of Rockingham Company	968
413.	An act to amend the charter of the town of Gastonia	969
414.	An act to authorize the school committee of Red Oak high school in Nash County to remove and re-inter certain dead bodies	971
415.	An act to amend chapter fifty-nine of the Private Laws of one thousand nine hundred and eight, Extra Session, creating a school district of Craigrownie, North Carolina, and to make more certain and definite the boundaries of said district	972
416.	An act to validate the election of town officers of the town of Goldston, North Carolina	972
417.	An act to enlarge the boundaries of the Oak Shade public school district of Guilford County, so as to include a part of Randolph County	973
418.	An act to incorporate the Central Carolina Railroad Company	974
419.	An act to incorporate the Monroe Southern Railroad Company	978
420.	An act to amend chapter forty-two, Private Laws of one thousand eight hundred and seventy-four, and chapter twenty-five of Private Laws of one thousand nine hundred and five, the same being an act to incorporate the Pamlico Insurance and Banking Company and to extend the same	985
421.	An act to incorporate Appalachian Highway Company	986
422.	An act to change the boundary lines of special tax school districts numbers one and three in Alfordsville Township, Robeson County, and to create a new school district in said township	995
423.	An act to amend the boundaries of Beaulaville special tax district in Duplin County, by elimination of certain territory from the same	996
424.	An act supplemental to an act heretofore ratified by the General Assembly and entitled "An act to revise, amend and consolidate the charter of the city of Statesville	997
425.	An act to amend chapter three hundred and twenty-nine, Laws of one thousand eight hundred and ninety-nine	998
426.	An act to re-charter, re-incorporate and continue the Talcum Puff Company	998
427.	An act to authorize the aldermen of the city of Goldsboro to issue bonds	1002
428.	An act to incorporate the Raleigh, Charlotte and Southern Railway Company	1004

CHAP.		PAGE
429.	An act to incorporate Carolina Collegiate and Agricultural Institute	1010
430.	An act to amend chapter six hundred and fifty-one of the Public Laws of one thousand nine hundred and nine, pertaining to the municipal court of Greensboro, North Carolina	1012
431.	An act to incorporate the Whiteville Memorial Association	1014
432.	An act to amend chapter three hundred and seventy-one, Private Laws one thousand nine hundred and nine, relative to trustees of the graded school of Goldsboro, issuing bonds	1015
433.	An act to authorize the city of Washington to issue bonds for the purpose of building and establishing public docks and wharves	1016
434.	An act to repeal chapter three hundred and sixty-five, Private Laws Laws of one thousand nine hundred and three, and to amend section one of chapter one hundred and fifty-six, Private Laws of one thousand eight hundred and ninety-three, relative to amendment of the charter of the town of Waynesville	1019
435.	An act to incorporate the organization of the Grand United Order of Southern Pilgrims	1020
436.	An act to create a special school disitrict out of parts of Carver's Creek Township, in Cumberland County and Stewart Creek Township in Harnett County, to be known as Linden graded school district	1021
437.	An act to incorporate Teachey's high school and graded school, Duplin County, and provide a fund for its maintenance	1025
438.	An act to amend chapter four hundred and fifty-five of the Public Laws of one thousand nine hundred and three, and chapter one hundred and seventy-four of the Public Laws of one thousand nine hundred and five	1029
439.	An act to incorporate the town of Roxobel, in Bertie County	1031
440.	An act to amend chapter two hundred and ninety-nine, Private Laws of one thousand nine hundred and nine, and to protect townships and counties issuing or voting bonds to build the Salisbury Railroad	1033
441.	An act to create a special school district out of parts of Bladen and Cumberland counties, to be known as Bladen union graded school district	1033
442.	An act to establish graded schools in the town of Oriental, North Carolina, in the public school district number one, township number five, in the county of Pamlico	1036
443.	An act to incorporate the town of McDonalds, in the county of Robeson	1042
444.	An act to validate the election of officers in the town of Webster	1046
445.	An act to amend the charter of the Farmers' Mutual Fire Insurance Association of North Carolina	1046
446.	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 six, one thousand nine hundred and eleven	1047

CHAP.		PAGE
447.	An act to provide a proper location for a public school building in district number eight for Bertie County, just across the county line and in Hertford County	1047
448.	An act to amend chapter two hundred and ninety-two, Private Laws of one thousand nine hundred and nine, relating to the incorporation of Fuquay Springs	1048
449.	An act to provide a salary for the substitute recorder in Union County	1048
450.	An act to amend Private Laws of North Carolina of one thousand nine hundred and five, chapter three hundred and forty-nine, section two, page eight hundred and ninety-four, entitled An act to incorporate the Belhaven graded school district	1049
451.	An act to amend the charter of the town of Reidsville	1050
452.	An act to incorporate the Dime Savings Bank	1053
453.	An act to create Summerville school district in Harnett County	1055
454.	An act to legalize the marriage of S. W. Cooper and Eliza Pugh	1056
455.	An act to incorporate Liberty Point Monument Association at Fayetteville	1056
456.	An act to incorporate the Ahoskie school district and allow it to vote on a special tax for schools and issue bonds	1058
457.	An act providing for improvements in sidewalks, etc., in the town of Rockingham	1062
458.	An act to protect townships in Union County that have or may hereafter vote bonds for the building or construction of railroads	1064
459.	An act to establish and maintain a school of correction and detention for juvenile offenders of the city of Asheville	1064
460.	An act to amend the charter of the Winterville high school, being chapter fifty-eight, Private Laws of one thousand nine hundred and one	1065
461.	An act to promote the welfare and prosperity of the city of Wilmington	1066
462.	An act for the relief of S. H. Dunlap	1066
463.	An act to amend chapter two hundred and seventy-three, Private Laws of one thousand nine hundred and nine, relating to the Dunn graded school	1067
464.	An act to amend chapter four hundred and twenty-four of the Laws of one thousand eight hundred and eighty-seven, in regard to the public schools of Reidsville school district, Rockingham County	1068
465.	An act to authorize the issuance of bonds by Liberty school district in Randolph County	1069
466.	An act to authorize the issuing of bonds by the Chadbourn supplemental school district number three for the white and colored races of Columbus County	1071
467.	An act for the relief of R. R. Dees	1072
468.	An act to establish Mount Holly supplemental school district, in Columbus County	1073

CHAP. PAGE

469. An act authorizing the North Carolina-Virginia Railway Company of North Carolina to sell its property and franchises to the North Carolina-Virginia Railway Company of Virginia, and authorizing the North Carolina-Virginia Railway Company of Virginia to operate the said railway in this State 1075

470. An act to amend chapter seventy-three of the Public Laws of one thousand eight hundred and ninety-seven, relating to an act to incorporate the Grand Lodge, Knights of Pythians, of North Carolina 1076

471. An act to incorporate the Forsyth and Yadkin Railway Company.. 1076

472. An act to incorporate the Piedmont-Forsyth Railway Company.... 1082

PRIVATE LAWS

OF THE

State of North Carolina

SESSION 1911

PRIVATE LAWS

OF THE

State of North Carolina

SESSION 1911

CHAPTER 1.

AN ACT TO VALIDATE ANY SUPPOSED ERROR OF OMISSION OR COMMISSION IN THE ELECTION HELD IN THE CITY OF NEW BERN SEPTEMBER 3D, 1910, AND TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO ISSUE FIFTY THOUSAND DOLLARS OF BONDS TO MEET EXPENSES OF STREET PAVING AS SPECIFIED IN THE CALL FOR SAID ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the city of New Bern are hereby authorized and empowered to issue fifty thousand ($50,000) dollars, five per cent coupon bonds, payable thirty (30) years after date of issue, to be expended in street paving as provided for in the election held in New Bern on September 3d, 1910. Bond issue authorized. Amount. Interest. Maturity.

SEC. 2. The board of aldermen of the city of New Bern are hereby authorized and empowered to proceed in the execution and delivery of the fifty thousand ($50,000) dollars of street improvement bonds, referred to in section one, notwithstanding any omission or commission in the call of the election, the publication of notice or the conduct of the election. Authority absolute. Election validated.

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

Ratified this the 10th day of January, 1911.

CHAPTER 2.

AN ACT TO INCORPORATE THE CITY OF GREENSBORO, AND TO REPEAL ITS PRESENT CHARTER AND ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

ORGANIZATION.

SECTION 1. That the inhabitants of the city of Greensboro shall continue, as they have heretofore been, a body politic and corporate, Corporation continued.

Corporate powers.

under the name and style of the "City of Greensboro," and by that name shall have perpetual succession, may sue and be sued, may acquire and hold all such property, real and personal as may be devised, bequeathed, sold, or in any manner conveyed to it, and may invest, sell or dispose of the same, and may have a common seal and alter and renew the same at pleasure and may have and exercise all the powers, rights and privileges necessary, for its proper government or usually appertaining to municipal corporations.

Corporate limits.

Sec. 2. That the corporate limits of said city shall form a square, the center of which shall be the center of the intersection of Elm and Market Streets, and the sides of said square shall each be two miles in length, and shall cut at right angles imaginary lines drawn due north, south, east and west, from the center, which said territory shall consist of four square miles.

Property vested in city.

Sec. 3. That all property, real, personal and mixed, of whatsoever character or description, and wheresoever situate, now held, controlled or used by the city of Greensboro for any purpose, or which may hereafter be held, controlled or used by said city, or which may have been vested in said city by virtue of any law of the State of North Carolina, and any and all judgments, liens, rights of liens, and causes of action of any kind in favor of said city of Greensboro, shall vest in and remain and inure to the said city of Greensboro, its successors and assigns under this act.

Exercise of corporate powers.

Sec. 4. That the corporate powers of the city of Greensboro shall be exercised as hereinafter provided by the board of commissioners and such other officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed.

Distribution of executive and administrative powers.

Sec. 5. That the executive and administrative powers, authority and duties, in the city of Greensboro are distributed into and among the several departments, and the powers and duties to be performed are assigned to the appropriate departments and officers, all as herein set forth.

BOARD OF COMMISSIONERS.

Board of commissioners.
Commissioner of public works.
Commissioner of public safety.
Commissioner of public accounts and finances.

Sec. 6. The board of commissioners shall consist of three members, one of whom shall be mayor, and all of whom shall be elected by vote of the people, as hereinafter provided. One of said commissioners shall be elected and known as the commissioner of public works, one of said commissioners shall be elected and known as the commissioner of public safety, and the mayor shall be known as the commissioner of public accounts and finances.

MAYOR.

Mayor chief executive.

General duties.

Sec. 7. The mayor shall be chief executive officer of the city of Greensboro, and subject to the supervision of the board of commissioners, and shall perform all duties pertaining to such office. He shall do and perform all the duties provided or prescribed by law, or by the ordinance of the city of Greensboro not expressly delegated

to any other person. He shall have general supervision and oversight over the departments and offices of the city government, and shall be the chief representative of the city, and shall report to the board any failures on the part of any of the offices of his or of any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the city, unless otherwise provided by law, or ordinance, or resolution of the board of commissioners: he shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the board of commissioners.

General supervision and oversight.

Chief representative.

Contracts.

Statements and reports.

COMMISSIONER OF PUBLIC ACCOUNTS AND FINANCES.

Sec. 8. The commissioner of public accounts and finances (who is also mayor) shall be the purchasing agent of the board of commissioners of the city of Greensboro, and all property, supplies, and material of every kind whatsoever, shall, upon the order of the board of commissioners, be purchased by him, and when so purchased, the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor, when such warrants are issued they shall be signed by the said commissioners and countersigned by some other person to be designated by the board of commissioners; he shall be collector of all taxes; he shall collect water rents; he shall issue all license or permits as provided by law, ordinance or resolution adopted by the board of commissioners, and in the absence or inability of any commissioner to act he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board to substitute some one else to temporarily perform any of such duties; he shall have control of all employees of his department, and of all other officers and employees not by law, ordinance or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents and departments required by law or the board of commissioners to be kept or made; he shall regularly at least once in three months inspect or superintend inspection of all records or account required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made; he shall recommend to the board methods of modern bookkeeping for all departments, employees and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, quarterly, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause to be published, quarterly statements showing the financial condition of the city; he shall examine or cause to be examined all accounts, pay

Commissioner of public accounts and finance.

Approval of bills.

Warrants.

Collector of taxes and water rents.

Licenses and permits.

Temporary supervision of other departments.

Control of officers and employees.

Accounts and records.

Quarterly inspection of records and accounts.

Methods of bookkeeping.

Quarterly audits.

Quarterly statements.

Accounts, pay rolls and claims.

rolls and claims before they are acted on or allowed, unless otherwise provided by law or by order of the board of commissioners;

Reports of purveyors of public service utilities.

he shall procure from all persons, firms or corporations operating public service utilities in the city, and cause to be placed on file, such reports as are by law or ordinance, or order of the board of commissioners required to be made by said public service corporation to the city or any of its officers, and shall procure copies of such reports as are made to the State or any public department or

Moneys due the city.

office, and cause the same to be placed on file, and shall collect all license fees, franchise taxes, rentals and other moneys which may

Reports of failure to pay moneys or make reports.

be due or become due to the city; he shall report the failure on the part of any person, firm or corporation to pay money due the city; he shall report to the board of commissioners any failure on the part of any person, firm or corporation to make such reports as are required by law, ordinance or order of the board of commissioners to be made, and shall make such recommendations with reference

Accounts and records of public service utilities.

thereto as he may deem proper; he shall, unless otherwise provided by the board of commissioners, cause to be examined the accounts and records of any person, firm or corporation operating a public service utility in the city, whenever such person, firm or corporation is required to submit its accounts to the city for examination, and shall report to the board of commissioners any refusal on the part of any such person, firm or corporation to submit to such

Officers assigned to department.

examination; the assessor, auditor, city clerk, city attorney, and their respective offices or departments, and all employees therein, and all bookkeepers and accountants are apportioned and assigned to the department of public accounts and finances, and shall be under the direction and supervision of the commissioner thereof; he shall do and perform any and all other services ordered by the board, or may be ordered by the board not herein expressly conferred upon some other department.

COMMISSIONER OF PUBLIC WORKS.

Commissioner of public works.

Sec. 9. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to

Streets and public places.

some other department, the construction, cleansing, sprinkling, and repair of the streets and public places, the erection of buildings for the city, the making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof;

Estimates of cost.

he shall approve all estimates of the civil engineer, of the cost of

Acceptance of work.

public works, and recommend to the board of commissioners the acceptance of the work done or improvements made, when completed according to the contract, and perform such other duties with

Further enumeration of powers and duties.

reference to such other matters as may be required by law, ordinance, or order of the board of commissioners; he shall have control, management and direction of all public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein to

some other department; he shall have supervision of the enforcement of the provisions of law, and the ordinances relating to streets, public squares and places, cemeteries, and control of the placing of bill boards, and street waste paper receptacles; he shall have supervision over the public service utilities not otherwise assigned to some other department, and all persons, firms or corporations rendering services in the city under any franchise, contract or grant made by the city or State, not otherwise assigned to some other department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed by public service corporations in, along, under or over the streets, and shall report to the board of commissioners or city officers as may be appointed by them to receive his reports, any failure of such person or corporation to render proper service under a franchise granted by the city or by the State, and shall report any failure on the part of such person, firm or corporation to observe the requirements or conditions of such franchise, contract or grant.

Street car tracks.
Electric wires.

He shall have charge of the watersheds from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water for the city of Greensboro; it shall be his duty to act for the city, subject to the control of the board of commissioners, in securing all rights of way and easements connected with and necessary to the supply of water for the city; he shall have supervision and control of all buildings, grounds and apparatus connected therewith, and incident to the furnishing water for the city; he shall superintend the erection of water tanks, and laying of water lines and the operation thereof.

Duties in connection with water supply.

The department of the civil engineer, and all employees therein, the departments of streets, parks, cemeteries, buildings and all employees in said departments shall be under the supervision and control of the commissioner of public works. The said commissioner shall have supervision and conrtol, and it shall be his duty to keep in good condition the streets, cemeteries and public parks in the city of Greensboro, or belonging to said city, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board not herein expressly conferred upon some other department.

Officers and employees assigned to department.

Streets, cemeteries and public parks.

COMMISSIONER OF PUBLIC SAFETY.

Sec. 10. The commissioner of public safety shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and all employees in the police department, and his direction shall be binding upon

Commissioner of public safety.

Police.

all such officers, employees, subject only to the control of the board of commissioners, he shall have charge of the police stations, jails, and property and apparatus connected therewith, including city ambulance, and patrol wagons used in connection with his department; he shall have supervision and control, subject to the control of the board of commissioners, of the fire department, of all firemen, officers, and employees therein, or connected therewith and of all fire stations, property and apparatus used in connection with the fire department; and of the fire alarm system, and all property and apparatus connected therewith; he shall have power to temporarily supersede the chief of the fire department and his orders to said department, and all employees therein, shall be binding upon said department; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market house, and the employees connected therewith, and of all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys and public ways, on and across railway lines, and through and over the cemetery ways, public parks and other public places; he shall, subject to the supervision of the board of commissioners, have control of the laws, ordinances and orders relating to the public health and sanitation, and all health officers, employees of the city connected with and under his department, and it shall be the duty of the board of commissioners to pass such ordinances and prescribe such rules and regulations, and employ such persons as will be necessary to preserve and protect public health; he shall have control and supervision, through the health officer under his department, over public dumping grounds and dumps, and city scavenger; he shall be charged, through his department, with the enforcement of all quarantine regulations, of keeping clean all streets, alleys and public places, and with suppressing and removing conditions on private property within the city that are a menace to health or public safety; he shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and he shall cause to be abated all nuisances which may endanger or affect the health of the city, and generally do all things, subject to the control of the board of commissioners, that may be necessary and expedient for the promotion of the health and suppression of disease.

Police stations, jails and apparatus.

Fire department.

Fire alarm systems.

Inspectors.

Traffic on public streets.

Public health and sanitation.

Dumping grounds.

Quarantine.

Street cleaning and abatement and suppression of nuisances.

He shall have control and supervision over the sewer system in the city of Greensboro; he shall have charge of and control over the sewer inspector, and all other offices and employees connected with the department of lights and sewers; he shall have supervision and control over the lighting system of the city of Greensboro, and the management and direction of the lighting of the streets, alleys and all other public places and grounds, and all other places where

Control and supervision of sewer system.

Supervision and control of lighting system.

Lighting.

city lights are placed; he shall be charged with the duty of seeing that all persons, firms, corporations charged with the duty of supplying lights or water power, perform the obligations imposed upon them by law, ordinance or order of the board of commissioners; he shall have the direction of all employees of the city connected with and under his department; he shall perform all other services ordered by the board of commissioners, or that may be ordered by the board, not herein expressly conferred upon some other department.

Recommendations for purchases.

Sec. 11. It shall be the duty of each commissioner to recommend to the city purchasing agent the purchase of goods, and the contracts of all bills necessary to be contracted for his department, and these recommendations shall be submitted to the board of commissioners for its orders with respect thereto.

Reports of public service purveyors.

Power to inspect books and papers.

Sec. 12. The board of commissioners shall have the power to require all public service corporations, and all people doing a publice service business in the city of Greensboro, to make such reports, and have a right to the inspection of such books and papers, as the North Carolina Corporation Commission has the right to require and inspect under the laws now enacted, or which may be enacted, with reference to public service corporations doing business in the city of Greensboro.

Legislative powers.

Orders.

Tax levy, apportionment and appropriation.

Audit of bills and accounts.

Assessments.

Contracts.

Sec. 13. The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the city or its officers. It shall make all orders for the doing of work, or the making, or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay rolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the board of commissioners, or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances, and resolutions making contracts or authorizing the making of contracts, shall be drawn by the city attorney, or submitted to such officer before the same is made or passed. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review, and to approval or revocation by the board of commissioners. Every head of department, superintendent, agent, employee, or officer, shall from time to time, as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners, in writing, respecting the business of his depart-

Contracts drawn by or submitted to city attorney.

Acts of officers reviewed by commissioners.

Reports from officers and employees.

ment, or office, or employment, all matters connected therewith.

Extra duties assigned by ordinance.

The board of commissioners may by ordinance or resolution, assign to a head of a department, a superintendent, officer, agent or employee, duties in respect to the business of any other department, office or employment, and such services shall be rendered without additional compensation.

City clerk.

The board of commissioners shall elect and have authority over the city clerk who shall be the clerk of the board of commissioners.

Officers and employees of departments.

Sec. 14. All officers and employees of each department shall be under the control and supervision of the commissioner of that department, subject to the ultimate control of the board.

Power of suspension and discharge.

That for any reason, satisfactory to himself, a commissioner of any department is hereby empowered to suspend, remove, or discharge any subordinate officer or employee in his department: *Provided*, that any officer or employee elected by the board of commissioners shall have the right, at any time within three days from the time of such ruling, to appeal from the same to the board of commissioners, who shall hear the same at their first regular meeting after such appeal is taken, and may affirm or reverse such commissioner. If the ruling of the commissioner be reversed, said officer or employee shall at once be reinstated in his office or employment: *Provided, further*, the party so suspended, removed or discharged shall have no claim against the city for the time lost by reason of such ruling of the commissioner.

Proviso: appeal to board.

Proviso: no claim for lost time.

Books and accounts to be audited.

Sec. 15. The board of commissioners shall cause to be audited the books and accounts of all departments, and of all officers and employees who do, or may, receive or disburse money.

Public health.

Sec. 16. The board of commissioners shall have charge of all matters pertaining to the public health, and shall perform all duties belonging thereto.

HEALTH AND SANITATION.

Powers of commissioners as to health and sanitation.

Sec. 17. The board of commissioners are hereby given, within the city limits, all the power and authority that is now, or may hereafter be, given by law to the county superintendent of health or county physician, and such further powers and authority as will best preserve the health of the citizens.

Rules and regulations.

The board of commissioners is hereby given power to make such rules and regulations, not inconsistent with the constitution and laws of the State, for the preservation of the health of the inhabitants of the city, as to them may seem right and proper.

Hospitals and other institutions.

Said board of commissioners may establish and maintain a hospital or hospitals, or pest houses, slaughter houses, rendering plants, incineries, and crematories in the city of Greensboro, or within three miles thereof; may stop, detain, examine or keep, in a pest house or houses of detention, persons having, or suspected of having any infectious, contagious or other communicable disease; may quarantine the city or any part

Pest houses.

Quarantine.

thereof; may cause all persons in the city limits to be vaccinated; may without incurring liabilities to the owner, remove, fumigate or destroy furniture, bedding, clothing or other property, which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and to better preserve the health of the citizens; and all expenses incurred by the city in disinfecting or caring for any person or persons by authority of this section, may be recovered by it from the person, persons, or property cared for, and when expense is incurred in caring for property same shall become a lien on said property. That any person who shall attempt by force, or by threat of violence, to prevent his removal, or that of any other person, to the pest house, house of detention or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this chapter, shall be guilty of a misdemeanor.

Vaccination.

Powers as to infected property.

Expenses.

Misdemeanors.

Said board of commissioners may elect a health officer and create such other offices and employments as to them may seem right and proper, and fill the same and fix their compensation.

Health officer.

Sec. 18. Said board are hereby empowered to make rules and regulations for the management and conduct of all hospitals and sanatoriums who may have for treatment any patient afflicted with any infectious, contagious, or other communicable disease, and prescribe penalties for any violation of same.

Hospitals and sanatoriums.

Any person violating any rule or regulation of said board of commissioners shall be guilty of a misdemeanor, and upon conviction, except as herein otherwise provided, shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Violation of rule or regulation a misdemeanor.

Punishment.

PUBLIC SCHOOLS.

Sec. 19. The board of commissioners shall be charged with the duty of maintaining an adequate and sufficient system of public schools in the city of Greensboro, and shall construct and maintain proper buildings, and to that end the public school buildings and all other property now used, or which may be hereafter acquired within the city of Greensboro for school purposes shall be under their control and subject to the disposition of the said board of commissioners; and the said board shall have the same power and authority to condemn lands, and to do and perform any and all other acts, to acquire and control school property as is given or may be conferred by law upon said board with reference to acquiring land for streets, or any other public purposes, and may control school property and grounds in like manner as they are empowered to control streets; and the said board of commissioners shall also have such power with regard to the public schools of Greensboro, as is now conferred by law upon the board of county commissioners of Guilford County, and the board of education of Guilford County,

Public schools.

Control of school property.

Power to condemn lands.

General powers as to schools.

with regard to the public schools of the county; and the said board of commissioners of Greensboro shall have charge of the collection of taxes to maintain the schools, and construct school buildings, and the handling and disbursement of all moneys used for school purposes; and it shall be the duty of the said board of commissioners of the city of Greensboro to appropriate from the funds of the city, in addition to the special school funds, such amounts as may be necessary to discharge their duty of maintaining an adequate and sufficient system of public schools.

Appropriations to school funds.

Superintendent of public schools.

Sec. 20. The board of commissioners is charged with the duty of electing, bi-annually, a competent, skilled and expert man as superintendent of the public schools of Greensboro, and also such other teachers and employees for the conduct of such schools as may be necessary for such time as they may indicate: *Provided*, all teachers and other employees in said school shall be elected from a list submitted to the board by the superintendent, and if the board is unable or refuses to elect from the list so furnished, it shall call on the superintendent from time to time for other lists, which it shall be his duty to furnish.

Teachers and employees.

Proviso: lists furnished by superintendent.

Qualities to be considered.

Sec. 21. It shall be the duty of the superintendent, in making his recommendations, and the board, in electing persons to serve the public school interests, to consider ability, education, character, and efficiency, for the performance of the duties for which such person or person's names are being considered, and allow these qualities to control in making such selection.

Pupils to be resident.

Sec. 22. Only persons who are *bona fide* residents of the city shall be entitled as pupils to the benefits of the public schools thereof: *Provided, however*, if there be facilities, after providing for the education of all residents, nonresidents of the city may be admitted by the board of commissioners to the public schools of Greensboro upon the payment of such charges as the board may determine, by order spread upon its minutes, is just.

Proviso: nonresident pupils.

Superintendent to devote time exclusively to schools.

Sec. 23. It shall be the duty of the superintendent of schools of Greensboro to devote his time and attention exclusively to them during the school year, except when leave of absence is granted by the board of commissioners for short periods of good cause. He shall have immediate and direct control over all teachers and janitors of the school buildings, and other persons in charge thereof, and shall be responsible for their efficiency, and he shall have power to discharge any teacher, or other employee connected with the schools, for any cause satisfactory to himself, and to maintain discipline and order, and establish rules and regulations for the government of the schools, and from his authority, with respect to these matters, there shall be no appeal. He shall, however, report to the board of commissioners, within twenty-four hours after any employee is discharged, the fact of such discharge; and if the superintendent is requested, in writing by any member of the board

Powers of superintendent.

Reports of discharge of employee.

of commissioners to state his reasons for discharging any employee, he shall within forty-eight hours after such request is made make to the board of commissioners, in writing, a full report of his action, and of all reasons in influencing him to discharge such employee.

Superintendent subject to removal for cause.

The superintendent of public schools of Greensboro shall be subject to be removed from his office by the board of commissioners for inefficiency, or other cause satisfactory to said board, and from that action by the board there shall be no appeal or review.

School tax.

Sec. 24. That the board of commissioners shall annually, at the time other taxes are levied, levy a tax for school purposes of thirty cents on the hundred dollars of property assessed for taxation in Greensboro, and ninety cents on each taxable poll, which amount shall be collected as other taxes, and deposited with the city treasurer as other city funds, and the same shall be kept exclusively for school purposes, and a separate account thereof shall be kept by the tax collector and the city treasurer: *Provided*, that if the tax levied and collected for school purposes should in the opinion of the superintendent and board of commissioners prove to be more than is sufficient to provide for adequate system of public schools, and more than is necessary to accumulate a sufficient fund to meet the demands for public school buildings, then and in that event the said board may cover any excess of such fund into the general funds of the city of Greensboro.

Rate.

Collection and deposit of funds.

Proviso: excess to general fund.

PUBLIC LIBRARIES.

Public libraries.

Sec. 25. The public libraries of the city of Greensboro shall be conducted as at present, as provided by the State library law, ratified on the ninth day of March, one thousand eight hundred and ninety-seven, and the commissioners of the city of Greensboro shall appoint the board of managers in the manner and for the term provided by said State library law.

Board of managers.

Powers of board of commissioners.

Sec. 26. The board of commissioners of the city of Greensboro shall, in addition to the other powers herein given them, have full power by ordinance.

To terminate franchises.

(*a*) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, telegraph, gas, power, or other public service purposes, whenever the conditions upon which such franchise or franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises has been lost, surrendered or forfeited.

Taxes.

(*b*) To assess, levy and collect taxes.

Trades, occupations and professions.

(*c*) To license, tax and regulate trades, occupations and professions.

In regard to streets and public property.

(*d*) To open new streets, change, widen, extend and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares and

parks and other public property belonging to the city as it may deem best for the public welfare of the citizens of said city.

Parks. (*e*) To lay out, establish and regulate parks within or without corporate limits of the city for the use of the inhabitants of the same.

To condemn land. (*f*) To condemn any land that may be required for the purpose of erecting any building or buildings, for city hall, market houses, fire companies, graded and public schools and for any other public Proviso: procedure. buildings whether like those enumerated above or not: *Provided*, that the procedure in such condemnation proceedings shall be the same as is herein provided for the condemnation of lands for streets.

Public buildings. (*g*) To erect, repair and alter all public buildings.

Money or property for public use. (*h*) To acept any money or property for the purpose of any public or corporate use.

Animals and fowl running at large. (*i*) To regulate, restrain and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowl of whatsoever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said board, and to prevent, regulate and control the driving of cattle, horses and all other animals into or through the streets of the city.

Plumbers and plumbing work. (*j*) To regulate and control plumbers and plumbing work and to enforce efficiency in the same.

Combustibles and explosives. (*k*) To regulate, control, and prohibit the keeping and management of houses or any building for the storage of gunpowder and other combustible, explosive or dangerous materials within the city, Oil and gas. and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas.

Use, explosion and sale of explosives and fireworks. (*l*) To license, tax, regulate, control, restrict and prohibit the use and explosion of dynamite, fire crackers or other explosive or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or Other practices and performances. other practices or performances, tending to annoy persons or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity or otherwise.

Railroad tracks. (*m*) To direct, control and prohibit the laying of railroad tracks, turnouts and switches in the streets, avenues and alleys of the city unless the same shall have been authorized by ordinance, and to require that all railroads, turnouts and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues and alleys in

said city, and to construct and keep in repair suitable crossings at the intersection of streets, avenues, and alleys and ditches, sewer and culverts, where the board of commissioners shall deem it necessary, and to direct the use and regulate the speed of locomotive engines, trains and cars within said city. Crossings. Speed.

(*n*) To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the speed, running and operation of the same so as to prevent injury or inconvenience to the public and from time to time prescribe reasonable fares and transfers for the carriage of passengers. Street cars. Fares and transfers.

(*o*) To make such rules and regulations in relation to butchers as they may deem necessary and proper, to establish and erect market houses, and designate, control and regulate market places and privileges. Butchers. Markets and market houses.

(*p*) To prohibit and punish the abuse of animals. Abuse of animals.

(*q*) To establish and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages and births. Cemeteries. Vital statistics.

(*r*) To prohibit prize fighting, cock and dog fighting. Prize, cock and dog fighting.

(*s*) To license, tax, regulate, restrict and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen, and shows of any kind and the exhibition of natural or artificial curiosities, caravans, menageries, musical and hypnotic exhibitions and performances. Theaters and other shows.

(*t*) To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated, disabled or injured in such service, and receive donations and bequests in aid of such fund and provide for its permanence, and increase and to prescribe and regulate the conditions under which and the extent to which, the same shall be used for the purpose of such relief. Special fund for policemen and firemen.

(*u*) To pass ordinances for the condemnation of property for the purpose of widening, altering, changing or extending any of the streets of the city and for opening new streets and for the construction and maintenance of drains, sewers and combination drains and sewers and for any other public purpose provided for in this act. Condemnation of lands.

(*v*) To define nuisances and prevent and abate the same whether on public or private property. Nuisances.

(*w*) To issue bonds of the city only after they shall have passed an ordinance by a two-thirds vote of the entire board at two separate regular meetings submitting the question of issuing the same to a vote of the people, and after a majority of the qualified registered voters shall have voted in favor thereof. No election for this purpose shall be held until thirty days notice thereof shall have been given by the board of commissioners in some newspaper published in the city of Greensboro. At such election those who favor creating such debt shall vote "Approved" and those who oppose it shall vote Bond issues. Bond issue to be voted on. Notice of election. Ballots.

New registration.

"Not approved." The board of commissioners, if they deem it proper so to do, may order a new registration of the voters of said city at any and all such elections.

Rates of public service corporations.

(*x*) That upon any reasonable complaint from a responsible party that the rates charged by any public service corporation are unreasonable, the board of commissioners shall carefully investigate the rates complained of, and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation the said board shall enter upon its record an order directing the corporation to

Maximum rates.

charge not exceeding such maximum rates as the board may deem

Record certified to corporation commission.

proper. The board shall send a copy of such order to the said corporation and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy

Duty of corporation commission.

of the record in the entire matter. As soon as practicable after the receipt the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered so to do, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing the Corporation Commission shall decide the question involved, either wholly or partially in favor of either party as may seem just and equitable, which decision shall become bind-

Appeal to court.

ing unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the board of commissioners shall not become effective until approved by the Corporation Commission as aforesaid.

Appropriation for advertising.

(*y*) To appropriate annually, in the discretion of the board, not exceeding twenty-five hundred dollars to any association in the city organized for the purpose of advertising or promoting the public interests and general welfare of the city.

Location of hospitals.

(*z*) To fix the location of hospitals in which contagious, infectious or other communicable diseases are to be treated.

Dangerous business.

(*aa*) To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health.

General powers.

(*bb*) To make and provide for the execution thereof of such ordinances, rules and regulations, as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better government, and general welfare of the inhabitants of the city as are not inconsistent with this act and the constitution and laws of the State.

Election of officers and selection of employees.

(*cc*) To elect all officers and select all employees of the various departments, whose selection is not herein expressly provided for:

Proviso: power of delegation.

Provided, that the selection of such officers and employees as are not expressly provided for herein may be delegated by the board of commissioners to the commissioners of the respective departments, subject to the right of the board to review the action of the respective commissioners: *Provided, further*, the compensation of all

employees shall be fixed by the board of commissioners and all fees shall be covered into the treasury. Proviso: compensation of employees

(*dd*) To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health or other property, under such just rules and regulations as they may by ordinances establish, and likewise to suppress any and all other nuisances maintained in the city. Condemnation of dangerous buildings. Other nuisances.

Sec. 27. That all ordinances, rules and regulations of the city of Greensboro now enforced, or that may hereafter be enacted by the board of commissioners in the exercise of the police powers given to it for sanitary purposes, or for the protection of the property of the city, unless otherwise provided by the board of commissioners shall, in addition to applying to the territory within the city limits apply with equal force to the territory outside of said city limits, within one mile in all directions of same, and to Lindley Park, and to the right-of-way of all water, sewer and electric light lines in the city, without the corporate limits, and to the rights-of-way, without the city limits, of any street railway company, or extension thereof, operating under a franchise granted by the city, and to the fair grounds of the Central Carolina Fair Association, and upon all property and rights-of-way of the city outside the said corporate limits and the above mentioned territorial limits wheresoever the same may be located. Application of ordinances to outside territory.

GRANTING OF FRANCHISES.

Sec. 28. That no franchise shall be granted by the city of Greensboro until the question has been submitted, at a special or general election to the qualified voters of the city, and until a majority of those voting upon the proposition have voted in favor of granting such franchise: *Provided,* that in all elections upon the granting of franchises the person, persons or corporation applying for same shall deposit with the city treasurer a sum which in the opinion of the board of commissioners will be sufficient to defray the expenses of such election: *Provided, further,* that no franchise shall be granted for a longer time than fifty years from the date of the granting of such franchise. Every grant of any franchise or right, as hereinbefore provided, shall make provision by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant, and when the grant of any franchise or right is made, the city shall not part with the power to expressly reserve the right and duty at all times to exercise in the interest of the public, full superintendence, regulation and control, in respect to all matters connected with the police powers of said city; and before any such Grant of franchises subject to vote of people. Proviso: deposit for expenses of election. Proviso: time limit of franchise. Provision for forfeitures. Superintendence, regulation and control.

Ordinance for grant of franchise.

grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions that may be right and proper, including a provision for fixing a rate, fares and charges to be made if the grant provide for the charging of a rate, fares and charges:

Proviso: franchises heretofore granted.

Provided, that this act shall not affect any rights, privileges and franchises here before legally granted by the city to any person, firm or corporation: and *Provided, further*, that any and all rights, privileges and franchises, that have been here before, or that may be hereafter, granted to or held by any person, firm or corporation, in the streets, alleys, sidewalks, public grounds or places in said city, shall be subject to a tax by said city in such amount as the board of commissioners may think to be just separate from and in addition to the other assets of such person, firm or corporation, and in addition to a license tax, and the board of commissioners may require the rendition and assessment thereof accordingly.

Proviso: franchise tax.

THE INITIATIVE AND REFERENDUM.

Submission of ordinance by petition.

Sec. 29. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal to the number provided herein for recall of any official. The signatures, verifications, authentications, inspections, certification, amendments, and submission of such petition shall be the same as provided for petition for the removal of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of electors, and contains a request that the said ordinance be passed or submitted to a vote of the people, if not passed by the board of commissioners, such board shall either,

Passage by commissioners.

(*a*) Pass such ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition, or

Submission of question at special election.

(*b*) After the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of commissioners shall forthwith submit the question to the qualified voters at a special election called for that purpose, or to a general election occurring within ninety days after the date of the clerk's certificate. If the petition is signed by not less than ten, and less than twenty-five per cent of the electors as above defined, then the board of commissioners shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election.

Submission of question at general election.

Ballots.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance." (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance).

Adoption of ordinance by election.

If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose. Limit on special elections.

The board of commissioners may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should any such propostion so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city shall cause such ordinance or proposition to be published once in each of the city daily newspapers published in said city; such publications to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on. No ordinance passed by the board of commissioners, unless otherwise expressly provided, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the board of commissioners, shall go into effect before twenty days from the time of its final passage and publication in the daily papers then published in Greensboro; and if during said twenty days a petition, signed by electors of the said city equal to the number prescribed herein to be signed to a petition for the recall of any official protesting against the passage of such ordinance, be presented to the board of commissioners, the operation of such ordinance shall thereupon be suspended, and it shall be the duty of the board of commissioners to consider such ordinance, and if the same is not entirely repealed, the board of commissioners shall submit to the qualified voters the question of the repeal of such ordinance at an election to be held for that purpose, in the manner and under the conditions herein provided for reference to voters of the question of recall of an official.

Election for repeal of ordinance.

Publication of proposed ordinance.

When ordinances of commissioners effective.

Protest against ordinance.

Operation of ordinance suspended.

Election on repeal of ordinance.

NOMINATION OF CANDIDATES.

Sec. 30. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioners, judge of the municipal court, or any other elective officer, are to be elected, under the provisions of this act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Monday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practical, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject

Officers to be nominated by primary election.

Time of holding primary.

Election officers.

Rules and regulations.

to the same conditions, and the polls to be opened and closed at the same hours, as are required for said general election.

Notice of candidacy to be filed.

Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner of either of the other two departments, or judge of the municipal court, or any other elective office, shall, at least ten days prior to said primary election, file with the said clerk a statement of such candidacy, in substantially the following form:

Form of notice.

State of North Carolina—County of Guilford.

I, (.....), being first duly sworn, say that I reside at ..... street, city of Greensboro, county of Guilford, State of North Carolina; that I am a candidate for nomination to the office of (mayor, or commissioner of a particular department, or other office), to be voted upon at the primary election to be held on the .....Monday of ..... 19.., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ....on this .....day of....., 19..

Signed .....

Payment to city.

and shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five ($5.00) dollars.

Publication of candidacy.

Immediately upon the expiration of the time for filing the petitions of candidates, the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words "Vote for one." Like provision shall be made for the names of candidates for each other elective office provided by law.

Printing and authentication of ballots.

Contents of ballots.

Heading of ballots.

The ballots shall be printed upon plain, substantial, white paper, and shall be headed:

"Candidate for nomination for mayor and commissioners of two other departments, and other offices, (naming them), of city of Greensboro, North Carolina, at the primary election," but shall have

no party designation or mark whatever. The ballots shall be in substantially the following form:

("Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.) Form of ballots.

"Official primary ballot, candidates for nomination for mayor and commissioners, and other offices (naming them), of city of Greensboro, North Carolina, at the primary election.

"For mayor (names of candidates), (vote for one).

"For commissioner of the department of public safety (names of candidates), (vote for one).

"For commissioner of the department of public works, (names of candidates), (vote for one).

"For judge of municipal court (names of candidates), (vote for one).

"Official ballot attest: (Signature) .....
City Clerk."

Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city of Greensboro under such rules as may be prescribed by the board of commissioners, and such challenge shall be passed upon by the judges of election and registrars: *Provided, however*, that the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots, and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the city clerk, upon blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election the city clerk, under the supervision and direction of the mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish in all daily newspapers of said city at least once the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor, and the two candidates receiving the highest number of votes for commissioners for each of the respective departments, the two candidates receiving the highest number of votes for a judge of the municipal court, and the two candidates receiving the highest number of votes for any other elective office, shall be candidates and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, judge of the municipal court, and other elective officers, at the next succeeding general municipal election.

Delivery of ballots.

Persons qualified to vote.

Challenge.

Count and return of votes.

Canvass of votes.

Candidates at general municipal election.

ELECTIONS.

City election.

Officers to be elected.

Sec. 31. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven, and every two years thereafter, be elected a mayor (who shall also be commissioner of public accounts and finances), a commissioner of the department of public works, a commissioner of the department of public safety, who together, shall constitute the board of commissioners of the city of Greensboro, and there shall also at the same time, be elected a judge of muncipal court and such other elective officers as may be provided by law.

Printing and authentication of ballots.

Arrangement of names on ballots.

Sec. 32. The city clerk shall cause ballots to be printed for the municipal election as herein provided, authenticated with a facsimile of his signature. Upon said ballots the names of the said candidates for mayor, arranged alphabetically, shall first be placed with a square at the left of each name and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words, "Vote for one," and likewise arranged in alphabetical order, shall appear the names of the candidates for judge of the municipal court, with a square at the left of each name, and immediately below the words, "Vote for one," and likewise arranged in alphabetical order shall appear the names of the candidates for such other elective offices as may be provided by law.

The ballots shall be printed in plain, substantial, white paper, and shall be headed:

Heading of ballots.

"Candidates for election for mayor, and commissioners of the two departments, and for judge of the municipal court, of the city of Greensboro, North Carolina, at the general municipal election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Form of baliots.

("Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

"Official municipal ballot, candidates for mayor, and commissioners, judge of the municipal court of the city of Greensboro, North Carolina, at the municipal election.

"For mayor (names of candidates), (vote for one).

"For commissioner of the department of public safety (names of candidates), (vote for one).

"For commissioner of the department of public works (names of candidates), (vote for one).

"For judge of municipal court (names of candidates), (vote for one).

"Official ballot attest: (Signature) .....

City Clerk."

Sec. 33. That all persons entitled to vote for members of the General Assembly, if held at the time of the election provided for in the preceding section, and who have been residents of the city and precinct in which they offer to vote for four months next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor, two commissioners, judge of municipal court, and other elective offices, and no one except a resident of the city shall be eligible to any office in the corporation. Qualifications for voters. Eligibility for office.

Sec. 34. That the provisions made, or hereafter made, by the General Assembly, which may be in force at the time of any city election, for testing the qualification 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 invested with full and ample judicial power to pass upon and decide said qualifications. General laws applicable.

Sec. 35. That the board of commissioners shall divide the city into two precincts, which number may be increased at any time the board may in its discretion deem necessary for the convenience of the voters of the city; and the said board shall fix the boundaries of the said precincts, and provide in each precinct a polling place as nearly centrally located in the precinct as possible. If any registered voter shall remove from one precinct to another within four months next preceding any election, he shall be entitled to vote in the said election in the precinct from which he shall have moved. Precincts. Polling places. Voters removing from precinct.

Sec. 36. That the board of commissioners shall on the first Monday in March, one thousand nine hundred and thirteen, and every two years thereafter, appoint a registrar and two judges of election for each precinct in the city, all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the court-house door, and notice to be served upon such appointees by the chief of police and shall give ten days notice of a registration of voters for the said election at the court-house door, specifying the time, place and name of registrars for said election. Appointment of election officers. Publication and notice of appointment. Notice of registration.

Sec. 37. That each registrar shall be furnished by said board of commissioners 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 books of the precinct for which he is appointed in such manner that said books shall show an accurate list of electors previously registered in such precinct 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 days previous to the election, keep open the books for the registration of any electors residing in such city and entitled 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 Registration books. Revision of registration. Days of registration. New registration.

may apply for registration and who are entitled to vote in said city.

Registration on Saturdays.

Each registrar shall be required to be at the polling place for his precinct on Saturdays from seven a. m. until sunset during the period for registration.

Distinction of white and colored voters.

He shall keep the names of white voters separate and apart from those of the colored voters, and any person

Oath of electors.

offering to register may be required to take and subscribe an oath that he has resided in the State of North Carolina two years, in Guilford County six months and in the precinct in which he offers to register four months previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city.

False swearing a misdemeanor.

If any person willfully swear falsely in taking such oath, he shall be deemed guilty of a misdemeanor, and on conviction,

Punishment.

shall be sentenced to pay a fine of one hundred dollars and imprisoned sixty days in the county jail.

New registration.

But the board of commissioners on fifteen days notice, by publication in some newspaper of said city, before the opening of the books may order an entirely

Close of registration.

new registration of voters whenever they may deem it proper. The registration books shall be closed at sun down on the second Saturday before the election, and after the same are closed no person shall be allowed to register, except those coming of age after the books close and before or on election day, who are otherwise qualified

Deposit of registration books.

electors of the city, and the books shall then be placed in the office of the city clerk, and may be inspected by any person do 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

Failure to deposit registration books.

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.

Election officers to be sworn.

Sec. 38. That after being duly sworn by the mayor or a justice of the peace to conduct the election fairly, impartially and according

Duties of election officers.

to law, the registrars and the judges of 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 con-

Hours of election.

ducted. The polls shall be open on the day of election from seven a. m. until sunset and no longer.

Compensation of registrars and judges.

Sec. 39. The registrars and judges of the election shall receive for their services such compensation as shall be fixed by the board of commissioners, but the pay of the registrars shall not exceed two ($2.00) dollars each a day for the Saturdays they are required to be at the polls and the day of election and two cents additional for each new name registred, and the judges of election shall not be paid more than two ($2.00) dollars each a day for their services:

Proviso: compensation of canvassers.

Provided, the board of commissioners may allow the registrars and judges compensation, not exceeding one day's pay, as they may

deem proper for attendance of the election officers upon the meeting of the board of canvassers.

Vacancies filled by mayor.

Sec. 40. If any judge or 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 should occur in said office, for any reason, then the mayor shall appoint to fill the vacancy.

Canvassing board.

Sec. 41. That on the day following the day of election all of the registrars and pollholders of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman, and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and such person as shall receive the highest number of votes for mayor shall be declared elected mayor, and such persons as shall receive the highest number of votes for each of the positions of commissioner shall be declared elected commissioner of the respective departments, and such person as shall receive the highest number of votes for judge of the municipal court shall be declared elected judge of the municipal court, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of the said board, one of which shall be given to the mayor and the other filed in the archives of the city clerk who the same day shall publish the result of the election at the door of the city hall.

Organization.

Receipt and tabulation of votes.

Persons declared elected.

Certificate of canvassing board.

Filing and publication of returns.

New election in case of ties in municipal election.

Sec. 42. If of the persons voted for as mayor, commissioners of the respective departments, judge of the municipal court, or any other elective office, there shall be an equal number of votes between any two candidates for like office in the municipal election in the city of Greensboro, in such case there shall be held on the following Tuesday an election, in accordance to the provisions herein provided for holding a municipal election for the city of Greensboro. If of the persons voted for as mayor, commissioners of any department, judge of the municipal court, or any other elective officer, there shall be an equal number of votes for two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election for nomination of candidates, in accordance with the provisions for holding primaries for the nomination of candidates in the city of Greensboro, to break the tie.

New election in case of ties at primary election.

Forfeit for failure to give notice of election.

Sec. 43. That if the commissioners shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city, and of him who shall sue therefor, one hundred dollars.

Vacancies to be filled.

Sec. 44. That if any person elected mayor, commissioner, judge of the municipal court, or any other elective officer, shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor or any commissioner, judge of the municipal court, or any other elective officer, be unable to discharge the duties of his office, the board of commissioners shall choose some person for the unexpired term, or during his disability, as the case may be, to act as mayor, commissioner, judge of the municipal court, or other elective officers, and he shall be clothed with all the authority and powers given under this charter to such regular officer; but such officer or officers so elected shall be subject to recall as other officers.

Special elections.

Sec 45. The board of commissioners shall have power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for

Notice of special elections.

any other purpose provided for in this act. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city, or unless expressly provided to the

Rules and conditions.

contrary. That all special elections shall be held under the same rules and conditions as are herein provided in this act for general elections.

Challenges.

Sec. 46. Any registered voter of the said city may at any time, before the election or on the day of election, object to the name of any person appearing upon the registration book of his precinct, and

Registration books kept open for inspection.

the book shall be kept open at the polling place on the second Saturday before every election for inspection by the voters of the precinct.

Entry of challenge.

When a person is challenged the register shall enter upon his books, opposite the name of the person objected to, the word "challenged," and the person so challenged shall not be allowed to vote until the cause or challenge shall be heard and determined, under the rules and regulations prescribed by the general law regu-

Notice to persons challenged.

lating the election of members of the General Assembly. As soon as any person is challenged the registrar shall give notice in person or

Hearing and determination.

by mail of the same to the person so challenged. All challenges shall be heard and determined on the day of election by the registrar and judges.

Terms of office.

Sec. 47. That the mayor and commissioners, judge of the municipal court, and all other elective officers, shall hold their offices respectively until the next ensuing election, and until their respective successors shall be elected and qualified.

Sec. 48. That all duties herein imposed upon the mayor and board of commissioners, with reference to primaries and elections, shall, prior to the election and qualification of mayor and commissioners in one thousand nine hundred and eleven, be performed by the mayor and board of aldermen of the city of Greensboro as now constituted. Duties performed by present officers.

Sec. 49. In the case of the removal of the mayor, any commissioner, judge of the municipal court, or any elective officer, from the territorial limits of said city, such removal shall, *ipso facto*, create a vacancy in his office. Removal to create vacancy.

TO PROHIBIT BRIBERY.

Sec. 50. Any person giving or receiving, or any person promising to give or receive any money, property, or thing of value, to secure the vote or influence any person in any primary or general election; and any person promising to give or secure, or promising to use his influence to secure any place or position under the city government of Greensboro, in consideration of any influence or effort or vote on behalf of any candidate or candidates for office under the city government of Greensboro, shall be guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court; and any person, a candidate for office, who shall be guilty of the offense above prescribed shall, upon conviction, be ineligible to hold any office under the government of the city of Greensboro. Persons giving or receiving bribes ineligible to offices.

Sec. 51. Every candidate in the city election, a city primary, or both, shall within ten days from the election file with the city clerk an itemized statement, under oath, showing all expenditures of money or other things of value made by him, or by any one for him to his knowledge, in connection with, or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. Itemized statements of expenditures to be filed. Failure a misdemeanor. Punishment.

RECALL OF OFFICIALS BY THE PEOPLE.

Sec. 52. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Elective officers subject to removal. Petition for removal. Statement of grounds.

Petition to be sworn to.

One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

Examination of petition.

Within ten days from the date of filing such petition the city clerk shall examine, and from the voter's register ascertain, whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of such examination.

Amendment.

If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

Examination of amended petition.

The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect if the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of commissioners without delay.

Primary election to be ordered.

If the petition shall be found to be sufficient the board of commissioners shall order and fix a date for holding a primary, as provided for in cases preceding regular elections, the said primary to be held not less than ten days or more than twenty days from the date of the clerk's certificate to the board of commissioners that a sufficient petition is filed.

Candidate receiving majority declared elected.

If in the primary election any candidate receives a majority of all the votes cast he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled.

Election if no candidate receives majority.

If there be more than two candidates in such primary and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for.

Rules, conditions and regulations.

Candidates named shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions and resolutions as are prescribed for the primaries preceding regular election.

Publication.

The board of commissioners shall make, or cause to be made, publication for ten days of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the results thereof declared in all respects as other city elections.

Person sought to be removed candidate.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination.

Person deemed removed.

At such election, if some other other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

Board to elect in case of vacancy.

In case the party elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant, and in that event the unexpired term shall

be filled by election of the board, but the commissioner removed shall not be eligible to election by the board, and the person so elected by the board shall be subject to recall as other commissioners. If the incumbent receives a majority of votes in the primary or the election he shall continue in office. The said method of removal shall be cumulative and additional to any other method provided by law. That in the event any officer is recalled and any person is elected as his successor that the right of recall of such successor so elected shall be as in case of officer originally elected. Commissioner removed not eligible.

SALARIES.

Sec. 53. The mayor and commissioners shall have offices at the city hall. The compensation of the mayor shall be twenty-six hundred ($2,600) dollars per annum, and that of each commissioner twenty-four hundred ($2,400) dollars per annum, payable in equal monthly payments. Every other officer, agent, employee and assistant of the city government shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at non-payment intervals. Salaries. Of mayor. Of commissioner. Of other officers and employees.

MEETINGS.

Sec. 34. Regular meetings of the board of commissioners shall be held daily, except Sundays, at such time as the board shall by ordinance provide, and special meetings may be called at any time by the mayor or two commissioners. All meetings of the board of commissioners, regular or special, shall be open to the public. Two members of the board of commissioners shall constitute a quorum, and the mayor shall be entitled to a vote as a commissioner, and shall not be entitled to another vote in case of a tie. Commissioners to meet daily. Special meetings. Meetings open to the public. Quorum. Vote of mayor.

Sec. 55. At the first meeting of the board of commissioners, after the regular election of the members thereof, they shall elect a mayor *pro tem.* from among their members, who shall, in the absence or inability of the mayor to serve, perform the duties or mayor. Mayor pro tem.

Sec. 56. That at their first meeting after their election, or as soon thereafter as is practicable, the board of commissioners shall elect, by ballot, the following officers, to wit: A city treasurer, who shall be one of the commissioners other than the mayor, and who shall serve without further remuneration, a city attorney, and a city clerk, who shall hold their respective offices at the will of the board. Officers to be elected by commissioners.

Sec. 57. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or a special meeting of which he shall have had notice, as prescribed in this act, he shall, unless excused by the board, forfeit and pay for the use of the city the sum of four dollars, which forfeiture may be enforced by the mayor. Failure to attend meeting of commissioner.

Estimate and apportionment of revenue.

Sec. 58. The said board of commissioners shall, during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenues of the city, for the next fiscal year and apportion the same, together with any surplus left over to the general fund from the preceding year, as herein provided, to the several departments of the city government, reserving from said estimate not more than ten per cent of the total amount of the revenue estimated, as above provided, to be used in case of emergencies. Any unexpended portion of said reserved fund created for any fiscal year shall constitute a part of such reserve fund for the ensuing year. Such estimate or budget shall be prepared in such detail as the said board shall deem advisable, and in order to enable the said board to properly make the apportionment hereinbefore required, the heads of each department of the city shall, at least ten days before said apportionment is made, furnish in writing to said board estimates in detail of the amounts needed for their respective departments, which estimates shall be considered by the board of commissioners in determining the amount apportioned to each department of the city: *Provided*, that any apportionment made by said board of commissioners to any department of the city may at any time be increased or reduced, or may be diverted from one department to another by a majority vote of all the members of the board: and *Provided, further*, that if at the end of the fiscal year any surplus remains to any department of the city for which an apportionment was made, the same shall be credited to the general funds of the city, and shall form part of the general funds for the next ensuing fiscal year. That at the end of each quarter during the fiscal year each of the heads of the various departments of the city shall file with the board of commissioners an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid.

Reserve for emergencies.

Heads of departments to furnish estimates.

Proviso: change of apportionment.

Proviso: surplus to general fund.

Quarterly reports.

Duties of city clerk.

Sec. 59. It shall be the duty of the city clerk to attend each meeting of the board of commissioners, and to keep the minutes and records of all the proceedings of said board in well bound books provided for that purpose, and to preserve all books, papers and writings of all kinds committed to his care during his continuance in office and deliver them to his successor, and to account for and pay over all moneys which may come into his hands by virtue of his office, to keep the corporate seal of the city and to affix same when lawfully directed so to do, to act as clerk of the municipal court, and shall perform such other duties as may be required of him by this act or by the board of commissioners.

Seal of city.

Clerk of municipal court.

Bond of city treasurer.

Sec. 60. The city treasurer shall give bond, in some bonding company, in such sum and form, and with such conditions as may be required by the board of commissioners, the amount of said bond shall not be less than $10,000, and the same to be approved by the

Amount.

board of commissioners, said bond to be paid for out of the regular expense funds of the city. It shall be his duty to call on all persons having in their hands any moneys or securities belonging to the city which ought to be paid and delivered into its treasury, to surrender the same to him, and to receive and safely keep and pay out the same only on warrants, signed by the mayor and countersigned by some other person to be designated by the board of commissioners. All moneys belong to said city and received by any officer or agent thereof, from any source whatsoever, shall, unless otherwise herein directed, be by him turned over to said treasurer, as hereinafter provided, for which the treasurer shall give a receipt to the party so paying. Said treasurer shall keep, in books provided for that purpose, a full and correct account of all moneys received and disbursed by him and shall render a statement of his receipts and disbursements to the board of commissioners at the first of each month, and at such other time as may be required of him by said board. Said board of commissioners shall have the right to require of the treasurer 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 said bond shall be given and approved in the manner aforesaid. That said board of commissioners may, in their discretion, select one or more banks in the county of Guilford as depository banks for the city of Greensboro, and should such bank or banks be so selected as above provided it shall then be the duty of said treasurer to make daily deposits of such sums and moneys as shall be received by him from all sources whatsoever to his credit as treasurer in one or more of said banks, and such depository bank or banks, before any such deposit is made therein, shall be required to enter into an obligation with the said board of commissioners to pay into the treasury of said city interest at a rate to be fixed by said board of commissioners, which said interest shall be payable at the end of each month, and shall be based on the daily average balances for the month: *Provided*, the rate of interest to be paid by said bank may at any time be changed by the board of commissioners. The said bank or banks may, in the discretion of the board, be required also to execute a good and sufficient bond, with sureties, to be approved by the said board of commissioners, and conditioned that such bank or banks will safely keep and account for and pay over said money on demand and as ordered by the board of commissioners. All interest paid by any such bank upon such balance shall be collected by the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general funds of said city, subject to its use for any legitimate or municipal purpose. That whenever required by this charter or by the board of commissioners said treasurer shall keep the funds and the accounts thereof of the different departments

Premiums paid by city.

Money and securities to be paid in.

Warrants.

Accounts and reports.

Commissioners may require new bonds.

Depository banks.

Daily deposits.

Interest on deposits.

Proviso: change of interest rate.

Bonds from banks.

Collection and report of interest.

Funds and accounts of different departments.

of the city separate. Said treasurer shall do and perform such other acts as said board of commissioners may require of him, and on the expiration of his term of office, or upon the same being for any reason vacated, he shall deliver to his successor in office all the moneys, securities and other property which are, or ought to be, in his hands by virtue of his office.

Final settlement of treasurer.

Collection of taxes.

Sec. 61. The commissioner of public accounts and finances of said city, in the collection of taxes, shall be vested with the same power and authority as is given by the State to sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. It shall be his duty to collect all taxes levied by the board of commissioners and he shall be charged with the sums appearing on the tax list as due for city taxes. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per cent per month, to be paid to the city upon all sums so unlawfully retained. In the settlement with the commissioner of public accounts and finances he shall be credited with all poll taxes and taxes of personal property which the board of commissioners shall declare to be insolvent and uncollectible, and with such amounts as may be involved in suit by appeal from the ruling of the board, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore provided. After the accounts of said commissioner shall be audited and settled, the same shall be reported to the board of commissioners and, when approved by them, the same shall be recorded in the minute book of said board, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.

Penalty for retaining funds.

Credits on settlements.

Accounts to be audited, reported and recorded.

Duties of city attorney.

Sec. 62. That it shall be the duty of the city attorney to prosecute and defend all suits for and against the city, to advise the mayor, board of commissioners, and all other commissioners, officers, agents and departments of the city in regard to matters connected with the city's business, and it shall be his duty, when required so to do, to attend the meetings of the board of commissioners, and to prepare such deeds, contracts, bonds and other legal papers as may be required for the city's business.

Powers and duties of chief of police.

Sec. 63. The chief of police, acting under the commissioner of public safety, shall have the supervision and control of the police force, and it shall be his duty to report to the commissioner of public safety any failure 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 penalties, fees and costs collected by him; that it shall be the duty of said chief of police to see that all laws and ordinances of the city are enforced and to do all such things as may be required of him by the board of commissioners or by the commission of public safety. He shall report any violation of law or the ordinances of the city to the judge of

the municipal court. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city. Such power and authority to be exercised by them not only in the corporate limits, but within one mile outside thereof, and anywhere within Lindley Park, or on any rights-of-way, easements or property of the city without the corporate limits thereof, and on the right-of-way of any street railway or extension thereof, within and without the city limits, operating under a franchise granted by the city, for the purpose of enforcing ordinances and regulations of the city enacted for police and sanitary purposes, and for the further purpose of suppressing disturbances and apprehending offenders. They shall execute all process legally directed to them by any court within the county, and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with violation of law or of city ordinances in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the city clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like service.

Extension of powers.

Powers and duties in execution of process.

Sec. 64. The board of commissioners of the city of Greensboro shall make rules and regulations for the government and direction of the police of the city. In times of exigency the commissioner of public safety may appoint, temporarily, such additional policemen as shall be necessary, who shall take the same oath and be vested with the powers and subject to the same control as regular policemen. The board of commissioners of said city 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*, that the commissioner of public safety, when he deems it necessary, may authorize such officer to be on duty in plain clothes. The police of the city shall have power to do whatever may be necessary to preserve the good order and peace of the city, and secure the inhabitants from personal violence and their property from loss or injury.

Rules and regulations for government of police.

Appointment of special police.

Badges, arms and uniforms.

Proviso: plain clothes men.

Power of police.

Sec. 65. The keeper of the common jail of the county of Guilford is hereby required to receive into the common jail of said county, without a mittimus, any person taken up in the nighttime by police force, and to keep such person safely until the following morning, when such offender shall be brought out for trial, and for such services the jailer shall be entitled to have such fees as are allowed him by law in like cases: *Provided*, the city may provide and use a prison or calaboose for the confinement of prisoners as provided by law.

Keeper of jail to receive prisoners.

Fees of jailer.

Proviso: city prison or calaboose.

Policemen to be sworn.

Sec. 66. That the chief of police and each member of the police force shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oaths shall be filed with the mayor and entered in the book with the oaths of the board of commissioners and other officers of the city.

Oaths to be filed and recorded.

TAXES.

Taxation.

Sec. 67. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the city, the board of commissioners of the city of Greensboro shall have the power, and they are hereby authorized, to levy and collect, for general and school purposes, an annual *ad valorem* tax on all real and personal property within the corporate limits of said city, and on all personal property, including money on hand and solvent credits owned by residents of said city, and on all other property subject to an *ad valorem* tax under the laws of the State of North Carolina, not exempt from taxation by the constitution and laws of the said State, of and at the rate of not exceeding eighty cents on the one hundred dollars valuation of said property, and for the purpose of paying interest on municipal bonds said board shall levy and collect an annual *ad valorem* tax on all property subject to taxation, as hereinbefore provided, of not more than fifty cents on the one hundred dollars valuation of said property. The term "real property," as used in this act, shall be construed to mean the same as defined in section two thousand eight hundred and fifty-seven of The Revisal of one thousand nine hundred and five, and the term "personal property," as used in this act, shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on September the first of each year, and a discount may be allowed by the board of commissioners for the payment of taxes as follows: For the payment of all taxes during the said month of September, two per cent; during the month of October, one per cent; and during the month of November, one-half of one per cent. And for all taxes not paid prior to January the first following, the said board shall charge the following penalties; to wit: For taxes paid during the said month of January a penalty of one per cent, during the month of February of two per cent, and for each additional month, or fraction thereof, thereafter said taxes shall remain unpaid, there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as such taxes.

Ad valorem tax.

Rate.

Tax for interest on bonds.

Real property defined.

Personal property defined.

When taxes due.

Discounts.

Penalties.

Poll tax for general purposes.

Sec. 68. Said board may also levy and collect for general purposes a poll tax not exceeding one dollar and eighty cents, and for the purpose of paying interest on the municipal bonds of said city

a poll tax not exceeding one dollar and twenty cents, said poll tax to be levied on the taxable polls of all male persons who may be residents of the city on the first day of June of each year. Poll tax for interest on bonds.

Sec. 69. That upon all dogs kept in the city, and which may be so kept on the first day of June of each year, said board may levy a tax not exceeding five dollars and any dogs so taxed shall be the subject of larceny: *Provided*, that a discrimination within the limit above fixed may be made by said board on the different species and sexes of dogs. Dog tax. Dogs taxed subjects of larceny. Proviso: discrimination of sex.

Sec. 70. Said board of commissioners of the city of Greensboro shall have the power to provide all ordinances for the assessing and prompt collection of all taxes, and to regulate the manner, mode and form of making out and swearing to tax lists or inventories and the appraisement of property in said city, and to prescribe how and when property shall thus be rendered, and shall also prescribe the number and form of assessment rolls and fix and define the duties and powers of the list taker, appraisers, and all other officers or agents that may be necessary for collecting said taxes, and shall adopt such measures and regulations, and prescribe and enforce such penalties as it may deem advisable, to secure the due and proper assessment of all property within the limits of the said city, and the collection of the taxes thereupon. That if all of such taxes are not paid on or before the first day of February, next following the listing of said taxes, the commissioner of public accounts and finances shall proceed to collect such taxes and penalties by distress and sale as provided by law: *Provided*, the time for listing property for taxation shall be during the month of June of each year. Ordinances for assessment and collection of taxes. Collection by distress. Proviso: time for listing.

Sec. 71. That the commissioner of public accounts and finances shall, after the most diligent inquiry, and by comparing his book 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 commissioners and for causes shown. List of delinquents. Double taxes.

Sec. 72. That all persons who are liable for poll tax to the said city, 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 shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the commissioner of public accounts and finances of said city to prosecute offenders against this section. Failure to list a misdemeanor. Penalties. Commissioner to prosecute.

Sec. 73. That as soon as the commissioner of public accounts and finances shall have furnished the assessment roll as provided, and Board to levy taxes.

the same shall have been revised by the board (if such revision is deemed necessary), the board of commissioners shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax lists in the hands of the said commissioner of public accounts and finances for collection.

Tax lists delivered to commissioner of public accounts.

Lien for taxes on real estate.

Sec. 74. The lien for taxes levied for any and all purposes in each year shall attach to all the real estate of the taxpayers within the city on the first day of June annually, and shall continue until such taxes, with any penalty and costs which shall accrue thereon, shall be paid. But there shall be no lien for taxes on the personal property of the taxpayer but from a levy thereon.

Lien on personal property.

License taxes.

Sec. 75. That in addition to the subjects listed for taxation the said board of commissioners, for the purpose of raising revenue, may levy an annual license tax on the following subjects, the amount of which taxes shall be collected by the commissioner of public accounts and finances, and if not paid when due the same may be recovered by suit brought in the name of the city, or the articles upon which the tax is imposed or any other property of the licensee may be forthwith distrained and sold to satisfy said tax, namely:

Itinerant merchants or peddlers.

(1) Upon all itinerant merchants or peddlers vending or offering to vend in the city, a license tax not exceeding fifty dollars a year, except such only as sell books, charts, maps or wares of their own manufacture, but not excepting vendors of medicine by whomsoever manufactured; and not more than one person shall peddle under a single license.

Games and gaming tables.

(2) Upon every billiard table, bowling alley, or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand, or place for 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 one hundred dollars a year.

Retail liquor license.

Wholesale liquor license.

(3) Upon every permission by the board of commissioners to retail spirituous, vinous, malt or intoxicating liquors of any kind, a license tax of one thousand dollars, and upon wholesale dealers in spirituous, vinous or malt liquors, a license tax not less than two hundred dollars and not more than five hundred dollars.

Hotels.

Boarding houses.

Restaurants.

(4) Upon every hotel a license tax not exceeding one hundred dollars, upon every boarding house with more than ten boarders, and every restaurant and eating house, a license tax not exceeding fifty dollars; and the board of commissioners may levy the license taxes provided for in this subsection according to the size, patronage or income of the hotels, boarding houses, restaurants, and eating houses.

Circus companies.

(5) Upon every circus, company of circus riders or performers by whatever name called, who shall exhibit within the city, or in one mile thereof, a license tax not exceeding one hundred dollars

for each performance or separate exhibition, and upon every side show connected therewith, a license tax not exceeding twenty dollars, the tax to be paid before exhibition, and, if not, to be doubled. Side shows.

(6) Upon every company or person exhibiting in the city, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting, the tax to be paid before exhibiting, or the same shall be doubled. Other shows.

(7) Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted), in the city, or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be doubled. Exhibition of artificial curiosities.

(8) Upon each show, or exhibition of any other kind, and on each concert for reward (unless for religious or beneficial purposes), in the city, or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be doubled: *Provided, however*, that plays, shows, or other amusements given in a regularly licensed hall or opera house, shall not be taxed. Other shows, concerts and strolling musicians. Proviso: shows in licensed halls.

(9) Upon every dog which may be brought into the city after the first of June, to be kept therein, a tax not exceeding five dollars, for the permission to keep such dog in the city, which permission shall not extend further than the last day of May next ensuing. Dogs.

(10) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars a year. Auctioneers.

(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 sales stables, livery stables or stock yards doing business in the city, a license tax not exceeding twenty-five dollars a year. Brokers and other occupations.

(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. Bill posters.

(13) Upon every building and loan association, oil agency or shooting gallery, a license tax not exceeding twenty dollars. Building and loan associations, oil agencies and shooting galleries.

(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. Hucksters and other occupations.

(15) Upon every telephone or electric light company, power company, street railway company, waterworks company, furnishing water to the city or citizens, a license tax not exceeding one hundred dollars per annum. Public service companies.

(16) That each marble yard, undertaker, plumber, or persons putting gas or water fixtures in houses or yards, a license tax not exceeding ten dollars. Marble yards, undertakers and plumbers.

Barber shops and other occupations.

(17) Each barber shop, rope walker, itinerant dealer in lightning rods and stoves, every dealer in fertilizer, practicing physician, dentist or surgeon, optician, oculist, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, carriage, buggy or wagon agent, or any person offering vehicles for sale as a business, each architect or builder, cigar manufactory, tobacco factory, or tobacco warehouse, each dancing school, every agent for the sale of machinery, engines, every soda or mineral water fountain, every stallion or jack standing in the city, every lecturer for reward except for religious or charitable purposes, each dairy wagon or vehicle, land agent or land broker, each butcher, persons selling jewelry or any other article having a prize given therewith, each printing office, each dealer in patent rights, and every lawyer or firm, a license tax of ten dollars.

Distilleries, beer bottlers and theaters.

(18) Upon each distillery of fruit or grain, and each distiller or compounder of spirituous liquors, and upon every beer bottling establishment, and every opera house or hall used for theatrical, musical or other entertainment of like kind, a license tax not exceeding one hundred dollars.

Banks and other business.

(19) Upon every bank or banker, each junk shop or dealer in metals, cordage, etc., every mill, manufactory, machine shop or foundry, a license tax not exceeding fifty dollars a year.

Commission merchants and brokers.

(20) Upon all commission merchants and commercial brokers a license tax not exceeding ten dollars a year.

Vehicles.

(21) 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.

Moving picture shows.

(22) On moving picture shows a license tax not exceeding fifty dollars.

Vaudeville shows.

(23) On moving picture shows in connection with vaudeville acts or on vaudeville shows alone a license tax not exceeding one hundred dollars.

Skating rinks.

(24) On skating rinks a license tax not exceeding fifty dollars.

Dealers in soft drinks.

(25) On every person, firm or corporation selling "near beer," cider, or any kind of soft drinks under whatever name containing one-half per cent of alcohol or more, but not in sufficient quantities to intoxicate, a license tax not exceeding five hundred dollars.

Business and trades not named.

(26) On any business, profession, trade or avocation of any kind carried on in the city of Greensboro not hereinbefore enumerated a license tax not exceeding five hundred dollars.

License year.

Sec. 76. That the license year shall begin on the first day of June of each and every year.

Tax may be graduated.

Sec. 77. That the board of commissioners shall have the power to graduate any of the license taxes permitted in this charter, by dividing the business into classes according to size, patronage or income: *Provided*, the said taxes must be uniform for all in a class.

Proviso: tax must be uniform as to class.

Sec. 78. That in addition to the subjects enumerated in the foregoing the said board of commissioners of the city of Greensboro shall, for the purpose of raising revenue, have power to tax all persons, firms or corporations and all subjects of taxation which, under the constitution and laws of the State of North Carolina, are taxable by the General Assembly for State and county purposes: *Provided*, such tax shall not exceed one-half of that levied annually on like subjects by the State and county for State and county purposes. Further subjects of taxation. Proviso: limit on rate.

Sec. 79. That the board of commissioners may provide that all licenses issued hereunder shall be kept posted in such place as they may deem right and proper. Posting of licenses.

Sec. 30. That the board of commissioners of the city of Greensboro shall have the power to license, tax, regulate, restrict, prohibit, and remove any license, after being issued, on the following businesses, viz: For running billiard tables, bowling alleys or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made, for pawn broker, or for selling "near beer," cider, or any other soft drink, of whatever name, containing one-half of one per cent or more of alcohol, but not in sufficient quantities to produce intoxication. Before issuing license as above, said board may require bonds from all applicants, conditioned as the board of commissioners may determine, with such sureties as the said board may approve. Powers of restriction or revocation of licenses. Bonds of licensees.

Sec. 81. Said board may regulate and license plumbers and those engaged in the electrical wiring of buildings for light, power or heat, and before issuing a license, may require the applicant to be examined and to give bond in such sum and upon such conditions as the board of commissioners may determine, and with such sureties as it may approve, and said board may, for incompetency on the part of such licensee or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder. Regulation and license of plumbers and electric wirers. Examination and bonds. Revocation of license.

Sec. 82. No person, firm or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said board. License before work

Sec. 83. That no license issued hereunder by said board shall be for more than one year, and same shall not be transferable or assignable except by the permission of the board of commissioners. License limited. Not transferable.

Sec. 84. 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 not more than fifty dollars, or imprisoned not more than for thirty days. Doing business without license a misdemeanor. Punishment.

Sec. 85. That no license shall be issued, as herein provided, before the license tax shall have been paid. No license issued until tax paid.

STREETS.

Procedure for condemnation of land for streets.

Sec. 86. 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 the compensation therefor can not be agreed upon by the owner or owners and the board of commissioners, the same may be condemned and taken by the board of commissioners at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the board of commissioners 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 commissioners 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 agent notice, or giving ten days notice in a newspaper published in the city, in case such owner can not be found in the city, 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 of 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 commissioners, 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 city of Greensboro, and shall pass the title to the city of Greensboro, of the land so taken, and the land may at once be taken and used by the city for the purpose intended: *Provided*, that if either the owner or owners whose land is taken under this paragraph, or the board of commissioners shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the superior court: *Provided, however*, that such appeal shall not hinder or delay the board of commissioners in opening, widening or changing such street or making such improvement.

Proviso: right of appeal.

Powers of commissioners as to streets and parks.

Sec. 87. That the board of commissioners of the city of Greensboro shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of said city and make such improvements thereon as they may deem best for the public good, and may provide for and regulate the lighting of the public parks, and regulate, control, license, prohibit and prevent digging in said street and sidewalk, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above or below the surface thereof, and regulate and control the use thereof by persons, animals and vehicles. To prevent, abate and remove obstructions, encroachments, pollution or litter therein, and shall have

under their government, management and control all parks and squares within or without the city limits established by the board of commissioners for the use of the city.

Sec. 88. That every owner of a lot on a street, if so ordered by the board of commissioners, shall pave, or repair in such manner as the board of commissioners may direct, such sidewalk as far as it may extend along such lot; and shall also, if so directed by the board of commissioners, macadamize, pave or otherwise improve one fourth of the street adjoining, with such materials and in such a manner as may be required by the board of commissioners, and all work done under this section shall be done under the strict supervision of the commissioner of public works, and on the failure to do as directed within twenty days after notice by the said commissioner, or of the chief of police to said owner, or if he be a nonresident of the county of Guilford, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice can not be served upon the owner or agent, then after publication of a notice by the said commissioner, for ten days in some newspaper published in Greensboro, calling on the owner to make such repairs, the board of commissioners or the commissioner of public works may cause the same to be repaired or improved as directed by the board and the expense shall be paid by the person in default; said expense 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, by the commissioner of public accounts and finances of said city, 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 commissioners, 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 city forces or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be 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 collectible, 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 in that event, all of said installments shall at once become due; said property shall be sold as hereinbefore provided and said installments,

Lot owners to pave or repair sidewalks.

Lot owners to pave one-fourth of streets.

Work done by order of commissioner of public works.

Expense a lien on lot.

Enforcement of lien.

Proviso: work done by city at cost of owner.

Cost a lien on lot.

Proviso: assessment payable in installments.

interest and cost, be paid and surplus, if any, paid to the owner: *Provided, further*, that whenever the city 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 commissioners within ten days aforesaid that he takes an appeal to the next term of the superior court of Guilford County, and shall, within five days thereafter, serve 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 commissioners made or done under this section, but said appeal shall not delay or stop the said improvements.

Proviso: owner to be notified of cost.

al.

Trial on appeal.

Cellars or cellar entrances.

Sec. 89. That the board of commissioners of the city of Greensboro shall have power to prohibit cellars or entrances to cellars under the sidewalks of said city, or any obstructions upon the streets or sidewalks thereof.

WATER AND LIGHTS.

Power to own light and water systems.

City not liable for damages.

Sec. 90. That the city may own and maintain its own light and waterworks systems to furnish water for fire and other purposes, and light to the city and its citizens, but shall in no case be liable for damages for a failure to furnish a sufficient supply of either water or lights.

Power to acquire rights-of-way and water rights.

Power of condemnation.

Sec. 91. That the board of commissioners shall have power to acquire and hold, in the name of the city, rights-of-way, water rights and other property within and without the city limits, and the board of commissioners shall have power to condemn and take rights-of-way, easements, water rights and other property within and without the corporate limits of the city for the purpose of getting, storing, maintaining and furnishing a pure and adequate water supply, and of furnishing lights for the city and its citizens. That the proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Proceedings in condemnation.

Supervision of water and light systems.

Rates.

Sec. 92. That the said board of commissioners shall have entire supervision and control of the maintenance, improvement and management of the said system, and shall fix such uniform rates for water as they think best. That said board of commissioners shall fix the time or times when said water rents shall become due and payable, and in case such rent is not paid within ten days after it becomes due the same shall become a lien upon the property where said water is used and with which said water connections are made, and the same may at any time thereafter be collected, either by suit in the name of the city or by the collector of taxes for the city, by the sale of the property upon which said lien attaches at the court-house door in the city of Greensboro, after advertising the same for thirty days in some newspaper published in the city of

Lien on property.

Greensboro, and the said sale is to be made under the same rules and regulations, and subject to the same costs and penalties, and to the same rights of redemption as are provided in the charter of the city for the sale of real estate for taxes. That upon the failure of the owner of property for which water is furnished, under the rules and regulations of the said board of commissioners, to pay said water rents when due, then the said board of commissioners, or its agents or employees, may cut off the water from the said property, and when so cut off, it shall be unlawful for any person, firm or corporation, other than the said board of commissioners or its agents or employees, to turn on said water to said property, or to use the same in connection with the said property, without having first paid said water rent and obtained permission from the commissioner of public works, or some officer in his department, to turn on said water; and any person, firm or corporation convicted of the violation of any one of the provisions contained in this section shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. Water cut off. Misdemeanor. Punishment.

CITY HALL, MARKET AND OPERA HOUSE.

Sec. 93. The board of commissioners of the city of Greensboro shall provide for the supervision and control of the city hall building. City hall building.

Sec. 94. The board of commissioners may conduct an opera house, or may lease the same upon such terms as it may deem best, and may exempt from city license taxes theaters and other shows using the city opera house and paying rent therefor. Power to conduct or lease opera house.

Sec. 95. The board of commissioners of the city of Greensboro shall have power to provide for the establishment, maintenance and regulation of markets, and slaughter places, may prescribe the time and place of sale of fresh meats, fish and other marketable products; may rent the stalls in such manner and at such prices as it may deem best, may appoint a keeper of the market, or other persons, who may summarily condemn all unsound products offered for sale in the city for food, and cause the same to be removed at the expense of the person offering it for sale. That the board shall grant at least two licenses for market stands in the territory outside the old city limits, formerly known as South Greensboro, until the city establishes a market or branch market in said territory. Markets and slaughter places. Keeper of market. Condemnation of unsound food. Market stands in South Greensboro.

Sec. 96. It is hereby declared a misdemeanor for any person to sell or offer for sale in the city any unsound articles for food, and any person convicted of any violation of this section shall be fined or imprisoned, in the discretion of the court. Misdemeanor. Punishment.

SEWERAGE.

Sec. 97. That the said board of commissioners shall have power to provide, construct, establish, maintain and operate a system of sewerage for the city, and protect and regulate the same by adequate Sewer system.

rules and regulations, and if it shall be necessary in obtaining proper outlets to the said system to extend the same beyond the corporate limits, the board of commissioners may condemn a right-of-way or rights-of-way to and for such outlet or outlets, and the proceedings for such condemnation shall be as herein provided for opening new streets and other purposes.

Power of condemnation.
Procedure.

To enforce connection with sewers.

Sec. 98. That the board of commissioners may require all owners of improved property which may be located upon or near any line of said system of sewerage, to connect with such sewerage all water closets, bath tubs, lavatories, sinks, or drains upon their respective properties or premises, so that their contents may be made to empty into such sewer.

Removal of garbage, slops and trash.

Sec. 99. That the board of commissioners may, by ordinance provide for the removal, by wagons or carts, all garbage, slops and trash from the city, and when the same is not removed by the private individual in obedience to such ordinance may require the wagons or carts to visit the houses used as residences, stores and other places of habitation in the city, and also may require all owners or occupants of such houses, who fail to remove such garbage or trash from their premises to have the garbage, slops, and trash ready and in convenient places and receptacles, and may charge for such removal the actual expense thereof.

Summary abatement of nuisances.

Sec. 100. That the board of commissioners, chief of police, commissioner of public safety, or other officer or officers, who may be designated for this purpose by said board, shall have power summarily to remove, abate or remedy, or cause to be removed, abated or remedied, everything in the city limits, or within a mile of said limits, which is dangerous or prejudicial to the public health, and the expense of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Expense paid by person in default.
Expense a lien on land.

FIRES AND FIRE DEPARTMENT.

Fire department.

Sec. 101. That the board of commissioners shall have power to provide for the organization, equipment, maintenance and government of fire companies and a fire department, and in its discretion, may provide for a paid fire department, and for this purpose may create any officer and employments and fix their compensation as to the board may seem right and proper.

Fire limits.

Sec. 102. That the board may establish and maintain fire limits in the city in which it shall be unlawful to erect, alter and repair wooden buildings or structures or additions thereto, it may also prohibit the removal of wooden buildings or structures of any kind into said limits, or from one place to another within the limits, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Building rules.

Sec. 103. The board of commissioners may make rules and regulations governing the erection and construction of buildings in the

city so as to make them as safe as possible from fire; and in case of fire the mayor, the commissioner of public safety, or any two members of the said board of commissioners, 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. Power to destroy buildings.

CARE FUND FOR CEMETERIES.

Sec. 104. That the board of commissioners are authorized to create a fund to be known as the perpetual care fund for the cemetery, or cemeteries, for the purpose of perpetually caring for and beautifying the cemetery or cemeteries, and said fund shall be kept by the city, as is provided for bequests and gifts for cemetery purposes, and said board may make contracts with plot or space owners in the cemetery, or cemeteries, obligating the city to keep up and maintain said lots or spaces, in perpetuity, upon payment of such sum or sums as may be fixed by the board of commissioners, and the board of commissioners is further authorized and empowered to accept gifts and bequests for such purposes, or upon such other trusts as the donors may prescribe, and said board is authorized to set aside for said perpetual care fund an amount not exceeding twenty-five per cent of the proceeds of sale of cemetery lots. Care fund for cemeteries. Contracts for maintenance of cemetery lots. Gifts or bequests.

That the principal of said funds so appropriated by the board of commissioners for caring for the cemetery or cemeteries, shall be held by the said board of commissioners for caring for and beautifying the cemetery or cemeteries, and improving the same. The income from the said fund heretofore or hereafter made shall be used for such purpose of carrying out contracts with the individual plot or space owners for perpetual care of individual plots and spaces. Principal of fund. Income.

That any gifts heretofore or hereafter made to and received by the city, or any of its officers, shall be held and used as a sacred trust fund for the purposes and upon the conditions named in such gifts or bequests, and any and all such funds shall be kept or invested separate and shall not be used for any other purpose, or by the city in its other affairs. Gifts held in trust.

That the city treasurer shall keep a separate account of the cemetery funds, and a still further separate account of all special gifts or bequests made by persons for and in connection with the cemetery or cemeteries, and particular lots therein. Separate accounts.

The board of commissioners shall have the power to make rules and regulations and adopt ordinances for the carrying out of the duties imposed by this section.

Sec. 105. That the provisions of sections two thousand nine hundred and eighty-two to section three thousand and ten, inclusive, of The Revisal of one thousand nine hundred and five of North Caro- General law applicable.

lina, shall apply to the city of Greensboro, where not inconsistent with the provisions of this act.

Election on ratification of act.

Sec. 106. That on the first Tuesday in February there shall be held in the city of Greensboro an election at which all voters who are then registered and qualified to vote shall be entitled to vote for the purpose of determining whether it is the will of such voters that the foregoing shall become law applicable to the city of Greensboro. That the election shall be advertised by the board of aldermen for twenty consecutive days prior to the holding of such election. Said advertisement shall be inserted in each daily newspaper published in the city of Greensboro. That such election shall be conducted in all things as are elections for mayor and aldermen under the present law as nearly as may be.

Advertisement.

Law governing election.

Ballot boxes.

Sec. 107. That at each voting place in said city, at such election, there shall be provided one box in which each person entitled to vote may deposit one ballot. That those wishing to vote that the foregoing provisions shall become law applicable to the city of Greensboro may vote a ballot upon which there shall be printed or written the words "For commission form of government," and each of those wishing to vote against the foregoing provisions becoming law applicable to the city of Greensboro may vote a ballot on which shall be printed or written the words "Against commission form of government."

Ballots.

Count of vote and certificate of result.

Sec. 108. That the election officers for each precinct shall, within six hours from the time the polls are closed in the election to determine the question as to whether the foregoing provisions shall become law, shall count the ballots and certify the result to the mayor and board of aldermen. The mayor and board of aldermen shall, within twenty-four hours, examine such certificates and formally declare whether a majority of those voting have voted "For commission form of government" or "Against commission form of government," and spread upon their minutes the record of their determination, and if it shall appear therefrom that a majority of those voting at such election have voted "For commission form of government" the foregoing sections of the proposed charter and laws shall at once become effective and the law applicable to the city of Greensboro, North Carolina, as if unconditionally passed by the General Assembly of North Carolina.

Declaration of result.

Failure to perform duty a misdemeanor.

Sec. 109. That if the mayor or any of the aldermen of the city of Greensboro shall fail to perform any of the duties imposed upon them, relative to holding elections provided for by this act, they and each of them so neglecting shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the court, and shall also be liable to a penalty of one hundred dollars, one-half of which shall be payable to the county school fund and one-half to the party who shall sue for same.

Punishment.

Penalty.

Sec. 110. That this act shall be in force and effect from the date of declaring carried the election "For commission form of government," in the manner above set out. When act effective.

Ratified this the 17th day of January, 1911.

CHAPTER 3.

AN ACT TO PROVIDE FOR THE REGISTRATION OF ELECTORS FOR THE ELECTION ON THE QUESTION OF THE ADOPTION OF THE COMMISSION FORM OF GOVERNMENT FOR THE CITY OF GREENSBORO, TO BE HELD ON THE FIRST TUESDAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND ELEVEN.

The General Assembly of North Carolina do enact:

Section 1. That for the election on the question of the adoption of the commission form of government for the city of Greensboro, to be held on the first Tuesday of February, one thousand nine hundred and eleven, the registration books of said city shall be open for the registration of any electors in said city entitled to register and whose names do not now appear on the registration books of said city for ten days immediately preceding such election, Sunday excepted; and the board of aldermen of said city shall make provision for such registration in the manner now provided by law, except that five days notice published in some daily newspaper in said city previous to the opening of such registration books shall be sufficient. Registration. Notice of opening registration books.

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

Ratified this the 19th day of January, 1911.

CHAPTER 4.

AN ACT TO RATIFY AND APPROVE TWENTY-FIVE THOUSAND DOLLARS ($25,000) WATERWORKS AND SEWER BONDS OF THE TOWN OF MURPHY, IN CHEROKEE COUNTY, AND TO ALLOW SAID TOWN TO LEVY A SPECIAL TAX FOR THE PAYMENT OF INTEREST AS IT BECOMES DUE AND THE PRINCIPAL AT MATURITY.

Whereas, the board of commissioners of the town of Murphy, in Cherokee County, were authorized by a majority of the qualified voters at an election held in and for said town, on the twenty-eighth Preamble.

Preamble.

day of April, one thousand nine hundred and ten, to issue and sell coupon bonds to the amount of twenty-five thousand dollars ($25,000) for waterworks and sewerage purposes; and,

Whereas, said bonds have been sold and paid for by the purchasers, and said bonds being dated the first day of May, A. D. one thousand nine hundred and ten, and maturing thirty years after date and bearing interest at the rate of five and one-half per centum per annum, payable semi-annually, and both principal and interest being payable at the Hanover National Bank, in the city of New York, New York; and,

Preamble.

Whereas, there have been irregularities in the proceedings leading up to the issuance of said bonds, and the authority for such issue has been questioned; therefore,

The General Assembly of North Carolina do enact:

Bonds ratified and comfirmed.

Section 1. That said bonds be and the same are hereby in all things authorized, ratified, approved and confirmed.

Bonds to constitute obligation of town.

Sec. 2. That said bonds shall constitute a full and direct obligation of said town of Murphy and the same shall be payable out of the taxable property of said town of Murphy.

Special tax for principal and interest.

Sec. 3. That the board of commissioners of said town of Murphy are hereby authorized and directed to levy, collect and appropriate annually upon all of the taxable property within said town a special tax of sufficient amount to pay the interest on said bonds as it becomes due and the principal thereof at maturity.

Sec. 4. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

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

Ratified this the 19th day of January, 1911.

CHAPTER 5.

AN ACT TO AUTHORIZE THE TOWN OF ELKIN TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of Elkin is hereby authorized and empowered to issue bonds in the name of the town of Elkin in such denomination and form as it may determine to an amount not exceeding three thousand and five hundred dollars, bearing no greater rate of interest than six per centum per annum, which shall be paid semi-annually, and said bonds shall be made payable at such time and place as shall be determined by said board of commissioners: *Provided,* that the time of payment shall not be fixed at more than twenty years. Bond issue authorized. Denomination. Amount. Interest. Maturity. Proviso: limit of time.

Sec. 2. That 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 paying off the debts incurred by said town of Elkin made in paving, macadamizing and otherwise improving the public streets of the town of Elkin. Bonds not to be sold below par. Specific appropriation of proceeds.

Sec. 3. That said bonds shall not be issued until authorized by the majority of the qualified voters of said town at a public election, to be held at such time and place as the board shall appoint, of which notice shall be given for twenty days in some newspaper published in said town, and at said election those favoring the issue of said bonds shall vote "Issue," and those opposing it shall vote "No issue": *Provided,* that said board may, in its discretion, order a new registration of the voters of said town, and if a majority of the qualified voters of said town shall vote to issue said bonds, then the said board of commissioners shall issue the same, which shall be signed by the mayor and attested by the town treasurer, and have interest coupons attached thereto, and said bonds and their coupons shall be exempt from town taxation until after they become due, and the coupons shall be receivable in payment of town taxes. Election on bond issue. Notice of election. Ballots. Proviso: new registration. Authentication. Exemption from taxation.

Sec. 4. That for the purpose of paying said coupons as they become due and said bonds at maturity, it shall be the duty of the board of commissioners, and they are hereby empowered to do so, should they find it necessary to do so, to levy and collect a sufficient special tax each year upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, said levy not at any time to exceed thirty cents on the poll and ten cents on the one hundred dollars valuation of property, which taxes when collected shall be used for no other purpose: and it shall be the duty of the town treasurer, as said coupons are paid off and taken up, to cancel the same, and he shall Special tax. Limit of rates. Specific appropriation.

Reports of treasurer.

report not less than twice a year to the board of commissioners the number and amounts of the coupons so canceled.

Sec. 5. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 21st day of January, 1911.

CHAPTER 6.

AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF ALDERMEN OF HICKORY TO ISSUE BONDS TO EXTEND THE SEWERAGE SYSTEM NOW EXISTING IN SAID CITY.

Preamble.

Whereas, the city of Hickory has heretofore issued bonds for a system of waterworks and sewerage under the provisions of chapter one hundred and seventy-one, Private Laws of one thousand nine hundred and one, and also bonds to pay off a debt contracted for sewerage extension as provided by chapter six hundred and eighty, Private Laws of one thousand nine hundred and seven, notwithstanding which, the sewerage system now installed is not commensurate with the water system and is inadequate: and,

Preamble.

Whereas, a further extension of said sewerage system is found by the municipal authorities of said city to be imperative and necessary to the preservation of the health of a large number of the inhabitants of said city; and,

Preamble.

Whereas, the said municipal authorities have no present funds or means with which to properly extend said system, now therefore.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Application of proceeds.

Denominations.

Interest.

Section 1. That the mayor and board of aldermen of the city of Hickory are hereby authorized and empowered to issue coupon bonds in an amount not exceeding seven thousand ($7,000) dollars, the proceeds of which bonds when sold, as hereinafter provided, shall be applied to the extension of the sewerage system of said city at such points and in such ways as the board of aldermen may deem proper and for the benefit of and the preservation of the health of the inhabitants of said city. Such bonds shall be in denominations of not less than one hundred ($100) dollars, nor more than one thousand ($1,000) dollars, and shall draw interest at the rate of six (6) per cent per annum from the date or issue, which interest shall be payable semi-annually on the first day of May and the first day of November until said bonds shall be fully paid and at such place as the said board may fix by resolution and embody in said bonds.

Sec. 2. That said bonds shall run for thirty (30) years, and shall be signed by the mayor and secretary and treasurer of said city, bear its common seal, and shall be sold to the highest bidder after thirty days advertisement in such newspapers as the mayor and board shall deem most likely to facilitate the sale of said bonds, and no bonds shall be sold for less than par. Maturity. Authentication. Bonds not to be sold below par.

Sec. 3. That the mayor and board of aldermen are hereby empowered and authorized to levy a special tax each year upon all subjects of taxation for the purpose of paying the interest on said bonds and creating a sinking fund for the payment of the principal, such tax in no case to exceed ten cents on the one hundred dollars worth of real and personal property and thirty cents on the poll. Special tax. Limit of rate.

Sec. 4. That all acts and clauses of acts in conflict with the provisions hereof, and especially section two thousand nine hundred and seventy-seven, chapter seventy-three of The Revisal of one thousand nine hundred and five, in so far as it will be operative to prevent the issue of these particular bonds, are hereby repealed. Repeal.

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

Ratified this the 21st day of January, 1911.

CHAPTER 7.

AN ACT TO AMEND SECTION THREE THOUSAND EIGHT HUNDRED AND SIXTY-THREE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE NORTH CAROLINA AGRICULTURAL SOCIETY.

The General Assembly of North Carolina do enact:

Section 1. That section three thousand eight hundred and sixty-three of The Revisal of one thousand nine hundred and five of North Carolina be amended by striking out the word "fifty" in next to the last line, and inserting the words "one hundred and fifty" in lieu thereof. Increase of property.

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

Ratified this the 24th day of January, 1911.

CHAPTER 8.

AN ACT TO CHANGE THE NAME OF THE BAPTIST UNIVERSITY FOR WOMEN.

The General Assembly of North Carolina do enact:

Section 1. That chapter twelve of the Private Laws of North Carolina of the year one thousand nine hundred and five, be amended Change of name.

by striking out of line six of section one of said chapter the words, "Baptist University for Women," and inserting in lieu thereof the words, "Meredith College."

Change of name.

Sec. 2. That section two of said chapter twelve of the Private Laws of one thousand nine hundred and five, be also amended by striking out of line four of said section two the words, "Baptist University for Women." and inserting in lieu thereof the words, "Meredith College."

Property, rights, powers and privileges revested.

Sec. 3. That all property, rights, powers, privileges now or heretofore owned and enjoyed by the corporation known as the Baptist University for Women or the Baptist Female University of North Carloina by virtue of chapter one hundred and thirty-two of the Private Laws of North Carolina of one thousand eight hundred and ninety-one and chapter twelve of the Private Laws of North Carolina of one thousand nine hundred and five, shall be owned and enjoyed by the corporation to be known as Meredith College by the provisions of this act.

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

Ratified this the 24th day of January, 1911.

CHAPTER 9.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF WASHINGTON TO PAY ITS EXISTING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Amount of existing debt.

Section 1. That whereas, the board of commissioners of the city of Washington are indebted in the sum of fifteen thousand ($15,000) dollars, contracted for the necessary expenses of said town and its municipal government, and evidenced by voucher, script and other evidences of debt heretofore issued to pay the actual and necessary expenses of said city of Washington, which are now outstanding and unpaid: and whereas, it is desirable to fund and pay said indebtedness, that said board of commissioners of said city of Washington, or its successors, are fully empowered and required to issue coupon bonds, under their corporate and official seal, to the amount of fifteen thousand ($15,000) dollars, and not exceeding said sum in the principal thereof bearing five (5) per cent interest from date of issue; the interest payable semi-annually on the first days of January and July of each year. The principal and interest of said bonds shall be payable in the current funds of the United States Government, at such places as the said board may direct. The said bonds shall be issued in denominations of one hundred

Bond issue directed.

Amount.

Interest.

Denominations.

($100) and multiples thereof. No one bond being for less than the sum of one hundred ($100) dollars or for a greater sum and one thousand ($1,000) dollars. Said bonds and their coupons shall be numbered and the bonds signed by the mayor of the city and countersigned by its clerk, and have the corporate seal of said board attached, and the coupons shall be signed by the mayor. A record shall be kept of said bonds showing the numbers and denominations thereof, and to whom sold and date of issue and maturity of each bond, and the amount received from the sale thereof. Said bonds shall be sold under such regulations and in such manner as the board may direct; but none of said bonds shall be sold for less than the par value thereof, and the proceeds derived from the said bonds shall be applied, exclusively, to the payment and discharge of the outstanding debts and obligations of the board of commissioners of the city of Washington, except that none of said money shall be used for the purpose of discharging any debts or obligations for which bonds have formerly been issued, and which said bonds are not now due. Said board shall require of its treasurer a special bond, in case the regular bond of said treasurer is deemed insufficient, in such sum as the board may direct, not exceeding the sum of fifteen thousand ($15,000) dollars, conditioned for the faithful accounting and payment of, according to this act, of the proceeds of the sale of said bonds. And said board may require from its said treasurer an increased bond, if necessary, to protect the revenue received to pay the interest on said bonds.

Authentication.

Records of bonds.

Sale of bonds.

Not to be sold below par.

Specific appropriation.

Special bond of treasurer.

Sec. 2. The principal of all said bonds shall be due and payable on the first day of January, one thousand nine hundred and forty-one.

Maturity.

Sec. 3. To provide for the payment of said bonds and interest on same, said board of commissioners shall levy an annual and special tax on the polls, personal and real property, and other subjects of taxation of said city sufficient to pay the interest, semi-annually, on said bonds; and to create a sinking fund into which shall annually be paid the sum of five hundred ($500) dollars for the purpose of paying said bonds at maturity. All said special taxes shall be collected from the polls, personal and real property and other subjects of taxation of said city, in said manner as other taxes in said city are levied and collected. Said special tax shall be applied, when levied and collected strictly to the payment of the interest on said bonds; and also to the annual payment into the sinking fund of five hundred ($500) dollars, and to no other purpose; and it shall be a misdemeanor punishable by fine and imprisonment, in the discretion of the court, for any official of said city or other person to wrongfully misapply or divert said special taxes from the purposes required for by this act.

Special tax for interest.

Special tax for sinking fund.

Specific appropriation of tax.

Misapplication or diversion of funds a misdemeanor.

Punishment.

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

Ratified this the 24th day of January, 1911.

CHAPTER 10.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-TWO, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, AND TO AUTHORIZE A BOND ISSUE THEREUNDER BY THE CITY OF HICKORY.

Preamble. Whereas, the General Assembly of North Carolina, session one thousand nine hundred and seven, by chapter two hundred and twenty-two of its Private Laws authorized the mayor and board of aldermen of the city of Hickory to issue coupon bonds in an amount not exceeding fifty thousand dollars for an electric light plant and the improvement of its streets and sidewalks, provided the said issue should be first approved by a majority of the qualified, registered voters of said city; and,

Preamble. Whereas, an election was held under the provisions of said act on the third day of May, one thousand nine hundred and nine, at which the majority of the qualified voters of said city voted in favor of a bond issue in the amount of thirty-five thousand ($35,000) dollars for street and sidewalk improvements; and,

Preamble. Whereas, it was subsequently ascertained and now appears that section two of this act provides for the payment of the interest on said bonds semi-annually on the first day of January, and the first day of August, respectively, the word "August" being inserted by inadvertence, when "July" was intended, now, therefore,

The General Assembly of North Carolina do enact:

Time for payment of interest. Section 1. That section two of chapter two hundred and twenty-two, Private Laws of one thousand nine hundred and seven be, and the same is hereby amended by striking out the word "August" therein, and inserting in lieu thereof the word "July" and by adding

Place of payment. after the word "Hickory" the words, "or in the city of New York at such bank or trust company as the board of aldermen may designate and specify in said bonds."

Bond issue validated. Sec. 2. That the said thirty-five thousand dollar bond issue approved by the qualified, registered voters of the city of Hickory at the election of May third, one thousand nine hundred and nine, for street and sidewalk improvements, is hereby fully authorized, validated, approved and confirmed, and the issue and sale of said bonds

Issue and sale of bonds authorized. by the mayor and aldermen of said city with the amendments provided by the first section of this act incorporated therein is hereby authorized and said bonds so amended are fully validated, approved, authorized and ratified.

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 24th day of January, 1911.

CHAPTER 11.

AN ACT TO INCORPORATE COMPANY "B," 2D REGIMENT, NORTH CAROLINA STATE TROOPS.

The General Assembly of North Carolina do enact:

Section 1. That Larry B. Boyette, Jesse M. Taylor, Joseph J. Batts, William T. Rose, Nathaniel Moore, and such other members of Company "B," 2d Regiment, North Carolina State Troops, as they may associate with them, be and they are hereby constituted a body corporate, under the name and style of "Company B, 2d Regiment, North Carolina State Troops." Corporators. Corporate name.

Sec. 2. That said corporation shall have full power and authority to adopt such rules, regulations and by-laws as they may deem proper in order to further the objects for which this corporation is constituted: *Provided, however*, that such rules, regulations and by-laws shall not be contrary to the laws of the State of North Carolina. Corporate powers.

Sec. 3. That no person shall be eligible for membership in said corporation who was not a member of said Company "B," 2d Regiment, North Carolina State Troops, while said company was in the active service of the State of North Carolina or of the Confederate States of America, or who is not a lineal descendant of a deceased member of the said company who at the time of his death possessed the qualifications of membership in this corporation; the said members may be divided into two classes as may be prescribed by the by-laws to distinguish those who are members by reason of active service and those who are members by reason of the service of an ancestor. Eligibility for membership. Classification of members.

Sec. 4. That said corporation shall have no capital stock but the members thereof may be required to pay such dues as may from time to time be provided for in the by-laws; the said corporation shall have the power to acquire, hold and enjoy any property, real or personal, which may be donated to it by its members or by any other person or persons, in order to aid in carrying out the purposes for which the said corporation is formed; membership in said corporation shall be evidenced by such certificate as may be provided for in the by-laws. No capital stock. Dues. Power to hold property. Certificate of membership.

Sec. 5. That the purposes for which the said corporation is formed are: Purposes of corporation.

(*a*) To provide for meetings from time to time of the surviving members of said Company B, 2d Regiment, North Carolina State Troops, and of the descendants of deceased members of said company for mutual pleasure and improvement. Meetings.

(*b*) To keep fresh in the minds of the said members of the said company the memory of those of their comrades who have passed Memorials.

away and to perpetuate their names and services as soldiers and as citizens, among their descendants.

Preservation of records.

(*c*) To preserve a suitable record of the services of the said Company B, 2d Regiment, North Carolina State Troops, to the State of North Carolina and to the Confederate States of America and to preserve and perpetuate the history of the said company, its officers and men both during and since the Civil War, that their descendants may know and appreciate the patriotic purposes which inspired their forefathers to take up and bear arms in defense of their State from 1861 to 1865.

To foster and encourage love of State and country.

(*d*) To foster, stimulate and encourage among the descendants of the members of the said company love of the State and country by preserving a true and accurate record of the said company and causing to be prepared a history of its service and of the lives of its members both as soldiers and as citizens.

General corporate rights.

Sec. 6. That said corporation shall have and enjoy all the rights, powers and privileges now conferred or hereafter conferred by the laws of the State of North Carolina upon benevolent, religious, educational or charitable corporations.

Term of existence.

Sec. 7. That said corporation shall continue so long as the members thereof maintain an organization in accordance with the by-laws which may be adopted.

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

Ratified this the 24th day of January, 1911.

CHAPTER 12.

AN ACT FOR THE RELIEF OF THE CITY OF BURLINGTON, NORTH CAROLINA.

Preamble.

Whereas, under and by virtue of section fifteen, of chapter two hundred and four, of the Private Laws of one thousand nine hundred and three, and acts amendatory thereto, the city of Burlington sold its bonds for the purpose of installing and equipping a water and

Preamble.

sewerage system for said city, and, whereas, under the provisions of said act the funds arising from the sale of said bonds could not be used for any other purpose other than that for which they were

Preamble.

sold, and whereas, both the water and sewer systems have been installed and completed within the corporate limits of said city, and there remains on hand a sum of money amounting to about one thousand dollars belonging to the sewerage fund which is not neces-

Preamble.

sary for that purpose; and, whereas, there is a deficit of about one thousand dollars or more to pay off and discharge certain bills and accounts due and outstanding for the completion of the water system of said city; now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the city of Burlington be, and it is hereby fuly authorized and empowered to transfer and use the fund now on hand and belonging to the sewerage fund to the water fund of said city so as to pay off and discharge said indebtedness against the water system of said city. Transfer of funds authorized.

Sec. 2. That all laws and clauses of laws in so far as they conflict with this act are hereby repealed.

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

Ratified this the 25th day of January, 1911.

CHAPTER 13.

AN ACT TO INCORPORATE THE TOWN OF MINNEAPOLIS, IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Minneapolis, in the county of Mitchell, be and the same is hereby incorporated under the name and style of "Minneapolis," and the inhabitants thereof shall be subject to all the provisions in the laws of North Carolina in reference to incorporated towns not inconsistent with the provisions of this act. Corporation. Corporate name.

Sec. 2. That the corporate limits of said town shall extend and be as follows, viz: Beginning at J. W. Burleson's residence and running straight lines so as to include the residences of the following named persons, viz: J. W. Burleson, Horton Young, Jeff Puckett, T. J. Vance and Polly Grindstaff's, and back to the beginning, being about one mile square. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor and five commissioners; the mayor, when present, shall preside at all meetings of said board of commisisoners, but shall not be entitled to vote, except in case of a tie. In the absence of the mayor the board may appoint one of its number to act as mayor *pro tempore*, and the following named persons shall fill said offices and have all the power and authority conferred by this act until the first Monday in May, one thousand nine hundred and twelve, and until their successors shall be elected and qualified, to wit: S. E. Clark, Mayor, and J. W. Dennie, R. Z. Burleson, Wilburn Pyatt, M. H. Young and Anderson Irwin, commissioners. Before entering upon the discharge of their respective duties the said officers shall take and subscribe an oath to support the constitution and laws of the State of North Carolina, and shall have power to appoint a chief marshal and such other assistant officers as may be neces- Officers. Mayor. Mayor pro tem. First officers named. Officers to qualify. Chief marshal and other officers.

sary, and a clerk and treasurer, who shall hold their respective offices until their successors are elected and qualified.

Town elections.

Sec. 4. That it shall be the duty of said board of commissioners to provide for an election to be held on the first Monday in May, one thousand nine hundred and twelve, and annually thereafter according to the laws of the State, and the officers so elected shall hold their respective offices for a term of one year or until their successors are elected and qualified.

Electors.

Sec. 5. All qualified electors of the State who have been residents of the town for sixty days next preceding any election shall be entitled to vote.

Powers of commissioners.

Sec. 6. That the commissioners of said town shall have power and are hereby authorized to pass all ordinances, rules and regulations necessary for the good government of said town not inconsistent with the laws of the State. They shall have power to levy and collect a tax not exceeding one dollar and fifty cents on the poll and not to exceed fifty cents on the one hundred dollars valuation of all property, real, personal or mixed, and also shall have power to tax all other subjects of State taxation not to exceed one-half of the State tax, and they shall also have the power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate them; they shall also have full control of the streets and public roads in said town; to open up and keep in repair such streets as are needed for the public convenience of the town.

Tax limit.

Further subjects of taxation.

Nuisances.

Streets and roads.

Violation of ordinances misdemeanor.

Punishment.

Sec. 7. That any person violating any ordinance of said town shall be guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of fifty dollars or imprisonment not to exceed thirty days.

Town clerk and treasurer.

Chief marshal.

Sec. 8. That the board of commissioners at its first meeting after being qualified, shall elect a town clerk and treasurer and a chief marshal, who shall before entering upon their respective duties, take oath before the mayor, a justice of the peace, or some other officer, to faithfully execute the duties of their respective offices; and they may receive such compensation as the board of commissioners may allow. And the chief marshal shall collect all taxes and assessments after first having given bond in a sum double the amount of the taxes to be collected in said town, said bond to be approved by the mayor and board of commissioners.

Compensation.

Duties and bond of chief marshal.

Duties of clerk.

Sec. 9. That the clerk shall keep a regular and fair minute of the proceedings of the board of commisioners and preserve all books, papers and moneys committed to his charge and pay out all moneys as directed by the order of the board of commissioners of the town, and shall keep a correct acount of all moneys received, and from what source received, and submit said accounts to the board of commissioners when requested, and turn all books, papers and moneys over to his successor.

Sec. 10. That the mayor shall perform such duties as shall be prescribed and shall receive such fees and compensation as may be allowed by the board of commissioners and the ordinance of the town. That the commissioners shall form one board and a majority of them shall constitute a quorum to do and perform any business necessary for the government of the said town. Duties of mayor. Fees and compensation. Commissioners one board. Quorum.

Sec. 11. After the mayor shall have been duly elected and qualified he shall call the commissioners elected before him within three days and they shall then and there take an oath to faithfully discharge the duties imposed upon them by virtue of their offices as such commissioners to the best of their abilities, which oath may be administered by the mayor or any other person authorized to administer oaths. Commissioners to qualify.

Sec. 12. That the mayor of Minneapolis may issue his precepts to any constable, town marshal, or such other officers as are required to execute processes issued by the justice of the peace. Precepts of mayor.

Sec. 13. That the mayor shall keep a true and faithful minute of all precepts issued by him together with all his judicial proceedings. Minute of precepts.

Sec. 14. The mayor-elect of said town shall within three days after notification of his election, take the oath prescribed before any officer authorized to administer oaths. The mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of said town of Minneapolis, have all the power, jurisdiction and authority of a justice of the peace in all criminal matters. The mayor shall further be a special criminal court within the corporate limits of said town, and is authorized to have arrested and try all persons who are charged with a misdemeanor for violating any ordinance of said town. The proceedings in said mayor's court shall be the same as are now or shall hereafter be prescribed for courts of justices of the peace, and in all cases there shall be the right of appeal: and in all cases when a defendant may be adjudged to be imprisoned by the said mayor it shall be lawful and competent for the mayor to adjudge also that the defendant during the period of his imprisonment shall work on the public streets or roads or other public works of said town, and it shall be lawful for the mayor when he has entered judgment against a defendant for fine or penalty, if the same is not paid, to order and require that such person so convicted shall work on the streets or public roads or other public works of said town under the supervision of the town marshal at the rate of from fifty cents to one dollar per day, as the mayor may adjudge, until the fine, penalty and costs are paid. Mayor to qualify. Mayor an inferior court. Jurisdiction. Special criminal court. Proceedings in mayor's court. Right of appeal. Sentence to street work.

Sec. 15. That all male inhabitants of said town of Minneapolis, between the ages of eighteen and forty-five years, shall be subject to road and street duty within the limits of said town unless they be exempted by the said board of commissioners for poverty and disabilities: *Provided, however,* that they may pay a poll tax Road and street duty. Proviso: poll tax.

levied by the board of commissioners of said town for road and street purposes or work out the same on the streets or roads at a per diem fixed by said commissioners: *Provided, further*, that the number of days allotted to be worked on the streets or roads in said town shall not be less than the time fixed by law for working the public roads of Mitchell County. And no person subject to road duty and living within the corporate limits of said town of Minneapolis shall be compelled to work on the public roads outside of the corporate limits of said town.

Proviso: extent of road duty.

Exemption from outside work

Sec. 16. That this act shall be in force from and after its ratification.

Ratified this the 25th day of January, 1911.

CHAPTER 14.

AN ACT TO AMEND CHAPTER FORTY-THREE, PRIVATE LAWS, ONE THOUSAND EIGHT HUNDRED AND NINETY-SEVEN.

The General Assembly of North Carolina do enact:

Corporation continued.

Section 1. That the Catawba division of the People's 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 Catawba and Lincoln, be, and the same is hereby authorized to continue operations, as a mutual assessment insurance association, under the name of "Catawba Benevolent Association," as a 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 Catawba Benevolent Association all such fees, annual dues and assessments as are now required by the by-laws to be paid to the People's Mutual Benevolent Association; all duties and obligations of the members shall be due and owing to the Catawba Benevolent Association, and all the powers, rights, privileges, duties and obligations of the People's Mutual Benevolent Association, so far as the same affects the Catawba division, shall devolve upon the Catawba Benevolent Association.

Corporate name.

Liability of members.

Corporate powers.

Power to insure lives.

Sec. 2. That said Catawba 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 acceptance or rejection of act.

Sec. 3. A meeting of the members of the Catawba Division of the People's Mutual Benevolent Association shall be held in the town of Newton, on the twentieth day of April, one thousand nine hundred and eleven, notice of which shall have been mailed to each member, at which meeting the members shall vote on the "aproval" or "dis-

approval" of the provisions of this act, and said members may vote in person or by proxy. If a majority of said members vote for "approval" the provisions of this act shall at once become effective, and not otherwise.

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 directors, 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 regulations. If the said members approve of this act, then the secretary shall transmit to the insurance commissioner a copy of the proceedings of the aforesaid meeting, and all the assets and liabilities of the Catawba division of the People's Mutual Benevolent Association shall become assets and liabilities of the "Catawba Benevolent Association."

Organization if charter accepted.

Rules, regulations and by-laws.

Report to insurance commissioner.

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

Ratified this the 25th day of January, 1911.

CHAPTER 15.

AN ACT TO VALIDATE THE STREET IMPROVEMENT BONDS OF THE TOWN OF WADESBORO, IN THE AMOUNT OF TEN THOUSAND DOLLARS, AND THE CONTRACT FOR THE SALE OF SAID BONDS, AND PROVIDING FOR THE LEVY AND COLLECTION OF A TAX TO PAY THE PRINCIPAL AND INTEREST THEREON.

The General Assembly of North Carolina do enact:

Section 1. That the bonds of the town of Wadesboro in the amount of ten thousand dollars ($10,000), par value, authorized to be issued at a special election held in said town on the fifth day of April, one thousand nine hundred and ten, under and by virtue of chapter two hundred and sixty-five of the Private Laws of one thousand nine hundred and nine, entitled "An act to amend the charter of the town of Wadesboro, North Carolina" for the purpose of improving the streets of said town be, and the same hereby are in all respects validated, ratified and legalized, together with all proceedings relating to the calling and holding of said election and declaring the result thereof. The board of commissioners of the said town of Wadesboro are hereby authorized to issue said bonds to an amount not exceding ten thousand dollars, par value. The said bonds may be either negotiable coupon bonds or registered bonds, and shall be payable twenty-five years from their date; shall

Bonds validated.

Election validated.

Commissioners to issue bonds.

Bonds coupon or registered.

Maturity.

Interest.

bear interest at the rate of five per cent (5%) per annum, payable semi-annually; and shall be payable principal and interest at some bank or trust company in the city of New York. Said

Authentication.

bonds shall be signed by the mayor and countersigned by the clerk of the board of commissioners and sealed with the corporate seal of said town, and the coupons attached thereto shall bear the engraved or lithographed signature of the mayor. The said bonds

Sale.

shall not be sold at a greater discount than seven per cent (7%)

Application of proceeds.

of the par value thereof. The proceeds of the sale of said bonds shall be applied to the payment of the expenses of improving the streets of said town or to the payment of the indebtedness of said town heretofore or hereafter incurred for improving said streets, and the purchaser of said bonds shall not be bound to see to the application of the purchase money.

Special tax to be levied.

Sec. 2. 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 commissioners of the said town shall, annually, at the time of levying other town taxes, levy a special tax on all persons and subjects of taxation, upon which the said board of commissioners are now or may hereafter be authorized to lay and levy taxes for any purpose whatever, sufficient to pay the interest upon the 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 time that other town taxes are collected, and under the same rules and regulations.

Contracts ratified.

Sec. 3. All contracts heretofore made by authority of the board of commissioners of said town for the sale of said bonds, and loans made or to be made in anticipation of their issuance, are hereby in all respects ratified and authorized.

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

Ratified this the 26th day of January, 1911.

CHAPTER 16.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ORRUM, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Tax rate.

Section 1. That section one (1), of chapter one hundred and thirty-four of the Private Laws of one thousand nine hundred and five, be and the same is hereby amended as follows: In line five (5) of said section strike out the word "fifty" and insert in lieu thereof the words "one dollars and fifty cents"; and in line seven

(7) of said section strike out the words "one dollar and fifty" and insert in lieu thereof the words "three dollars."

Sec. 2. 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 January, 1911.

CHAPTER 17.

AN ACT TO INCORPORATE THE TOWN OF MARBLE IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of all that territory in Cherokee County included within the boundary beginning on the Valley River at the mouth of the Rhea Creek and running with the meanders of the river to the Cynthia Alley ford; thence a north direction running with Palmer Lane to the foot of the mountain; thence with the J. Q. Adams road to the Irwindale ditch on the mountain side; thence with the meanders of the ditch a southwest direction to the old flume at the Rhea Creek; thence down said creek to the beginning, be and they are hereby incorporated under the name of Marble. Boundary. Incorporation and name.

Sec. 2. That the administration and government of said town shall be vested in its mayor and a board of five aldermen, and such other officers as are provided for in chapter seventy-three, volume one of The Revisal of one thousand nine hundred and five. Town officers.

Sec. 3. That said town shall have all the rights, powers and privileges conferred upon cities and towns by chapter seventy-three, volume one of The Revisal of one thousand nine hundred and five, and be subject to the duties therein and thereby enjoined. Corporate powers.

Sec. 4. That until the first election and qualification of mayor and aldermen James H. Bryson shall be mayor of said town and N. W. Abernathy, Richard Wilson, J. L. Webb, J. A. Parker and Joe H. Bryson shall be the aldermen thereof. First officers.

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

Ratified this the 27th day of January, 1911.

CHAPTER 18.

AN ACT TO AMEND CHAPTER NINETY OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE, ENTITLED "AN ACT TO INCORPORATE THE WACHOVIA LOAN AND TRUST COMPANY."

Whereas, the Wachovia Loan and Trust Company was duly incorporated under an act of the General Asembly, as set forth in Preamble.

chapter ninety of the Private Laws of one thousand eight hundred and ninety-one, duly organized under said act and has been and is now doing business as prescribed by its charter; and, whereas, it being desirable to change the name of the said Wachovia Loan and Trust Company to the Wachovia Bank and Trust Company, an application was duly made to the office of the Secretary of State for an amendment of its charter effecting said change and certificate thereof duly granted by said office; and, whereas, the corporation holds large interests in real estate and other properties and rights under its former name, and wills and testamentary acts are now and may be hereafter executed in favor of the Wachovia Loan and Trust Company which will devolve on the Wachovia Bank and Trust Company: it is by reason thereof especially desirable that said change of name be affirmed and ratified by the General Assembly of North Carolina,

The General Assembly of North Carolina do enact:

Section 1. That chapter ninety of the Private Laws of the General Asembly of North Carolina, being an act entitled "An act to incorporate the Wachovia Loan and Trust Company," and all acts amendatory thereof, be and the same are hereby amended as follows:

Corporate name.

(*a*) That the name of the corporation known as "The Wachovia Loan and Trust Company," be and the same is hereby changed to "Wachovia Bank and Trust Company." That wherever the words "the" and "loan" occur in said act, or in any act amendatory thereof, as descriptive of the name of said corporation, the said words are stricken out, and in place and stead of the word "loan" is inserted the work "bank."

Property, rights and franchises vested.

(*b*) That all property, real, personal and mixed, all rights, franchises, equities, powers, duties and obligations of every kind, whether arising in law or in equity, now belonging or in any wise appertaining to The Wachovia Loan and Trust Company, are in no way affected by the change of name as aforesaid, and shall in all respects remain and be vested in said corporation, under the name of "Wachovia Bank and Trust Company." That its corporate capital stock heretofore certified and issued in the name of the Wachovia Loan and Trust Company shall have all rights and liabilities of stock issued in the name of the corporation as changed, with the right in all holders of certificates of stock of the Wachovia Loan and Trust Company to have changed for like certificates in the name of the Wachovia Bank and Trust Company.

Rights and liabilities of stockholders.

Rights and duties devolved.

(*c*) That any deed, deed of trust, mortgage, will, testament, or other conveyance now in existence, or hereafter to be executed, which grants, devises or in any way conveys to the Wachovia Loan and Trust Company any property, estate, rights or powers of any

kind whatsoever, or which appoints, nominates or names the said The Wachovia Loan and Trust Company as trustee, executor or guardian, or which gives to the said Wachovia Loan and Trust Company any estate, power or right, the same shall, in every and all respects be devolved on the Wachovia Bank and Trust Company, to the same extent, manner, power and character as in said instrument same may be granted, devised or conveyed to The Wachovia Loan and Trust Company.

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

Ratified this the 27th day of January, 1911.

CHAPTER 19.

AN ACT TO ALLOW THE CHARLOTTE PARK AND TREE COMMISSION TO SELL PART OF ITS REAL ESTATE.

Whereas, the General Assembly, one thousand nine hundred and five, chapter thirty-two, last section twelve of said chapter, prohibited the Charlotte park and tree commission to sell any of the real estate deeded to it, except as follows: Preamble.

"It shall not have the power to sell and convey its real estate without the assent of the General Assembly of this State and the board of aldermen of the city of Charlotte."

And, whereas, the board of aldermen of the city of Charlotte on December fifth, one thousand nine hundred and ten, authorized and ratified an agreement between the park and tree commission and Dr. A. D. Glascock to sell to him a small strip of land in Independence Park, in consideration of his making improvements amounting to fifteen hundred dollars ($1,500), and whereas, the board of water commissioners of the city of Charlotte, also by resolution duly passed, agreed to and ratified the above mentioned contract made with Dr. Glascock; Now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the Charlotte park and tree commission of Charlotte, North Carolina, is hereby empowered and authority is hereby given it to make a deed in fee simple to Dr. A. D. Glascock, his heirs and assigns, in consideration of his making improvements agreed upon with the Charlotte park and tree commission of Charlotte, North Carolina, amounting to fifteen hundred dollars, ($1,500), for that piece of land being a part of Independence Park, bounded as follows: Commencing at a point on the east side of north Cecil street, one hundred and five feet from the intersection of Cecil street and east Fifth street, extended and running with Cecil Sale of land authorized. Boundary.

street and Circle, according to map, in a northeast direction, about one hundred and twenty-five feet to a stone fifty feet from Glascock's line; thence in an eastern direction about seven hundred and fifty feet to a stone in the park's line, Glascock's corner; thence with the line of A. D. Glascock and others to the beginning. A map of said property is part of the minutes of the park and tree commission at the time they made the contract with Dr. Glascock.

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

Ratified this the 28th day of January, 1911.

CHAPTER 20.

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

The General Assembly of North Carolina do enact:

Wards abolished.

Section 1. That section three of chapter two hundred and thirteen of the Private Laws of one thousand nine hundred and three be and the same is hereby repealed.

Number of councilmen.

Election of councilmen.

Sec. 2. That section four of said chapter be amended as follows: Strike out the word "eight" in line two thereof and insert in lieu thereof the word "four." Strike out all after the word "eight" in line two to the word "each" in line three, and strike out the words "his respective ward" in lines three and four and insert in lieu thereof the words "said town."

Number of councilmen.

Sec. 3. That section five of said chapter be amended as follows: Strike out the word "eight" in line four and insert in lieu thereof the word "four."

Election of constable and policemen.

Sec. 4. That section six of said chapter be amended as follows: Strike out all of first line of said section down to and including the word "necessary" in line two, and insert in lieu thereof, "the qualified voters of the town of Plymouth shall elect," and strike out all of line two after the word constable.

Place of election.

Sec. 5. That section eleven of said chapter be amended as follows: Strike out the words "at some convenient place in the several wards at which the election is held" in lines nine and ten thereof and insert in lieu thereof the words "at the court-house in said town" and strike out the words "all wards of" in line seventeen.

Reference to general law.

Sec. 6. Strike out the words "chapter sixty-two of The Code" wherever same may appear in said chapter and insert in lieu thereof the words "chapter seventy-three, volume two of The Revisal of one thousand nine hundred and five."

Power to issue bonds.

Sec. 7. That the town shall have power to issue bonds for public utility by the consent of the majority of the qualified voters of the town of Plymouth by an election.

Sec. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 28th day of January, 1911.

CHAPTER 21.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FIFTEEN, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE PRIMARY ELECTIONS FOR MOORESVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and fifteen of the Private Laws of one thousand nine hundred and nine be and the same is hereby repealed. Law repealed.

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

Ratified this the 26th day of January, 1911.

CHAPTER 22.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF HENDERSONVILLE TO ISSUE BONDS AND LEVY A TAX TO PAY THE FLOATING INDEBTEDNESS OF SAID TOWN.

Whereas, the town of Hendersonville has contracted a floating debt amounting to about twelve thousand dollars, for the necessary expenses of said town; and, whereas, the said town desires to issue bonds for the purpose of raising the money necessary to pay off and discharge said floating debt; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of said town be and they are hereby authorized and empowered to issue bonds of said town of Hendersonville to an amount not exceeding twelve thousand dollars, par value, for the purpose aforesaid, the same to draw interest at a rate not exceeding six per centum per annum, and to be sold at not less than par. Bond issue authorized. Amount. Interest. Not to be sold below par.

Sec. 2. That the proceeds arising from the sale of said bonds shall be used only for the purpose of taking up said floating debt of said town of Hendersonville. Specific appropriation.

Special tax.

Sec. 3. That said board of commissioners shall provide for the payment of interest and the principal of said bonds by levying and collecting annually, in addition to other taxes authorized by law, a tax sufficient in amount to pay the interest on and principal of said bonds as said interest and said principal falls due.

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

Ratified this the 30th day of January, 1911.

CHAPTER 23.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND EIGHT OF THE PRIVATE ACTS OF ONE THOUSAND NINE HUNDRED AND SEVEN, ENTITLED, "AN ACT TO CONSOLIDATE, REVISE AND AMEND THE CHARTER OF THE TOWN OF WILSON."

The General Assembly of North Carolina do enact:

License taxes.

Section 1. That section thirty-eight of chapter four hundred and eight of the Private Acts of one thousand nine hundred and seven, be amended as follows: The board of commissioners of the town of Wilson are hereby authorized and empowered to levy an annual license tax upon any person, persons, firm, association, or corporation carrying on any business or trade within the town of Wilson, which said tax shall be a privilege tax, and shall not be transferable:

Proviso: prohibited business.

Provided, nothing herein contained shall authorize the levying of any tax against any person, persons, firm, association or corporation which is prohibited by the General Laws of the State of North Carolina.

Doing business without license a misdemeanor.

Sec. 2. Any person, persons, firm, association or corporation, who shall attempt to or carry on any business or trade in the town of Wilson, without first paying the privilege tax levied against the business or trade carried on by such person, persons, firm, association, or corporation, shall be guilty of a misdemeanor and upon conviction, subject to a fine not to exceed fifty dollars.

Punishment.

Notice to delinquent taxpayers.

Sec. 3. In the event any person owing taxes to the town of Wilson shall have failed to pay the same by the first day of January, following assessment thereof, the clerk of the board shall notify the said delinquent in writing, by mailing a notice at his last known post office address, that if the said taxes are not paid by the first day of February following, such taxpayer shall be liable to a

Limit of penalty.

penalty, which penalty may be assessed by the board of commissioners and shall not be greater than ten per cent of the taxes due, and shall be added to the taxes of such delinquent and collected in the same manner as taxes are collected: *Provided*, the said board

shall fix the amount of said penalty prior to the first day of January on which the said notice shall be issued. Proviso: time of fixing penalty.

Sec. 4. This act shall be in force from and after the date of its ratification.

Ratified this the 30th day of January, 1911.

CHAPTER 24.

AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF GREENSBORO AND REPEAL ITS CHARTER AND ALL LAWS IN CONFLICT THEREWITH, RATIFIED ON THE SEVENTEENTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND ELEVEN.

The General Assembly of North Carolina do enact:

Section 1. That section sixty-eight of an act to incorporate the city of Greensboro and repeal its charter and all laws in conflict therewith, ratified on the seventeenth day of January, one thousand nine hundred and eleven, and providing for a commission form of government for said city of Greensboro be, and it is hereby amended, by adding and inserting between the word "general" and the word "purposes" therein, the following words, "and school." School tax.

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

Ratified this the 30th day of January, 1911.

CHAPTER 25.

AN ACT TO INCORPORATE THE TOWN OF ELLERBE, IN RICHMOND COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the town of the Fair Grounds, in the county of Richmond, be and the same is hereby incorporated under the name and style of The Town of Ellerbe, and in and by that name may be sued and sue, 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 or expedient. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a stake standing forty chains due north of an iron stake in the center of the crossing of Main street and Page street, and runs due east forty chains to a corner; thence due south Corporate limits.

eighty chains to a corner; thence due west eighty chains to a corner; thence due north eighty chains to a corner; thence due east forty chains to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and eleven, to wit: R. L. Thomas, mayor; R. A. Easterling, marshal; and J. R. Bennett, C. M. Brady and Dr. N. P. Coppedge, commissioners; and a secretary and treasurer, to be chosen by the board of commissioners immediately after its organization. The officers of said corporation shall succeed themselves in case of no election being held at the appointed time to be specified hereafter.

First officers named.

Successors.

Town elections.

Sec. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, A. D. one thousand nine hundred and eleven, and biennially thereafter, under the same rules and regulations that govern State and county elections; and the mayor and commissioners shall appoint a registrar and two judges of election to conduct the same, and provide for a registration of the voters in the corporate limits of the town. All persons qualified to vote for members of the General Assembly shall be allowed to register and vote in the town election.

Election officers.

Voters.

Taxing powers.

Sec. 5. The board of commissioners of said town shall have authority 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 it may adopt: *Provided*, that the basis between persons and property shall be the same as established by the constitution of the State, and taxes so assessed and collected shall not exceed fifty cents on the hundred dollars' worth of property and one dollar and fifty cents on the poll.

Proviso: constitutional equation.

Tax limit.

Town ordinances.

Sec. 6. That the board of commissioners of the town may pass all ordinances it may deem necessary, for the good government, quiet, peace, health and safety of the town, not inconsistent with the constitution and laws of the State and of the United States.

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.

Jurisdiction and power of mayor.

Sec. 8. 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 for 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, 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.

Authority and power of constable.

Duties of constable.

Sec. 9. That the town constable shall collect and pay over to the secretary and treasurer 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 secretary and treasurer. He shall see that the ordinances of the town are enforced and report all breaches thereof to the mayor. He shall preserve the peace of the town by suppressing all disturbances in his presence and apprehending offenders and taking them before the mayor, or if they be intoxicated, or in any way not in a condition to be brought before the mayor, he may confine them there until they are in a condition to be brought before the mayor. He shall execute all process directed to him by the mayor within the limits of the 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 it may appoint as many additional constables as it sees proper. He 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.

Power to summon assistance.

Additional constables.

Fees.

Secretary and treasurer.

Sec. 10. The secretary and treasurer shall act as the clerk of the board of commissioners and of the mayor's court. He shall keep the minutes of the proceedings of all trials before the mayor, of all fines imposed, preserve the books, papers and all articles committed to his charge, keep a strict account of all moneys coming into his hands from any and all sources whatsoever belonging to the said town, pay the same out upon the order of the board of commissioners, signed by the mayor, and at the expiration of his term of office shall turn over to his successor all books, papers, money and other property belonging to said town, and for his services he shall receive such compensation as the board may allow.

Bond of secretary and treasurer.

Sec. 11. That the secretary and treasurer, before entering upon the duties of his office, shall enter into bond, conditioned upon the faithful performance of his duties, in such sum as said commissioners may 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 like bond before entering upon his duties; and the board of commissioners shall institute suit in the name of the town of Ellerbe, upon the relation of the State of North Carolina, for any violation of said bonds.

Bond of constable.

Commitments by mayor.

Sec. 12. That the mayor shall have power to commit any offender who is sentenced to imprisonment for misdemeanor or violation of the town ordinances, or for contempt of the mayor's court, or upon the failure to pay fine or costs, to the common jail of the county, and the sheriff or jailer shall receive such persons as are committed by the mayor, and shall charge the same fees as in cases of other prisoners, or the mayor shall have power, under such rules and regulations as the board of commissioners may adopt, to re-

Street work for fines and costs.

quire any person who fails to pay fines and costs to work on the streets of the town until the fines and costs are paid, and the town constable is authorized upon persons working the streets for the nonpayment of such fines and costs, to discharge such persons when they have paid such fines and costs.

Mayor to qualify.

Sec. 13. That the mayor, immediately after the election and before entering upon the duties of his office, shall before a justice of the peace take the oath prescribed for public officers, an oath that he will faithfully and impartially discharge the duties of his office according to law.

Commissioners to qualify.

Sec. 14. 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 acording to the best of his skill, ability and judgment.

Term of mayor and commissioners.

Duties of mayor.

Mayor pro tempore.

Vacancies.

Sec. 15. That the mayor and commissioners shall hold their offices respectively until the next ensuing election or until their respective successors shall be qualified: 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 its members mayor *pro tempore*. The said board shall have power also to fill all vacancies which may occur.

Forfeit for failure to serve as mayor or commissioner.

Sec. 16. Any person qualified to serve and elected mayor or commissioner either by the electors at their regular election or by the commissioners to fill a vacancy or otherwise who shall not take the oath of office within thirty days after his election, or who having qualified shall fail to serve during the term for which he may be elected (inability from sickness, removal from the town or resignation excepted), shall forfeit and pay fifty dollars to be recovered before any justice of the peace of Richmond County, in the name and for the benefit of the town of Ellerbe or, on failure to pay such fine, shall be imprisoned in the county jail not to exceed thirty days.

Power to lay out streets and alleys.

Proviso: condemnation of land.

Sec. 17. That the commissioners shall have power from time to time to open out any new streets and alleys within the limits of said town, by paying the owner through whose land said streets and alleys may run the damages, if any there be: *Provided*, that if the said commissioners and the owners of said land can not agree as to the price of the same it shall be left to three disinterested persons, to be selected as follows: The commissioners shall select one and the owner of the land one; the two thus selected shall select the third man, and these persons thus selected 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 two thus selected shall select the third, and the three thus selected shall assess the damages to the land: *Provided*, that either party, being dissatisfied

Proviso: right of appeal.

with the decision of the persons thus selected, by giving bond for payment of costs, may appeal to the superior court.

Sec. 18. That the manufacture or sale of spirituous, vinous, malt or intoxicating liquors is prohibited within the limits of said town. Prohibition.

Sec. 19. That the mayor and commissioners and constable named in this charter shall qualify within thirty days from the ratification of this act, and shall hold said offices with all the powers, privileges, rights and responsibilities which this charter confers until their successors are elected and qualified. Time for qualification of officers.

Sec. 20. That in addition to the rights, franchises and immunities conferred by the foregoing section, the town of Ellerbe shall have and be subject to all the provisions contained in the chapter on municipal corporations in The Revisal of one thousand nine hundred and five, not inconsistent with this act. General laws applicable.

Sec. 21. That this act shall be in force from and after its ratification.

Ratified this the 31st day of January, 1911.

CHAPTER 26.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND SEVENTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, ESTABLISHING A POLICE COMMISSION FOR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and seventy-one (271), Private Laws of one thousand nine hundred and nine (1909) be and the same is hereby repealed. Law repealed.

Sec. 2. That the police organization of the city of Asheville remain as now constituted until the fourth regular meeting of the board of aldermen of the city of Asheville in January, one thousand nine hundred and eleven, viz: January twenty-seventh, one thousand nine hundred and eleven. Present organization continued.

Sec. 3. That this act shall be in force from and after January twentieth, one thousand nine hundred and eleven. When act effective.

Ratified this the 31st day of January, 1911.

CHAPTER 27.

AN ACT TO INCORPORATE THE TOWN OF WOODVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the town of Woodville, in the county of Bertie, and the inhabitants now living within the limits hereinafter pre- Town incorporated.

scribed are hereby incorporated as a town under the name and style of the town of "Woodville," with all the rights, powers, privileges and immunities and subject to all the provisions set forth in the general laws of the State, now in force or hereafter enacted relating to incorporated towns and cities, except as herein provided.

Corporate name.
Corporate powers.

Corporate limits.

Sec. 2. That the boundaries and corporate limits of said town shall be as follows, to wit: Beginning at the foot of Candy's Hill on the Indian Woods road; thence a northeast course a straight line to Jacks Branch at the Woodville and Windsor public road; thence up said Jacks Branch to the Camp Manufacturing Company's railroad as now located; thence with said railroad to the Seaboard Air Line railroad; thence with said Seaboard Air Line railroad north to the county road leading from Lewiston to Kelford; thence along said county road and across the Woodville and Kelford road to Gus Pugh's back line fence as now located; thence a southerly course to Camp Manufacturing Company's railroad; thence along said railroad to the Hill's Ferry road; thence a straight line to the beginning.

Town officers.

Duties of constable.

Officers named.

Sec. 3. The officers of said town shall consist of the mayor and five commissioners, a town constable and a town clerk. The duties of the town constable shall be the same as those prescribed for town constable under chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina. The following named persons shall fill the offices of mayor and commissioners, constable and clerk until the first Monday in May, one thousand nine hundred and eleven (1911), and until their successors are duly elected and qualified: mayor, B. F. Renfrow; commissioners, Burgess Urquhart, T. W. Griffin, W. F. Morris, G. S. Norfleet and J. A. Grant; constable, Charles Simons; clerk, J. E. Britton; treasurer, W. D. Mizell.

Town elections.

Voters.

Sec. 4. That there shall be an election held for the various officers mentioned in this act on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven (1911), and every two years thereafter, under the regulations and provisions contained in chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina, under subdivision seven, entitled "Elections," and the qualifications of voters within the limits of said town shall be such as are prescribed by law.

Powers of mayor and commissioners.

Sec. 5. The mayor and commissioners of said town shall have all the powers, rights and privileges and be subject to the duty prescribed under chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina.

Vacancies.

Sec. 6. That whenever a vacancy occurs in said offices the town commissioners shall appoint one of their number mayor *pro tempore*, and shall appoint any good citizen of said town to fill the other offices which may be vacant.

Officers to qualify.

Sec. 7. That it shall be the duty of the officers appointed by this act, within thirty days after its ratification, to go before some justice of the peace of Bertie County, or other officer therein authorized to administer oaths, and take the oath of office prescribed by law for such offices.

Powers and jurisdiction of mayor.

Sec. 8. The mayor is hereby empowered with the right to impose fines and penalties for the violation of the ordinances established by the commissioners of said town and shall have jurisdiction to hear and determine all violations of the ordinances and regulations of the town and all other criminal offenses which are or may hereafter be given to justices of the peace.

Treasurer.

Sec. 9. That the town commissioners may appoint a treasurer for said town, and they may appoint the clerk of said town as treasurer and require whatever bond they think proper for the faithful performance of his duties.

Bond.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 1st day of February, 1911.

CHAPTER 28.

AN ACT TO REPEAL AN AMENDMENT TO THE CHARTER OF THE TOWN OF MT. OLIVE; THE SAID AMENDMENT BEING CONTAINED IN CHAPTER TWO HUNDRED AND NINETY-FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN.

The General Assembly of North Carolina do enact:

Exemption from license tax.

Section 1. That chapter two hundred and ninety-five of the Private Laws of one thousand nine hundred and 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 1st day of February, 1911.

CHAPTER 29.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF HENDERSONVILLE TO SELL AND MAKE TITLE TO CERTAIN PROPERTY IN THAT TOWN.

The General Assembly of North Carolina do enact:

Sale authorized.

Section 1. That the board of commissioners of the town of Hendersonville, North Carolina, be and they are hereby authorized to sell and make title to that property in the town of Henderson-

Property.

ville known as the town hall property for such a price as they may deem wise, judicious and adequate.

Appropriation of proceeds.

Sec. 2. That the money arising from the sale of said town hall property shall be used by the said board of commissioners for the purpose of aiding in the erection and equipment of a graded school building for said town.

Sec. 3. This act is to be in force from and after its ratification.

Ratified this the 2d day of February, 1911.

CHAPTER 30.

AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF RUTHERFORDTON TO REFUND A BONDED INDEBTEDNESS OF FIVE THOUSAND DOLLARS AGAINST SAID TOWN WHICH BECAME DUE IN AUGUST, ONE THOUSAND NINE HUNDRED AND TEN.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Section 1. That in order to refund a bonded indebtedness of five thousand dollars incurred by bonds which became due in August, one thousand nine hundred and ten, which bonds were issued to raise money for the necessary expenses of the town of Rutherfordton, same bearing interest at six per cent, which bonds were issued by authority vested in the board of commissioners of said town by its charter and under the general laws of the State, the mayor and board of commissioners of Rutherfordton, North Carolina, are hereby authorized and empowered to issue ten bonds of five hundred dollars each, drawing interest at a rate not to exceed six per cent per annum, said interest to be due and payable annually at such time as the mayor and board of commissioners may fix.

Bond issue authorized.
Amount and denomination.
Interest.

Date of bonds.

Sec. 2. That said bonds shall be dated March fifteenth, one thousand nine hundred and eleven, and shall be numbered from one to ten inclusive, and shall be due thirty years from date of same. Said bonds shall be signed by the mayor and attested by the secretary and treasurer of Rutherfordton and shall bear the official seal of said town. Said bonds shall recite the purpose of their issue and shall refer to this act.

Maturity.
Authentication.

Place of payment.

Sec. 3. Said bonds shall be payable at a place to be fixed by the mayor and board of commissioners of Rutherfordton, North Carolina.

Payment of coupons.

Sec. 4 Each of said bonds shall contain coupons for the annual interest on same and upon presentation of the coupons upon the date that they become due and payable the treasurer of the said town shall pay them at his office in Rutherfordton, North Caro-

lina. Each coupon shall bear the number of the bond to which it is attached and shall be of the denominations of one year's interest upon the bond to which it is attached.

Special tax.

Sec. 5. In order to pay the interest and the principal of said bonds the mayor and board of commissioners of the said town of Rutherfordton are hereby authorized and empowered to levy and collect annually as long as said bonds may be outstanding a special tax upon the taxable property of said town sufficient to meet the interest payments on said bonds and sufficient to meet the principal when same becomes due if the mayor and board of commissioners shall determine to pay off said bonds at maturity without again refunding same, and in the event that the mayor and board of commissioners shall decide to refund said bonds at maturity they are hereby authorized and empowered to do so in the same manner as is provided by the terms of this act, for the refunding of the bonds which became due in August, one thousand nine hundred and ten.

Power to refund bonds.

Sale of bonds.

Sec. 6. That the mayor and board of commissioners shall have the right and power to sell said bonds at private or public sale, as to them may seem best, but they shall not sell same for less than par, and the proceeds of the sale of the said bonds shall be applied to the payment of the bonded indebtedness of said town which became due in August, one thousand nine hundred and ten, and any surplus remaining after paying said indebtedness shall be applied to the payment of the interest which first accrues on the bonds herein provided for.

Application of proceeds.

Application of surplus.

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

Ratified this the 2d day of February, 1911.

CHAPTER 31.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE CITY OF GREENSBORO AND TO REPEAL ITS PRESENT CHARTER AND ALL LAWS IN CONFLICT WITH THIS ACT," RATIFIED JANUARY SEVENTEENTH, ONE THOUSAND NINE HUNDRED AND ELEVEN.

The General Assembly of North Carolina do enact:

Collection of taxes.

Section 1. That section seventy of the "Act to incorporate the city of Greensboro and to repeal its present charter and all laws in conflict with this act," ratified January seventeenth, one thousand nine hundred and eleven, be and it is hereby amended so as to read as follows: "Said board of commissioners shall provide by ordinance or otherwise means for the collection of taxes in said city and

shall cause property to be listed for taxation which has not otherwise been listed as required by law; but the collection of taxes for city purposes shall be upon the basis of assessment for county and State purposes."

Mayor to give bond.

Sec. 2. That the board of commissioners of the city of Greensboro shall require of the mayor, who is also the tax collector of said city, a good and sufficient bond in a sum not less than ten thousand dollars to protect the city against loss; and may require of any and all officers and employees such bonds as they may deem necessary and may pay the expense of providing such bonds, as also of the bond of the mayor.

Bonds of other officers and employees.

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

Ratified this the 3d day of February, 1911.

CHAPTER 32.

AN ACT TO ENABLE THE TOWN OF WAYNESVILLE TO FUND ITS OUTSTANDING INDEBTEDNESS INCURRED FOR NECESSARY EXPENSES OF SAID TOWN AND TO AUTHORIZE THE TOWN TO LEVY TAXES TO MEET THE SAME.

Preamble.

Whereas, the town of Waynesville has heretofore contracted indebtedness to meet the necessary expenses, to an amount of thirty-two thousand dollars, and the said town desires to issue long-time bonds, in a sum not exceeding thirty-two thousand dollars for the purpose of funding said indebtedness, and further desires to procure authority to levy taxes to pay the interest on bonds so issued and to provide a sinking fund to meet the principal when it shall become due; now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Purpose of issue.

Section 1. That the mayor and board of aldermen of the town of Waynesville be and they are hereby authorized to issue bonds to an amount not exceeding thirty-two thousand dollars, par value, for the purpose of funding the debt of the said town contracted for necessary expenses, said bonds authorized by this act shall be either negotiable coupon bonds, or registered bonds, issued in the name of the town of Waynesville, 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, place or places, and said bonds shall bear interest not exceeding five per cent, due and payable semi-annually from date of their issue, as the board of aldermen of said town may determine: *Provided, however,* that the total issue of bonds authorized by this act shall not exceed the sum

Form and denomination.

Maturity.

Interest.

Proviso: limit of issue and term.

of thirty-two thousand dollars and shall be due and payable in not less than thirty years, nor more than fifty years from the date of their issue, said bonds shall be signed by the mayor, countersigned by the clerk and treasurer, and sealed with the corporate seal of said town, and the coupons on said bonds shall bear the engraved or lithographed signature of the mayor, clerk and treasurer, and the said coupons shall also be receivable in payment of any and all debts due the town. The said bonds shall be sold at public or private sale, with or without notice, as the board of aldermen of said town may determine, for not less than their par value and accrued interest thereon, but the said board of aldermen may, in their discretion, pay a commission of not more than two and one-half per centum of the amount issued should the same become necessary to effect a sale of the said bonds; and the proceeds of said bonds, including any premium received upon the sale thereof, shall be applied only to the payment of the said indebtedness of said town contracted for its necessary expenses, and the purchaser of said bonds shall not be bound to see to the application of the purchase money: *Provided, further,* that the mayor and board of aldermen of said town are hereby authorized and directed to arrange with the owners and holders of any outstanding bonds, notes or vouchers, evidencing said indebtedness, so far as can be done, either at once or as said bonds, notes or vouchers may mature, or from time to time as may be expedient, to surrender the said bonds, notes or vouchers, or any portion thereof held by them upon the receipt by them of the par value of such bonds with the interest due thereon in money, or to exchange or surrender the said bonds, notes or vouchers held by them or any portion thereof, for like amounts of the bonds authorized by this act, and upon perfecting such arrangement or agreement with said bonds, note or voucher holders or any of them, said mayor and board of aldermen are directed to carry the same into effect by exchanging said bonds, or any portion thereof, for a like amount of said outstanding bonds, notes or vouchers, incurred for the necessary expenses of the said town aforesaid: *Provided, also,* that whenever any of the present bonds, notes or vouchers, evidencing said necessary expenses as aforesaid of said town shall be exchanged for the bonds hereby authorized to be issued are paid off by any of the proceeds of 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 the said mayor and board of aldermen, and a record shall be made of said destruction on the minutes of said board of aldermen.

Authentication.

Sale of bonds.

Not to be sold below par.

Commission.

Application of proceeds.

Proviso: exchange of bonds.

Proviso: bonds received in exchange to be canceled.

Record of destruction.

Sec. 2. That the resolution authorizing the issue of the bonds may be introduced and passed at the same meeting, which meeting may be either a regular or a special meeting of the board of aldermen, by a majority vote of all the aldermen present at such meeting. That no other or further proceeding shall be necessary for the issuance of

Proceedings for issuance of bonds.

such funding bonds, and all bonds issued in accordance with the provisions of this act shall be valid and legally binding obligations of the said town, notwithstanding any previous act limiting the amount of the bonded indebtedness of the said town of Waynesville, or otherwise; and all laws and parts of laws inconsistent with this act are hereby repealed so far as the same are inconsistent with this act: *Provided, however*, that the repealing clause herein shall in no way annul the authority granted to the mayor and board of aldermen to issue bonds for a portion of the aforesaid indebtedness as set forth in section one, and other parts of chapter forty-two, Private Laws one thousand nine hundred and three, but this act shall be supplemental thereto.

Proviso: powers not repealed.

Special tax.

Sec. 3. That the mayor and board of aldermen of the town of Waynesville 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 town of Waynesville, sufficient to pay the interest on the said bonds, as the same becomes due, 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, and the tax so levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and 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 as other tax upon the property and polls of the said town.

Constitutional equation.

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

Ratified this 3d day of February, 1911.

CHAPTER 33.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MT. PLEASANT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Power to grade and pave sidewalks.

Section 1. That the commissioners of the town of Mt. Pleasant shall have full power and authority from time to time to grade, curb and pave the sidewalks of said town with brick, stone, cement or other material that may be decided on by said commissioners, and to require every owner of real estate abutting on the said sidewalk to pay one-half of the cost of paving said sidewalk along and in front of said property: *Provided*, that in no case shall the abutting property owner be required to pay more than fifty cents per square yard. That such costs and charges shall be a lien on all such abutting real estate from the commencement of the work, and when said work is completed in front of the abutting property, the

Assessment on abutting real estate.

Proviso: limit of cost.

Costs and charges a lien on real estate.

owner or owners shall be notified of the cost thereof, and his part of said cost, as above specified, shall at once become due and payable to said town, and if not paid on demand, may be assessed upon said property and entered on the tax list of said town against said property for the current year and may be collected in the same manner that other taxes are collected, or may be collected by an action instituted in the corporate name of said town against said owner or owners in the superior court of Cabarrus County to enforce said lien, in which action judgment may be taken for the sale of said property to satisfy the amount due said town, together with all costs of said action. Said action may be brought any time within three years from the date of the completion of said work for the purpose of enforcing said lien. It shall be the duty of said commissioners to cause the cost of said paving in each case to be entered by the secretary on a book kept by him for that purpose, and it shall be his duty to collect the same and account therefor in the same manner as the taxes of said town. Proceedings for collection. Time of beginning action. Records.

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

Ratified this the 3d day of February, 1911.

CHAPTER 34.

AN ACT TO ALLOW THE TOWN COMMISSIONERS OF THE TOWN OF ELIZABETHTOWN TO REFUND ITS BONDED INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of enabling the town commissioners of the town of Elizabethtown to refund all bonds issued by virtue of chapter one hundred and fifty-seven, Private Laws of one thousand nine hundred and three, the said board of town commissioners are hereby authorized and empowered to issue interest bearing bonds in such denominations as the said board may determine, not exceeding in the aggregate the sum of five hundred dollars, and bearing a rate of interest not greater than six per centum, the interest payable semi-annually. That the said bonds shall not run longer than ten years, and shall be signed by the mayor as chairman of said board, and by the clerk and treasurer of said town, and the corporate seal of the town affixed thereto. That the said bonds shall be issued for the special purpose of paying off the bonds issued by virtue of the said chapter one hundred and fifty-seven, Private Laws of one thousand nine hundred and three. Purpose of issue. Bond issue authorized. Amount. Interest. Maturity. Authentication. Special purpose.

Sec. 2. That for the purpose of paying off the bonds authorized by this act and the interest thereon the said board of town commis- Special tax.

Rate.

sioners are authorized and empowered to levy a special tax for ten years not exceeding the rate of twenty (20) cents on the one hundred ($100) dollars valuation of real and personal property and sixty (60) cents upon all taxable polls in said town. That the said tax shall be levied and collected annually, as other public taxes are collected in said town, and the constitutional equation between the tax upon property and polls shall be observed. That said town commissioners are authorized and empowered to use any premiums obtained in the sale of said bonds, and the sinking fund now to the credit of the town to pay off the current expenses of the town incurred in the grading of its streets and sidewalks.

Constitutional equation.

Use of premiums and present sinking fund.

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

Ratified this the 3d day of February, 1911.

CHAPTER 35.

AN ACT TO ALLOW THE CITY OF DURHAM TO ISSUE BONDS FOR THE PURPOSE OF BUILDING, IMPROVING AND REPAIRING THE STREETS AND TO ENLARGE THE SEWERAGE SYSTEM OF SAID CITY.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Section 1. That for the purpose of raising money to enlarge and extend the sewerage system, and for the further purpose of opening, building and improving the streets and sidewalks, either or both, the board of aldermen of the city of Durham, be and the same are hereby authorzied to issue coupon bonds, not to exceed in amount the sum of three hundred thousand dollars, and in denominations of not less than twenty-five ($25) dollars nor more than one thousand ($1,000) dollars, bearing interest from date of bonds at a rate not to exceed four and one-half per centum per annum, and payable semi-annually on the first day of January and the first day of July of each year, until said bonds are paid; that said bonds shall be made payable at a time to be fixed by said aldermen and named therein, not to be less than five years nor more than thirty years from date thereof: *Provided, however*, that the said board of aldermen of the city of Durham may divide said bonds into classes, as they may determine best, and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the city of Durham and countersigned by the clerk of the board of aldermen of said city, and the corporate seal of said city affixed thereto; and the coupons thereto attached shall bear the fac-simile signature of the mayor of said

Bond issue authorized.

Amount.

Denominations.

Interest.

Maturity.

Proviso: classification.

Authentication.

city, engraved or lithographed thereon; that a record shall be kept of said bonds showing the numbers and the denominations thereof; to whom sold, the dates of the issuing thereof, when the same will mature, and the interest bearing rate thereof, the amount received from sale of same, and date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the board of aldermen may direct to be kept. Both the 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. Record of bonds. Bonds may be payable in gold coin.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of the city shall not deliver said bonds, or any of them, to the purchaser thereof until the purchase money thereof shall be paid to the treasurer of said city and his receipt to the purchaser produced before the mayor as evidence of such payment; and the treasurer of the city shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act or as may be otherwise provided by the laws relating to the treasurer of said the city of Durham; and it shall be the duty of the board of aldermen of said the city of Durham to see to it 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 said bonds, and to that end they may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from his office as treasurer. Bonds not to be sold below par. Treasurer to receive proceeds. Bond liable. Sufficiency of bond.

Sec. 3. That said bonds shall be sold at public or private sale as the board of aldermen of said city may determine, for not less than their par value and accrued interest and the proceeds from the sale of said bonds, including any premium received upon the sale thereof, shall be applied only to the payment of the improvements, either or both, authorized in this act, and the purchaser of said bonds shall not be bound to see to the application of the purchase money thereof to said purpose or purposes. Sale of bonds. Specific appropriation of proceeds.

Sec. 4. That the treasurer of the city of Durham shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended under the direction of the board of aldermen of the city of Durham for either or all of the following purposes, to wit: opening, building, improving and repairing the streets and the sidewalks of the city of Durham, and in extending and enlarging the sewerage system of said city, and building sewer disposal plant: *Provided, however*, this act shall be submitted to the qualified voters of said the city of Durham for their ratification or rejection, at an election to be held in said city at such a time as the board of alder- Money to be kept separate. Proviso: act to be submitted to voters. Election.

men may appoint within two years from the ratification of this act.

Advertisement of election.

The said election shall be advertised by the said board of aldermen of the city of Durham for thirty days prior to the day of election, in one or more newspapers published in said city, and the said election shall be held under the supervision of inspectors and pollholders or judges of election appointed by said board of aldermen, and the returns of the result of said election be made and certified in like manner as all other elections in said city, and in like manner the returns of said election and the result thereof be canvassed by the said board of aldermen and the result declared. At the said election those in favor of issuing said bonds shall vote "For improvements," and those who are opposed shall vote "Against improvements," on written or printed ballots; that the number of the ballots cast for and against said bonds and deposited in the ballot boxes provided for that purpose shall be counted and the result of said election certified and returned to the said board of aldermen of the city of Durham; and the same, when canvassed and declared as aforesaid, shall be certified, under the hand of the mayor of said city and the clerk of the said board of aldermen and the corporate seal of the said city, to the Secretary of State, which said certificate of result of said election shall be filed by the Secretary of State in his office. If at said election a majority of the qualified voters of the city of Durham shall not vote "For improvements," then this act shall thereafter be of no force and effect: but if at said election a majority of the qualified voters of the city of Durham shall vote "For improvements," then the said board of aldermen shall proceed at once to issue and sell said bonds, or as many thereof as shall be necessary, in the judgment and discretion of said body corporate, for either or all of the purposes aforesaid.

Judges of election.

Return and canvass of result.

Ballots.

Result to be certified to Secretary of State.

Effect of election.

Proceedings for issuing bonds.

Sec. 5. That the resolution of the board of aldermen of said city determining the form and class of said bonds and such other resolutions as may be necessary relative to their issue may be introduced and passed at the same meeting of said board, which meeting may be either a regular or special meeting of the board of aldermen, by a majority vote of all the aldermen present at said meeting. No other or further proceedings except as herein provided shall be necessary for the issuance of said bonds, and all bonds issued in accordance with the provisions of this act shall be valid, legal and binding obligations of the said city.

Special tax.

Sec. 6. That the board of aldermen of said city is hereby required to levy and collect, in addition to all other taxes in said city, a tax upon all taxable property and polls of said the city of Durham sufficient to pay the interest on the bonds issued under this act as the same becomes due, and also on or before the time when the principal of said bonds become due to levy and collect a further special tax to pay the same or to provide for the payment thereof.

The tax so levied upon the taxable property in said city shall be an *ad valorem* tax, and the tax upon the polls and property shall be in proportion required by the constitution of this State. Said special tax shall be levied and collected at the same time as other taxes upon the property and the polls of said city.

Sec. 7. That any and all proceedings of said board of aldermen in advertising for proposals to purchase said issue of bonds, and in accepting the highest bid therefor, be and the same are hereby duly authorized. Proceedings authorized.

Sec. 8. The board of aldermen of the city of Durham 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 tax collector of said the city of Durham all taxes collected under this act, for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity, and the said board of aldermen may prescribe the duty 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 the trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund in safe securities and upon real estate situated in the city of Durham: *Provided, however,* that no such investment or loan shall be made without the consent and approval of said body corporate hereinbefore referred to. Trustee for interest and sinking fund. Investment of sinking fund. Proviso: approval of corporation.

Sec. 9. That this act shall be in full force from and after its ratification; and all laws or parts of laws inconsistent with the same are hereby repealed so far as the same are inconsistent therewith.

Ratified this the 4th day of February, 1911.

CHAPTER 36.

AN ACT TO ENABLE THE TOWN OF SANFORD, LEE COUNTY, TO ISSUE BONDS TO FUND ITS INDEBTEDNESS INCURRED OR TO BE INCURRED FOR THE CONSTRUCTION OF A SEWERAGE SYSTEM IN SAID TOWN AND TO LEVY A SPECIAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON SAME, AND TO REPEAL SECTION THREE OF CHAPTER ONE HUNDRED AND SEVENTEEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE.

The General Assembly of North Carolina do enact:

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 fifty thousand dollars ($50,000) par value, for the purpose of funding a portion of the debt of the said town incurred and con- Bond issue authorized. Amount. Purpose of issue.

tracted or hereafter incurred or contracted in the construction of a sewerage system for the said town. Said bonds authorized by this act may be either negotiable coupon bonds or registered bonds, and shall be payable forty years from their date; shall bear interest at the rate of six per cent per annum, payable semi-annually and shall be payable, principal and interest, at some bank or trust company in the city of New York. Said bonds shall be signed by the mayor, countersigned by the treasurer and sealed with the corporate seal of said town, and the coupons on said bonds shall bear the engraved or lithographed signature of the treasurer. The said bonds shall not be sold for less than par and accrued interest. The proceeds of said bonds shall be applied to the discharge of the indebtedness of the said town incurred or hereafter incurred for the construction of its sewerage system, and the purchasers of said bonds shall not be bound to see to the application of the purchase money.

Maturity.

Interest.

Authentication.

Bonds not to be sold below par.

Appropriations of proceeds.

Special tax.

Sec. 2. 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 the said town shall annually, at the time of levying other town taxes, levy a special tax on all property and polls, upon which the said board of aldermen are now or may hereafter be authorized to lay and levy taxes for any purpose whatever, sufficient to pay the interest upon the 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 time that other town taxes are collected, and under the same rules and regulations. That in levying said tax the constitutional equation between property and polls shall be observed.

Contracts and loans authorized.

Sec. 3. All contracts heretofore made by authority of the board of aldermen of said town for the sale of said bonds, and loans made or to be made in anticipation of their issuance are hereby in all respects ratified and authorized.

Repeal clause.

Sec. 4. That section three of chapter one hundred and seventeen of the Private Laws of North Carolina for the year one thousand nine hundred and nine, and all laws and parts of laws inconsistent with this act are hereby repealed.

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

Ratified this the 4th day of February, 1911.

CHAPTER 37.

AN ACT AUTHORIZING THE CITY OF MONROE TO MAKE PRIVATE SALE OF CERTAIN LANDS NOT NEEDED FOR MUNICIPAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the mayor and board of aldermen of the city of Monroe be and they are hereby authorized and fully empowered to at any time they shall deem best, dispose of at private sale, at such a price as they shall deem sufficient, all the hereinafter described real estate: Sale authorized.

(*a*) A lot adjoining Joshua Lowe, Mrs. J. A. Bivens and Bryan avenue, and being a part of the English and Blair lot. Description.

(*b*) A narrow strip or lot adjoining and lying alongside of Bryan avenue, the property of John M. Price, J. Shute and others.

(*c*) Such part of that lot or parcel of land whereon the power house, belonging to the said city of Monroe, is now being, and situated, as the said mayor and board of aldermen may deem advisable, to be surveyed by them.

(*d*) The corner lot adjoining J. Shute & Sons in the fork of the Charlotte road and Lafayette street and known as the brick shop lot.

(*e*) A lot or parcel of land lying on Bear Skin Creek and on the Charlotte road near the bridge on said creek, and adjoining the lands of G. O. Fullenwider and other.

(*f*) The corner lot fronting the court-house square and being on the corner of Jefferson and Hayne street, extending in the rear to Crowell street and being known as the old jail lot and being the lot upon which the old county jail now stands, including this entire lot.

Sec. 2. That the mayor of the city of Monroe be and he is hereby empowered and fully authorized to make and execute a deed conveying the title of any part or all of the said lots of land, conveying to the purchaser the same in fee simple, when so ordered by a majority of the board of aldermen of the city of Monroe. Mayor to make title.

Sec. 3. That the proceeds arising from the sale of said property or any part thereof, be paid to the treasurer of the said city of Monroe to be expended by him for such purposes and in such manner as the board of aldermen of said city may direct. Application of proceeds.

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 4th day of February, 1911.

CHAPTER 38.

AN ACT TO INCORPORATE THE TOWN OF LYNN IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated. Corporate name.

Section 1. That the town of Lynn in the county of Polk be and the same is hereby incorporated by the name and style of the town of Lynn, and it shall have the benefit of and subject to all the provisions of the law now existing in reference to incorporated towns not inconsistent with this act.

Corporate limits.

Sec. 2. The corporate limits of said town shall be as follows: one half mile north and south and one-half mile east and west from the center of the bridge crossing the Pocolet River in the town of Lynn.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor and three commissioners to be elected in accordance with the general laws regulating elections in cities and towns.

First officers named.

Sec. 4. That until their successors are elected and qualified, the following persons shall be officers of said town: Mayor, William Ballard; commissioners, W. F. Swan, W. A. Cannon and W. H. Stearns. The office of marshal shall be filled by appointment by said commissioners and their successors.

Marshal.

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

Ratified this the 4th day of February, 1911.

CHAPTER 39.

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ISSUE BONDS TO PAY AND FUND ITS FLOATING DEBT.

Preamble.

Whereas, the city of Durham has heretofore contracted indebtedness to meet the necessary expense of said city to an amount in excess of the sum of one hundred and eighty thousand dollars, and said city desires to issue long-time bonds in a sum not exceeding one hundred and eighty thousand dollars for the purpose of funding part of said indebtedness, and 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,

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount.

Section 1. That the board of aldermen of said city be and it is hereby authorized to issue bonds of said city to an amount not exceeding one hundred and eighty thousand dollars, par value, for the purpose aforesaid.

Sec. 2. That the bonds authorized by this act shall be negotiable coupon bonds and in denominations of not less than five hundred ($500) dollars nor more than one thousand ($1,000) dollars, bearing interest from date of bonds at a rate not to exceed four and one-half per centum per annum, payable semi-annually on the first day of January and the first day of July of each year until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said board of aldermen and named therein, not to be less than five years nor more than thirty years from date thereof: *Provided, however*, that the said board of aldermen of the city of Durham may divide said bonds into classes as they may determine best and have them mature at convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the city of Durham and countersigned by the clerk of the board of aldermen of said city, and the corporate seal of said city affixed thereto; and the coupons thereto attached shall bear the facsimile signature of the mayor of said city, engraved or lithographed thereon; that a record shall be kept of said bonds, showing the numbers and denominations thereof, to whom sold, the dates of the issuing thereof, when the same will mature, and the interest bearing rate thereof, the amounts received from sale of same, and the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the board of aldermen may direct to be kept. Both the 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.

Denomination. Interest. Maturity. Proviso: classification of bonds. Authentication. Record of bonds.

Sec. 3. That the said bonds shall be sold at public auction or private sale, as the board of aldermen of said city may determine, for not less than their par value and accrued interest; and the proceeds of the said bonds, including any premium received upon the sale thereof, shall be applied only to the payment of the floating indebtedness of the said city 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 thereof to said purpose.

Sale of bonds. Not to be sold below par. Specific appropriation of proceeds.

Sec. 4. That the treasurer of the city of Durham shall keep separate from all other moneys coming into his hands the money arising as proceeds from the sale of said bonds, and none of said bonds shall be issued or disposed of either by sale, exchange, hypothecation or otherwise for any purpose whatever other than the payment of the present floating indebtedness of the city of Durham.

Moneys kept separate.

Sec. 5. That the resolution of the board of aldermen of said city determining the form of said bonds and such other resolutions as may be necessary relative to their issue may be introduced and passed at the same meeting of said board, which meeting may be either a regular or special meeting of the board of aldermen, by a majority vote of all the aldermen present at said meeting. No other

Proceedings for issuing bonds.

or further proceeding except as herein provided shall be necessary for the issuance of such bonds, and all bonds issued in accordance with the provisions of this act shall be valid, legal and binding obligations of the said city.

Special tax.

Sec. 6. That the board of aldermen of said city may levy and collect, in addition to all other taxes in said city, a tax upon all taxable property and polls of said the city of Durham sufficient to pay the interest on the bonds issued under this act as the same becomes due, and also on or before the time when the principal of said bonds becomes due may levy and collect a further special tax to pay the same or to provide for the payment thereof. Should said tax be so levied the same shall be levied upon the taxable property in said city and shall be an *ad valorem* tax, and the tax upon the polls and property shall be in proportion required by the constitution of this State. Said special tax shall be levied and collected at the same time as other taxes upon the property and the polls of said city.

Constitutional equation.

Proceedings authorized.

Sec. 7. That any and all proceedings of said board of aldermen in advertising for proposals to purchase said issue of bonds, and in accepting the highest bid therefor be and the same are hereby duly authorized.

Trustee for sinking fund.

Sec. 8. The board of aldermen of the city of Durham 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 tax collector of the city of Durham all taxes collected under this act, for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity, and the said board of aldermen may prescribe the duty of said trustee, fix the amount of his compensation and the bonds for the faithful performance of the duty on his part. It shall be the duty of the trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund in safe securities and upon real estate situated in the city of Durham: *Provided, however,* that no such investment or loan shall be made without the consent and approval of said body corporate hereinbefore referred to.

Investment of sinking fund.

Proviso: approval of investments.

Sec. 9. That this act shall be in force from and after its ratification; and all laws or parts of laws inconsistent or in conflict with same are hereby repealed, so far as the same are inconsistent or in conflict therewith.

Ratified this the 4th day of February, 1911.

CHAPTER 40.

AN ACT TO AUTHORIZE THE CITY OF SOUTHPORT, NORTH CAROLINA, TO SUBSCRIBE TO THE CAPITAL STOCK OF THE WILMINGTON, BRUNSWICK AND SOUTHERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the city of Southport may subscribe to the capital stock of the Wilmington, Brunswick and Southern Railroad Company in the sum of fifteen thousand dollars, and to this end it shall be the duty of the mayor and board of aldermen of said city, upon the petition of one-fourth of the qualified voters of said city, to call an election for the purpose of ascertaining the will of the people upon the question of the subscription to the capital stock of the said railroad company in accordance with the provisions of this act. Subscription authorized. Amount. Election to be called.

Sec. 2. That upon receipt of a petition, or petitions, signed by one-fourth of the qualified voters of said city asking that an election be held under this act for the purpose of ascertaining the will of the people of the city of Southport as to whether or not the said city of Southport shall subscribe to the stock of the said railroad company, it shall be the duty of the mayor and board of aldermen of said city to order an election and to appoint a day on which said election shall be held in said city, at which election the qualified voters of said city of Southport shall be entitled to vote for or against such subscription. Those favoring such subscription shall vote ballots on which shall be written or printed the word "Subscription," and those opposing shall vote ballots on which shall be written or printed the words "No subscription"; that such election shall be held after at least thirty days notice printed once a week in some newspaper published in the city of Southport, if there be such a newspaper, and if not, then by posting a notice of such election at four public places in said city for thirty days next immediately preceding the day of election; such notice shall specify the amount of subscription to be voted for, the date the said election is to be held, the time that registration books will be opened for registration, the purpose of said election, and that said subscription is to the capital stock of the Wilmington, Brunswick and Southern Railroad Company. Mayor and aldermen to order election on receipt of petition. Day of election. Ballots. Notice of election. Notice of registration.

Sec. 3. That for the purpose of holding said election the registration books used in the last city election shall be used, and the election shall be held and conducted, and the canvass and declaration of the election of the mayor and board of aldermen by the charter of said city of Southport, being chapter three hundred and forty-five of the Private Laws of North Carolina for the year one thousand nine hundred and nine. Registration books. Law governing election.

Subscription to be made.

Sec. 4. That if the result of said election shall show that the majority of the qualified voters of said city of Southport favor a subscription to the capital stock of the said railroad company, to the amount voted for in the said election, then the said mayor and board of aldermen of said city shall make said subscription to the capital stock of said company, payable in bonds authorized to be issued by this act upon such conditions for the delivery thereof as may be agreed upon between said city of Southport and said Wilmington, Brunswick and Southern Railroad Company at the time said election is ordered. And the said mayor and board of aldermen will issue said bonds according to said agreement, same to be signed by the mayor and attested by the clerk of the board; such bonds shall be in the denomination of one thousand dollars, and shall run for the space of thirty years, and shall bear interest at the rate of five per cent per annum from the delivery of same. The interest shall be payable semi-annually at some national bank, or trust company, in Wilmington, North Carolina, and shall be evidenced by coupons attached to said bonds.

Bonds for subscription.

Authentication of bonds.

Denomination.

Maturity.

Interest.

Special tax.

Sec. 5. That to provide for the interest of the said bonds, and their redemption at maturity, the mayor and board of aldermen aforesaid, in addition to other taxes each year, shall compute and levy on all property and polls of said city, preserving the constitutional equation, a sufficient tax to pay such interest, and to provide each year for a sinking fund, which would be ample when the bonds become due to pay and discharge the same, and the said sinking fund shall be invested and managed in such way as the mayor and board of aldermen of said city may deem to be for the best interest of the city and the bondholders.

Constitutional equation.

Sinking fund.

Failure to discharge duty a misdemeanor.

Sec. 6. Every registrar and judge of election, and other official who shall fail or neglect to perform his duties as prescribed by this act, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned, or both, in the discretion of the court; and all laws and clauses of laws of North Carolina relative to frauds and other offenses pertaining to holding elections shall apply to the officials holding the election provided for in this act.

Punishment.

Frauds and other offenses.

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 February, 1911.

CHAPTER 41.

AN ACT TO AUTHORIZE THE CITY OF CONCORD TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the city of Concord, through its board of aldermen, is hereby authorized and empowered to issue bonds to the

amount of fifty thousand dollars ($50,000) for the purposes hereinafter specified in this act, and levying and collecting annually a special tax for the payment of the interest thereon, and to create a sinking fund, as hereinafter provided, for the payment of the principal of said bonds. Amount. Special tax.

Sec. 2. That the proceeds arising from the sale of said bonds shall be applied to the following purposes: To enlarging, improving and extending the water supply for the city of Concord, so that said city shall have sufficient quantity of water for protection against fire, for flushing the sewers, and for other needs of the city, and its inhabitants, and for the purpose of furnishing to the citizens of said city a sufficient amount of pure and wholesome water, and should a surplus remain out of said fifty thousand dollars ($50,000), the remainder of said bond issue shall be applied to the payment of any indebtedness which the board of light and water commissioners of the city of Concord may owe at the ratification of this act, the same being a necessary expense for the city of Concord—the issue of the said fifty thousand dollars ($50,000) for the purposes herein specified is hereby declared, and is a necessary expense of said city of Concord. Application of proceeds. Waterworks. Payment of debt. Declaration of necessity.

Sec. 3. The city of Concord, through its aldermen, shall issue coupon bonds to the amount of fifty thousand dollars ($50,000) in denominations not less than one thousand dollars ($1,000), bearing interest from date of the bonds at a rate not exceeding five per centum per annum, payable semi-annually at the Concord National Bank, or the Cabarrus Savings Bank, or the Citizens Bank and Trust Company, in said town or their corresponding banks in the city of New York, at the option of the holder, on the first days of January and July of each year until said bonds are paid. That said bonds shall be made payable and become due at the expiration of thirty years from the date thereof. The bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor, countersigned by the clerk of the board of aldermen of said city, and sealed with the corporate seal of said city, and a record shall be kept of all bonds. The coupons shall be received in payment of all taxes due, or which may become due said city, except such taxes as may be levied for the graded schools of said city. The said bonds and their coupons shall be exempt from taxation by said city. The purchaser or purchasers of said bonds shall not be required to see that the purchase money is applied to the purposes prescribed in this act. Amount to be issued. Denomination. Interest. Maturity. Authentication. Coupons receivable for taxes.

Sec. 4. In order to pay the interest on said bonds, the city of Concord, through its board of aldermen, is hereby authorized, and it shall be its duty, through its board of aldermen, to annually compute and levy, at the time of levying other taxes of said city, a sufficient special tax upon all property, real and personal, and other subjects of taxation mentioned in the charter of the city of Concord and acts amendatory thereto, which shall be returned or listed Special tax for interest. Collection of tax.

for general taxation in said city, with which to regularly and promptly pay the interest on said bonds, and 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 said city, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former officer for collecting and paying over and the latter for the safekeeping and proper disbursement of said funds. It shall be the duty of said city treasurer to cancel all coupons at the time they are paid off and taken up by him, and to keep a record of the same.

Bonds of tax collector and treasurer.

Treasurer to cancel coupons.

Special tax for sinking fund

Sec. 5. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of the said city of Concord, through its board of aldermen, at and after the expiration of twenty years from the date of said bonds, to annually levy and collect a special tax in addition to that mentioned in section four of this act, and the taxes provided for in this section shall equal in amount one-tenth of the amount of bonds issued under this act, and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as provided in section seven of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said aldermen shall cease to levy taxes for said sinking fund.

Moneys kept separate.

Misappropriation of funds a misdemeanor.

Proviso: surplus.

Sec. 6. That the taxes, levied and collected for the purposes specified in sections four and five of this act, shall be kept separate and distinct from each other and from any and all other taxes, and shall be used only for the purposes for which they are levied or collected, and any mayor or aldermen who shall appropriate, by vote or otherwise, to any purpose directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the 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 said city, through its board of aldermen, at the time of levying taxes for the payment of interest for the next succeeding year, shall take into consideration said excess, and compute and levy said taxes accordingly.

Investment of sinking fund.

Sec. 7. That it shall be the duty of said city of Concord, through its board of aldermen, to annually invest any and all moneys arising from the special tax collected, under section five of this act, in the purchase of any of the said bonds at a price deemed advantageous to said city by said board of aldermen, but in case said bonds can not be purchased, as provided for, then the city of Concord, through its board of aldermen, 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 trust company, on sufficient real estate, or bonds issued under this act may be taken as collateral security for such loan. The notes, or other evidences of debt, given for any loan under this section, shall be executed to and in the name of the city of Concord, and shall bear interest payable annually at the rate of not less than six per centum per annum; and in case the city of Concord, through its board of aldermen, 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 investment, as above directed, shall be invested in the manner as before provided. Any mayor or alderman of said city, who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

Interest on investments.

Personal interest of officer a misdemeanor.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 7th day of February, 1911.

CHAPTER 42.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF SOUTH BILTMORE TO LEVY A TAX NOT EXCEEDING ONE DOLLAR ON EACH ONE HUNDRED DOLLARS VALUATION OF PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. That the town authorities of the town of South Biltmore be and they are hereby authorized and empowered to levy a tax not exceeding one dollar on each one hundred dollars valuation of property subject to taxation in said town, the funds to be used to pay the necessary expenses and obligations heretofore incurred for such expenses of said town.

Tax rate.

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

Ratified this the 7th day of February, 1911.

CHAPTER 43.

AN ACT TO GRANT A NEW CHARTER TO THE TOWN OF WHITAKERS, NASH AND EDGECOMBE COUNTIES, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. *Corporate name.* That all the inhabitants of the town of Whitakers, in the counties of Nash and Edgecombe, North

Incorporation.

Carolina, as the boundaries and limits of the said town are herein established or may be hereinafter established, shall continue to be a body politic, incorporated under and to be known by the name and style of the "town of Whitakers," with such powers, rights and duties as are herein provided.

Corporate name.

Boundaries.

Sec. 2. That the boundaries of the said town of Whitakers shall be and the same are hereby fixed and determined as follows, to wit: Beginning at the center of the Atlantic Coast Line Railroad Company's tracks, at a point where Main street intersects Pippin street, and extending therefrom one-half mile in every direction.

Streets.

Sec. 3. *Streets.* That the streets of the town of Whitakers shall be and they are hereby fixed and determined as they were laid off, described and reported on the twenty-fifth day of September, one thousand, eight hundred and seventy-eight, by the street committee appointed by the board of commissioners of said town, in their report on file in the town clerk's office, subject to the right and power of the commissioners to change, alter, add to and reform the same as hereinafter provided for. The report of said committee, which consisted of J. H. Pippin, J. H. Cutchin and Jam. M. Mayo, and the streets by it laid out, provided for, described and reported, were as follows, to wit:

To the Honorable Board of Commissioners of Town of Whitakers, North Carolina:

Report of committee.

We, the undersigned committee, appointed by the commissioners of the town of Whitakers, at their last meeting, to lay off and describe streets for the said town of Whitakers, beg to make the following report, to wit:

Main street.

Beginning at the main crossing on the Wilmington and Weldon Railroad, now the Atlantic Coast Line, north of the railroad warehouse and near J. H. Pippin's store; thence south eighty-five degrees east to the corporate limits of the town, said street known as Main street, to be at least sixty-five (65) feet wide, running through and adjoining the lands, on each side, of J. M. Mayo, J. H. Cutchin, J. M. Cutchin, C. R. King, S. P. Hilliard, A. Braswell, Wm. T. Braswell and the heirs of Wm. Porter and others.

Pippin street.

Beginning at the same point as described above and running north sixty-two degrees west seventy feet wide, to the corporate limits of said town, running through and adjoining the lands of J. H. Pippin, M. J. Battle, Mrs. R. J. Carr and the heirs of the late Jarratt White, known as Pippin street.

East railroad street.

Beginning at the same point described above; thence north thirty-one degrees east and south thirty-one degrees west to the corporate limits of said town each way, said street to be known as East Railroad street, and to be from Main street northward at least seventy-five feet wide and southward of Main street one hundred feet wide, adjoining and on the lands of Wilmington and Weldon Railroad, C. R. King, J. M. Mayo, M. J. Battle, J. H. Deal, S. P. Hilliard, A. Braswell, W. T. Taylor and others.

Beginning at the same point as described above, and running northward thirty-one degrees, east and south thirty-one degrees west to the corporate limits of said town, known as West Railroad street, adjoining and on the lands of Wilmington and Weldon Railroad, M. J. Battle, Mrs. E. J. Overstreet, J. H. Pippin, Dr. Jo. J. Garrett, and the heirs of the late Jarratt White, Dr. Brodie and others, to be at least seventy-five feet wide, from center of railroad bed. West railroad street.

Beginning at the corner of Pippin and White streets, about one hundred and fifty yards westward of J. H. Pippin's store and near the house of Mrs. R. J. Carr, running northward thirty-one degrees east south thirty-one degrees west to the corporate limits of said town, known as White street, to be at least seventy feet wide, adjoining and running through the lands of Mrs. E. J. Overstreet, M. J. Battle, J. H. Pippin, the heirs of the late Jarratt White, Mrs. R. J. Carr, Dr. Garrett, Dr. Brodie and others. White street.

Beginning at the crossing on the Wilmington and Weldon Railroad, near Dr. Brodie's residence, about two hundred yards north of the Wilmington and Weldon warehouse; thence running north sixty-two degrees west to the corporate limits, to be known as West Edgecombe street, said street to be forty feet wide, on and adjoining the lands of Dr. Brodie and the heirs of the late Jarratt White. West Edgecombe street.

Beginning on East Railroad street, on the line of B. G. Hilliard and W. T. Taylor and about fifty yards northward from the crossing on Wilmington and Weldon Railroad, near Dr. Brodie's residence; thence running south sixty-two degrees east to Porter street, on and through the lands of Mrs. B. G. Hilliard and W. T. Taylor, said street to be known as East Edgecombe street, and to be forty feet wide. East Edgecombe street.

Beginning at the crossing on the Wilmington and Weldon Railroad, about one hundred and fifty yards south of the Wilmington and Weldon Railroad warehouse, and near the residence of Mrs. E. J. Overstreet; thence north seventy-two degrees west to the corporate limits, said street to be known as West Nash street, adjoining and on the lands of Mrs. E. J. Overstreet, M. J. Battle, and the heirs of the late Jarratt White, and to be forty feet wide. West Nash street.

Beginning at the same point as described next above and running south seventy-two degrees east to the corporate limits, known as East Nash street, to be forty feet wide, running through and on the lands of J. M. Mayo, Mrs. M. Edmonds, J. H. Cutchin, A. Braswell and others. East Nash street.

Beginning at the corner of Cutchin and Main streets, near the stores of J. M. Cutchin and J. H. Cutchin; thence north five degrees east to East Railroad street; thence south five degrees west to the corporate limits, said street to be known as Cutchin street, to be forty feet wide, running through and adjoining the lands of A. Braswell, J. H. Cutchin, M. J. Battle, Mrs. M. Edmonds, L. Billups, R. C. Crenshaw and others. Cutchin street.

Private—7

Porter street.

Beginning at the corner of Main and Porter streets, near Mrs. E. W. Wilcox's residence; thence north five degrees east and south five degrees west to corporate limits, to be known as Porter street, to be forty feet wide, running through and adjoining the lands of W. T. Taylor, W. H. Cobb, Mrs. B. G. Hilliard, Mrs. E. W. Wilcox and the heirs of the late Wm. Porter and others.

Corporate powers.

Sec. 4. *Corporate Powers.* The town of Whitakers, made a body public and corporate by this act, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places, and in all matters whatever may take, hold and purchase lands as may be needed for the corporate purposes of said town, and may sell any real estate and personal property owned by it; perform and render all public services, when deemed expedient, may condemn property for public uses, and may hold, manage and control the same; such condemnation proceedings to be governed and controlled by the board of commissioners, and shall be subject to all the duties and obligations now pertaining to or incumbent upon said town, as a corporation, not in conflict with the provisions of this act; and shall enjoy all the rights, immunities, powers, privileges and franchises now possessed by said town and herein granted and conferred, or granted and conferred by the general law. 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 public use allowed by this charter, and for want of agreement as to the compensation therefor, and the same can not be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the town, one to be chosen by the board of commissioners, one to be chosen by the property owner, and if these two can not agree, they to choose a third person; and in making said valuation said freeholders, after being duly sworn by the mayor or 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 benefits or advantages such owner may receive from the opening or widening of such street or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same, under their hands and seals, to the board of commissioners, which report, on being confirmed by the board of commissioners and spread upon their minutes, shall have the effect of a judgment against said board of commissioners and shall pass the title to the board of commissioners in their corporate capacities of the lands so taken, and the land may at once be condemned and used by the town for the purpose intended: *Provided*, if any person whose land is thus taken, or the board of commissioners, be dissatisfied with the valuation that is made, then in that case either party may have an appeal to the next superior court: *Provided, however*, that such

Power to purchase and sell property.

Power to condemn property.

Condemnation proceedings.

Details of condemnation proceedings.

Effect of report.

Proviso: right of appeal.

appeal shall not hinder or delay the board of commissioners from opening or widening such street or creating such other improvements.

Ordinances.

Sec. 5. *Powers of Ordinances.* The town of Whitakers shall have power to enact and to enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order and security of the town and its inhabitants; to protect the lives, health and property of all the inhabitants of the said town, and to enact and enforce any and all ordinances upon any subject: *Provided*, that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina or inconsistent with the provisions of this act: and *Provided, further*, that the specification of particular powers shall never be construed as a limitation of the general powers herein granted, it being intended by this act to grant and bestow upon the inhabitants of the town of Whitakers and the town of Whitakers full power of self-government; and it shall have and exercise all powers of municipal government not prohibited to it by this charter or by some general law of the State of North Carolina or by the provisions of the constitution of the State of North Carolina. All ordinances of the town, when printed and published and bearing on the title page thereof the words, "Ordained and published by the board of commissioners of the town of Whitakers," or words of like import, shall be *prima facie* evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

Nuisances.

Proviso: limitation of power.

Proviso: limitation of general powers.

Authenticity of ordinances.

Powers as to streets and public places.

Sec. 6. *Street powers.* The town of Whitakers shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, embellish and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate and close the same; put drains and sewers therein; provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit and suppress the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether above or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals or vehicles, in whatever way or for whatever purpose; to prevent, abate and remove encroachments, obstructions, pollutions or litter therein; to open new streets and highways, when necessary, and generally to make and enforce any and all regulations in respect thereof in the judgment of the board of commissioners requisite, proper or expedient to promote and insure the health, safety and convenience of the inhabitants and public of said town.

Sidewalks.

Sec. 7. *Sidewalks.* The town of Whitakers may by appropriate penal ordinance compel the construction and laying of sidewalks by property owners in front of or abutting on their land or property,

and may prescribe the character of such sidewalk and the manner in which it shall be laid. Should any person or corporation owning land in the town of Whitakers fail or refuse to construct sidewalks in front of or abutting on their property, in accordance with the ordinance passed by the town of Whitakers, in addition to the penalty provided for therein, the town of Whitakers shall have the right to have said sidewalks constructed in accordance with such ordinance, at the expense of the abutting property owner, and may recover a personal judgment in any court having jurisdiction of the amount for the cost and expense in constructing said sidewalks: *Provided*, the town shall first establish the proper grade and place the curbstone at the expense of the town.

Work done by town at expense of landowner.

Proviso: grade and curbing.

Waterworks.

Sec. 8. *May own waterworks.* The town of Whitakers may buy, construct, establish, maintain, operate and regulate a system of sewerage and waterworks; make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets or elsewhere within said town or beyond the limits thereof, for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unnecessary waste of water or any injury to said waterworks, and to pass ordinances for the condemnation of property for the purpose of establishing, enlarging or maintaining a system of waterworks, whether within or without the limits of said town, conforming the mode and manner of the same to the rules now prescribed for towns and cities by the general law of the State for the condemnation of property for the construction of waterworks and of sewers or sewerage systems; to adopt rules and regulations for the management of the waterworks and sewerage systems, and make and establish a schedule of water and sewer rates and tolls, and prescribe the mode and manner of the construction of surface pipes, alley laterals and house connections with the water mains and sewer pipes. For the purpose of effectuating and making available such system of waterworks and sewerage, when the town shall see fit, under the power herein conferred, to install it, the said town of Whitakers, through its board of commissioners, is hereby given full power and authority to pass all rules and ordinances necessary to the installation and operation of said systems not inconsistent with the general law of the State.

Condemnation of property for waterworks.

Rates and tolls.

Nuisances.

Sec. 9. *Condemn privies, wells, etc.* Said town shall also have the power to condemn as nuisances all buildings, cisterns, wells, privies and other erections in the town which on inspection shall be found to be unhealthy, unsanitary or dangerous to persons or property, and cause the same to be abated and removed, at the expense of the owner, unless the owner thereof, at his or her expense, upon notice and with the sanction of the board of commissioners, shall reconstruct the same in such a manner as shall be prescribed by the laws of the town; and as to all buildings, cisterns, wells, privies and other private improvements to be constructed in future, they shall

Nuisances abated at expense of owner.

have the power and it shall be their duty to have the same constructed so as not to interfere with the health of persons or the safety of persons or property within the town.

Fire department.

Sec. 10. *Fires.* The town of Whitakers shall have power to provide means for the protection against and the extinguishment of conflagrations, and for the regulation, maintenance and support of a fire department; and, for the purpose of guarding against the calamity of fires, may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden buildings within such limits of said town as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits shall be made or constructed of fireproof material, the kind, character, extent and quality of which may by ordinance be prescribed and fixed; also may prohibit the repairing of wooden buildings in fire limits, when the same shall have been damaged to within fifty per cent of the value thereof, and may prescribe the manner of finding such damages, and may also declare all dilapidated buildings to be nuisances, and cause same to be repaired, removed or abated in such manner as the board of commissioners may prescribe, and may declare all wooden buildings within the fire limits which they deem dangerous to contiguous buildings or which may cause or promote fires to be nuisances, and cause the same to be removed in such manner as may be required, at the expense of the owner, and may further prescribe limits within which only a fireproof roofing may be used, and may impose a penalty for violations of such rules and regulations.

Fire limits.

Buildings declared nuisances.

Markets and abattoirs.

Sec. 11. *Markets.* Said town shall have the power to establish, lease, buy, erect, maintain, own, regulate and operate markets and market places, abattoirs, and to build, own and maintain buildings therefor, and to rent and lease the same.

Crematories and cemeteries.

Power to condemn cemeteries.

Sec. 12. *Health.* The town of Whitakers shall have the power to regulate burial grounds, crematories and cemeteries, and to prohibit burial within the city limits, if deemed advisable or if found necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the town, and, when demanded by the public interest or public health, to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be reinterred in a suitable place to be provided by the town, at its expense; and whenever advisable the town may condemn the land proposed to be used for the reinterring of bodies in the same manner as in condemnation of streets, etc., (section four), and use such condemned ground, formerly used for cemetery purposes, for such other purposes as may best subserve the interest of the town.

Removal and reinterment of dead bodies.

Destruction of infected property.

(*b*) The town of Whitakers shall also have the power by ordinance to authorize the destroying of clothing, bedding, furniture and buildings infected with the germs of any infectious or contagious or dangerous disease, when the public health requires the destruction of the same, and may also in the same manner authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said town.

Quarantine.

(*c*) To make regulations to prevent the introduction of contagious diseases into the town, to make quarantine laws for that purpose, and to enforce them within the town and within one mile thereof.

Drains, sinks and privies.

(*d*) To require the owners of private drains, sinks or privies to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, as they may be ordered by resolution or ordinance of the board of commissioners, and impose penalties upon persons failing to do the same. If there be no person in the town upon whom such order can be served, the town can then have such work done, and cost of same shall be a lien on the property and taxed up against it and collected in such manner as the board of commissioners may determine.

Carcasses and unwholesome substances.

(*e*) To prevent any person from bringing, depositing or having within the town limits the carcasses of any dead animal or other unwholesome substance or matter or filth of any kind, and to require prompt removal of the same and impose all necessary penalties for the enforcement of such powers.

Butchers and slaughter houses.

(*f*) To regulate, license or prohibit butchers and prevent their slaughtering animals within the town limits, and to revoke their license for malconduct in trade, and to regulate, license and restrain the sale of fresh meats, fruits and vegetables, and the slaughter of animals, and to license and regulate or prohibit slaughter houses within the town limits.

Inspection of premises.

(*g*) The town of Whitakers shall have the right to have inspected the premises of all persons, at any hour during the daytime, in the interest of public health; and for the purpose of making said inspection the officers or agents of the town duly authorized to do so shall have the right to enter upon the premises of any person at any hour during the daytime to make said inspection. Whenever notice

Premises cleaned at cost of owner.

is given by any officer or employee of the city inspecting any premises that said premises need cleaning, the owner or tenant of such premises shall cause the night soil or other refuse matter thereon to be removed, or the same shall be removed at the instance of the proper authorities of the town and the cost thereof shall be paid by the owner or tenant; and failure to do so shall subject said owner

Penalty on owner.

or tenant to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the mayor's court, in any sum not less than one dollar nor more than two hundred dollars.

Sec. 13. *Charities and corrections.* The town shall have power to establish, maintain and regulate the town prison or town prisons for vagrants, town convicts and disorderly persons; also houses of correction and reformatories for youthful criminals, compulsory schools for children without parents, or with vicious parents, or parents who willfully and grossly neglect them, and such other places of incarceration and reformatory institutions and such orphanages and charitable institutions as it may deem expedient: *Provided, however,* that no gratuity that is purely personal and no pension shall ever be granted to any individual, and no funds belonging to the town shall be paid out except for personal services rendered and for the other purposes specified or authorized by this act.

Proviso: houses of correction, reformatories, and compulsory schools

Orphanages and charitable institutions.

Proviso: gratuities and pensions forbidden.

Sec. 14. *Police powers.* The town of Whitakers shall have the power by ordinance duly passed to establish and maintain the town police department, prescribe the duties of policemen and regulate their conduct.

Police powers.

(*b*) To permit, forbid or regulate theaters, balls, dance houses and other public amusements, and to suppress the same whenever the preservation of order, tranquillity, public safety or good morals may demand.

Theaters and other amusements.

(*c*) To prohibit and punish keepers and inmates of bawdy houses and variety shows; to prohibit, prevent and suppress assignation houses and houses of ill fame, and to determine such inmates and keepers to be vagrants, and to provide for the punishment of such persons.

Bawdy houses.

(*d*) To suppress gambling houses and to punish keepers of gambling houses and pool sellers and all persons who play cards or games of chance of any kind for stakes of value, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings of lottery.

Gambling houses.

Lotteries.

(*e*) To establish and regulate public grounds, and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese and pigeons, and to authorize the distraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties upon the owners thereof for the violation of any ordinance regulating or prohibiting the same.

Public grounds.

Animals running at large.

(*f*) To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties upon the owners or keepers thereof.

Dogs.

(*g*) To prohibit and restrain or regulate the rolling of hoops, the flying of kites and the firing of firecrackers, the use of velocipedes and bicycles, and the use of any pyrotechnic or any other amusement or practice tending to annoy persons passing upon the streets or sidewalks or to frighten horses or teams.

Hoops, kites and fireworks.

Noise nuisances.

(*h*) To restrain and prohibit the ringing of bells or blowing of horns, bugles and whistles, crying of goods or other noises, practices or performances tending to the collection of persons on the streets or sidewalks by auctioneers or others, for the purpose of business, amusement or otherwise.

Beggary.

(*i*) To prohibit beggars, mendicants or persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help or assistance upon the streets or sidewalks of the said town, and prescribe a penalty by fine for non-observance thereof.

Trespasses, breaches of the peace and other disorderly conduct.

(*j*) To prevent all trespasses and breaches of the peace and good order, assaults and batteries, fighting, quarreling, using abusive, profane and insulting language, misdemeanors and all disorderly conduct, and to punish all persons thus offending.

Immoral theatrical representations.

(*k*) To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal and suppression of such establishments.

Speed limits.

(*l*) To prohibit, prevent and suppress horse racing, immoderate driving or riding in the streets of said town.

Cruelty to animals.

(*m*) To prohibit cruel treatment of animals and to punish the abusers of animals.

Animals attached to vehicles.

(*n*) To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets.

Vagrants.

(*o*) To restrain and punish vagrants, mendicants, beggars and prostitutes.

License tax.

(*p*) To license, tax and regulate merchants, commission merchants, hotel and innkeepers, brokers, money brokers, auctioneers and all other trades, professions, occupations and callings of every kind. To license and regulate any itinerant or transient vendor of clothing or wearing apparel or articles of bedding or merchandise of any description whatever, ticket brokers and scalpers or dealers in railway tickets, dealers in bankrupt or fire stocks or damaged goods of any kind, second-hand dealers, pawnbrokers, junk shops or dealers in junk, and all other business whatever which in the opinion of the board of commissioners shall be the proper subject of police regulation; to require the person or persons or corporation or corporations pursuing any business or occupation mentioned in this section to give all bonds, in such amounts and under such conditions as the board of commissioners may prescribe; to require the keeping of books showing the transactions of any such business or occupation, and to require the persons conducting such business or occupation to submit said books and their stocks to the inspection of the police at such times as may be prescribed by ordinance. No license shall issue for longer period than one year, and such license shall not be assignable, except by permission of the board of commissioners.

Bonds from licensees.

Licensees to keep and show books.

Further license power.

(*q*) To license, tax, regulate, prevent or suppress peddlers, pawnbrokers and keepers of theatrical or other exhibitions, shows, and

amusements; to license, tax and regulate or prohibit theaters, circuses, moving picture shows and exhibitions of common showmen and of shows of any kind, and the exhibition of natural or artificial curiosities, menageries and musical exhibitions and performances, and to regulate and license or prohibit street parades, pool tables, striking machines, lung testers, doll racks, cane racks and exhibitions, devices and things for which a fee is charged.

Nuisance.

(*r*) To define what shall be nuisances in the town, and to abate such nuisances by summary proceedings, and to punish the authors thereof by penalties, fines and imprisonment.

Paupers and diseased persons.

(*s*) To prohibit and punish by fine the willful introduction into the town by railroads or other carriers of paupers or persons afflicted with contagious diseases.

Building regulations.

(*t*) To regulate parapet walls, to prevent dangerous construction and conditions of chimneys, fireplaces, hearths, stoves, stove pipes, boilers and other heating apparatus, and cause the same to be removed and made safe.

Automobiles.

(*u*) To regulate the use of automobiles, motor cars, motor cycles or any motor vehicle and the speed thereof; to prescribe the proper lighting of the same, when used at night; to issue permits for the use of such vehicles, and to require the numbering of said vehicles.

Inspections.

(*v*) To inspect the construction of all buildings in the town, and prescribe and enforce proper regulations in regard thereto, and regulate and locate and prohibit the erection of all poles in the town, and to cause the same to be changed, whether telegraph, telephone, electric light or otherwise.

Power to enforce by-laws.

(*w*) The town shall have power to enforce the by-laws and ordinances of the town by a fine not to exceed fifty dollars ($50): *Provided*, that no ordinance or by-law shall provide a lesser penalty than is prescribed by the laws of the State for a like offense.

Proviso: punishment provided by State laws.

Town officers.

Sec. 15. *Elective officers.* All powers conferred on the town of Whitakers shall, unless otherwise provided in this charter, be exercised by a mayor and five commissioners, each and all of whom shall be elected by the qualified voters of the town at large, and shall devote as much time to the service of the city as shall be necessary for the prompt and efficient administration of the business affairs of said town. The mayor shall be *ex officio* chairman of the board of commissioners, and shall have the right to vote only in case of a tie in the board, and the members of said board of commissioners shall hold office for two years from and after the date of their election or until their successors shall have been duly elected and qualified.

Duty of mayor

Term of office.

Successors to present officers.

(*b*) The mayor and other members of the board of commissioners elected under this act, and their successors in office, shall be held and deemed in law and in fact the successors of the present mayor and board of commissioners of the town of Whitakers, and upon the qualification of the mayor and other members of the board of

commissioners, all the powers, rights, and duties of the present mayor and board of aldermen of the said town shall cease; and from and after the passage of this act the said board of commissioners shall have and exercise all the rights, powers and duties of the mayor and board of commissioners of cities and towns as may be conferred by the laws and constitution of this State, and shall have and exercise all the rights, powers and duties conferred upon them or either of them by the terms of this act.

Present officers continued.

(*c*) The present mayor and board of commissioners and other town officers, as composed under the charter of one thousand eight hundred and seventy-eight, shall continue to serve until the next town election, to be held as hereinafter provided for in this act, and until the qualification of the officers elected at said election, and shall temporarily exercise the powers and be subject to the limitations in this charter contained.

Election to be ordered.

(*d*) It shall be the duty of the present mayor, after this act becomes a law, to order an election to be held in the town of Whitakers by giving thirty days notice thereof, which election shall be held on the first Monday in May, one thousand nine hundred and eleven, and at which election a mayor and five commissioners shall be elected by the town at large. If for any reason the mayor fail to make the said call for said election within twenty days after this act shall become a law, then it shall be the duty of the present board of commissioners, by a majority vote thereof, to issue said call for said election by giving thirty days notice thereof. Said election shall be held as provided for herein, and the mayor and the five commissioners so elected at said election shall hold their respective offices until the Tuesday after the first Monday in May, one thousand nine hundred and thirteen, or until their successors are elected and qualified.

Notice of election.

Date of election.

Commissioners to act in default of mayor.

Term of officers elected.

Subsequent elections.

(*e*) On Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and on Tuesday after the first Monday in May in each year thereafter, the board of commissioners shall cause to be held in the town of Whitakers an election for a mayor and five commissioners, as provided for in paragraph one of this section, who shall perform the duties and discharge the obligations conferred and imposed by the provisions of this act, and who shall hold their respective offices for two years and until their successors are elected and qualified.

Voting place.

(*f*) There shall be established and arranged at least one voting place, to be located so as to be most convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes and registration books.

Regulations for election.

(*g*) The board of commissioners shall make all necessary regulations concerning elections, the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and shall be in keeping and consistent with the

provisions of the State laws applicable to elections in municipalities, in so far as the same may be practicable; and the board of commissioners shall provide for the examination and counting of the returns of elections and declarations of the result thereof. The mayor and each of said commissioners, within ten days after the official announcement of his election, shall qualify as required by this charter and by the constitution and laws of the State of North Carolina, and in failing to do so, his office shall become vacant. Mayor and commissioners to qualify.

(*h*) In case of the death, absence, resignation or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur, for any reason, the mayor *pro tem.* shall act as mayor, and shall possess all the rights and powers of the mayor and perform all the duties and receive his salary, under the official title, however, of "mayor *pro tem.*," until an election is ordered by the board of commissioners to fill the vacancy in the office of mayor. Said election, should a vacancy occur in the office of mayor, shall be called by the board of commissioners and held within thirty days thereafter, and notice by publication be given for at least thirty days, as may be required by law: *Provided*, that in the event of such vacancy's occurring within ninety days of the next regular election to be held for members of the board of commissioners, said election for mayor shall be held at the next regular election. Mayor pro tem. Election to fill vacancy. Proviso: vacancy within 90 days of regular election

(*h*) In case of misconduct, inability or willful neglect in the performance of the duties of his office, the mayor may be removed from office by the board of commissioners, by a majority vote of all the commissioners elected, but shall be given an oppotrunity to be heard in his defense, in person or by counsel, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing, in case of impeachment of the mayor, shall be public, and a full and complete statement of the reason for such removal, if he be removed, together with the findings of facts as made by the board of commissioners, shall be filed by the board of commissioners in the public archives of the town and shall be and become a matter of public record. Power of commissioners to remove mayor. Hearing on impeachment.

(*i*) The board of commissioners shall be vested with the power and charged with the duty of adopting all laws and ordinances not inconsistent with the constitution and laws of this State, touching every object, matter and subject within the purview of the local government instituted by this act. Adoption of laws and ordinances.

(*j*) The board of commissioners 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 the town and whatsoever agencies may be created for the administration of its affairs. They shall have power to create such offices as they may deem necessary for the prudent and successful administration of the affairs of the town, and to fix Organization of departments and agencies. Offices.

Salaries.
Proviso: term of of office.

the salaries of the persons appointed thereto: *Provided*, that the term of any such office created by them shall never exceed the period of one year, and they shall have the power to abolish at any time any such office and to terminate the official duties and relations of the person occupying the same. All offices created by the board of commissioners shall be filled by a majority vote of all the members of said board of commissioners. In the event any such office shall not be filled promptly by the board of commissioners, it shall be the duty of the mayor to make a temporary appointment of an officer *pro tem.* to discharge the duties of said position until one shall be elected by said board of commissioners. Each member of the board of commissioners shall have the right to propose and name the employees in the department or departments under his immediate supervision, but a majority of the board of commissioners shall have the power to reject any such proposal and to discharge any officer or employee of the town, except the city attorney. All salaries and wages to be paid to employees of the town, except as otherwise provided herein, shall be fixed and paid by the board of commissioners, and shall not become effective until at least four members of the board of commissioners shall vote therefor.

Election by commissioners.
Appointment by mayor.
Employees of departments.
City attorney.
Salaries and wages.

Meetings of commissioners.
Quorum.
Special orders.
Special meetings.
Notice of special meetings.
Sessions open to public.

(*k*) The board of commissioners shall meet at least once in every month in regular meeting, at such times as shall be fixed by said board of commissioners, at the mayor's office in said town, to consider and take under advisement and act upon such business as may come before them. A majority of said board of commissioners shall constitute a quorum, and no ordinance shall be passed or become effective without receiving the votes of at least three members of said board of commissioners. No final action shall be taken in any matter concerning the special department of any absent commissioners unless such business has been made a special order of the day by action at a previous meeting of the board of commissioners or such action is taken at a regular meeting of the board of commissioners. Special meetings may be called by the mayor or by any two members of the board of commissioners at any time, to consider only such matters as shall be mentioned in the call for said meeting, and written notice thereof shall be given to each member of said board of commissioners. All sessions of said board of commissioners, whether regular or called, shall be open to the public.

Tax levy.
Special taxes or assessments.
Collection of taxes.

(*l*) The board of commissioners, at its first meeting in June of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but special taxes or assessments allowed by this charter may be levied, assessed and collected at such times as the board of commissioners in each case may prescribe. The board of commissioners shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under this charter, and are hereby authorized and to that end may and shall have the full power and authority to sell or cause to be sold

all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass such ordinances as are deemed necessary to the levying, imposing, assessing and collecting of any taxes provided for in this charter. Unless otherwise provided by this act, and by ordinances passed thereunder, all the property in such town liable to taxation shall be assessed in accordance with the provisions of the general law of the State, in so far as applicable. Assessment.

(*m*) The board of commissioners shall have the management and control of the finances of the town, except as otherwise herein provided. They shall have power to appropriate money and provide for the payment of debts and expenses of the town; to provide by ordinance special funds for special purposes provided under the provisions of this charter, and to make the same disbursable only for said purposes, and to impose proper penalties for enforcing the same; to provide by ordinance for the payment of any existing and outstanding indebtedness and for the payment of any bonds that may from time to time be issued. The board of commissioners shall also have the power to fund or refund by ordinance the whole or any part of the existing debts of the town, or any future debt, by acquiring and canceling the evidence thereof, and to issue other bonds in lieu thereof either registered or coupon, bearing interest at a rate not greater than the original indebtedness, and to this end may apply the sinking fund belonging to any series of bonds so refunded, and may pay and retire any bond by using the sinking fund thereof. Management and control of finances. Power to fund and refund debts.

Sec. 16. *Other officers and their duties.* At the first meeting of the board of commissioners after their qualification, or as soon thereafter as possible, the board of commissioners shall elect by a majority vote the following officers, to wit: A clerk, a collector of taxes, a treasurer, a chief of police, and, if deemed necessary by the board of commissioners, a health physician. Officers elected by commissioners.

(*b*) *Clerk.* It shall be the duty of the clerk to attend every meeting of the board of commissioners and keep the minutes and records of all their proceedings in a well bound book kept for that purpose, and he shall perform such other duties as may be required of him by said council, and shall receive such salary as may be fixed by the board of commissioners. Duties of clerk.

(*c*) *Treasurer.* The treasurer shall give such bond as the board of commissioners may require, approved by the mayor and commissioners, said bond to be conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the town, and make all payments of the same, only on warrants drawn by the clerk and signed by the mayor. The treasurer shall render a full and correct statement of his receipts and payments to the board of commissioners at their first regular meeting in each month and at such times in addition as any member of the board of commissioners may require. Bond of treasurer. Duties of treasurer. Monthly statements.

Bond of chief of police.

(*d*) *Chief of police.* The chief of police shall give bond in such sum as the board of commissioners may prescribe, for the faithful discharge of the duties of his office and for a faithful account of all money that may come into his hands from fines, penalties and otherwise by virtue of his office.

Duties and powers.

It shall be his duty to attend the mayor's court each day and report any violation of the law or ordinance of the town, and he shall promptly and faithfully execute all writs and processes issuing from said court. He shall be the chief officer of said town and shall have like power with the sheriff of either county to execute the writ of search warrant. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said town, and shall take into custody all persons so offending against the public peace, and shall have authority to take suitable and sufficient bail for the appearance before the mayor's court of any person charged with an offense within the jurisdiction of said court; and it shall be his duty to arrest all persons who shall obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of disorderly conduct or any disturbance whatever.

Power to close public resort.

To prevent a breach of the peace or preserve quiet and good order, he shall have authority to close any theater, ballroom, drinking house or any other place or building of public resort; and in the prevention and suppression of crime and the arrest of offenders within the town he shall have, possess and execute like power, authority and jurisdiction as the sheriff of Nash County or the sheriff of Edgecombe County.

Further duties and powers.

He shall perform such other duties and possess such other powers, rights and authority, in addition to those herein provided, as the board of commissioners may require and confer upon him, not inconsistent with the constitution of the State of North Carolina or with the general laws of the State, or with the provisions of this act.

Substitute chief.

In case of the absence, sickness or inability to act of the chief of police, the board of commissioners shall have the power and it shall be their duty to designate some other member of the police force as acting chief of police during the period of such absence, sickness or inability to act of said chief of police.

Salary.

The salary of the chief of police shall be fixed by the board of commissioners at the beginning of his term of office, and he shall receive no other compensation whatsoever for his services, but all fees now and heretofore prescribed to be taxed as his costs shall be paid to the treasurer of the town of Whitakers.

Annual report.

(*e*) *Annual report.* The town clerk shall, on or before the fifteenth day of April in each year, prepare and transmit to the board of commissioners a report of the financial transactions of the town during the fiscal year ending the last day of March next preceding, and of its financial condition on the said last day of March. The report shall contain accurate statement of the financial receipts of the town from all sources, and of the expenditures of the town for all purposes, together with a detailed statement of the debt of said

town and the purpose for which said debt was incurred. In addition to the annual statement herein required, and to the reports which may be demanded by the board of commissioners from time to time, it is especially made the duty of the clerk to be able to show at any time, and certainly upon or immediately after the first day of each month, a comprehensive and accurate statement of the financial condition of the town of Whitakers; and if any officer of any department or any employee of the town of Whitakers shall fail to make such stated or stipulated reports as required, and at the times required, whether by the mayor or by the board of commissioners, it shall be the duty of the clerk to report such delinquency or failure to the mayor. Additional statements and reports. Clerk to report delinquencies.

Sec. 17. *Taxation.* The board of commissioners shall have power and it is hereby authorized to levy, annually, for general purposes and for the purpose of paying the expenses of the town government, an *ad valorem* tax on all real and personal property within the corporate limits of said town, as defined in section two of this act, and on all personal property owned by residents of said town, including money on hand, solvent credits and upon all franchises granted by the town to individuals or corporations, and upon all other subjects taxed by the General Assembly, such tax not to exceed one dollar on every one hundred dollars appraised valuation of said property: *Provided, however,* that public property used for public purposes, actual places for religious worship, places of burial not held for private or corporate profit, all buildings used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools) and institutions of purely public charity are hereby declared to be exempt from taxation: and *Provided, further,* that twenty-five dollars ($25) worth of household and kitchen furniture belonging to each family in said town shall likewise be exempt from taxation. The board of commissioners may also levy, assess and collect from each male citizen of the town between the ages of twenty-one and fifty years an annual poll tax of not exceeding three dollars ($3): *Provided, however,* that all persons exempt from the payment of State poll tax under the general laws of the State or by virtue of the constitution shall be exempt from the payment of the town poll tax. If for any cause the board of commissioners shall fail or neglect to pass a tax ordinance for any one year, levying taxes for that year, then in that event the tax levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the said board of commissioners failed to pass a tax levying ordinance, and the failure so to pass such ordinance for any one year shall in no wise invalidate the collection of the tax for that year. Ad valorem tax. Taxables. Rate. Proviso: property exempt. Proviso: exemption. Poll tax. Proviso: exemption. Ordinance continued in force.

(*b*) In addition to the subjects listed for taxation, the board of commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the collector imme- License taxes.

diately, 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: Upon all itinerant merchants and peddlers selling or offering to sell in the town, a tax not exceeding two hundred dollars per year, except only such as sell books, charts or maps, and such as sell only goods, wares and merchandise and other productions of the growth or manufacture of this State, but not excepting vendors of medicine, by whomsoever manufactured; on every bowling alley and every billiard table and every 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; on all keepers of eating houses or restaurants, fish or meats, vegetables, or bread stands or fruiters, a tax not exceeding one hundred dollars per year; upon every company of circus riders who shall exhibit within the town or within one mile thereof, a tax not exceeding two hundred dollars for each day, the tax to be paid before the exhibition, and if not, to be double; upon every company or person exhibiting in the town, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope walking, tumbling, wire dancing, or menagerie, a tax not exceeding one hundred dollars for every day they exhibit; upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the town or within one mile thereof, a tax not exceeding fifty dollars, to be paid in advance; upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not exceeding twenty dollars, to be paid before exhibiting; on every four-horse omnibus, a tax not exceeding fifty dollars; on every two-horse omnibus, a tax not exceeding forty dollars; 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); on all carriages, buggies, sulkies and other vehicles used in the town for the carriage of persons, a tax not exceeding fifteen dollars; on every dog a tax not exceeding ten dollars: *Provided*, that a discrimantion may be made within this limit on the different species and sexes of dogs.

Occupations subject to license.

Proviso: discrimination in dog tax.

General law applicable.

Sec. 18. That the provisions of chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina, together with their amendments, are hereby declared to be not abrogated as to the town of Whitakers by this act; but this act and each and every provision of the same is declared to be in addition to and in aid of said chapter, in its relation to the said town of Whitakers.

Sec. 19. That this act shall be in force from and after its ratification.

Ratified this the 8th day of February, 1911.

CHAPTER 44.

AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE TOWN OF ELKIN.

The General Assembly of North Carolina do enact:

Incorporation. Section 1. That the inhabitants of the town of Elkin shall be and continue as they heretofore have been a body politic and corporate, and in the name of the board of commissioners of Elkin shall Corporate name. have the right to contract and be contracted with, to sue and be Corporate powers. sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

Corporate limits. Sec. 2. That the corporate limits of the town of Elkin shall be as follows: Beginning at a point on the Yadkin River where A. Chatham's and W. R. Bryan's land join, running with their original line a little west of north to W. R. Bryan's northwest corner in A. Chatham's line; thence in a west direction passing north of A. L. Hendrix's residence, crossing the creek above R. W. Reece's to the Elk Spur road so as to include T. M. George; thence with said road to E. N. Gwyn's line to the Yadkin River; thence down said river to the beginning, being about one mile square.

Town elections. Sec. 3. That there shall biennially on the first Monday in May be elected a mayor and five commissioners, who shall hold office until their successors are qualified; all to be elected by the qualified voters of the town.

Person eligible as mayor or commissioner. Sec. 4. That any qualified elector in this State shall be eligible as mayor or commissioner: *Provided*, he shall have resided in the corporation twelve months next preceding the day of the election. Proviso: residence.

Electors. Sec. 5. That all persons entitled to a vote in the county of Surry for members of the General Assembly, and who shall have been *bona fide* residents of the town of Elkin six months next preceding the election, shall be entitled to vote for mayor and commissioners, or at any election held therein for municipal purposes.

Mayor to qualify. Sec. 6. That the mayor, immediately after the election and before entering upon the duties of his office, shall, before a justice of the peace, take the following oath: "I, A. B., do solemnly swear (or Form of oath. affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all of the duties of the office of mayor of the town of Elkin while I continue therein, and will cause to be executed, as far as is in my power, 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."

Commissioners to qualify. Sec. 7. That each commissioner, 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 a commissioner for the town, according to the best of his skill, ability and judgment.

Vacancies.

Sec. 8. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of

Appointive officers.

office, and also appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-

Mayor pro tem.

laws of the town, and shall prescribe terms of offices. That the board of commissioners shall be further authorized to appoint one of their members a mayor *pro tempore* to act as mayor in case of absence of the mayor or his inability to perform the duties of his office.

Mayor constituted inferior court.

Sec. 9. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the

Jurisdiction.

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 execution upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the commissioners.

Mayor constituted special court.

The mayor shall further be 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 guilty, he shall be fined at the discretion

Limit of punishment.

of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty days in the common jail of the county. If

Appeals.

the accused is dissatisfied with the judgment of the mayor or court he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace.

Precepts of mayor.

Sec. 10. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Surry County, or to such other officers to whom a justice of the peace may direct

Witnesses.

his precepts. An endorsement by the mayor of the names of the witnesses upon a summons or warrant shall be authority for the

Minutes of mayor

officer to execute the same. The mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings.

Street work for fines and penalties.

Sec. 11. That the board of commissioners shall have authority to put to 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 any person or persons for violation of any ordinance, by-law or regulation of said town; and the commissioners shall have authority by their ordinances and by-laws to confine and control, and manage such persons until the said fine, penalties or forfeitures, together with the cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.

Commitments for trial.

Sec. 12. That any town constable, policeman, watchman or town officer arresting any person or persons for violation of any of the ordinances of the town, shall have the right to commit such person or persons to the lockup or common jail of the county for as early trial as practicable.

Powers of commissioners as to streets.

Sec. 13. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change 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 land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the land and the commissioners can not agree as to damages, then the matter shall be referred to arbitrators, each party choosing one who shall be a freeholder and citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall in his stead select one for him, and in case the two chosen as aforesaid can not agree, they shall select an umpire, whose duty it shall be to examine the land condemned and to ascertain the damages sustained and the benefits 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 commissioners the right to use the land for the purposes specified; and all damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities by taxation: *Provided*, that either party may appeal to the superior court as now provided by law.

Condemnation of land.

Arbitration for condemnation.

Proviso: appeals.

Levy and collection of taxes.

Sec. 14. That the board of commissioners of the town of Elkin shall have power not oftener than annually to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all moneys on hand, solvent credits, and upon all polls and all other subjects of taxation taxed by the General Assembly for public purposes: *Provided*, that the rate of taxation shall not exceed thirty-five cents on the hundred dollars valuation in any one year, and the said board shall have power to levy and collect a commutation tax upon all persons residing within the corporate limits of Elkin who may be liable to work on the public roads in lieu of requiring of them such personal services on the roads and streets.

Proviso: limit of tax rate.

Commutation tax for road work.

License taxes.

Sec. 15. That in addition to subjects liable to taxation for State purposes, the commissioners shall have power to levy and collect a specific or license tax on the following subjects, to wit: All itinerants, auctioneers, merchants or peddlers vending or offering to vend in the town, each express company, each telegraph company, each telephone office, dealer in patent rights, each sewing machine company or agent, each commission merchant and commercial broker,

Subjects subject to license tax.

each distiller of fruit or grain, each livery, feed or sale stable, each rectifier and compounder of spirituous liquors, each gift enterprise and lottery, each dray and each omnibus, each barber, each butcher and dealer in fresh meats, each person, firm or corporation who buys chickens, eggs and turkeys on the streets, or from wagons and ships the same; also on trades, professions, agencies, business operations, exhibitions in said town.

Animals running at large.

Sec. 16. That the commissioners shall have power to declare all horses, cattle, hogs, dogs, goats and sheep running at large within corporate limits of the town a nuisance, and the commissioners may at their option impose a fine upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have the same abated.

Billiards and other games.

Sec. 17. That no person shall erect, put up, keep, use or maintain any billiard table, any ten pin alley, or any gaming table or place, by whatsoever place (name) known or called, at which games of chance, hazard or skill shall be played within the corporate limits of Elkin without having first paid the tax and obtained license therefor as herein required.

Nuisances.

Sec. 18. That the commissioners may require and compel the abatement and removal of all nuisances within the town, at the expense of the person causing the same, or the owner or the tenant of the ground wherever the same may be; they may also prevent the establishment of, and may regulate, if allowed to be established, any slaughter house or place for the exercise within the town of any offensive or unhealthy trade or occupation.

Slaughter houses.

General enumeration of powers.

Sec. 19. That the board of commissioners shall have power to provide water, take all proper means to prevent and extinguish fires, to make regulations to cause due observance of the Sabbath, appoint and regulate night watchers, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder within the town, to control and regulate the speed of driving and riding on the public streets, also to regulate the driving of automobiles within the corporate limits, to keep and require to be kept the sidewalks clear of all obstructions, to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owner of adjacent lots who may refuse to do the same on five days notice from the mayor of the town.

Fire companies.

Sec. 20. That the commissioners may provide for the organization, equipment and government of fire companies, and in all cases of fire

Powers of officers at fires.

the mayor, the chief of the fire department or a majority of the commissioners who may be present, if they deem it necessary to stop the progress of the fire, may cause any building to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Special assessments for sidewalks.

Sec. 21. That the land in said town of Elkin abutting on sidewalks and streets shall be liable to special assessments for the improvement of the sidewalks upon which the land may abut, the improvement to be by grading, curbing, paving, or in such manner and of such character as the board of commissioners may determine; and to that end the board of commissioners are hereby authorized and empowered from time to time to designate such sidewalks or parts of sidewalks as they may elect as assessment districts, and to improve such sidewalks or parts of sidewalks so designated in such manner as it may see fit, and assess the land abutting thereon for the payment of the portion of the cost of improvement, not to exceed fifty per cent thereof; the assessment to be ratably levied with respect to the distance each lot or parcel of land abuts on said designated sidewalk within said district: *Provided*, that the total cost of said improvement shall not exceed one dollar and fifty cents ($1.50) a square yard. Immediately upon the completion of the improvement upon the designated sidewalk, the owner of each lot or parcel of land abutting thereon shall be notified in writing, a copy of which notice shall be left with him, if he be a resident of the town or of the county of Surry, of the amount of the assessment on his lot or parcel of land; and if the owner shall be a nonresident of the town and of the county, and have a known agent resident of the town or county, then such notice shall be personally served upon such agent; and if the owner be a nonresident of the town and county, and if no known agent resident in either, then such notice shall be mailed to him, and if his address be or can be by diligent inquiry ascertained, and also published for six successive weeks in some newspaper published in Elkin; and said notice shall specify a time within which said assessment shall be paid, which shall not be less than two months from and after the service of the notice, and if publication be made the notice shall be deemed served at the expiration of the time of publication. The said assessment shall be a lieu on said abutting land, and if the owner shall refuse or neglect to pay the full amount of the assessment so made against any lot or parcel of land within the town mentioned in the notice, then the mayor may sell the same at public outcry to the highest bidder, at the door leading to the Elkin National Bank building, for cash, after advertising time, place and terms of sale as may be required by law of sheriffs in selling land under execution; and if said lands at such sale shall not bring more than the assessment against it, and the cost of advertising sale, the said mayor shall bid it in for the town. If bid in by the mayor for the town the owner shall, within one year from the sale, pay to the town the amount of the assessment and cost of advertising sale and ten per cent thereon, and thus divest the land of the lien. If the owner fail to pay within one year, then the mayor shall execute deed for said land to the town, and his deed shall be sufficient in law to convey the title of

Assessment districts.

Apportionment of cost.

Proviso: limit of cost.

Notification to landowners.

Payment of assessment.

Assessment a lien on land.

Sale of land for assessment.

Time for redemption.

Deed in default of redemption.

Receipt to purchaser.

the owner. If said land shall be knocked down to another than the town, then the mayor shall give to the purchaser a receipt for the price bid, and shall apply so much of the money paid as may be necessary to pay the assessment and cost of advertising sale, and the balance he shall turn over to the owner, and the owner may, within one year from said sale, pay the purchaser of said land the amount of his bid, together with ten per cent thereon, and thereupon the purchaser shall surrender the receipt and have no further claim on the land. In default of the owner's paying in one year, as provided he may do, the mayor shall, at the expiration of the year, execute a deed in fee to the purchaser of said land, which shall be sufficient in law to convey the estate of the owner therein.

Time for redemption.

Deed in default of redemption.

Powers under general law.

Sec. 22. That the town of Elkin is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter 73, volume one, of The Revisal of one thousand nine hundred and five, entitled "Towns," not inconsistent with any of the provisions of this act.

Repealing clause.

Sec. 23. That all laws and clauses of laws in conflict with this act, especially sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine of the Private Laws of the General Assembly of North Carolina for one thousand eight hundred and ninety-three, chapter three hundred and sixty-eight, be and the same are hereby repealed.

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

Ratified this the 8th day of February, 1911.

CHAPTER 45.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, CHARTER OF TRINITY COLLEGE, BY STRIKING OUT LIMITATION OF THE AMOUNT OF PROPERTY SAID COLLEGE MAY HOLD.

The General Assembly of North Carolina do enact:

Limitation stricken out.

Section 1. That section two of chapter one hundred and seventy-seven of the Private Laws of one thousand nine hundred and three be and the same hereby is amended by striking out all of that section after the parenthesis therein.

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

Ratified this the 19th day of January, 1911.

CHAPTER 46.

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF FARMVILLE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the town of Farmville, in the county of Pitt, be and it is hereby fully authorized and empowered to issue and sell ten thousand dollars of coupon bonds for the purpose of contracting for and securing a necessary water and light system to properly light the streets and buildings of said town, and properly protect the property and health of its citizens, and the improvement of the streets. Issue and sale of bonds authorized. Amount. Purpose.

Sec. 2. That said bonds shall bear interest at the rate of five per cent per annum and shall run for thirty years from the first day of April, one thousand nine hundred and eleven, with the interest thereon to be paid semi-annually, and shall be of such denomination as the board of commissioners of said town may determine, and when issued shall be signed by the mayor and clerk of said town, but their signatures may be engraved upon the coupons if the board of commissioners so order. Interest. Maturity. Denomination. Authentication.

Sec. 3. That the said bonds may be issued and sold at such time and in such manner as the board of commissioners may elect, but they shall not be sold for less than par. Bonds not to be sold below par.

Sec. 4. That the said board of commissioners shall annually levy, and cause to be collected, a special tax upon the property and other taxable subjects of said town sufficient to maintain and operate electric plant, to pay the interest on said bonds and to provide a sinking fund, in the discretion of the board, to pay the principal thereof when the same shall become due, but this tax shall be a special tax and shall be in addition to the general tax authorized by the charter. Special tax.

Sec. 5. That the said board of commissioners shall use the proceeds of the said bonds for the purpose of procuring for said town the light and water necessary to the comfort, convenience and health of its citizens and the protection of their property and the improvement of the streets, but they may apply so much of said funds to either lights or water or improvement of streets as in their discretion they may deem best. Application of proceeds.

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

Ratified this the 8th day of February, 1911.

CHAPTER 47.

AN ACT TO AMEND THE CHARTER OF THE SUNSET PARK RAILWAY COMPANY AND TO RATIFY AND CONFIRM CERTAIN CONVEYANCES UNDER WHICH SAID CORPORATION HOLDS ITS PROPERTY.

The General Assembly of North Carolina do enact:

Charter amended.

Section 1. That the charter of the Sunset Park Railway Company, issued in accordance with the provisions of section one thousand two hundred and forty-one of The Revisal of one thousand nine hundred and five, and filed in the office of the Secretary of State for the State of North Carolina on the fifteenth day of March, A. D. one thousand nine hundred and nine, be and the same is hereby amended as follows: By adding after section three thereof the following:

Power to sell property.

"Sec. 4. Said corporation may and shall have the right and power to sell and convey to any person, firm or corporation, either in parcels or as a whole, any or all of its real estate, rights-of-way, personal property or other property owned by it, freed and discharged from any obligation to use the same for public uses or for the prosecution of the business for which said corporation was organized."

Conveyances ratified.

Sec. 2. That the conveyance heretofore made by the Asheville and Craggy Mountain Railway Company to the Asheville Loop Line Railway Company, dated June twenty-fifth, one thousand nine hundred and six, whereby all the property necessary for the exercise of its franchise was conveyed by the said Asheville and Craggy Mountain Railway Company to the Asheville Loop Line Railway Company, and the conveyance of the Asheville Loop Line Railway Company to the Asheville Rapid Transit Company, dated second day of May, one thousand nine hundred and ...., whereby the said Asheville Loop Line Railway Company conveyed all of its property, necessary to the exercise of its franchise, to the Asheville Rapid Transit Company, and under which the said Sunset Park Railway Company now holds the property owned by it, be and the same are hereby ratified and confirmed and declared to be valid conveyances of all the property, rights and franchises therein described.

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

Ratified this the 8th day of February, 1911.

CHAPTER 48.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-THREE, INCORPORATING THE TOWN OF SHORE IN YADKIN COUNTY, PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND THREE.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and twenty-three, Private Laws of North Carolina, session of one thousand nine hundred and three, be and the same is hereby repealed. Law repealed.

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 8th day of February, 1911.

CHAPTER 49.

AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO ISSUE BONDS FOR PUBLIC IMPROVEMENT.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of paving, macadamizing or otherwise improving such of the public streets in the city of Raleigh as the board of aldermen of said city may determine to improve and for making such other public improvements as the said board of aldermen may determine to make, and for the purpose of refunding indebtedness of the city of Raleigh secured by notes heretofore issued by the mayor and said board of aldermen, the city of Raleigh is hereby authorized and empowered to issue its bonds of an amount not exceeding two hundred and fifty thousand dollars, of such denomination and in such proportion as the board of aldermen may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable half yearly, at such times and at such place or places as the board of aldermen may deem advisable, said bonds to be of such form and term 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 the board of aldermen may determine: *Provided, however*, that not more than one hundred and fifty thousand dollars par value of such bonds shall be issued or expended during the

Purpose of issue.

Bond issue authorized.

Amount.

Denomination.

Interest.

Maturity.

Proviso: time of issue.

first year after the election hereinafter provided, and that not more than one hundred thousand dollars par value of such bonds shall be issued or expended during the second year if a majority of the qualified voters at the election hereinafter provided for shall vote "Approved."

Bonds not to be sold below par.

Specific appropriation.

Violation of section a misdemeanor.

Punishment.

Penalty.

Sec. 2. That none of the bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation or otherwise, for a less price than their par value, nor shall said bonds or their proceeds be used for any other purpose than those declared in said section one; and any officer of the said city of Raleigh violating, aiding or abetting any person in the violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred dollars and imprisonment not less than six months, and shall moreover be liable to the said city in a sum double the amount lost to the city by such violation.

Exemption from taxation.

Coupons receivable for dues to city.

Sec. 3. That the bonds authorized to be issued by this act and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city, and coupons shall be receivable in payment of city taxes, or other city dues, for any fiscal year in which such 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.

Interest and sinking fund.

Investment of sinking fund.

Sec. 4. That for the purpose of providing for the payment of interest accruing on, and the principal at maturity of the bonds issued under authority of this act, the board of aldermen of said city shall annually set aside sufficient money from the current revenues of the said city to pay such interest and shall annually pay to the commissioner of the sinking fund sums of money who shall provide a sinking fund for the redemption of said bonds. The commissioner of the sinking fund of the city of Raleigh shall, under such general rules and regulations which said board of aldermen shall from time to time prescribe, make investments of such sums of money turned over to him for the payment of the principal of the bonds issued under this act, and do and perform all such other services in connection with said bonds as said board of aldermen may prescribe.

Bond issue subject to election.

Time of election.

Notice of election.

Laws governing election.

Sec. 5. That the provisions of section one of this act shall be submitted to a vote of the qualified voters of the city of Raleigh at an election to be held in said city on a day to be designated by the board of aldermen at any time after thirty days from and after the ratification of this act, and after a public notice of the time when and places where the said election shall be held, which notice shall contain a copy of section one of this act and shall be published in two or more newspapers published in the city of Raleigh. The said election shall be held under the rules and regulations, as nearly as

may be, provided for the election of the aldermen of the city of Raleigh: *Provided, however,* that the board of aldermen may, in their discretion, order a registration of the qualified voters of said city. Those qualified voters approving the issuance of the bonds provided for in section one shall deposit in a ballot box a slip containing the printed or written word "Approved," and those disapproving the same shall deposit a like slip with the printed or written word "Disapproved." If a majority of such voters shall vote "Approved," it shall be deemed and held that a majority of the qualified voters of the city of Raleigh are in favor of giving the board of aldermen authority to issue the bonds authorized by section one of this act, and the board of aldermen shall have such authority. But if a majority of the qualified voters shall vote "Disapproved," then the board of aldermen shall not have such authority.

Proviso: registration.

Ballots.

Effect of election.

Sec. 6. That all laws and parts 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 8th day of February, 1911.

CHAPTER 50.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-TWO (382) OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE (1903), AND CHAPTER TWO HUNDRED AND NINETY-SEVEN (297) OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE (1909), AND TO ISSUE BONDS AND LEVY AN ADDITIONAL SPECIAL TAX FOR THE BENEFIT OF FAYETTEVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter three hundred and eighty-two of the Public Laws of one thousand nine hundred and three (1903), be amended by striking out in lines three and four the words "Cross Creek graded school district," and inserting in lieu thereof the words "Fayetteville graded schools," and that said act be further amended by striking out the words "Cross Creek graded school district" wherever the same may occur in said chapter, and inserting in lieu thereof the words "Fayetteville graded schools," so that the corporate name of said public school district shall hereafter be "Fayetteville graded schools."

Name changed.

Sec. 2. That section one of chapter two hundred and ninety-seven (297) of the Public Laws of one thousand nine hundred and nine (1909) be amended by striking out the words "Cross Creek

Name changed.

graded schools" in lines one and two and inserting in lieu thereof the words "Fayetteville graded schools," and by inserting between the words "township" and "whenever" in line fifteen of said section the words "or which may hereafter be acquired by the same."

Power of sale.

Name changed.

Sec. 3. That said chapter two hundred and ninety-seven (297) of the Public Laws of one thousand nine hundred and nine be further amended by striking out in said chapter wherever the same may occur, the words "Cross Creek graded schools," and inserting in lieu thereof the words "Fayetteville graded schools."

Secretary to sign coupons.

Sec. 4. That section two of said chapter two hundred and ninety-seven (297), Public Laws of one thousand nine hundred and nine, be amended by inserting after the word "chairman" and before the word "of" in line fifteen the words "and secretary."

Bonds not to be sold below par.

Sec. 5. That section three of said chapter two hundred and ninety-seven (297) of the Public Laws of one thousand nine hundred and nine (1909) be amended by striking out the word "face" in line two and inserting in lieu thereof the word "par."

Application of proceeds of bonds.

Sec. 6. That section four of said chapter two hundred and ninety-seven (297), Public Laws of one thousand nine hundred and nine (1909), be amended by inserting after the word "township" in lines seven and eight, and before the word "and" in line eight, the words "as said board may deem necessary."

Sinking fund.

Sec. 7. That section six of said chapter two hundred and ninety-seven (297) of the Public Laws of one thousand nine hundred and nine (1909) be amended by inserting, between the words "schools" and "a" in line five thereof, the words "or from other sources."

Repealing clause.

Sec. 8. That so much of section eight of said chapter two hundred and ninety-seven of the Public Laws of one thousand nine hundred and nine (1909), as is inconsistent with the provisions of this act, is hereby repealed, and the following is substituted in lieu thereof, to wit:

Question of bond issue to be submitted to people.

"The question of issuing the bonds provided for in section two of said chapter two hundred and ninety-seven, Public Laws of one thousand nine hundred and nine (1909), shall be submitted to the

Notice of election.

qualified voters of Cross Creek Township at an election to be held after thirty days notice published in some newspaper of Fayetteville, at the police headquarters in the municipal building on the east side of Gillespie street in the city of Fayetteville, at such time as may be selected by the board of trustees of Fayetteville graded

Voters.

schools. The qualifications of the voters shall be the same as those prescribed by the general election law of the State for the election of the members of the General Assembly, and not inconsistent with

New registration.

the provisions of this act. A new registration shall be made for the election, or elections, to be held under the provisions of said chapter two hundred and ninety-seven (297), Public Laws of one thousand nine hundred and nine (1909), and hereof. Said board of trustees of Fayetteville graded schools shall appoint a registrar and

two judges of election, who shall be resident freeholders of Cross Creek Township, and who shall hold and conduct said election under the rules and regulations prescribed by this act, and not inconsistent with the Constitution of the State of North Carolina. At any election to be held under the provisions hereof the polls shall be opened at eight o'clock a. m. and close at sundown on election day, and, except as modified hereby, the election laws of the State shall control said election. At said election those who are in favor of the issuing of said bonds shall vote a written or printed ballot without device with the words "For school bonds" thereon, and those opposed to the issuing of said bonds shall vote a written or printed ballot without device with the words "Against school bonds." The number of ballots cast for and against issuing said bonds shall be counted, and the number of votes for and against said bonds, and a statement of the total number of votes registered for said election shall be certified and returned by the registrar and judges of said election to the chairman, or acting chairman, of the board of trustees, who shall cause the same to be entered upon the minutes of said board, and said judges and registrar shall also certify a like copy of said returns to the board of county commissioners of Cumberland County and to the Secretary of State of North Carolina, who shall file said returns in his office. If at the election the majority of the qualified votes of Cross Creek Township, as appears from a new registration of the same, shall be cast for school bonds, then the said board of trustees shall proceed at once to issue and sell said bonds, or so much thereof as may be necessary in the judgment of said trustees, for the purposes aforesaid.

Judges of election.

Hours of election.

Laws governing election.

Ballots.

Count and return of votes.

Record of result.

Bonds issued if voted for.

Sec. 9. Amend section nine of said chapter two hundred and ninety-seven (297), Public Laws of one thousand nine hundred and nine, by inserting in line two thereof, between the words "bonds" and "it," the following words: "upon a certificate of the results of said election signed by the chairman, or acting chairman, and secretary of said board of trustees," and by striking out in line five of said section nine the word "ten," and inserting the word "fifteen"; and in line seven of said section by striking out the words "thirty" and inserting "forty-five," and by striking out in line twenty-one the word "commissioners" and inserting "trustees," and by striking out in lines twenty-one and twenty-two the words "upon petition of one-third of the qualified voters of said township."

Authority for issuing bonds.

Tax rate.

Trustees to order new election.

Petition.

Sec. 10. That section ten of said chapter two hundred and ninety-seven (297), Public Laws of one thousand and nine hundred and nine (1909), be and the same is hereby repealed.

Order for new registration.

Sec. 11. That section eleven of said chapter two hundred and ninety-seven (297), Public Laws of one thousand nine hundred and nine (1909), be amended by striking out in lines two and three thereof the words "board of commissioners of Cumberland County," and inserting in lieu thereof the words "the board of trustees of

Appointment of officers for election.

Fayetteville graded schools," and by adding after the word "voters" in line eight of section eleven the words "except that the registrar and election officials shall be appointed by the board of trustees of said Fayetteville graded schools."

Sec. 12. This act shall be in full force and effect from and after its ratification, and all laws and parts of laws in conflict herewith are hereby repealed.

Ratified this the 8th day of February, 1911.

CHAPTER 51.

AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO ISSUE BONDS TO EXTEND ITS WATERWORKS AND TO INSTALL A FILTER.

Preamble.

Whereas, the public utilities, whose value exceeds two-thirds of its bonded indebtedness, pays the city of Fayetteville a good income; and, whereas, upon submission to its voters they ratified the issuance of bonds to purchase the system of waterworks it now owns and profitably operates; and, whereas, the health of its citizens and safety of their property requires the installation of a filtration plant and the enlargement of its waterworks, and the revenues of the city amply justify the issue of bonds for these purposes; now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.
Price.
Amount.
Purpose.

Section 1. That the city of Fayetteville be and it is hereby fully authorized and empowered, upon an affirmative vote of two-thirds of its board of aldermen, to issue and sell, at a price not less than par and accrued interest, its coupon bonds, in an amount not exceeding twenty thousand dollars ($20,000) for the purpose of installing a filter and extending or enlarging its waterworks system.

Denomination.

Sec. 2. Said bonds shall be in denominations of five hundred dollars and one thousand dollars, either or both, as said board may

Maturity.

designate, run for a period of not less than twenty (20) nor more than fifty (50) years, as said board may determine, and bear

Interest.

interest at a rate not exceeding five (5) per centum per annum, payable semi-annually, at such times and places as may be designated by said board of aldermen.

Authentication.

Sec. 3. Said bonds shall be signed by the mayor of said city, attested by its clerk, with its corporate seal thereunto affixed, be consecutively numbered, and the said clerk shall keep an accurate account of same.

Coupons.

Sec. 4. That the interest on said bonds shall be represented by attached coupons, which shall also be consecutively numbered and

ber the lithographed or engraved facsimile of the signature of the clerk of said city, and show the amount, date and place of their payment; and be receivable by the tax collector and treasurer of said city in payment of all its taxes and dues. Coupons receivable for taxes.

Sec. 5. Both the 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, to the payment of which the said city may pledge its full faith and credit. Payable in gold coin.

Sec. 6. That no tax shall be levied or collected by said city on said bonds. Exempt from city tax.

Sec. 7. All administrators, executors, guardians and others acting in a fiduciary capacity are hereby authorized and empowered to invest the funds entrusted to them in said bonds. Fiduciaries to invest in bonds.

Sec. 8. All laws or parts 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 9th day of February, 1911.

CHAPTER 52.

AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO ASSIGN THE REVENUE ACCRUING FROM THE ANNUAL INSTALLMENTS OF ASSESSMENTS LAID AGAINST OWNERS OF LOTS FRONTING ON AND BENEFITED BY PAVED STREETS, AND TO ISSUE BONDS THEREFOR, THE PROCEEDS TO BE USED IN CARRYING ON STREET PAVING.

Whereas, the city of Fayetteville issued and sold above par one hundred thousand dollars of its thirty-year five per cent sewerage and paving bonds authorized by chapter four hundred and thirty-four of the Private Acts of the Assembly of one thousand nine hundred and seven, after ratification by a vote of four hundred and one for the issue to one hundred and thirteen against, out of its six hundred and eighty-seven qualified voters; and, whereas, ten thousand dollars of the proceeds of the sale of same was used for the extension of its sewerage system, and the balance in paving certain streets, two-thirds of the cost of such paving having been determined and assessed against the owners of lots fronting on and benefited thereby, from which assessments there was no appeal, and which are payable to the city in ten equal, annual installments, with five per cent interest added, as in said act provided; and, whereas, the welfare and progress of the city requires other streets to be paved, and its revenues justify the expenditure; and, whereas, it is necessary for this purpose that the city assign the revenue to it accruing from the deferred installments of the assessments as aforesaid; now, therefore, Preamble. Preamble. Preamble. Preamble.

The General Assembly of North Carolina do enact:

Sale of assessments authorized.

Section 1. That the city of Fayetteville, through its board of aldermen, be, and it is hereby, fully authorized and empowered to sell and assign all or any part of the uncollected assessments for street paving heretofore determined and assessed against the owners of lots fronting on and benefited by its paved streets.

Sale of assessments to be hereafter laid.

Sec. 2. That the city of Fayetteville, through its board of aldermen, be, and it is hereby, fully authorized and empowered to sell and assign all or any part of the assessments for street paving that may hereafter be determined and laid against the owners of lots fronting on and benefited by its paved streets, as provided in said act of the Assembly.

Bond issue authorized.

Amount.

Sec. 3. That for the purpose of the sales and assignments hereinbefore in sections one and two authorized, the said city of Fayetteville is further fully authorized and empowered to issue its coupon bonds, in an amount not exceeding ninety (90) per centum of the cost of paying that has been or may hereafter be determined and assessed against the adjoining lot owners as aforesaid, and sell the same at a price not less than par and accrued interest.

Price.

Bonds may be classified.

Maturity.

Sec. 4. That said coupon bonds may be issued in classes, each class covering not more than ninety (90) per centum of the cost of paving assessed against owners of lots as aforesaid, the whole of each class of said bonds to be due and payable on the final day allowed by law to the tax collector of said city in which to collect the last installment of the assessed corresponding with such class,

Limit of amount.

the total amount of said bonds in no event to exceed the sum of seventy-five thousand dollars ($75,000).

Authentication.

Sec. 5. That said coupon bonds shall bear the date of sale and maturity, be signed by the mayor of the city of Fayetteville, attested by its clerk, and its corporate seal thereunto affixed, specify their class, and be consecutively numbered, and the said clerk shall keep an accurate account of same.

Pledge of credit of city.

Denomination of bonds.

Sec. 6. That said city may pledge its full faith and credit to the payment of said bonds, which shall be in denominations of five hundred dollars and one thousand dollars, either or both, as said board of aldermen may specify, and shall bear interest at the rate

Interest.

of five (5) per centum per annum, payable semi-annually, the principal and interest of said bonds to be payable at such times and places as said board may designate.

Coupons.

Sec. 7. Said coupons shall be consecutively numbered, bear the lithographed or engraved facsimile of the signature of the clerk of the city of Fayetteville, and show the amount, date and place of

Coupons receivable for taxes.

payment; and shall be receivable by the tax collector and treasurer of said city in payment of all taxes and dues of said city.

Payable in gold coin.

Sec. 8. Both the principal and interest of said bonds may be made payable in gold coin of the United States of the present standard weight and fineness; and no tax shall be levied or collected by said city on said bonds.

Sec. 9. That it shall be the duty of the tax collector of said city to safely keep the aforesaid paving assessments so collected by him, as a separate and distinct fund until paid over by him to the treasurer of said city, who shall also safely keep the same as a separate and distinct fund until invested by the mayor of said city and the finance committee of said board of aldermen in: (1) any of the bonds issued by virtue of this act, that may be obtained at a fair and reasonable price; (2) in any of the bonds of the city of Fayetteville or of the county of Cumberland, North Carolina; (3) in first mortgages at six per cent on real estate situate within the said city of Fayetteville, to an amount not exceeding its assessed taxable value; the said funds to be deposited by said treasurer in any or all of the banks of said city pending their investment as above mentioned, the bank or banks in which same are deposited to pay a fair rate of interest thereon; and the manner of investing said funds, or any part thereof, shall be preferred in the order above named. But nothing herein shall be construed as authorizing any of said bonds to contain a call feature. The city may require its treasurer to give bond, at its cost, to protect it against loss of said funds. Except where invested in the bonds of said city or county, the said funds shall be used to retire at maturity the bonds herein provided to be issued.

Fund to be kept separate.

Investment of funds.

Deposit of funds.

Bond of treasurer.

Sec. 10. The proceeds of the sale of bonds hereinbefore authorized and provided for shall be used by the city of Fayetteville for street paving, in accordance with the provisions of said chapter four hundred and thirty-four of the Private Laws of one thousand nine hundred and seven.

Application of proceeds of bonds.

Sec. 11. All administrators, executors, guardians and others acting in a fiduciary capacity are hereby authorized and empowered to invest the funds entrusted to them in said bonds.

Fiduciaries may invest in bonds.

Sec. 12. That none of the bonds hereinbefore provided for shall be issued and sold except upon an affirmative vote of two-thirds of the board of aldermen of said city. The purpose being for a necessary expense, upon such vote, the said bonds may be issued and sold without submission to and ratification by the voters of the city of Fayetteville.

Procedure to authorize issue.

Sec. 13. That all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 14. This act shall be in force from and after its ratification.

Ratified this 9th day February, 1911.

CHAPTER 53.

AN ACT TO PERMIT WENDELL GRADED SCHOOL DISTRICT, IN WAKE COUNTY, TO VOTE TEN THOUSAND DOLLARS OF BONDS.

The General Assembly of North Carolina do enact:

Trustees to petition for election

Section 1. That a majority of the trustees of the Wendell graded school district, in Wake County, North Carolina, be and it 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

Question to be voted on.

the question: Shall the Wendell graded school district, in Wake County, issue ten thousand dollars of the bonds of said district, with interest coupons attached, to aid in the construction and equipment of a public graded school building, and in the maintenance of a public graded school in said district.

County commissioners to order election.

Sec. 2. That upon said request of the 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 a time and place as may be specified in said request to determine the question: Shall the Wendell graded school district, in Wake County, issue ten thousand dollars of the bonds of said district, with interest coupons attached, to aid in the construction and equipment of a public graded school building, and in the main-

Notice of election.

tenance of a public graded school in said district. That said board of county commissioners shall, at least thirty (30) days preceding such election, give public 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.

Law governing 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

Proviso: new registration.

for members of the General Assembly: *Provided*, that there shall be a new registration of all 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

Proviso: election officers.

and proper: *Provided, further*, that said board of county commissioners shall appoint registrars of election and judges of election, and the registration of voters, except as herein provided, and chal-

Registration and challenges.

lenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly, or

Count and return of votes.

may hereafter be provided. That the votes shall be counted at the close of the polls and the returns of said election made to the board of county commissioners at its first regular meeting 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. Canvass, declaration and record of result.

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." Ballots.

Sec. 5. That if a majority of the votes cast at 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 a rate not to exceed six (6) per cent per annum, with interest coupons attached, payable semi-annually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times not exceeding thirty (30) years from the date of issue, as the said board of commissioners of Wake County may determine. 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 said bonds shall have upon them the seal of the county. That said bonds shall be styled bonds to aid in the construction and equipment of a public graded school building, and in the maintenance of a public graded school in Wendell graded school district, of Wake County. County commissioners to issue bonds. Denominations. Amount. Interest. Maturity. Authentication. Style of bonds.

Sec. 6. That upon the preparation, signing and execution of said bonds that said board of county commissioners shall deliver the same to the treasurer of the school fund of Wake County, who shall sell said bonds at such times and in such manner as the 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 where 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 meetings, and when sold the numbers of the bond or bonds, the denominations, to whom sold and the number coupons attached. Bonds delivered to treasurer of school fund. Sale of bonds. Specific appropriation of proceeds. Record of bonds and proceedings.

Proceeds of bonds deposited with treasurer.
Expenditures directed by trustees.

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 the said board of education in such manner and for such uses and purposes in the building and equipment of a public graded school building and in the maintenance of a public graded school 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 trustees in the usual manner, in such an amount as the board of county commissioners may direct.

Funds and accounts kept separate.

Bond of treasurer.

Special tax.

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 (20) cents on the hundred dollars of property and sixty (60) cents on the poll in said Wendell graded 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 shall be applied, first, to the payment of the interest upon said bonds; secondly, to the creation of a sinking fund as aforesaid; and, lastly, to the maintenance of said public graded school. 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 shall 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 he shall make such reports from time to time as the board of education or the trustees herein mentioned may direct.

Tax kept as separate fund.

Specific appropriation.

Treasurer commissioner of sinking fund.

Investment of sinking fund.

Bond of commissioner.

Reports.

Application.

Sec. 9. That this act shall apply only to the Wendell graded 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 9th day of February, 1911.

CHAPTER 54.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF BOARD OF POLICE AND FIRE COMMISSIONERS FOR THE CITY OF DURHAM."

The General Assembly of North Carolina do enact:

Section 1. That the words "on the second Monday of each month" in lines twenty-seven and twenty-eight of section three of chapter two hundred and ninety-six of the Private Laws of the General Assembly at its session in one thousand nine hundred and nine, be stricken out and the following words substituted therefor: "on the last Thursday of each month." Meetings of commissioners.

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

Ratified this the 9th day of February, 1911.

CHAPTER 55.

AN ACT TO AMEND THE CHARTER OF THE WINSTON-SALEM SOUTHBOUND RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter thirty-four of the Private Laws of North Carolina, passed at its session of one thousand nine hundred and five, being an act to incorporate the Winston-Salem Southbound Railway Company, be and the same is hereby amended as follows: Insert after the word "line" and before the word "provided" in line seven of said section the following: "or to any other point in the county of Anson." Terminus.

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

Ratified this the 11th day of February, 1911.

CHAPTER 56.

AN ACT TO INCORPORATE THE ANSON SANATORIUM.

The General Assembly of North Carolina do enact:

Section 1. That Dr. Edmund S. Ashe, Dr. Robert D. Ross, Dr. Leonidas C. Smith, Dr. James M. Dunlap, Thomas A. Marshall, Esq., and their successors and such persons as may be associated with them as hereinafter provided, be and they hereby are created Corporators.

Corporate name. a body politic and corporate by the name and style "The Anson Sanatorium," and by that name shall have perpetual succession and a common seal, may sue and be sued, contract and be contracted with, purchase, take, receive, use, sell, lease, mortgage and convey real and personal property in any manner in which they may see fit for the purpose of carrying out the intentions of this act.

Principal office. Sec. 2. The principal office of said corporation shall be in the town of Wadesboro, North Carolina, the sole government of said corporation shall be in the hands of and under the control of a board of seven directors composed as follows, to wit: The five incorporators above named, each of whom shall hold office as directors for life or until he resigns or removes his residence from Anson County. One director shall be appointed by the board of commissioners of Anson County to hold office during the term of office of said board of commissioners and one director shall be appointed by the board of commissioners of the town of Wadesboro and shall hold office during the term of office of said board of commissioners of said town. In the event of a vacancy occurring by the death, resignation or removal of a life director the remaining life directors shall select a resident of Anson County as director to serve until he dies, resigns or removes from said county. In the event of a vacancy in either of the other directorships the vacancy shall be filled by the authority appointing said director. A majority of said board shall constitute a quorum for the transaction of business. They shall meet on or before the first day in May, one thousand nine hundred and eleven, and shall elect a president, a secretary and treasurer, and such other officers as they may deem necessary. The president, the secretary and treasurer to hold office for the term of two years and until their successors are elected and qualify. All other officers and employees shall hold office at the pleasure of the board of directors. Said directors may require bond of the secretary and treasurer and of such other officers and employees as they may deem best. A majority of all the directors shall be necessary for the election of any officer.

Government of corporation.

Directors for life.

Director appointed by county commissioners.

Term of office.

Director appointed by town commissioners.

Vacancies.

Quorum.

Meeting for organization.

Organization.

Terms of office.

Bonds of officers.

Election of officers.

Meetings. Sec. 3. The directors shall by appropriate by-laws fix the time and place of regular meetings of their body and the manner of calling special meetings and manner and method of financing, governing and controlling the sanatorium to be built.

Object of corporation. Sec. 4. The object of this corporation shall be the establishment of a sanatorium for the care and treatment of diseases and sicknesses, the training of nurses and doing all such other things as are done at other sanatoriums.

Charity work. Sec. 5. The charity work of the corporation shall have such prominence as the revenues of the institution may justify, and any and all donations and devises shall be used as provided in the gift or devise, and where no manner of use is specifically stated the method of use shall be in the discretion of the board of directors.

Appropriation from county and towns.

Sec. 6. That the board of commissioners of Anson County and the board of commissioners of any town in Anson County are hereby authorized and empowered to appropriate from time to time from the public funds of said county and towns such sums as they may see fit for the operation or to aid in the operation of said sanatorium.

Power to convey real estate.

Sec. 7. Said corporation may convey or mortgage its real estate by deed signed and sealed in its name by its president and attested by its secretary.

Prescriptions and drugs.

Sec. 8. Said corporation shall have the right without specific license to fill prescriptions and supply drugs to inmates of the sanatorium.

More than one sanatorium.

Sec. 9. The board of directors may in their discretion establish more than one sanatorium when the revenues and endowments of the institution are sufficient to operate the same.

Exemption from taxation.

Sec. 10. All property acquired and held by said institution shall be exempt from any and all taxation and the board of commissioners of the town of Wadesboro are hereby authorized and empowered to furnish water, lights, electricity and sewerage to said sanatorium free or upon such basis as they may see fit.

Contributions in material.

Disposition of property.

Sec. 11. In the event that said corporation fails to erect within five years a sanatorium, or if after the same is erected it fails to maintain the same, all property held by said corporation shall be disposed of as follows: (1) All debts due by said corporation shall be paid. (2) Where a specific intention is stated in a gift or devise said intention shall be carried out. (3) The remainder shall be turned over to the commissioners of the county of Anson to maintain a similar institution.

Farm and dairy.

Sec. 12. Said corporation is authorized and empowered to acquire and operate a farm and dairy and to make such use of any property, real or personal, that it may acquire as in the judgment of the board of directors will yield the best income or profit to said institution, and it is expressly authorized to make all contracts and do all things necessary for this.

Degrees and diplomas.

Sec. 13. The board of directors shall have power to confer nurses degrees and grant diplomas to graduate nurses, which nurses shall have the powers and privileges conferred by law upon graduate nurses.

Title to property.

Sec. 14. The title to all property purchased by or donated, devised or bequeathed to said corporation shall be vested in "The Anson Sanatorium."

Liability of directors.

Sec. 15. That no director of said corporation shall be personally or individually liable for the debts, obligations, contracts, engagements, acts or omissions of said corporation.

Sec. 16. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, 1911.

CHAPTER 57.

AN ACT TO VALIDATE CERTAIN DEEDS TO PHŒNIX LODGE, NUMBER EIGHT, A. F. AND A. M., OF FAYETTEVILLE, NORTH CAROLINA.

Preamble.

Whereas, on the twenty-third day of July, one thousand seven hundred and ninety-three, James Hogg executed and delivered a deed to John Winslow and others, trustees for Phœnix Lodge, Number Eight, A. F. and A. M., for the lands hereinafter described, with the remainder in the commissioners of the town of Fayetteville, in their corporate capacity, said deed being recorded in Book N, number one, page six, in the office of the register of deeds for Cumberland County, and the said lands being described as follows:

First lot.

First lot. Beginning at the northeast corner of a lot belonging to the estate of Alexander Biggam, being the extremity of the north side of Mason street, and the point of intersection with the said side of Mason street (if produced), and the west side of the lane from Moore's Tavern, which lane is hereafter to be called Arch street, and running thence downwards along the north side of Mason street one hundred and thirty-six feet to a stake on the edge of said street; thence north fifteen east, being at right angles with the same, one hundred feet to a stake; thence north seventy-five west, being parallel to Mason street, two hundred and thirty-six feet to a stake; thence south fifteen west one hundred feet to a stake in Biggam's line; thence along his line to the beginning, be the quantity more or less.

Second lot.

Second lot. Beginning at a stake in Biggam's line, at the extremity of the south side of Mason street, and running thence downwards along the south side of the said street one hundred and thirty-seven feet to a stake on the edge of the same; thence south fifteen west one hundred feet to a stake, near the creek; thence north seventy-five west thirteen feet to a stake in Biggam's line at the creek; thence north twenty east along Biggam's line one hundred feet to the first station, be the quantity more or less.

Third lot.

Third lot. Beginning on the south side of Mason street at the northeast corner of the second lot, and to be laid off thirty feet square for the purpose of having a fair house for the lodge.

Preamble.

And, whereas, on the fourteenth day of July, one thousand eight hundred and eighty-one, the mayor and commissioners of the former town of Fayetteville executed and delivered to the said Phœnix Lodge, Number Eight, A. F. and A. M., a quitclaim deed for the lots hereinbefore described, which deed is recorded in Book S, number three, page six hundred and thirty-five, in the office of the register of deeds for Cumberland County; and, whereas, some doubt has arisen as to the legality of said deed from the mayor and commissioners of the former town of Fayetteville; now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the said deed from the mayor and commissioners of the former town of Fayetteville be, and the same is hereby declared to be in all respects valid, and the fee simple title to said lands is declared to be vested in Phœnix Lodge, Number Eight, A. F. and A. M., its successors and assigns. Deed declared valid. Title vested.

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 11th day of February, 1911.

CHAPTER 58.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WILSON TO ISSUE BONDS FOR THE PURPOSE OF REFUNDING A PORTION OF ITS BONDED INDEBTEDNESS.

Whereas, pursuant to the terms and provisions of an act entitled "An act to amend the charter of the town of Wilson, North Carolina," being chapter one hundred and sixty-seven of the Private Laws of one thousand eight hundred and eighty-nine, the board of commissioners of the town of Wilson were authorized and empowered, after the passage of an ordinance by a three-fourths vote of the entire board at two separate regular meetings, to submit to the vote of the people of the town of Wilson the question of borrowing money and the creation of a public debt by issuing bonds or otherwise: Preamble.

And, whereas, pursuant to the terms and provisions of the said act, an ordinance was passed by the said board at two regular meetings by a three-fourths vote of the said board, whereby the question as to issuing seventy-five thousand dollars of five per cent twenty-year bonds, fifteen thousand dollars of said bonds to be issued for the purpose of building and establishing an electric light plant and sixty thousand dollars of said bonds to be issued for the purpose of building and establishing a system of waterworks in the town of Wilson, was submitted to a vote of the people of the town of Wilson, and at an election duly called a majority of the qualified voters in the town of Wilson voted in favor of the issuing of said bonds: Preamble.

And, whereas, pursuant to the said charter, the said ordinance and the said election, the board of commissioners of the town of Wilson did issue and sell fourteen thousand five hundred dollars of the bonds of the town of Wilson, known as electric light bonds, and with the proceeds received built and established an electric light plant in the town of Wilson: Preamble.

Preamble. And, whereas, pursuant to the said charter, the said ordinance and the said election, the board of commissioners of the town of Wilson did issue and sell fifty-nine thousand five hundred dollars of bonds of the town of Wilson and with the proceeds received therefrom did build and establish a system of waterworks in the said town of Wilson:

Preamble. And, whereas, said bonds were all five per cent coupon bonds, due twenty years from the date thereof, which said twenty years will expire during the year one thousand nine hundred and twelve:

Preamble. And, whereas, by the terms and provisions of section thirty-seven of chapter three hundred and eighty-seven of the Private Acts of one thousand eight hundred and ninety-three, the same being an amendment to the charter of the town of Wilson, the town of Wilson was authorized and empowered to create a public debt to establish a system of sewerage in said town, and other public purposes, and for that purpose to issue bonds in the name of the town of Wilson in such denomination and form and payable at such time and place, bearing interest at no greater rate than six per cent per annum, payable annually, as the said board might determine:

Preamble. And, whereas, by the provisions of section thirty-eight of said charter it was provided that none of said bonds should be issued until approved by a majority of the qualified voters of the said town at a public election to be held at such time and under such regulations as the board might prescribe:

Preamble. And, whereas, pursuant to the terms and provisions of said sections the board of commissioners of the town of Wilson duly called an election to be held upon the question of issuing bonds of the town of Wilson for the purpose of establishing a system of sewerage in said town:

Preamble. And, whereas, at said election, held on the twenty-fifth day of November, one thousand eight hundred and ninety-five, a majority of the qualified voters of said town voted in favor of issuing bonds for the purpose of establishing a sewerage system in said town:

Preamble. And, whereas, pursuant to the said charter and to the said election, the board of commissioners of the town of Wilson duly issued seventeen thousand dollars of six per cent coupon bonds, to be due in one thousand nine hundred and sixteen, and sold the same and with the proceeds received therefrom to establish a system of sewerage in the town of Wilson:

Preamble. And, whereas, the said town of Wilson will be unable to pay off and discharge the said bonds at maturity, without the issuing of further bonds; now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized. Section 1. That for the purpose of paying off the bonds issued by the town of Wilson as aforesaid, under and pursuant to the various acts, ordinances and elections above recited, the board of

commissioners of the town of Wilson are hereby authorized and directed to issue bonds of the town of Wilson, payable twenty years after the date of issue, at such place as the board may fix, to an amount not to exceed the sum of ninety-one thousand dollars, pledging the faith and credit of the said town of Wilson for the payment of the said bonds and interest thereon; the said bonds may be issued by the said board from time to time for the purpose of taking up and caring for the bonds above recited as they shall mature. Maturity. Amount.

Sec. 2. All of said bonds shall bear interest at a rate not exceeding five per cent per annum from the date of issue, which said interest may be made payable annually, semi-annually or quarterly, as the board of commissioners may direct. Interest.

Sec. 3. The said board of commissioners are hereby authorized and empowered to adopt a form for the said bonds, but all of said bonds shall be known and designated as the "Refunding Electric Light, Waterworks and Sewerage Bonds of the Town of Wilson," and the same may be issued in such denominations as shall be determined by the said board and shall be signed by the mayor and the clerk of the board of the town of Wilson and sealed with the seal of the said town. The said bonds shall be coupon bonds, the coupon attached thereto, for the payment of the interest, may be signed by the clerk or may have his signature printed, engraved or lithographed thereon. Form of bonds. Designation of bonds. Denominations. Authentication.

Sec. 4. The form adopted for the said bonds shall be entered upon the minutes of the board of commissioners of the town of Wilson, and the clerk shall keep a record showing the amount and number of bonds issued, which record shall be open to the inspection of any citizen of the town of Wilson. Form entered on minutes. Record of bonds.

Sec. 5. The board of commissioners of the town of Wilson are hereby authorized and empowered to sell said bonds at not less than par, or to exchange the said bonds for the outstanding bonds above recited, provided the present holders of the said bonds will receive the bonds to be issued at par. Sale not below par. Exchange of bonds.

Sec. 6. The board of commissioners of the town of Wilson are hereby authorized, empowered and directed, and it shall be their duty, annually, to levy a tax upon all taxable property within the town of Wilson, sufficient to pay the interest upon said bonds as the same shall become due according to tenor thereof. Special tax.

Sec. 7. For the purpose of preparing to meet the payment of the said bonds, at maturity, a sinking fund commission is hereby established in and for said town, which said commission shall consist of three citizens of the town of Wilson, to be elected by the board of commissioners thereof, who shall hold their office for the term of three years each, except as hereinafter provided. Before any of said bonds shall be issued and sold the said board of commissioners of the town of Wilson at a regular meeting shall elect the said sinking fund commissioners, one of whom shall be elected for the term of Sinking fund commission.

Term of office. one year, one of whom shall be elected for the term of two years, and one of whom shall be elected for the term of three years, and

Election of commissioners. shall annually thereafter elect one member of said commission, who after the first election shall hold his office for the term of three

Bond of commissioners. years. Before the said commissioners shall assume the duties of their office, they and each of them shall execute and deliver to the town of Wilson a bond conditioned for the faithful performance of the duties of said office, which bond shall be made payable to the town of Wilson and shall be approved by the board of commissioners thereof. The town of Wilson or any person holding said bonds may institute an action upon said bonds in the event of the breach

Compensation of commissioners. thereof. The compensation of said commissioners shall be fixed by said board.

Tax for sinking fund. Sec. 8. It shall be the duty of the board of commissioners of the town of Wilson to annually levy a tax upon all the taxable property in the town of Wilson, for the purpose of creating a sinking fund to provide for the payment of the said bonds, which tax shall be collected by the tax collector of the town of Wilson annually, and the amount thereof shall be turned over annually to the said sinking fund commission, who shall receive the same and execute proper

Rate. receipts to the said tax collector. The rate of said taxes, so levied, shall in no year be charged enough to collect more than five per cent of the bonds authorized to be issued by this act, but shall each year be sufficient to collect at least two per cent of the issue of the bonds authorized by this act.

Organization of sinking fund commission. Sec. 9. Immediately after the election of said sinking fund commission, the persons so elected shall meet and organize by electing one of the members chairman and one of the members secretary;

Investment of sinking fund. the moneys paid into the hands of said commission pursuant to this act shall be held by said commission and invested by it in safe, interest bearing securities; no investment shall be made of said funds except by the unanimous vote of said commission and by and with the approval of the board of commissioners of the town of Wilson by a majority vote; all papers, documents and securities taken by said commission as evidence of any investment made by them, shall be made payable as follows; that is to say, to "the

Commission incorporated. town of Wilson sinking fund commission," which said sinking fund commission is hereby created a body politic and corporate with the right to sue and be sued; all securities, papers and documents shall be deposited with the treasurer of the town of Wilson by the

Annual statement. said commission; the said commission shall annually make report to the board of commissioners of the town of Wilson of the amount on hand, the manner in which the same is invested and such statement shall be entered upon the records and upon the minutes of the board of commissioners of the town of Wilson, and shall be annually published by the town of Wilson in the same manner as

Publication of statement. the law requires the annual statement of said town to be published.

Sec. 10. In the event at the maturity of the sewerage bonds above recited there shall be sufficient funds in the hands of said commission, that said commission by and with the approval of the board of commissioners of the town of Wilson, are hereby authorized and empowered to pay off and discharge as many of the said sewerage bonds as possible. Payment of sewerage bonds.

Sec. 11. This act shall be in force from and after the date of its ratification.

Ratified this the 11th day of February, 1911.

CHAPTER 59.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTEEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE PAVING OF SIDEWALKS IN THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and seventeen of the Private Laws of one thousand nine hundred and nine be amended by striking out all of section one after the word "provided" in line thirty-two down to and including the word "year" in line thirty-seven of said section, and inserting in lieu thereof the following: "That the board of aldermen shall not establish or create an assessment district or add to one already created unless petitioned so to do by the owners of at least fifty-one per cent of the lineal frontage of abutting property in said new or additional territory, affected by said new or additional district: *Provided, further,* that the above proviso shall not apply to the territory within the fire limits or fire district of the town of Sanford." Petition for creation of assessment district. Proviso: territory within fire limits.

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

Ratified this the 11th day of February, 1911.

CHAPTER 60.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN TWO SPECIAL TAX DISTRICTS IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the line between districts numbers three and four, in Olds Township, county of Greene, be changed so as to make Sandy Run the dividing line between the said districts. Dividing line

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

Ratified this the 11th day of February, 1911.

CHAPTER 61.

AN ACT TO INCORPORATE THE ROANOKE SEMINARY.

The General Assembly of North Carolina do enact:

Name changed.

Section 1. That the name of the institution known at present as the Roanoke Institute shall be known hereafter as the Roanoke Seminary and that S. B. Riddick, D. C. Cobb, G. L. Williams, G. T. Hill and J. W. Williams and their associates and successors in office, be and they are hereby created and constituted a body politic and corporate by the name and style of Trustees of the Roanoke Seminary and Institution of Learning, situated in the town of Williamston, county of Martin and State of North Carolina, and as such institution aforesaid shall plead and be impleaded, use a common seal, make by-laws, regulations and rules as they, the said trustees and their successors, may deem best consistent with the laws of the United States and the State of North Carolina.

Corporators.

Location.

Corporate powers.

Degrees conferred.

Sec. 2. That the said trustees and their successors shall have and are given power to confer the degrees of B. Th., A.B., A.M., D.D., and such other degrees as the said trustees and their successors may desire upon all applicants, who prove themselves proficient for such degrees.

Organization.

Officers and teachers.

Sec. 3. That the said trustees and their successors are and shall be authorized to appoint a president, a treasurer, a recording secretary, a general superintendent and such other officers and teachers as may in their judgment be necessary to serve the purpose and to carry into effect the objects of said institution.

Power to hold property.

Sec. 4. That said trustees and their successors shall have and hold all estate, property and funds now belonging to the said institution, and shall have and hold all property, funds, money, donation, legacies and devices which may hereafter be granted, given, conveyed, bequeathed and devised to said institution in trust for the use and support of the said institution.

Appointment of trustees.

Sec. 5. That the power of appointing trustees for said institution shall be and is left in the hands of the Middle Ground Roanoke Missionary Baptist Association, which now owns and controls the said institution.

Sec. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of February, 1911.

CHAPTER 62.

AN ACT TO INCORPORATE THE TOWN OF UNIONVILLE.

The General Assembly of North Carolina do enact:

Town incorporated.

Section 1. That the town of Unionville, in the county of Union, be and it is hereby incorporated, by the name and style of Unionville.

and shall be subject to all 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 the State. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a ledge of rock in the Chincapin Creek by an ash and hickory and runs south eighty west thirty-four to center of a branch at a rock dam in T. L. A. Helms's field; thence up said branch north twenty-three and one-half west nine chains to a sweet gum on south bank of branch; thence north sixteen west eighteen chains to a stone in T. L. A. Helms's line; thence north five and one-half east five and fifty one-hundredths chains to a stake; thence north eighty-six west three and seventeen one-hundredths chains to a stone in a branch by a sweet gum; thence north five and one-half east six and thirty-two one-hundredths chains to an iron stake in road; thence north eighty-six west forty links to the parsonage lot corner; thence north fifteen and forty-one-hundredths chains to a stake by two small pines; thence north fifty east twenty chains to a bridge on branch in Griffin road; thence down said branch south eighty-nine east thirteen chains to a bridge on new Unionville road; thence south sixty-eight east eleven and fifty one-hundredths chains to Chincapin Creek; thence down said creek to the beginning. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor, five commissioners, a constable, a secretary and treasurer, and the following persons shall fill the offices until the regular election in May, one thousand nine hundred and eleven, viz: Mayor, J. B. Little; commissioners, A. A. Secrest, T. L. A. Helms, J. T. Price, Dr. A. D. N. Whitley and C. D. Benton, all of which offices shall be filled by election of popular vote, except constable, secretary and treasurer, who shall be chosen by commissioners of said town. The constable and treasurer shall give bond in such sum as the commissioners shall determine for the faithful performance of the duties of their respective offices. Town officers. First officers named. Bond of constable and treasurer.

Sec. 4. That officers shall be elected under the laws of chapter 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 law. Law governing election.

Sec. 5. That the commissioners of said town shall have authority to pass such ordinances for good government of said town as shall be necessary for the peace and good of the 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 subjects of taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars worth of property. Power to pass ordinances.

Powers of constable.

Sec. 6. That the constable of said town shall have the right to pursue any person committing a crime in the presence of the said constable within the corporate limits of said town when he is about to escape, and arrest such offender without a warrant, within a distance of two miles from said corporate limits.

General law applicable.

Sec. 7. Said commissioners shall have and are hereby vested with all the powers conferred upon commissioners of towns and cities and subject to the performance of all the duties as such, conferred under the laws of chapter seventy-three of The Revisal of one thousand nine hundred and five.

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

Ratified this the 11th day of February, 1911.

CHAPTER 63.

AN ACT TO CONFER POWER UPON THE AUTHORITIES OF THE TOWN OF REIDSVILLE, NORTH CAROLINA, TO GRANT LICENSE FOR THE USE OF STREETS BY PUBLIC SERVICE COMPANIES.

The General Assembly of North Carolina do enact:

Power to grant franchises.

Sec. 1. That power is hereby conferred upon the board of commissioners, or other governing authorities now or hereafter established for the town of Reidsville, North Carolina, to grant license to street car companies, telephone companies, railroad companies and all other public service companies, to use the streets of the said town for street car, telephone, telegraph and railroad purposes, including tracks to industrial sidings, under such conditions, and in such manner as the said governing body of the said town may think proper and prescribe.

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

Ratified this the 14th day of February, 1911.

CHAPTER 64.

AN ACT TO INCORPORATE THE TOWN OF CULBERSON IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That the inhabitants of all that territory in Cherokee County included within the boundary beginning on a stake on the east side of the Murphy and Morganton road, on the Georgia line,

and running thence with the east side of said road a northeasterly direction to a stake where the Shady Grove road leaves said road; thence a northwesterly direction with said Shady Grove road to Watson's gate; thence with said road to the public road; thence in a northwesterly direction with the east side of said Shady Grove road to a stake at the old road on top of a hill; thence with Henry Culberson's line to the line of John Loudermilk's land; thence a southwesterly direction to the Fry Gap; thence to the southwest corner of the Ferrell lot at the Georgia line; thence with the Georgia line to the beginning, be and they are hereby incorporated under the name of the town of Culberson. Incorporation. Name.

Sec. 2. That the administration and government of said town shall be vested in its mayor and a board of six aldermen and such other officers as are provided for in chapter seventy-three, volume one of The Revisal of one thousand nine hundred and five. Town officers.

Sec. 3. That said town shall have all the rights, powers and privileges conferred upon cities and towns by chapter seventy-three, volume one of The Revisal of one thousand nine hundred and five, and be subject to the duties therein and thereby enjoined. Powers under general law.

Sec. 4. That until the first election and qualification of mayor and aldermen, A. E. Edwards shall be the mayor of said town, and J. M. McAllister, J. W. Stiles, Ross Ellis, S. C. West, J. W. Hyatt and Bass Collins shall be the aldermen of said town. First officers.

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

Ratified this the 14th day of February, 1911.

CHAPTER 65.

AN ACT TO CREATE A SINKING FUND TO PAY OFF A FLOATING INDEBTEDNESS MADE IN THE COMPLETION OF THE WATERWORKS AND SEWAGE SYSTEMS OF THE TOWN OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of creating a sinking fund with which to pay off and discharge an indebtedness of five thousand ($5,000) dollars, made necessary and incurred in the completion of its waterworks and sewage systems, over and above the bonded indebtedness therefor, the town of Shelby is hereby authorized and empowered to levy a special tax of not more than ten (10) cents on the one hundred dollars worth of property each year for a period of four years, beginning with the year one thousand nine hundred and eleven and ending with the year one thousand nine hundred and fourteen, inclusive. Special tax authorized. Rate. Period.

Levy and collection of tax.

Sec. 2. That said special tax shall be levied at the same time and in the same manner as the general taxes of the town of Shelby, and that the same authority and regulations governing the collection and handling of the general taxes of the town of Shelby shall apply to and be employed in the collection and handling of said special tax.

Special appropriation.

Sec. 3. That the moneys derived from said special tax shall be used exclusively in paying off and discharging said indebtedness of five thousand ($5,000) dollars, which was originally made to secure funds with which to complete said waterworks and sewage systems, or any renewals thereof.

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

Ratified this the 14th day of February, 1911.

CHAPTER 66.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF TRYON TO SELL LOT FORMERLY USED AS SCHOOL PROPERTY.

The General Assembly of North Carolina do enact:

Sale authorized.

Section 1. That the board of commissioners of the town of Tryon be and it is hereby authorized and empowered to sell at either public or private sale, upon such terms and for such price, as said board, or a majority thereof, may deem fair and adequate, that lot of land belonging to said town, formerly used as school property, and which is fully described in deed from W. E. Mills and others to the town of Tryon, dated October fifth, one thousand eight hundred and ninety-five, and of record in book number twenty-seven at page eighty of the records of deeds for Polk County.

Application of proceeds.

Sec. 2. That the funds derived from the sale of said property shall be applied, so far as they may extend, to the payment of bonds issued by the said town of Tryon to the amount of fifteen hundred dollars for the following purposes, to wit: one thousand dollars for the improvement of said school property and five hundred dollars for street improvement and the construction of a calaboose.

Surplus.

That any surplus remaining after the liquidation of said bonds shall be paid into the town treasury to be used for general purposes.

Execution of deed.

Sec. 3. That said deed shall be executed in the manner now prescribed by law for the execution of deeds by municipal corporations.

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 14th day of February, 1911.

CHAPTER 67.

AN ACT TO AMEND CHAPTER FOUR OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE, WHICH IS AN ACT TO INCORPORATE THE REGENTS OF THE ORPHAN'S HOME OF THE PRESBYTERIAN CHURCH OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter four of the Private Laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the regents of the Orphan's Home of the Presbyterian Church of the State of North Carolina," be amended by striking out section three thereof and inserting in lieu thereof the following: "That the regents of the said home shall not exceed sixteen (16) in number, all of whom shall be elected by the Synod of the Presbyterian Church of North Carolina and shall at all times be amenable to the said synod and may be removed by said synod at any time for cause; that the regents shall be elected by the said synod under such rules and regulations as synod may prescribe, and the term of office of each of the regents shall be fixed by the synod: *Provided*, that at least one of the regents shall be elected from each of the presbyteries of said church within said State."

Number and selection of regents.

Term of office.

Proviso: one regent to be selected from each presbytery.

Sec. 2. By striking out section five and inserting in lieu thereof the following:

"Sec. 5. That the regents shall elect from their own number a president and a vice-president and shall also elect a secretary and treasurer, and any two or more offices may be filled by one and the same person. They may also elect a superintendent for the home and such other officers, teachers and servants as they may deem necessary for the successful operation of the institution and make such provisions as they may see fit in regard to their salaries."

Organization.

Superintendent.

Sec. 3. That section seven of said act be stricken out and the following inserted in lieu thereof:

"Sec. 7. That the real and personal property of the said corporation hereby created shall not exceed in value the sum of one million ($1,000,000) dollars."

Power to hold property.

Sec. 4. That section eight of said act be stricken out and the following inserted in lieu thereof:

"Sec. 8. That the real and personal property owned by the said corporation, or that may be hereafter acquired by it, not exceeding one million dollars in value, shall be exempt from taxation."

Exemption from taxation.

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

Ratified this the 14th day of February, 1911

CHAPTER 68.

AN ACT TO AUTHORIZE THE TOWN OF SHELBY TO BUY OR ERECT AND OPERATE AN ELECTRIC LIGHT PLANT, AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Denomination.

Interest.

Authentication.

Payment of interest.

Bond issue submitted to voters.

Notice of election.

Law governing election.

Ballots.

Result of election.

Second election.

Section 1. That the mayor and board of aldermen of the town of Shelby are hereby authorized and empowered to issue coupon bonds to an amount not exceeding fifteen thousand ($15,000) dollars for the purpose of buying or erecting an electric light plant; said bonds to be in denominations of one hundred dollars each, and to draw interest at five (5) per cent from date of same.

Sec. 2. That said bonds shall be numbered and shall be signed by the mayor and treasurer of said town and shall bear said town's common seal. The interest on same shall be payable semi-annually on the fifteenth day of March and the fifteenth day of September, respectively, of each year.

Sec. 3. That before any bonds shall be issued under this act, the proposed issue shall first be submitted to the voters of the town of Shelby; and upon petition of as many as two hundred of the qualified electors of said town, the mayor and board of aldermen shall fix a date and call an election by giving not less than thirty (30) days notice in some newspaper published in said town; which election shall be held under the laws and regulations governing the general elections of said town in so far as they are applicable, with power and authority in the mayor and board of aldermen of said town to prescribe any necessary rules and regulations not therein provided for, and appoint officers to hold and declare the result thereof. That at said election every duly registered and legally qualified elector residing in said town shall have the right to vote, and those favoring the issuance of said bonds for said purpose or purposes shall vote a white ballot with the words "For city ownership of electric lights" printed or written or partly printed and partly written thereon, and those opposing the issuance of bonds for said purpose shall vote a white ballot with the words "Against city ownership of electric lights" printed or written or partly printed and partly written thereon. And if at said election a majority of the votes cast were "For city ownership of electric lights," then it shall be the duty of the mayor and board of aldermen of said town to carry out the wishes of the majority of the citizens of said town at said election so expressed, but if at said election a majority of the votes cast were "Against city ownership of electric lights," then no further election shall be called under this act until after the expiration of one year from date thereof, when a second election may be called and held under the same laws, regulations and conditions herein set forth.

Sec. 4. That said bonds shall be exempt from city taxes before maturity, and the coupons thereof shall, when offered, be received in payment of city taxes. Exemption from city tax. Coupons receivable for tax.

Sec. 5. That for the purpose of providing a sinking fund for the payment of said bonds and interest thereon the mayor and board of aldermen of said town are hereby authorized and empowered to levy a special tax annually, not to exceed eight cents on the hundred dollars worth of property and twenty-four cents on the poll, said tax to be levied whenever the mayor and board of aldermen may deem necessary. Special tax for sinking fund.

Sec. 6. That said bonds shall be sold to the highest bidder for not less than par value, after thirty days notice by the mayor and board of aldermen of said town in such periodical or periodicals, newspaper or newspapers as they may consider most likely to facilitate the advantageous sale of same, and they shall become due and payable at a date which is fifteen years from the date of issue. Sale of bonds. At not less than par. Maturity.

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 14th day of February, 1911.

CHAPTER 69.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FORTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATIVE TO GRADED SCHOOLS IN THE TOWN OF TROY.

The General Assembly of North Carolina do enact:

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 "twenty"; and in line twelve by striking out the word "twenty" and inserting in lieu thereof the word "thirty." Limit of bond issue. Maturity of bonds.

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 such bonds, or such part thereof as may be necessary, shall be expended by said board of graded school trustees in purchasing a site and 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 empow- Application of proceeds of bonds. Proviso: power of sale.

ered to purchase a new location for said school within the corporate limits of Troy."

Tax rate.

Sec. 3. That section seven of said chapter four hundred and forty-one of Laws of one thousand nine hundred and three be and the same is hereby amended by striking out the word "thirty" in line eleven and inserting in lieu thereof the word "sixty."

Election to be held.

Sec. 4. 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 one year after the ratification of this act: *Provided*, the notice of such election shall be advertised in the *Montgomerian*, a weekly newspaper published in the town of Troy.

Proviso: notice of election.

Sec. 5. 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 vested in the board of education of Montgomery County: *Provided, further*, that any title held in trust by C. C. Wade, S. J. Smitherman, J. R. Blair, W. R. Harris, W. B. Beaman 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 from general fund.

Proviso: title to property.

Proviso: property held in trust.

Proviso: individual interests.

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

Ratified this the 14th day of February, 1911.

CHAPTER 70.

AN ACT TO INCORPORATE NORTH CAROLINA INTERURBAN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Sec. 1. That John C. Mills, L. L. Jenkins, W. A. Harrill, J. T. Gardner, M. L. Mauney, R. B. Babington, E. L. Wilson, J. Y. Hamrick, K. S. Finch and Geo. L. McKay, and all other persons who may now or hereafter be associated with them, are hereby constituted, declared and created a body politic and corporate, under the name and style of North Carolina Interurban Railway Company, and by that name shall have succession for a period of ninety-nine (99) years, may sue and be sued, plead and be impleaded, and may

Corporate name.

Term.

otherwise appear, proceed or prosecute in all courts of law and equity; adopt, make and use a common seal and alter the same at pleasure, contract and be contracted with, purchase, lease or otherwise acquire or take by gift, devise or condemnation, property of all kinds, real, personal and mixed: *Provided*, that condemnation proceedings shall only extend to real property to the extent and in the manner now provided by the general laws of the State; may hold, lease, sell or otherwise dispose of and enjoy, mortgage, convey by deed of trust or otherwise encumber or hypothecate real, personal or mixed property of the company and its franchises, borrow money, and for that purpose or the purchase of property of any kind, franchises, surveys, rights-of-way, services, equipment, or other necessities, issue its bonds, notes, debentures or other securities, and to sell the same; to appoint such officers and agents as the business of the corporation may require; to adopt, in the manner determined by the stockholders, such by-laws, rules and regulations, for the conduct of its business as may be deemed advisable, to alter and amend the same in the manner in the said by-laws provided and declared: *Provided, however*, that its said by-laws shall not be in contravention of the laws of the State nor of the United States; to have such other powers as to construction, purchase, operation, lease and sale of railroads, telegraph and telephone lines, electric and other power plants, the sale and distribution of energy, the ownership of stocks, bonds, securities and notes of other corporations, the right to guarantee the payment of dividends, interest and principal of outstanding stocks, bonds or other securities, or those about to be issued, and of the stocks, bonds and other securities of other companies or lines which it may purchase or otherwise acquire; the promotion, improvement and operation of waterways, water powers, with all accessories, power plants, generating station, tanks, batteries and distribution lines; the conduct of all other business enterprises necessary to the proper development of the territory through which the line or lines shall pass and as hereinafter recited and set forth, and to have and enjoy all rights, privileges and immunities possessed and enjoyed by other railroad companies under the public laws of the State, it being expressly provided that the powers and rights herein granted and enumerated shall not limit nor restrict the general powers conferred by the laws of the State, as now in force or that may hereafter be enacted.

Corporate powers.

Proviso: limit of power to condemn land.

Proviso: by-laws to conform to law.

Enumerated powers not in limitation of powers under general law.

Sec. 2. The said company shall have and is hereby given and granted the right, power, privilege and authority to survey, locate, build, construct, buy, lease, or otherwise acquire, equip, maintain, control and operate a line or lines of standard gauge railroad, with one or more tracks, from any point on the Atlantic seaboard of North Carolina that may be determined by the board of directors, to the city of Asheville in said State; thence westerly or northerly

Power to locate and construct railroad.

Terminals.

in either or both directions to any other point on the westerly or northerly line of the said State and to any point in any other State, and may be constructed to or near the city of Charlotte, the towns of Gastonia, Dallas, Cherryville, Waco, Cleveland Springs, Shelby, Boiling Springs, Cliffside, Henrietta, Caroleen, Forest City, Rutherfordton, Chimney Rock, over Hickory Nut Gap to Fairview and Asheville: *Provided*, that if at the time of construction of this said line, Hickory Nut Gap, over the Blue Ridge Mountains, is occupied by any other railroad so as to exclude the line of this company, it may build to Asheville by any other route. All as finally determined by the board of directors. The line aforesaid to be known as the main line.

Route.

Proviso: alternative route.

Branch lines.

Sec. 3. Said company shall have the right, power, privilege and authority to survey, construct, lease, buy, otherwise acquire, maintain, control and operate any number of branch lines of railroad, of any length, from its said main line railroad in any direction, from the northerly line of the State of North Carolina to the southerly line thereof, and into any other State north, south or west of said State, with full power to connect its lines with any other railroad in or out of the State of North Carolina. It is especially empowered and authorized to build, construct, maintain, buy, lease and operate a branch line from Cherryville to the town of Kings Mountain and southward to a terminal in or out of the State, a branch line from Cherryville to Hickory and northward to a terminal in or out of the State, a branch line from the town of Shelby to Morganton or other point north or south, to a terminal or terminals in or out of the State, a branch line from Rutherfordton to Tryon and southward to a terminal in or out of the State, and a branch or branches from Asheville in any direction terminating in or out of the State.

Connection with other roads.

Special branches.

Gauge.

Sec. 4. All lines of railroad built and constructed by the company shall be of standard gauge, and all its line or lines may be operated and its cars and trains propelled by steam power, electricity, gasoline motor, water, steam or air pressure, or any other modern power or energy, as may be determined by the board of directors.

Power.

Street railways.

Sec. 5. The right, power and authority is hereby given and granted to the said company to buy, lease, otherwise acquire, survey, locate, build, construct, maintain, control and operate street railways in the towns and cities of the State of North Carolina or in any other State, franchises therefor having been first obtained from the constituted authorities of said towns or cities. The said street railway to be constructed, equipped and operated in the manner and with the motive power agreed upon between the company and any such city or town, and as expressed in the franchise granted by such city or town in which such line or lines are constructed, with right, power and authority to charge and collect

such toll, fare or passage as may also be agreed upon or expressed in such franchise. Tolls and fares.

Sec. 6. The company shall have the right, power and authority to construct its railroad, telegraph and telephone lines and other necessary structures over and across any road, highway or street, or along, upon or parallel to any such highway, road or street, at such points as may be determined necessary by the board of directors: *Provided, however,* that it shall not occupy any road, or public highway, without first obtaining the consent and authority of the board of county commissioners or other governing body having control of said highways, roads or streets. It shall likewise have the right, power and authority to construct dams, viaducts, flumes, ditches, drains, culverts, trestles and bridges over or across any stream, valley or depression. It shall also have the right, power and authority to cross at grade, or over or under any railroad of any kind now constructed or that may hereafter be constructed, at any point on its line or lines, main line or branch, and to connect, join and unite and intersect its line or lines of railroad with any other railroad, whether operated by steam or other power, upon the grounds of any other railroad company or companies, at any point on its line or lines, and to build, construct, maintain and operate turnouts, Y's, switches, sidetracks or other conveniences in furtherance of the objects of its construction and operation: *Provided,* that the rights and powers mentioned in this section are subject to the duty of the company to make compensation for the exercise thereof as now provided by the general laws of the State: and *Provided, further,* that in crossing any steam railroad by an electric line of railroad, at grade, the overhead trolley and other wires shall be strung and suspended so as to give a twenty-four foot clearance between the rails of said steam railroad and the overhead trolley and other wires of the said electric railroad: and *Provided, further,* that at junction and transfer points of connection between railroads and electric railroads of this company, all switching and transfer of cars from one line to the other shall be done by steam and other locomotives, without the aid of overhead wires. The company may lay down, use and occupy tracks through any town or city on its line or lines to any depot of any railroad or other transportation company, within said towns or cities, under such reasonable rules, regulations and conditions as may be prescribed by the board of aldermen or other governing bodies of such towns or cities. In making any connection with any other railroad of any kind or other transportation company, this company shall have all the rights, powers and privileges now, or that may hereafter be conferred on railroads by the laws of the State.

Rights as to roads and streets.

Proviso: consent of authorities.

Dams, viaducts, flumes and bridges.

Rights in connection with other railroads.

Proviso: compensation.

Proviso: wires at railroad crossings.

Proviso: switching and transfers.

Tracks through towns and cities.

Sec. 7. The company shall have the right, power and authority to buy, lease, otherwise acquire, build, construct, maintain and oper-

Telegraph and telephone lines.

ate telegraph and telephone lines along any of its lines or line of railroad, and to charge and collect toll, rent or rates for the transmission of dispatches or messages or the use of said telegraph or telephone lines; to connect with any telegraph or telephone line or lines owned by any other company, corporation or individual, in or out of the State of North Carolina: *Provided*, that in the operation of any telegraph or telephone line or lines the company shall be governed by the provisions of the laws of the State relative to such lines.

Proviso: general laws to apply.

Power to generate and produce electric and other power.

Sec. 8. The company is also granted the right, power and authority to manufacture, generate or produce, and to buy, sell, distribute and furnish electricity, electric current, gas, or other energy, fluid, power or other substance for light, heat, power or other purposes or uses, and to so generate, manufacture and produce the same at any point on its line or lines of railroad, telegraph or telephone lines, or within thirty (30) miles of its lines or any line operated by it, and to set poles, string and suspend any wire or wires, erect such power houses, plants, retorts, containers, buildings, and appliances of every kind and all necessary machinery for the proper and successful manufacture, generation or production, purchase, sale and distribution of such electricity, electric current, gas, fluid, substance, energy or power. Said company may manufacture, generate, purchase, sell and distribute such electricity, electric current, gas, fluid, substance or energy in any town or city situated upon the lines of railroad of said company, under such rules, regulations and agreements, and subject to such franchises as may be granted by the board of aldermen or other governing body thereof, and may fix, charge and collect such rents, rates and tolls as in the judgment of the board of directors is just and reasonable or as may be agreed in the franchise aforesaid.

Power plants in cities and towns.

Water powers and water rights.

Sec. 9. The company is authorized, empowered and granted the right to purchase, acquire, hold, improve, develop, lease, control, maintain and operate water powers, water rights, riparian rights, and all rights incident and necessary thereto, and to build, construct and maintain dams, gates, intakes, sluice ways, spill ways, and other necessary structures over and across any stream, water way or course, with ponds, reservoirs and other devices and appliances for the storage of water and to transport any such water by flume, ditch, pipe line, conduit or other means as may be necessary for the proper use thereof for the purposes herein set forth; may construct, maintain and operate power houses, wheels, wheel houses, pits, race ways, tail races, pumps, hydraulics, and any and all other necessary and needful machinery, appliances, device or building. It may furnish and supply water to consumers, either public or private, for domestic, power, or other purposes, and may lay pipes, erect settling basins, reservoirs, pondage, filters, purifiers, pumps and hydraulics, together with such other devices as

Storage and transportation of water.

Power houses and other structures.

Water supply.

may be necessary: and it may fix, charge and collect such reasonable rates, rents and tolls, for such water power, water or other water rights as in the judgment of the board of directors is just and reasonable, or as fixed in any franchise.

Powers as improvement and development company.

Sec. 10. The company shall have the right, power and authority to buy and sell, and to develop and improve real estate; may lay out and plat town sites along its proposed line or lines and sell and dispose of the lots on such terms and subject to such restrictions as may be determined by the board of directors. For the purpose of developing traffic and business along any of its proposed lines it may engage in any manufacturing, merchandising, or other business, and may buy, sell and otherwise deal in real estate and personal property.

Manufacturing, merchandise and other business.

Exclusive right to transport freight and passengers.

Sec. 11. The company shall have the exclusive right to carry and transport freight of every kind, passengers, express and mail over and along its line or lines of railroad, and to make, fix, charge and collect such tolls, rates and passage as the company or its duly authorized agents may, from time to time, fix, establish and publish, subject, however, to the general laws regulating such rates.

Entrance on land for surveys.

Sec. 12. For the purpose of surveying, leveling, laying out and locating its line or lines of railroad, or any of its works, water powers, structures or other improvements, or for the purpose of observations necessary to its business, the company is authorized and empowered by its officers, agents, engineers or other persons in its employ, or engaged in any capacity on a survey, to enter into and upon any and all lands by whomsoever owned or occupied, or any waters, rivers, creeks or water ways, and such entry shall in all respects be lawful: *Provided, however,* that no damage is done to private property: and *Provided,* that such entry shall be in conformity to the general laws of the State.

Proviso: no damage to private property.

Proviso: law governing entry.

Limit of land to be condemned.

Sec. 13. The right of the company to take and condemn land for right-of-way purposes shall be limited to a space not to exceed fifty feet on either side of its track, measuring from the center line thereof, except in the cases of deep cuts, high embankments or safety switches, in which cases the company shall have the right to condemn as much land in addition thereto as may be necessary to the proper and safe construction of its line or lines, and in addition to the lands aforesaid, may condemn any quantity of land in the opinion of the directors necessary for terminals, depots, warehouses, shops and yards, quarries, and gravel pits. It may cut down trees and remove any rock that may be a menace to safe train operation although the same may be off the right-of-way of the company, and may do any other act that may be necessary to safeguard to train service and the passengers traveling on its trains.

Right of eminent domain.

Sec. 14. The right of eminent domain is hereby expressly granted to and conferred upon the company, and, whenever any lands are needed by the company for right-of-way, terminals, station grounds, warehouses, depots, shops and yards, quarries and gravel pits or other necessary purposes, essential to the construction and operation of its line or lines, and the owner or owners of the said land and the company are unable to agree on the purchase of such land, the same may be taken, appropriated and condemned by the company at a valuation fixed by the board of appraisers or commissioners or otherwise as provided by law. All proceedings for the condemnation of real estate, for the purposes aforesaid, shall be governed by the provisions of sub-division five (5), entitled "Railroads," of The Revisal of one thousand nine hundred and five, laws of the State of North Carolina, being sections two thousand five hundred and seventy-five to two thousand five hundred and ninety-seven, both inclusive.

Proceedings for condemnation.

Rights under general laws.

Sec. 15. The company shall have all the rights and powers of eminent domain given by the general laws of the State to telegraph, telephone, electric power or lighting and public water supply companies.

Capital stock.

Sec. 16. The capital stock of the company shall be one hundred thousand dollars ($100,000), with the right, power, privilege and authority to increase the same from time to time, or at any time, to ten million dollars ($10,000,000), upon filing with the Secretary of State a certificate signed by the president of the company and the secretary thereof, with the seal of the company attached, certifying that the board of directors had passed a resolution increasing the said capital stock, stating the amount to which it had been increased, that the resolution had been passed by a majority vote of the directors and attaching a copy of the resolution as passed, and paying to the Secretary of State the fees and costs as fixed by law. There shall be two classes of stock, common and preferred; the preferred stock to have such rights of preference as may be fixed by the board of directors and recited in the stock certificate. The said preferred stock shall bear not to exceed five and one-half (5½) per cent interest or dividend per annum as a fixed dividend, and shall contain a cumulative dividend clause in the certificate. It shall be a profit sharing stock in the ratio of forty to sixty; that is to say: after the dividend on the preferred stock has been paid, if there are still available funds for dividend purposes, a like dividend shall be paid on the common stock, then if there is still a fund available for dividend purposes, it shall be divided and forty per cent thereof shall be paid as additional dividend on the preferred, and sixty per cent thereof shall be paid as an additional dividend on the common stock. The par value of the stock shall be fixed and determined by the stockholders at their first regular meeting, for organization purposes, but the preferred stock shall not

Stock classified.

Preferred stock.

Rates of dividends.

Par value of stock.

exceed one hundred dollars per share, par value, nor less than twenty dollars, and the common stock may be one-fourth the par value of the preferred. When the said values have been so fixed and certified, they shall never be changed nor altered in any manner, except by the consent of all stockholders and the delivery of outstanding stock to the company for re-issue, or in case of reorganization, in either of which events the par value of the stock may be changed or equalized. Whenever any change has been made in the par value of the stock, the fact shall be certified to the Secretary of State, within ten days thereafter. Values fixed.

Sec. 17. Within ten days after the passage and ratification of this act, the incorporators herein named, or a majority thereof, shall meet, effect a temporary organization and open the subscription book, each of the organizers becoming subscribers to the stock of the company. When two hundred and fifty shares of the common stock of the company has been subscribed, the subscribers, under the directions of the incorporators, or a majority thereof, who must themselves be subscribers, shall proceed to organize the company and corporation by the election of a board of directors, fixing the par value of the stock, both common and preferred, adopting by-laws for the government of the business and affairs of the company, and doing such other things as may be required under the general laws of the State. The stockholders shall fix and determine the number of directors, of which there shall not be less than seven (7) nor more than twelve (12) and at least seven of which shall be residents and citizens of the United States. The term of office of the directors shall not be less than one year, but the stockholders may provide that a part shall serve one year, part two years and part three years. The stockholders shall fix the rate of dividend on the preferred stock and the principal place of business of the company, or may delegate the authority to so fix and determine to the board of directors. They shall declare the terms of office of the executive officers and provide for an executive committee and such other matters as may be deemed necessary. Meeting for temporary organization and subscription. Organization. Directors. Term of office.

Sec. 18. Upon the adjournment of the stockholders meeting, the members-elect of the board of directors shall meet and organize by the election of one of their number as president, who shall hold his office for one year, and until his successor is elected and qualified. They shall also elect a secretary and a treasurer, who may or may not be members of the board of directors, and shall also elect one or more vice-presidents from the members of the board of directors, all of whom shall hold their respective offices for the time fixed in the by-laws. Thereupon, they shall have and exercise all the powers of a corporation under this charter and the laws of the State. Each and every officer of the company shall at all times be a stockholder, and if at any time he ceases to be a stockholder, he thereby forfeits his office and the same becomes vacant. Organization by directors. President, term of office. Secretary and treasurer. Vice-presidents. Officers to be stockholders.

Payment of subscriptions.

Sec. 19. The board of directors may receive cash, labor, materials, service, stocks, bonds, real and personal property or other thing of value in payment of subscriptions to the capital stock of the company, and may make the payment of subscription to the said capital stock payable in such manner and amounts and at such time or times as may be agreed upon with the said subscribers.

Valuation conclusive.

In the absence of fraud and collusion the value placed upon any labor, services, material, stock, bonds, contracts, real and personal property or other thing of value, in payment of subscriptions, to the capital stock, by the board of directors, shall be conclusive as to

Stock full paid.

said value and any stock delivered to the value so fixed shall be fully paid and non-assessable.

Right to subscribe to other companies.

Sec. 20. The company shall have the right, power and authority to become a subscriber to the stocks, bonds and other securities of

Other corporations may become subscribers.

other corporations, and in like manner other corporations may become subscribers to and holders of the stock of this company and its bonds and other securities, and this company may acquire by

Powers of purchase and consolidation.

purchase or otherwise the rights, franchises, rights-of-way, surveys, easements, water rights, options, subscriptions to capital stock, and any and all other assets of any other company, now in existence or that may hereafter be chartered, either in this or in any other State or the United States; to consolidate with any other railroad company or companies, electric lighting, heating or power company, water company or other company possessing similar or partly similar powers to those herein granted, upon such terms and in such manner as may be agreed upon between the contracting

Proviso: consolidation not to prevent competition.

parties: *Provided*, that such consolidation shall not create nor tend to create or establish a trust or combination to prevent competition: and *Provided, further*, that nothing herein contained shall

Proviso: consolidation with competing lines forbidden.

be construed as authorizing or permitting the company to consolidate with competing or parallel lines of railroad, except as specially authorized thereto by the corporation commission.

Location of principal office.

Sec. 21. The principal office and place of business within the State of North Carolina shall be determined by the stockholders at their first meeting, or delegated to the directors, and when chosen, shall

Other offices.

be certified to the Secretary of State, and the said company may establish other offices either in or out of the State, and may change the principal office or any of the other offices in the manner provided in the by-laws, and may hold directors or stockholders meetings either in or out of the State.

Liability of stockholders.

Sec. 22. The liability of the stockholders of the company shall be limited to the unpaid balance of any subscription to the capital stock, or any unpaid balance due on stock delivered, but each and every stockholder shall be liable to the company and its creditors for any such unpaid balance, except as hereinbefore provided.

Executive committee.

Sec. 23. The by-laws of the company may provide for an executive committee of three or more, and for the duties and authorities of

such committee. The members thereof shall be chosen from among the stockholders, and shall hold office for such term as the by-laws provide. Such committee shall be vested with the management of the business and affairs of the company, the construction and operation of the railroad, its branches or any of the other operations of the company, within the limits fixed in the by-laws, subject to the orders of the board of directors or the ratification of its acts. It shall have such power and authority in the making of contracts and the general conduct of the business of the company as may be given or granted by the stockholders, as expressed in the by-laws or as granted by the board of directors from time to time.

Powers, authority and duty of executive committee.

Sec. 24. Full right, power and authority is hereby given and granted to the company to issue its bonds, notes, debentures or other securities, in any amount necessary to the construction, equipment, extension or improvement of its railroad line or lines, the development of any of the industries herein provided for and for the maintenance, upkeep, extension, or improvement of any such industries, as the necessities of its business may, in the judgment of the board of directors, require from time to time. The said company, by its board of directors or proper officers, are authorized to give, grant, make, execute, sign and deliver any deed of trust, mortgage or other instrument of security necessary or requisite to secure the payment of the principal and interest of any such obligation, and shall have the right, power and authority to guarantee the interest or dividends on any bonds, stock, debentures or other securities issued by this company or any other company. The bonds, notes, debentures or other securities may be issued in such denominations, for such a term of years and at such a rate of interest as the board of directors shall determine, and may sell and dispose of said securities, for the purpose of construction or other business of the company, for such price as may be agreed upon with the purchaser or underwriter. The company shall have full power to name a trustee, individual or corporate, to whom any mortgage, deed of trust or other instrument of security may be made, executed and delivered. It may appoint and designate one or more banks to act as depositories, and said trustee and said banks may be either in or out of the State.

Power to borrow money.

Deeds of trust and mortgages.

Powers as guarantee company.

Bonds, notes and debentures.

Sec. 25. The company may change its name at any time, by a vote of a majority of the stockholders, at any annual meeting, or at any special meeting called for that purpose, and the call for which meeting states the purpose: *Provided*, that any change in name of the company, with all resolutions relative thereto, shall be certified to the Secretary of State, within ten days after any such action.

Power to change name.

Proviso: change to be certified.

Sec. 26. The stockholders may delegate to the board of directors and to the executive committee all such powers, and the management of all such affairs and business as may be determined by a

Right of stockholders to delegate powers.

majority thereof, at any meeting, or as set out in the by-laws: *Provided, however,* the election of directors shall not be delegated. The stockholders shall determine the manner of voting and the conduct of elections, it being specially provided that in any and all elections of the company, every share of stock, common or preferred, whatever its par value may be, shall be entitled to one vote and no more.

Proviso: election of directors.

Stock vote.

Counties and municipalities may subscribe to stock.

Procedure for subscribing.

Sec. 27. Counties, townships, towns and cities and other municipalities may become subscribers to the stocks, bonds, debentures or other securities of the company, to any amount, and are authorized to call and hold elections, at which to submit to the qualified voters the question of subscribing to such stock, bonds or other securities of the company. Such election shall be called and held in the manner now or that may hereafter be provided by law, and the conduct thereof, the returns and all proceedings, including the subscription to the said bonds, stocks or other securities and the delivery to the company of cash or bonds of the municipalities aforesaid, shall be governed and be in accordance with sub-division two, entitled "Municipal Subscriptions," of chapter sixty-one (61), entitled "Railroads," Revisal of one thousand nine hundred and five, or acts amendatory thereof.

Time for beginning work.

Sec. 28. The company shall begin work upon its line or lines of railroad, either branch or main line, or its water power plant or plants, telegraph or telephone lines or some other of the industries herein provided for, within two years after the passage of and ratification of this act.

Sec. 29. This act shall be in full force and effect from and after its passage and ratification.

Ratified this 14th day of February, 1911.

CHAPTER 71.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIX, PRIVATE LAWS OF NORTH CAROLINA, PASSED AT ITS SESSION ONE THOUSAND NINE HUNDRED AND NINE, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF THE WARSAW HIGH SCHOOL AND GRADED SCHOOL DISTRICT NUMBER ONE IN WARSAW TOWNSHIP TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A BRICK SCHOOLHOUSE FOR THE WHITES IN SAID DISTRICT.

Preamble.

Whereas, the qualified voters living in the territory embraced within the boundaries set out in section one, chapter two hundred and forty-eight of the Private Laws of the General Assembly of North Carolina at its session one thousand nine hundred and nine, did, on the fifth day of June, one thousand nine hundred and nine,

vote an additional tax of fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll, to be annually levied and collected in said district for the purpose of building the said school building in said district as provided in chapter two hundred and six of the Private Laws of the General Assembly of North Carolina at its session in the year one thousand nine hundred and nine; and, whereas, at said election on the said fifth day of June, one thousand nine hundred and nine, a majority of the qualified voters in said district voted for said additional school tax for the purpose of building a brick schoolhouse for the whites in the Warsaw high school and graded school district in Warsaw Township, Duplin County, which said brick school building is deemed necessary, and the number of votes cast for and against said additional tax were duly counted and certified by the registrars and judges of election and returned to the board of county commissioners of Duplin County, who duly canvassed said returns and certified the result to the Secretary of State and to the register of deeds of Duplin County, and at said election a majority of the qualified voters of said district voted "For additional tax," and the same was reported to and duly confirmed by the board of county commissioners of Duplin County at its regular meeting on June seventh, one thousand nine hundred and nine, and the tax provided in said act has been duly levied by virtue of said election; therefore,

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the Warsaw high school and graded school shall be and remain a body corporate under that name, and may adopt and use a common seal and shall be vested with all 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 the Warsaw high school and 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, conveying and transferring the same for school purposes, and of prosecuting and defending suits for or against 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, contracts and obligations shall be deemed sufficiently executed when signed by the chairman and secretary of said board of trustees and attested by the seal of said corporation.

Trustees incorporated.

Corporate name.

Corporate powers.

Conveyances.

Sec. 2. That the said board of trustees is hereby authorized to issue bonds, not to exceed in amount the sum of twelve thousand dollars, or multiples thereof, bearing interest from date of bond at a rate not to exceed six per cent per annum, payable semi-

Bond issue authorized.

Amount.

Interest.

annually on the first day of January and 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 ten years nor more than twenty years from date of issuing. The said bonds shall be numbered and shall be signed by the chairman of said board and countersigned by its secretary, and have the corporate seal of said corporation affixed thereto. 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 payment of the proceeds into the treasury, and such other data in relation to the same as the board may direct to be kept.

Maturity.

Authentication.

Record of bonds.

Bonds not to be sold below par.

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 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; that it shall be the duty of 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 sureties as they may require, and in default thereof to remove him from his office as treasurer.

Treasurer to receive money.

Liable on bonds.

Money to be kept separate.

Sec. 4. That the treasurer of said board of trustees shall keep separate from all other moneys coming into his hands the money arising as proceeds from the sale of said bonds, and the same shall be expended by the said board for the erection of a brick school building for the whites in the Warsaw high school and graded school district number one, in Warsaw Township as hereinbefore provided, the same being deemed and held a necessary expense, and in furnishing the same with the necessary equipment and furnishings, and for such other school purposes as the said board of trustees may order the same to be disbursed.

Appropriation of proceeds of bonds.

Compensation of treasurer.

Sec. 5. That the said board of trustees shall have the power to fix the compensation of the treasurer in performing the duties conferred upon him by this act.

Sinking fund.

Sec. 6. That it shall be the duty of said board of trustees to provide a fund out of the moneys arising under chapter two hundred and six of the Private Laws of the General Assembly of North Carolina at its session, one thousand nine hundred and nine, for the

payment of the principal of said bonds at maturity, and for that purpose to set apart from the tax collected under said chapter a sum sufficient to retire one or more bonds in the discretion of said board of trustees, and to pay the interest semi-annually upon all of said bonds.

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

Ratified this the 14th day of February, 1911.

CHAPTER 72.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF THE TOWN OF WAYNESVILLE THE RATIFICATION OF CONTRACT TO CONNECT SEWERAGE SYSTEM OF SAID TOWN WITH THAT OF SOUTHERN ASSEMBLY, AND TO AUTHORIZE THE ISSUANCE OF BONDS THEREFOR.

Whereas, the board of aldermen of the town of Waynesville, during the year one thousand nine hundred and ten, entered into a contract obligating the said town of Waynesville to connect the sewerage system of said town with that of Southern Assembly in event said Assembly located as set forth in said contract; and, whereas, said Southern Assembly has located as contemplated in said contract, and doubt has arisen as to whether said contract is a binding obligation on said town; now, therefore, Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the town of Waynesville, North Carolina, are hereby authorized, directed and required to submit to the qualified voters of said town at the election for municipal officers to be held next May, the question of the adoption or rejection of the following contract, and the question as to whether an annual tax shall be levied on the property and polls of said town to pay the interest on bonds authorized by this act hereinafter provided, to be issued should a majority of the qualified voters of said town ratify said contract and authorize the issuance of bonds herein provided, which contract is as follows, to wit: Question to be submitted to voters.

State of North Carolina—Haywood County.

Whereas, Southern Assembly, under and by virtue of Public Laws of North Carolina, one thousand nine hundred and nine, chapter four hundred and nineteen, page five hundred and sixty-seven, contemplates location of its assembly grounds and building a dam for a lake, near Tuscola, below town of Waynesville, and desires to have said town make sewerage connection with that of said Assembly in the event of such location: Contract to be voted on.

Now, therefore, be it resolved by the board of aldermen of town of Waynesville, in regular meeting, that the town of Waynesville

will make sewerage connection with the upper edge of the lake of said Assembly, provided it is located at place above set forth, and we, the undersigned mayor and town clerk of town of Waynesville, being thereto duly authorized and directed by the said board of aldermen of said town of Waynesville, and the board of aldermen of said town of Waynesville, in so far as by law we are authorized so to do, hereby contract and agree with said Southern Assembly, its successors and assigns, that the said town of Waynesville will, in the event said Assembly is located as aforesaid, connect the sewerage system of town of Wayneville with the upper edge of Southern Assembly Lake, or otherwise satisfactorily arrange said Waynesville sewerage, and if we are not now by law authorized to make such contract, to do everything possible to secure such legislation.

J. R. Boyd,
Mayor of Town of Waynesville.

J. Hardin Howell,
Clerk of Town of Waynesville.

B. F. Smathers,
D. A. Howell,
James McLean,
J. P. Francis,
G. W. Maslin,
Board of Aldermen of Town of Waynesville.

Ballots.

Sec. 2. That at the election held under the provisions of this act those qualified voters who favor the adoption and ratification of said contract, and levying such tax and issuance of said bonds, shall vote a written or printed ballot on which shall be the words "For adoption and ratification," and those opposed to said contract shall vote a written or printed ballot on which shall be the words "Against adoption and ratification."

Effect of election.

Sec. 3. That if a majority of the qualified voters shall at said election vote for adoption and ratification of said contract, and in favor of levying such tax, and issuing said bonds, the said contract, if not already, shall be a binding obligation on said town of Waynesville, in which event the board of aldermen of said town shall issue, pledging the credit of the town of Waynesville, coupon bonds to an amount not exceeding twenty thousand ($20,000) dollars in such denominations as said board may elect, same to bear interest at the rate of five per cent per annum, interest payable semi-annually, and both the interest and the principal of said bonds to be payable at such place as said board of aldermen may designate, and said bonds shall become due and payable in not less than thirty (30) years, nor more than fifty (50) years, from date of same. And the said bonds, together with the coupons, to be numbered and signed by the mayor of said town, and countersigned by the clerk and treasurer of said town, and a correct record shall be kept by the town clerk and by the town treasurer of all bonds, observing the number, the amount and to whom sold. The coupons shall be

Amount of bond issue.

Denominations.

Interest.

Maturity.

Authentication.

Record of bonds.

receivable in payment of any and all debts or taxes due the town. And the said bonds shall not be sold at less than par, but the said board of aldermen may, in their discretion, pay a commission of not more than two and one-half per centum of the amount issued, should the same become necessary to effect a sale of the said bonds.

Coupons receivable for debts to town.

Bonds not to be sold below par.

Commission on sale.

Sec. 4. That the proceeds arising from the sale of said bonds shall be used exclusively to make the sewerage connection contemplated by this act, or in otherwise satisfactorily arranging said sewerage system, and then if any surplus is left, the same may be expended in liquidating and paying any debts due by said town heretofore contracted by said board of aldermen, in order to improve either the water system or sewer system of said town, and for no other purposes.

Specific appropriation.

Surplus.

Sec. 5. That in order to pay the interest on the said bonds, as and when the same shall become due, and to create a sinking fund, with which to pay the principal when the same shall become due, it is hereby made the duty of the said board of aldermen, and their successors in office, to annually compute and levy at the time of levying other town taxes, a sufficient special tax, upon the property and polls of said town, at all times observing the constitutional equation, with which to regularly and promptly pay the interest on said bonds, and with which to pay out of the sinking fund the principal of said bonds, at the maturity thereof. This tax shall be collected by the town tax collector and by him paid to the town treasurer, and the taxes levied and collected under the provisions of this act shall be kept separate from other taxes, and only applied as herein provided.

Special tax.

Constitutional equation.

Sec. 6. If at said election a majority of the qualified voters shall fail to vote for said contract and ratification, and the levying of said tax and issuing of said bonds, as aforesaid, then, at any time after four months thereafter, upon a petition signed by twenty-five (25) voters of said town being presented to the board of aldermen, they shall order another election to be held as provided by this act, under the same rules and regulations governing municipal elections in said town, and if a majority of the votes cast at said election shall be for adoption and ratification of said contract, and the levying of said tax and issuing of said bonds, then the said election shall have the same effect as hereinbefore provided for the first election.

Further election.

Sec. 7. That this act shall be in full force and effect from and after its ratification.

Ratified this 15th day of February, 1911.

CHAPTER 73.

AN ACT TO AMEND THE CHARTER OF BUCKHORN ACADEMY IN HERTFORD COUNTY.

Preamble.

Whereas, the General Assembly of North Carolina at its session of one thousand eight hundred and forty-six and seven incorporated the Buckhorn Academy in Hertford County and appointed trustees for said academy; and, whereas, the present trustees of said academy, viz: T. E. Vann, J. D. Riddick, S. P. Winborne, G. C. Picot, R. J. Taylor, J. G. Majette and B. B. Winborne, desire to sell the building and lot of land belonging to said trustees of said acedemy; therefore,

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and twenty (120) of the Laws of one thousand eight hundred and forty-six and seven be mended by adding after section three of said chapter the following:

Sale of property authorized.

"The trustees of said academy may sell the property held by them as trustees for said school, either at public or private sale, as a majority of said trustees may deem best, and upon such sale, a

Execution of deed.

deed executed by the chairman and secretary of said trustee, by authority of said trustees, shall convey the title to said property to

Reinvestment of proceeds.

the purchaser. And the money arising from said sale be reinvested as a majority of said trustees may determine.

Sec. 2. This act to take effect from and after its ratification.

Ratified this the 15th day of February, 1911.

CHAPTER 74.

AN ACT TO ENABLE THE HERTFORD GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of graded school trustees of Hertford, constituted a corporate body by an act of the General Assembly, chapter three hundred and thirty-six (336), Private Laws of North Carolina for the year one thousand nine hundred and five, section ten, shall be and are hereby authorized to issue bonds of the Hertford graded school district, established by said act, section one, to

Amount.

an amount not exceeding five thousand dollars ($5.000), to be issued

Denominations.

in denominations as may seem advisable to said board of trustees.

Maturity.

To be payable or redeemable in thirty (30) years from date of issue,

Interest.

and to bear an interest rate not exceeding six (6) per centum per annum; they shall have attached interest coupons payable annually

and at such time or times and at such place or places as may be deemed advisable by said board of trustees. And said bonds shall be made payable at such place or places as said board of trustees may determine: *Provided*, that said board of trustees shall issue said bonds at such time or times as may be required to meet the expenditures hereinafter provided for in section two of this act. Said bonds shall be valid when signed by the chairman and secretary of said board of trustees, and the coupons shall bear the facsimile signature of the board of trustees.

Proviso: issue of bonds.

Authentication.

Sec. 2. That the proceeds arising from the sale of said bonds shall be expended by said board of trustees in providing by purchase or otherwise such additions to buildings and equipment, such school furniture and improvements to school property and grounds belonging to the graded school district as they, in their judgment, may deem needed from time to time.

Appropriation of proceeds.

Sec. 3. That none of these bonds shall be disposed of by sale, exchange, hypothecation or otherwise for a less price than their par value, nor shall they nor the proceeds from them be used in other ways than that set out in section two of this act.

Bonds not to be sold below par.

Specific appropriation.

Sec. 4. That all provisions as to taxation of said bonds and tenders of their coupons, the payment of the same and interest thereon, the taxes to be levied for their payment, together with the manner and method of levying and laying and collecting such taxes and the remuneration therefor, shall be the same as set out in sections five (5), six (6), and seven (7) of the act entitled "An act to establish graded schools in the town of Hertford and to issue bonds," chapter three hundred and thirty-six (336), Private Laws of North Carolina, for the year one thousand nine hundred and five.

Taxes for payment of bonds and coupons.

Sec. 5. That the provisions of section one (1) of this act and so much of section four (4) as is contained in section six (6) of the act establishing graded schools in the town of Hertford, chapter three hundred and thirty-six (336), Private Laws of North Carolina for the year one thousand nine hundred and five, shall be submitted to the qualified voters of said graded school district in accordance with the provisions and in the manner designated in section eight (8) of said act: *Provided*, that in lieu of the words "For schools" and "Against schools" wherever they appear in said section, the words "For bonds" and "Against bonds" shall be used, the former to designate a vote for and the latter a vote against the issuance of bonds. And for the words "one thousand nine hundred and six" appearing in the last line of said section shall be substituted the words "one thousand nine hundred and eleven."

Election.

Proviso: ballots.

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

Ratified this the 15th day of February, 1911.

CHAPTER 75.

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

The General Assembly of North Carolina do enact:

Laws, by-laws, ordinances and resolutions to remain in force.

Section 1. All laws, by-laws, ordinances and resolutions lawfully passed and in force in the city of Wilmington under its former organization shall remain in force until altered or repealed by the council provided for under the provisions of this act. The territorial limits shall remain the same, and all rights and property of every description, which were invested in said city prior to the passage of this act, shall vest therein under the organization herein contemplated; and no right or liability, either in favor of or against it, existing at the time, and no suit or prosecution of any kind, shall be effected by such change, unless otherwise provided for in this act.

Corporate boundaries.

Rights and property revested.

Board of audit and finance abolished.

Sec. 2. That so much of chapter one hundred and forty-three (143) of the Private Laws of North Carolina for the year one thousand eight hundred and seventy-seven, and acts amendatory thereof, as appoints the board of audit and finance, a chairman of the sinking fund for the city of Wilmington, and a clerk to the said board of audit and finance, is hereby repealed; that so much of chapter two hundred and forty-four (244) of the Private Laws of North Carolina of one thousand nine hundred and seven as appoints a street commission is hereby repealed; that so much of chapter two hundred and forty-one (241) of the Private Laws of one thousand nine hundred and seven as appoints a water and sewerage commission is hereby repealed; that so much of chapter two hundred and fifty-one (251) of the Private Laws of one thousand nine hundred and nine as provides for a police and fire commission is hereby repealed; and so much of chapter one hundred and thirty-eight (138) of the Private Laws of one thousand nine hundred and seven, and acts amendatory thereof, as appoints three library trustees is hereby repealed. And the powers, duties and privileges conferred upon said board of audit and finance, upon the clerk thereof, and upon the chairman of the sinking fund, upon the street commission, upon the water and sewerage commission, upon the police and fire commission and the appointment of library trustees shall devolve upon and be conferred upon the council hereinafter provided for, except as altered or repealed by this act. And the power heretofore conferred upon said board and said commissioners to issue and sell bonds is hereby expressly conferred upon the said council provided for in this act.

Street commission abolished.

Water and sewerage commission abolished.

Police and fire commission abolished.

Trustees of library abolished.

Duties of abolished boards and commissions devolved on council.

Power to issue and sell bonds.

Council of five members.

Vote of councilmen.

Sec. 3. The city of Wilmingon shall be governed by a council consisting of five (5) members, each of whom have the right to vote upon all questions coming before the council, except the councilman,

who shall be mayor, who in all cases may exercise his right to vote, or he may reserve this right until there is a tie, but in no case shall he be allowed to vote twice on the same question. Three members of the council shall constitute a quorum, and the affirmative vote of three members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is required in this act. Upon every vote the "yeas" and "nays" shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The mayor shall preside at all meetings of the council, unless otherwise provided herein; he shall have no power to veto any measure, but every resolution or ordinance passed by the council must be signed by the mayor or by two councilmen, and be recorded, before the same shall be in force.

Vote of mayor.

Quorum.

Affirmative vote of three required.

Yea and nay vote.

All propositions submitted in writing.

Mayor to preside at meetings.

No veto power.

Resolution or ordinance to be signed by mayor or two councilmen and recorded.

Sec. 4. The council shall have and possess, and the council and its members shall exercise all executive, legislative and judicial powers and duties now had—(but the power, authority and duties conferred upon the recorder's court by chapter three hundred and ninety-eight (398) of the Public Laws of North Carolina of one thousand nine hundred and nine shall not be affected by this act)—possessed and exercised by the mayor, the board of aldermen, the board of audit and finance, the water and sewerage commission, the street commission, the police and fire commission, and all other executive and administrative officers and offices of the said city of Wilmington; together with all such powers and duties as are conferred by chapter seventy-three (73) of The Revisal of North Carolina of one thousand nine hundred and five, upon cities and towns and which are not repugnant to this act. The executive and administrative powers, authorities and duties of the city of Wilmington shall be distributed into and among five departments as follows:

Executive, legislative and judicial powers and duties of council.

Recorder's court not affected.

Distribution of powers, authorities and duties.

1. Department of Public Affairs.
2. Department of Accounts and Finance.
3. Department of Public Safety.
4. Department of Streets, Wharves and Public Improvements.
5. Department of Water and Sewerage.

Public affairs.

Accounts and finance.

Public safety.

Streets, wharves and public improvements.

Water and sewerage.

The council shall determine the powers and duties to be performed by each department and assign them to the appropriate department, unless otherwise provided in this act; shall assign particular officers and employees to one or more departments, unless otherwise provided in this act; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city, not inconsistent with this act. The council has and shall exercise all legislative and administrative powers, functions and duties now had and possessed by the city of Wilmington or its officers. It shall make all orders for the doing of work or the making or construction

Apportionment of powers and duties.

Assignment of officers and employees.

Exercise of legislative and administrative powers.

Orders for work and improvements.

Levying taxes and appropriation of funds.

Audit, allowance and payment of accounts.

Assessments for street improvements.

Contracts.

Contracts drawn or approved by city attorney.

Heads of departments and officers agents of council.

Acts subject to review.

Reports of departments.

Duties may be assigned by council.

Powers of council in making investigations.

Mayor to be in charge of public affairs.

Departments assigned by vote of council.

Mayor to be councilman of public affairs.

Powers and duties.

of improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, and audit and allow all bills, accounts, pay rolls and claims, and order payment thereof, which payment shall be made upon voucher or check signed by one councilman and one other officer, as the council shall designate. It shall make all assessments for the cost of street improvements, sidewalks, sewers and all other work, improvements or repairs which may be especially assessed against property under the powers now possessed. It shall make or authorize the making of all contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the council or reduced to writing and approved by the council, or expressly authorized by ordinance or resolution adopted by the council. All contracts and ordinances and resolutions making contracts or authorizing the making of contracts, shall be drawn by the city attorney, or approved by him before the same are made or passed. All councilmen at the heads of departments and all officers shall be agents of the council only, and all their acts shall be subject to review and approval, disapproval or revocation by the council. Every head of department or other officer shall from time to time, as required by law or ordinance, or when requested by the council, or whenever he shall deem necessary for the good of the public service, report to the council in writing, respecting the business of his department or office, or matters connected therewith.

The council may, by ordinance or resolution, assign to a councilman in charge of a department, officer or employee, duties in respect to the business of any other department, office or employment, and such service shall be rendered without additional compensation.

The council shall have the power to enforce the attendance of witnesses, the production of books and papers, and the power to administer oaths, in the same manner and with like effect, and under the same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of North Carolina in all matters it may desire to investigate.

Sec. 5. The mayor shall be councilman in charge of the department of public affairs, and the council shall at the first regular meeting after the first election of its members, and after all future elections of the same, designate by a majority vote, one councilman to be in charge of the department of public safety, one to be in charge of the department of streets, wharves and public improvements, one to be in charge of the department of accounts and finance, and one to be in charge of the department of water and sewerage: but such designation shall be changed whenever it appears that the public service would be benefited thereby.

(*a*) Department of public affairs: The mayor shall be the councilman in charge of the department of public affairs. He shall have and exercise all powers and perform all duties provided or

prescribed by law or the ordinances of the city not in conflict with the provisions of this act. He shall have general supervision and oversight over all departments and offices in the city. He shall be the chief executive officer and representative of the city and shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the council. He shall be chairman of the local board of health. All notices of quarantine and release must bear his signature. The city attorney, city stenographer, city library and library building trustees, the civil service commission and all other officers and functionaries not by law or ordinance distributed and assigned to some other department are distributed and assigned to the department of public affairs.

General supervision and oversight.
Chief executive officer and representative of city.
Statements and reports.
Chairman of local board of health.
Notices of quarantine and release.
Officers assigned to department.

(*b*) Department of accounts and finance: The councilman assigned to the department of accounts and finance shall have charge of and supervision over all accounts and records of the city, and all officers, boards or departments required to keep or make accounts, records or reports. He shall inspect, or cause to be inspected, all records or accounts required to be kept in any of the offices of the departments of the city, and shall cause proper accounts and records to be kept and proper report to be made. He shall audit or cause to be audited, at frequent intervals, the accounts of every officer or employee who does or may receive or distribute money. He shall have charge of the purchase, care and distribution of supplies and other articles not otherwise provided to be otherwise purchased, cared for and distributed. He shall have charge and supervision over all printing by or for the city, unless otherwise provided by law. He shall examine or cause to be examined, and report to the council, upon all bills, accounts, pay rolls and claims, before they are acted upon or allowed, unless otherwise provided by law. He shall procure from all persons and corporations operating public service utilities in the city, such reports as they are by law or ordinance or otherwise, required to make, to the city or any of its officers, and procure copies of such reports as are made to the State, or any public officer or department; and shall collect or cause to be collected all license fees, franchise taxes, rentals or other money, which may be due or become due to the city. He shall report to the council any failure to make reports or to pay moneys due to the city, with such recommendations in relation thereto as he may deem proper. The clerk and treasurer and collector, license collector, and their respective offices, and all employees therein, and all bookkeepers and accountants, are distributed and assigned to the department of accounts and finance, and shall be under the supervision and direction of the councilman in charge thereof.

Accounts and finance.
Supervision of accounts and records.
Inspection of records and accounts.
Audit of accounts.
Purchases.
Printing.
Examination and reports on bills accounts, pay rolls and claims.
Reports from public service companies.
Copies of reports to State.
Collection of taxes and other amounts due to city.
Reports to council.
Officers and employees assigned to department.

(*c*) Department of public safety: The councilman assigned to the department of public safety shall have charge of the chief of

Department of public safety.

Charge of police department.

Charge of fire department.

Fire and police alarm system.

Surface closets.

Health department.

Plumbing inspector.

City electrician.

Supervision and repair of buildings.

police and the police department, and all policemen, officers and employees therein, all police stations, property and apparatus used in said police department, the chief of the fire department and all firemen, officers and employees therein and all fire stations, property and apparatus used in said fire department, the fire and police alarm systems and all property and apparatus belonging thereto. He shall have supervision over all surface closets. The city physician, board of health, health officers, and all officers and employees in their respective offices, or in the health department of the city, and all buildings, property and apparatus belonging to or used in said departments and offices, the plumbing inspector, city electrician, and their offices and all property and apparatus used therein, are all distributed and assigned to the department of public safety. The councilman in charge shall have supervision over the construction and repair of all buildings assigned to his department, and may on application receive assistance in his department from other offices and departments of the city.

Department of streets, wharves and public improvements.

Charge of all public works, cleaning of streets and public places.

Erection and repair of improvements.

Estimates of city engineer.

Acceptance of work.

Lights.

Bill-boards.

Dumping grounds and dumps.

Supervision of public service purveyors.

Reports to council.

Officers and employees assigned to department.

(*d*) Department of streets, wharves and public improvements: The councilman assigned to the department of streets, wharves and public improvements shall take charge of all public works, the cleaning of streets and public places, the removal and disposal of garbage, the entire erection, making and reconstructing of all street improvements, sidewalks, bridges, viaducts, wharves, public buildings and other improvements, and of the repair thereof when not otherwise assigned. He shall approve the estimates of the city engineer which may be made from time to time of the cost of such work, as the same progresses, and accept any building erected, work done or improvement made when completed according to contract, and perform such other duties as may be provided by ordinance or resolution. He shall have control, management and direction of the lighting of streets and alleys and of public buildings and grounds, not otherwise assigned, and of all lamps, lights, lighting material, and persons charged with the care thereof. He shall have charge of the enforcement of the provisions of law or ordinance relating to bill-boards. He shall have supervision of all public dumping grounds and dumps. He shall have supervision over all persons or corporations rendering service to the city or State, and shall report to the council or other proper officer any failure of said person or corporation to render a service or to observe the requirements and conditions of the franchise, contract or grant. The city engineer and his department and the employees therein, the street superintendent, and all other officers and employees in connection with the work of this department, are distributed and assigned to the department of streets, wharves and public improvements, and shall be under the supervision of the councilman thereof.

Department of water and sewerage.

(*e*) Department of water and sewerage: The councilman assigned to the department of water and sewerage shall have charge

of the watersheds and sources from which the city takes its supply of water, pumping stations, pipe lines, filtering plants, and all other things connected with or incident to the proper supply of water for the city of Wilmington; he shall have supervision and control over all buildings, grounds or apparatus connected therewith and incident to the furnishing of water for the city; he shall have charge of the erection of water tanks and laying of water line and operation thereof: and he shall exercise supervision and control over all assistants and employees connected with said department, except as otherwise provided in this act. Said councilman shall have control and supervision over the sewer system of the city, now or hereafter to be constructed or acquired; he shall have charge of the construction, maintenance and operation of the sewer plant, and all property and apparatus connected therewith; and he shall exercise supervision and control over all officers, assistants, and employees connected with said works and with said department, except as otherwise provided in this act.

Charge of watershed, water supply and waterworks system.

Charge of sewer system.

Construction, maintenance and operation of sewer plant.

Officers, assistants and employees.

(*f*) The council shall at the first meeting after its election hereunder, or as soon thereafter as practicable, elect by majority vote a clerk and treasurer, who shall be clerk to the council, a collector, a city attorney, chief of police, chief of fire department, who shall also be building inspector, city engineer, superintendent of streets, three public library trustees and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city. Any officer or assistant elected or appointed by the council may be removed from office at any time by a vote of the majority of the members of the council, except as otherwise provided for in this act.

Officers to be elected by council.

Term of office at pleasure of board.

That all the funds of the city of Wilmington shall be ratably and equitably apportioned and deposited with all the banks of the city of Wilmington in such proportion as the capital stock of each of said banks shall bear to the total capital stock of all of the banks in said city, on an equal interest basis of not less than four per cent per annum: *Provided, however*, that the said council, before depositing money in any bank, shall determine that the said bank is solvent and responsible and shall require, as a condition precedent to making said deposit, good and sufficient bond with surety from said banks in amounts satisfactory to the said council, or good and sufficient collateral, to indemnify said council and city from any and all loss of funds deposited in said banks: and *Provided, further*, that any banks failing or refusing to furnish such bonds, or to give such good and sufficient collateral as may be required, or to pay said interest, or decline or refuse to accept its proportion of said funds on deposit, shall forfeit all right to said deposits, and its proportion of such deposits shall be deposited in the manner set forth above among the banks complying with the provisions of this act.

Apportionment of deposits.

Interest on deposits.

Proviso: security for deposits.

Proviso: forfeit by banks of deposit rights.

Power to create, fill and discontinue offices and employments.

Sec. 6. The council shall have power from time to time to create, fill and discontinue offices and employments other than herein prescribed, according to their judgment of the needs of the city, and may by a majority vote of all the members, remove any such officer or employee, except as otherwise provided in this act, and may by resolution or otherwise prescribe, limit or exchange the compensation of such officers or employees.

Power to remove officers.

Power to prescribe compensation.

Regular meetings.

Sec. 7. The regular meetings of the council shall be held on the first Monday after its induction into office under this act, and thereafter at least once a week, or oftener if necessary, and likewise after all future elections of the council and inductions into office. The council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called from time to time by the mayor or two councilmen. All meetings of the council, whether regular or special, at which any person not a city officer is admitted, shall be open to the public. The mayor shall be president of the council and preside at its meetings. The councilman in charge of the department of accounts shall be vice-president of the council, and in case of vacancy in the office of mayor, or the absence or inability of the mayor, shall perform the duties of mayor.

Special meetings.

Publicity of meetings.

Mayor president of council.

Vice-president of council.

Ordinances appropriating money, ordering expenditures or granting franchises to lie over.

Sec. 8. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract or grant providing for or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city, for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the city clerk and treasurer for public inspection, at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in the city shall be granted or renewed or extended, except by ordinance, and every franchise or grant for inter-urban or street railway, gas, electric or waterworks, electric light or power plant, telegraph or telephone systems, or other public service utilities in said city, must be authorized or approved by a majority of the electors voting thereon at a general or special election.

Grant of franchise to be approved by voters.

Officers not to be interested in contracts with city or public service companies.

Sec. 9. (*a*) No officer or employee elected or appointed shall be interested, directly or indirectly, in any contract or job for work or material, or the profits thereof, or services to be furnished or performed for the city; and no such officer or employee shall be interested, directly or indirectly, in any contract or job for work or material or the profits thereof or services to be furnished or performed for any person, firm or corporation operating inter-urban railways, street railways, gas or electric works, waterworks, electric lights, power plant, telegraph or telephone lines or exchanges, sewer plants or systems, or other public service utilities within the territorial limits of the city. No such officer or employee of the city

shall accept or receive, directly or indirectly, from any person, firm or corporation, operating within the territorial limits of the city, any inter-urban railways, street railways, gas or electric works, waterworks, sewerage plant or system, electric light or power plant, telegraph or telephone lines or exchanges, or other business using or operating under a public franchise, any frank, free ticket, or free service, or accept or receive directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Such prohibition of free transportation shall not apply to policemen and firemen in uniform. Any violation of the provisions of this subsection shall be a misdemeanor, and every such contract or agreement shall be void.

No officer or employee to accept any special privilege.

Exception as to policemen and firemen.

Misdemeanor, contracts void.

(*b*) Any officer or employee of the city who by solicitation or otherwise shall exert his influence, directly or indirectly, to cause other officers or employees of the city of Wilmington to adopt his political view, or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor or other valuable to any person for election purposes, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding thirty days.

Officer or employee exerting political influence or making contributions for election purposes guilty of misdemeanor.

Punishment.

Sec. 10. Each councilman shall file with the city clerk and treasurer monthly, or oftener if the council shall request it or the councilman shall deem it necessary for the good of his department, an itemized statement showing all receipts and disbursements in his department, together with a summary of all his official acts and doings during the preceding month. At the end of each fiscal year the council shall cause to be made, by competent accountants, a full and complete examination of all books and accounts of the city, and shall publish the results in pamphlet form. Copies of each publication shall be delivered to the city library, the State library, the Secretary of State of North Carolina, the daily newspapers of the city, and there shall be filed with the city clerk and treasurer a reasonable number of copies to be distributed to the public upon request therefor.

Itemized monthly statements.

Annual examination and publication of accounts.

Filing and distribution of reports.

Sec. 11. If, at the beginning of the term of office of the first council provided for under the provisions of this act, the appropriation for the expenditures of the city government for the current fiscal year have been made, said council shall have power by ordinance to revise, to repeal or to change said appropriation and to make additional appropriation.

Appropriations.

Sec. 12. That on the fifteenth day of March, one thousand nine hundred and eleven, there shall be an election held in the city of Wilmington, under the election laws then in force, at which all qualified electors shall be entitled to vote, at which time the people shall determine whether they desire to adopt this bill; and if a

Election on acceptance or rejection of charter.

majority of the votes cast be in favor of the bill then it shall be a law and a primary election shall be held in accordance with the provisions of the law for the purpose of nominating the officers herein named.

Salary of councilmen.

Sec. 13. Each councilman shall receive a salary of not less than eight hundred dollars nor more than nineteen hundred dollars, payable in equal monthly installments, which shall be the sole compensation for the performance of all the duties provided for in this act: *Provided*, the council may by a majority vote prescribe the amount of salary the members thereof shall receive within the amount named. Every other officer, assistant and employee shall receive such salary or compensation as the council shall by ordinance prescribe.

Salaries of officers, assistants and employees.

Municipal elections.

Sec. 14. On the first day of May, one thousand nine hundred and eleven, and on the first Monday in May every two years thereafter, there shall be held a municipal election in the city of Wilmington, for the purpose of electing five councilmen for said city. The councilmen shall be nominated and elected by the qualified voters of the city, but no two or more of said councilmen shall be elected from one ward, and each of said councilmen must be a qualified voter of some ward of the city.

Nomination and election.

Residence and qualification of councilmen.

Candidate receiving greatest number of votes to be mayor.

The candidate for councilman receiving the highest number of votes shall, in addition to being a councilman, become mayor of the city of Wilmington. The terms of office of the councilmen elected under the provisions of this act shall begin on the sixth day of May, one thousand nine hundred and eleven, and on the like day of every two years thereafter, who shall hold office for two years from said date or until their successors are elected and qualified.

Beginning of term.

Term of office.

Vacancies.

If any vacancy occurs in the office of mayor, the council shall elect one of its members mayor to fill such vacancy during the unexpired term; and if any vacancy occurs in the office of councilman the remaining members of the council shall appoint some person to fill such vacancy during the balance of the unexpired term, who shall possess the same qualifications had he been elected at a regular election.

Candidates nominated by primary election.

Sec. 15. Candidates to be voted for at all general municipal elections at which five councilmen are to be elected under the provisions of this act, shall be nominated by primary election and no other names shall be placed upon the general election ballot than those selected in the manner as herein prescribed, the primary elections for such nominations shall be held on the second Tuesday preceding the general municipal election. The judges and pollholders of election appointed for the general election shall be the judges and pollholders of the primary election, and it shall be held at the same place, so far as possible, and the polls shall be opened and closed at the same times as in the general election.

Names on general election ballot.

Date of election for nomination.

Judges and poll holders.

Polling places.

Hours of election.

(*a*) Any person desiring to become a candidate for councilman shall, at least ten days prior to said primary election, file with the chairman of the city board of elections a statement of such candidacy, in substantially the following form: Statement of candidacy.

State of North Carolina—County of New Hanover.

I, ..., being first duly sworn, say: That I reside at ..... street, city of Wilmington, county of New Hanover, State of North Carolina; that I am a qualified voter therein; that I am a candidate for nomination to the office of councilman, to be voted upon at the primary election to be held on the second Tuesday of ....., one thousand nine hundred and .....; and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office. (Signed) ..... Form.

Sworn (or affirmed) and subscribed to before me, this ..... day of ....., one thousand nine hundred and .....

.....

He shall at the same time file therewith the petition of at least twenty-five qualified voters, requesting such candidacy. Each petition shall be verified by one or more persons, as to the qualifications and residence, the street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form: Petition filed with statement. Verification of petition.

PETITION ACCOMPANYING NOMINATING STATEMENT.

The undersigned, duly qualified electors of the city of Wilmington, North Carolina, and residing at the places set opposite our respective names, do hereby request that the name of ..... (name of candidate) be placed on the ballot for nomination for councilman, at the primary election to be held in the city of Wilmington on the second Tuesday of ....., one thousand nine hundred and ..... We further state that we know him to be a qualified elector of said city, in ..... ward, and a man of good moral character and qualified in our judgment for the duties of such office. Form of petition.

NAME OF QUALIFIED ELECTORS. NUMBER. STREET.

(*b*) Immediately upon the expiration of the time for filing the statement and petitions for candidacy, the said chairman of the city board of election shall cause to be published for three successive days in all the daily papers published in the city, in proper forms, the names of the persons as they are to appear upon the primary ballots and the said chairman shall thereupon cause the said primary ballot to be printed, authenticated with a facsimile of his signature. Upon said ballots the names of the candidates shall be arranged alphabetically, with a square at the left of each Publication of names of candidates. Printing of ballots. Arrangement of names.

man. The ballots shall be printed upon plain, substantially white paper, and shall be headed:

Heading of ballots.

Candidates for nomination
for councilmen of the city of Wilmington
At the Primary Election.

Form of ballots.

Said ballot shall bear no party designation whatever, nor any other mark. The ballot shall be in substantially the following form:

"(Place a cross in the square preceding the names of the parties you favor as candidates for councilmen)."

Vote for ten

Official primary ballot candidate for nomination for councilmen of the city of Wilmington, at the primary election.

For councilmen:

(Names of candidates)

(ten or more lines)

Official ballot.

Attest: .....Signature.....,
Chairman City Board of Elections.

Distribution of ballots.

(c) Having caused said ballots to be printed, the said chairman shall cause to be delivered at each of the polling places a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal primary election for mayor.

Voters.
Challenges.

The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election. Challenges can be made by not more than two persons at each voting precinct, who shall serve without compensation, one to be appointed by the city board of elections and the other by the council of the city.

Challengers to be qualified voters.
Law governing challenges.

All challengers shall be qualified voters of the precinct in which they serve, and the law applicable to challengers at the general municipal election shall be applicable to challengers at such primary election; and all laws, rules and regulations in force at the time of the adoption of this act, except as herein changed, shall be observed in the methods of challenging.

Count of votes.

The judges and pollholders of elections shall immediately upon closing of the polls, together with one representative for each candidate, if such representation be requested,

Returns.

count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city board of elections, upon proper blank to be furnished by said city board of elections, within six hours of the closing of the polls.

Canvass of returns.

On the day following the said primary election, the said city board of elections shall canvass said returns so received, from all the polling precincts, and shall make and publish in all the newspapers of said city, at least once, the result thereof.

Publication of result.
Canvass made publicly.

The canvass by the city board of elections shall be publicly made. The two candidates liv-

ing in each ward who receive the greatest number of votes for councilmen shall be the candidates and the only candidates, whose names shall be placed upon the ballots for councilmen at the general municipal election: *Provided, however*, that should there be but one candidate in any ward of said city voted for then the name of such person only shall be placed upon the ballot for councilman from said ward—at said general municipal election: *Provided, however*, all of such candidates shall possess the qualifications prescribed in section fourteen of this act. Candidates at general election. Proviso: nomination when only one candidate. Proviso: candidates to be eligible.

(*d*) All electors of the city of Wilmington who would be entitled to vote for the election of officers at any general municipal election, shall be qualified to vote at all elections under this act, and the ballots at the general municipal election shall be in the same general form as for such primary elections, so far as applicable, and in all elections in said city, the election precinct, voting places, methods of conducting the elections and canvassing the vote and announcing the result shall be the same as by law provided for the election of officers of the said city of Wilmington in force at the time of the ratification of this act, so far as the same are applicable and not inconsistent with the provisions of this act. Qualified electors. Ballots for general municipal election. Law governing elections.

Sec. 16. (*a*) Any person who shall agree to perform any service in the interest of any candidate for any office provided for in this act, in consideration of any money or other things of value, or who does perform any service in the interest of any candidate for any office in consideration of any money or other things of value, upon conviction shall be punished by a fine of not less than twenty-five dollars nor exceeding three hundred dollars, or be imprisoned in the county jail not less than five nor more than thirty days. Punishment for performance of service for reward or promise of reward.

(*b*) Any person offering to give a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote at any election provided for in this act, or any elector entitled to vote at any such election receiving or accepting any such bribe or other consideration; or any person making false answer to the provisions of this act relative to his qualifications to vote at any election; or any person willfully voting or offering to vote at such election who has not been a resident of this State for two years, or of the county of New Hanover for six months or of the ward or precinct of which he offers to vote for, four months, or who has not paid his poll tax as provided for by law of North Carolina, or who is not twenty-one years of age, or who is not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct where he offers to vote; or any person knowingly procuring, aiding or abetting any violation hereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned not less than ten days nor more than ninety days. List of offenses constituting misdemeanor. Punishment.

Giving or promising anything of value for political support a misdemeanor.

Sec. 17. It shall be unlawful for any candiate for office or any officer of the city, directly or indirectly, to give or promise any person or persons in the office positions, employment, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons; any such person committing a breach hereof shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than ninety days, or both.

Punishment.

Sworn statements of election and campaign expenses.

Every elective officer of the city shall, within thirty days after qualifying, file with the city clerk and treasurer, and publish at least once in a daily paper of the city, his sworn statement of all his election and campaign expenses, showing by whom such was contributed, to whom the same were paid, and what was the consideration for such payment. Any violation of the provisions of the preceding paragraph shall be a misdemeanor, and be a grounds for removal from office.

Misdemeanor.

Removal from office.

City board of elections.

Sec. 18. The city board of election shall be composed of the register of deeds of New Hanover County, the clerk of the superior court of said county, the city clerk and treasurer of the city of Wilmington, who shall be chairman of said board, and two other members to be selected by the council of the city of Wilmington, immediately after its first organization, and all to qualify and their terms of office to begin on the fifteenth day of June, one thousand nine hundred and eleven; their terms of office shall expire each two years thereafter, or until their successors are elected and qualified.

Terms of office.

Civil service commissioners.

Sec. 19. Immediately after organizing, the council shall by ordinance appoint three civil service commissioners, who shall serve without compensation, who shall hold office, one until the first Monday in June, one thousand nine hundred and thirteen; one until the first Monday in June, one thousand nine hundred and fifteen; and one until the first Monday in June, one thousand nine hundred and seventeen. On the first Monday in June, one thousand nine hundred and thirteen, and bi-annually thereafter, the council shall appoint one commissioner for a term of six years, who shall take the place of the commissioner whose term of office expires. The chairman of the commission for each bi-annual period shall be the member whose term first expires. No person while on said commission shall hold or be a candidate for any office of public trust. Two of said members shall constitute a quorum to transact business. The commissioners must have been citizens of North Carolina and residents of the city for more than three years next preceding their appointment.

Term of office.

Election of successors.

Chairman of commission.

Commissioners ineligible to office.

Quorum.

Qualification for commissioners.

Removals for cause.

The council may remove any of said commissioners during their term of office, for cause, for councilmen voting in favor of such re-

moval, and shall fill for the unexpired term any vacancy that may occur in said commission. The city council shall provide suitable rooms in which said commission may hold its meetings. The city clerk and treasurer shall be the clerk to the board of commissioners, and he shall keep a record of all its meetings. The city council shall supply the said commission with all necessary equipment for the carrying on of its business.

Rooms for commission.
Clerk to board.
Equipment.

(*a*) Before entering upon the duties of their office each of said commissioners shall take and subscribe an oath, which shall be filed in the office of the city clerk and treasurer, to support the constitution of the United States, the constitution of the State of North Carolina, and to obey all laws, and to aim to secure and maintain an honest and efficient force, free from partisan distinction and control, and to perform the duties of his office to the best of his ability.

Commissioners to be sworn.

(*b*) Said commission shall, on the first Monday of June and December of each year, or oftener if it shall be deemed necessary, under such rules as may be prescribed by the council, hold examinations for the purpose of determining the qualifications of applicants for positions, which examination shall be practical, and shall fairly test the fitness of the person examined for the discharge of the duties of the position to which they seek to be appointed. Said commission shall, as soon as possible after such examination, certify to the council double the number of persons necessary to fill vacancies, who, according to its records, had the highest standing for the positions they seek to fill, as the result of such examinations; and all vacancies which occur, that come under the civil service, prior to the date of the next regular examination shall be filled from said list so certified: *Provided, however*, that should the list for any cause be reduced to less than three for any department, then the council or the head of the proper department may temporarily fill a vacancy, but for not to exceed thirty days.

Dates for examinations.
Examination.
Lists of eligibles.
Vacancies filled from lists.
Proviso: temporary appointments.

(*c*) All persons subject to such civil service examination shall be subject to removal from office or employment by the council for misconduct or failure to perform their duty, under such rules and regulations as it may adopt, and the chief of police, chief of fire department, or any councilman or other foreman in charge of municipal work may, in his discretion, peremptorily suspend or discharge any subordinate then under his direction, for neglect of duty, or disobedience of his orders, but shall, within twenty-four hours thereafter, report such suspension or discharge, and the reasons therefor, to the councilmen in charge of his department, who shall thereupon affirm or revoke such discharge or suspension, according to the facts.

Removals for cause.
Powers of suspension and discharge.
Report of suspension or discharge.

Such employee (or the officer discharging or suspending him) may within five days of such ruling appeal therefrom to the council, which shall fully hear and determine the matter at its next regular meeting, or earlier if it deems necessary, and its decision shall be

Appeal to council.

final. Such discharged or suspended employee shall receive no compensation from the city for loss of time.

Powers of commissioners in making investigations.

(*d*) The commissioners shall have the power to enforce the attendance of witnesses, the production of books and papers, and power to administer oaths, in the same manner and with like effect and under the same penalties, as in the case of magistrates, exercising criminal or civil jurisdiction under the laws of North Carolina.

Annual and special reports.

Said commissioners shall make annual report to the council and the council may require a special report from the commission at any time; and said council may prescribe such rules and regulations for the proper conduct of the business of the said commissioners as shall be found expedient and advisable, including restrictions or appointments, promotions, removals for cause, roster of employees, certificates of records to the auditor, and restrictions upon payments to persons improperly employed.

Rules and regulations.

Ordinances relating to civil service.

(*e*) The council of the city shall have the power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this act relating to civil service commission.

Employees under civil service rules.

(*f*) The provisions of this section shall apply to all employees of the fire department and the police department of the city of Wilmington, except the chief of police and the chief of fire department. It shall apply to all other employees that the council may by resolution or ordinance place under civil service rules: *Provided, however*, the present employees shall retain their positions without further examinations, unless removed for cause.

Proviso: present employees.

Officers and employees elected with reference to fitness.

All officers and employees shall be elected or appointed with reference to their qualification and fitness, including their moral character, and for the good of the public service and without regard to their political faith or party affiliations.

Removal of elective officer.

Sec. 30. The holder of any elective office may be removed any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent shall be as follows:

Petition for election of successor.

A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty-five per centum of the entire vote for all candidates for the office of mayor at the last preceding general primary election demanding an election of a successor to the person sought to be removed shall be filed with the city clerk and treasurer, which petition shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each of such papers shall make oath before an officer competent to administer oaths that the statements therein made

Statement of grounds.

Verification of petition.

are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing of such petition the city clerk and treasurer shall examine and from the poll books ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the council shall allow him extra help for that purpose; and he shall attach to said petition a certificate showing the result of his examination. If, by the clerk and treasurer's certificate, the petition is shown to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to its being filed again within ten days containing additional names, and without prejudice to the filing of a new petition to the same effect. If a petition shall be deemed to be sufficient, the clerk and treasurer shall submit the same to the council without delay. If the petition shall be found to be sufficient, the council shall order and fix a date for holding the said election, not less than sixty days nor more than eighty days from the date of the clerk and treasurer's certificate to the council that the petition is sufficient.

Examination of petition.

Certificate of result of examination.

Insufficient petition returned.

New petition.

Council to order election.

The council shall make or cause to be made publication of notice of and all arrangements for holding said election; and the same shall be conducted, returned and the result declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the city board of election shall place his name on the official ballot for nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent shall receive the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the person who receives the highest number of votes shall fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant. If the incumbent received the highest number of votes he shall continue in office. This method of removal shall be cumulative and additional to the methods heretofore provided by law.

Notice and conduct of election.

Election for unexpired term.

Candidacy of person whose removal is sought.

Person receiving highest vote declared elected.

Incumbent removed.

Vacancy.

Incumbent continued.

Method of removal cumulative.

Sec. 21. Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentages hereinafter required. The signatures, vertification, inspection, certification, amendment and submission of such petition shall be the same as provided for petition under section 20 hereof.

Proposal of ordinance by petition.

Examination and verification of petition.

If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty-five per centum of the votes cast for all candidates for mayor at the last preceding general primary election and contains a request that the said ordinance be

Petition of 35% of vote.

Alternative power of council.

submitted to a vote of the people if not passed by the council, such council shall either—

To pass ordinance.

(*a*) Pass said ordinance without alteration within twenty days after attachment of the clerk and treasurer's certificate to the accompanying petition, or,

To call special election.

(*b*) Forthwith, after the clerk and treasurer shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall call a special election, unless a general municipal election is fixed within six months thereafter, and at such special or general election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city.

Petition of not less than 10% of vote.

But if the petition is signed by not less than ten nor more than thirty-five per centum of the electors, as above defined, then the council shall, within twenty days, pass said ordinance without

Submission at next city election.

change, or submit the same at the next general city election occurring not more than six months after the clerk and treasurer's certificate of sufficiency is attached to said petition.

Ballots upon ordinance.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature

Effect of election.

of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people.

Vote on several ordinances.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section;

Limit of special elections.

but there shall not be more than one special election in any period of six months for such purpose.

Proposition for repeal of ordinances.

The council may submit a proposition for the repeal of any ordinance or for amendments thereto, to be voted upon at any succeeding general or special election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such

Ordinance or proposition to be published.

ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk and treasurer shall cause such ordinance or proposition to be published once in each of the newspapers published daily in the city of Wilmington; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted upon.

When ordinances effective.

Sec. 22. No ordinance passed by the council, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains the statement of its urgency and is passed by a two-thirds vote of the council, shall

go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least thirty-five per centum of the entire vote cast for candidates for mayor at the last preceding general primary election at which a mayor was nominated, protesting against the passage of such ordinance, be presented to the council, the said ordinance shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance; and if the same is not entirely repealed, the council shall submit the ordinance, as provided in sub-section (b) of section 21 of this act, to the vote of the electors of the city either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified voters voting on the same shall vote in favor thereof. Said petition shall in all respects be in accordance with the provision of said section 20 of this act.

Protest against ordinance.

Ordinance suspended.

Submission of ordinance to vote of city.

Sec. 23. The petition provided for in this act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioners reside, his age and length of residence in the city and a statement as to whether he has paid his poll tax as required by the laws of North Carolina. It shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were, at the time of the signing, legal voters of the city, and stating the number of signers at the time the affidavit was made.

None but legal voters to sign petitions.

Signatures to show qualification.

Affidavit.

Sec. 24. In the construction of this act, unless the construction would be inconsistent with the manifest intent of and repugnant to the statute, the following rules shall be observed:

Construction of act.

1. The words "councilman" or "alderman" shall be construed to mean councilman when applied to this act.

Councilman or alderman.

2. The word "franchise" shall include every special privilege in the streets, highways and public places in the city, whether granted by the State or the city, which belongs to the citizens generally by common right.

Franchise.

3. The word "electors" shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

Electors.

4. This act shall be deemed and held to be a remedial statute, and as such shall be liberally construed, to the end that all necessary and reasonable power and authority shall be conferred upon the council herein described to enable it to conduct and maintain for the city of Wilmington a strong and efficient municipal government.

Remedial statute.

Rule of construction.

Sec. 25. The city board of election shall perform all duties pertaining to holding elections, provided for in this act, which duties are not otherwise provided for herein.

Duties of city board of election.

Laws continued in force.

Sec. 26. All election laws now in force, relative to the city of Wilmington, or which may hereafter be adopted, which are not inconsistent with the provisions of this act, shall be observed.

Laws repealed.

Sec. 27. All charters, parts of charters, laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 28. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 76.

AN ACT TO ESTABLISH THE HIGDONVILLE COUNTY HIGH SCHOOL DISTRICT AND TO PROVIDE FOR THE LEVY AND COLLECTION OF SPECIAL TAXES THEREIN.

The General Assembly of North Carolina do enact:

District created.

Section 1. That a public school district is hereby created, including the Higdonville public county high school district, established by the county board of education of Macon County and confirmed by the qualified voters of said district at an election held for that purpose in said district on the twenty-seventh day of May, one thousand nine hundred and seven, and bounded as follows, viz:

Boundary.

Beginning at Mrs. Altha Arnold's southwest corner on the east bank of the Cullasaja River and running eastwardly with the south boundary line to T. C. Cunningham's south boundary line; then with his south boundary line to the top of Jacob's Knob, then following the top of the mountain dividing Ellijay and Crow's Branch to the Sugarfork Township line; then north with said township line to the top of J. M. O. Peek Mountain; then in northerly direction so as to include residence of Martin Peek to a corner in A. J. Moore's line, near the forks of the public road near the Ellijay Baptist church; then west with A. J. Moore's south boundary line to Wm. Berry's line; then with Wm. Berry's north boundary line to the Jas. Ammon's line; then with his southeast boundary line to David Ammon's line; then with his southwest boundary line to J. T. Berry's line; then with J. T. Berry's northeast boundary line to Mill Shoal Township line; then west with the Mill Shoal Township line to the northwest corner of Charles Stewman's farm; then with his west boundary line a southerly direction to J. Crisp's northwest corner; then from the northwest corner of J. Crisp's farm south to the Cullasaja River; then with the said river to the beginning.

Petition for election.

Sec. 2. That upon the written petition of the board of county public high school committeemen, heretofore appointed by the county board of education of Macon County, for said Higdonville public high school district under and by authority of the general law creating county public high schools, and which said committee, consisting of D. J. Moses, J. L. Higdon and J. B. Gray, are hereby con-

School committee.

stituted the county public high school committee of the district established by section one of this act, signed by a majority of said committee and addressed to the board of county commissioners of Macon County, it shall be the duty of 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 support and maintenance of the Higdonville county public high school and to meet any obligations of the district not otherwise provided for, said election to be held as provided for in section four thousand one hundred and fifteen, chapter eighty-nine, Revisal of one thousand nine hundred and five. 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 board of county public high school committeemen of the Higdonville county public high school district to be used for the support and maintenance of said high school.

Election to be ordered.

Question to be submitted.

Tax rate.

Law governing election.

Effect of election.

Appropriation of money.

Sec. 3. That from and after the holding of the election provided for in section two of this act, resulting favorably to the levy and collection of the tax therein mentioned, the special tax district ratified by the qualified voters of said district at an election held in said district for that purpose on the twenty-seventh day of May, one thousand nine hundred and seven, shall be and the same is hereby discontinued, it being intended that after the tax provided for in section two of this act, shall have been approved by the vote of the majority of the qualified voters of the district created by this act, the said tax shall take the place of the tax heretofore levied and collected in said district in accordance with an election held in said district May twenty-seventh, one thousand nine hundred and seven. But until the tax provided for in section two of this act shall have been approved by the vote of the majority of the qualified voters of the district described in section one of this act, the said special tax ratified by the qualified voters of said district May twenty-seventh, one thousand nine hundred and seven, shall continue to be levied, collected and appropriated according to the true purpose and intent as expressed by the qualified voters of said district at the election held in said district May twenty-seventh, one thousand nine hundred and seven.

Tax discontinued.

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

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

Ratified this the 17th day of February, 1911.

CHAPTER 77.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ST. PAUL'S, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Powers of commissioners as to streets and sidewalks.

Section 1. That the commissioners of the town of St. Paul's, in Robeson County, shall have power to lay out and open any new streets or sidewalks within the corporate limits of said town whenever deemed necessary by them, and they shall have the power at any time to widen, enlarge, change, extend, narrow or discontinue any street or streets or any sidewalk or sidewalks within the said corporate limits when same shall be deemed necessary by them by making a reasonable compensation to the owners of the property damaged thereby. In cases where the owners of the land can not agree with the commissioners regarding the value of the land or property and the damages, the mayor of the said town of St. Paul's shall issue his warrant to the town constable commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above to be selected by the party claiming damages, shall determine the value of said property and assess the damages, after which they shall return a report of their proceedings, findings, etc., into the office of the said mayor of St. Paul's to be filed. Before proceeding to view the said premises and assess the said damages the parties so summoned shall take an oath before the mayor or some justice of the peace to make a fair, just and impartial discharge of the duties of appraiser and assessor, and report the same. If the party damaged or claiming damages refuse to select the two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: *Provided*, that if either a majority of the commissioners of the opposite parties be dissatisfied with the report of the freeholders, then they may appeal to the superior court of Robeson County, and in that case the report of the valuation and the proceedings therein shall be sent in by said appraisers to said court there to be determined.

Procedure for condemnation.

Proviso: right of appeal.

Taxing power.

Sec. 2. That the board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies, all personal property, and all other subjects of taxation now taxed or which may hereafter be taxed by the General Assembly of North Carolina for State and county purposes, and on the taxable polls within said town: *Provided, however,* that the taxes levied by them shall not exceed one dollar and fifty cents on the one hundred dollars valuation of all property in said town and three dollars on each taxable poll to meet all the liabilities of the said town in the way of indebtedness,

Proviso: limit of tax rate.

bonded or otherwise, which now exists or which may hereafter be created; and the valuation of all property within said town, as taxed by said commissioners, shall be the same as that at which it was assessed for taxation on the first day of June in that year for State and county purposes. Valuation of property.

Sec. 3. That no railroad, telegraph, telephone, gas, water or sewer company, whether incorporated or not, or any other corporation, shall have a right to use the streets or sidewalks in the said town, or erect on or over any of the said streets or sidewalks any obstruction whatever, without having first secured from the board of commissioners of said town a privilege or franchise for that purpose, and paying into the treasury of said town the license or franchise tax required by the said board of aldermen. Franchise for use of streets.

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

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

Ratified this the 17th day of February, 1911.

CHAPTER 78.

AN ACT TO INCORPORATE THE WESTMINSTER SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That J. F. Flack, T. C. Croker, A. C. Miller, J. E. Reinhardt, Frank Hall, G. A. Sparrow, C. C. Hampton, R. C. Anderson, W. R. Minter, G. W. Long, C. P. Reid, R. L. Ryburn, S. W. McKee, R. A. Miller, H. L. Carpenter, Chas. Hambright, R. M. Roseman, L. A. Gettys, and C. E. Neisler, and their successors in office who may be elected from time to time, as hereinafter provided, are hereby created a body politic and corporate by the name and style of the Westminster School and by that name they are hereby declared to be a body politic and corporate, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal, and have and enjoy all the rights, powers and privileges now or hereafter given to corporations by the laws of the State of North Carolina. Corporators. Corporate name. Corporate powers.

Sec. 2. That the said corporation shall be controlled and governed by a board of trustees composed of nineteen members, who shall be elected by Kings Mountain Presbytery of the Presbyterian Church in the United States: *Provided*, that by consent of the said presbytery any other presbytery or presbyteries of the said church may be admitted into full participation in the ownership, government and control of the said corporation without amendment to this charter; and the presbytery or presbyteries in control at the time of Board of trustees. Election of trustees. Proviso: admission of other presbyteries.

Number of trustees.

Term of office.

Removal of trustees.

Liability of trustees.

the admission of any other presbytery may enlarge or diminish the number of trustees, and may, by resolution, prescribe the number to be elected by each governing presbytery, and the terms of office of such trustees. That the terms of office of said trustees shall be three years, but when necessary, same shall be elected for a shorter time, so that the terms of one-third of the entire members of the board of trustees shall end at each spring meeting of the governing presbytery or presbyteries; that the governing presbytery or presbyteries may change the term of office of the trustees, and may remove said trustees and fill all vacancies; that said trustees shall, for all legal purposes, be regarded as a board of directors, and said trustees shall not be individually or personally liable for the debts of said corporation.

First board.

Term of office.

That the persons named in section one foregoing shall be the board of trustees of said corporation, and shall hold office until the spring meeting of Kings Mountain Presbytery, one thousand nine hundred and eleven, or until their successors shall be elected, as above provided.

Organization.

Sec. 3. That the said officers of said corporation shall be a president, a vice-president, treasurer and secretary, and the trustees hereinbefore provided for, and the said board of trustees of the corporation shall elect all officers of the corporation, and all officers and teachers of the school, and may remove the same when in its opinion it is for the best interest of the school. That the said board of trustees shall have power to make by-laws for the government of the corporation, and for the management of the school, and may therein fix a number constituting a quorum, and prescribe all other rules and regulations which may seem proper, and which are not inconsistent with law.

Election of officers and teachers.

By-laws.

Executive committee.

Sec. 4. That the board of trustees may appoint an executive committee of such members as it may designate, which committee shall, when the board of trustees is not in session, exercise all the powers and duties of the said board: *Provided*, that the said committee shall keep full and accurate minutes of the proceedings, which shall be submitted to the next meeting of the board.

Proviso: minute of proceedings.

School to be maintained.

Sec. 5. That the said corporation shall maintain and conduct at some place within the bounds of the governing presbytery or presbyteries aforesaid a school of high grade for the intellectual, moral and religious development and training of young men and young women, one or both; and the governing presbytery or presbyteries aforesaid shall prescribe and determine the general scope, design and character of said school.

Power to hold property.

Sec. 6. That the real property of the said corporation shall not exceed one hundred thousand ($100,000) dollars, and the personal property thereof shall not exceed in value the sum of one hundred thousand ($100,000) dollars; that all the real and personal property of the said corporation shall be exempt from taxation, and that this

Exemption from taxation.

corporation shall have perpetual succession, and shall have the right and power within the limits aforesaid to acquire by purchase or otherwise property, both real and personal, and to hold, improve, sell and convey the same, and may invest all of its funds and change such investment in such manner as may seem best to the board of trustees: *Provided*, the board of trustees of said corporation shall not have the power to sell or mortgage any of the real estate belonging to the same without first having obtained the consent and permission of Kings Mountain Presbytery, or other governing presbytery or presbyteries, as at the time shall have the control and government of said corporation.

Proviso: sale or mortgage of real estate.

Sec. 7. That in case, for any cause, said trustees should determine to abandon the trust imposed on them, all property belonging to said corporation shall be revoted to such religious, charitable or educational purposes as may be determined upon by the governing body, or bodies, entitled to elect said trustees and fill vacancies, as aforesaid.

Disposition of property if school abandoned.

Sec. 8. That the trustees and 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 Revisal of one thousand nine hundred and five of North Carolina.

Police powers.

Special policemen.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, 1911.

CHAPTER 79.

AN ACT AUTHORIZING AND DIRECTING THE COMMISSIONERS OF THE TOWN OF WILLIAMSTON, NORTH CAROLINA, TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Section 1. That the commissioners of the town of Williamston, North Carolina, be and they are hereby authorized and directed to levy annually a tax of not exceeding fifteen cents on the one hundred dollars worth of property, both real and personal, and forty-five cents on the poll, within the corporate limits of said town for the period of the contract made with said town by the Virginia-Carolina Peanut Company for the lighting by electricity the streets of said town.

Special tax directed.

Rate.

Period.

Specific appropriation.

Sec. 2. That the tax levied and collected for said purpose shall be used and applied only in discharge of the indebtedness as set forth in section one hereof.

Exemption from tax.

Sec. 3. That, during the period of said contract, the appliances and fixtures used and employed solely for the purpose of lighting said town, and none other, shall be exempt from municipal tax.

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

Ratified this the 17th day of February, 1911.

CHAPTER 80.

AN ACT TO AMEND CHAPTER THIRTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE.

The General Assembly of North Carolina do enact:

Poll tax.

Section 1. Strike out in section twelve, line five, after the word "and," the words "two dollars" and insert in lieu thereof the words "one dollar."

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

Ratified this the 18th day of February, 1911.

CHAPTER 81.

AN ACT TO AUTHORIZE THE TOWN OF THOMASVILLE, NORTH CAROLINA, TO ESTABLISH AND OPERATE A SYSTEM OF WATERWORKS AND SEWERAGE AND TO ISSUE BONDS FOR THE SAME.

The General Assembly of North Carolina do enact:

To maintain waterworks and sewerage.

Section 1. That the town of Thomasville, North Carolina, through its board of aldermen or its legally constituted agents, be and is hereby authorized and empowered to establish, operate and maintain a system of waterworks and sewerage, either or both, for the use of said town and the inhabitants thereof, and to that end may purchase, acquire, hold and own all necessary lands, works and machinery and appliances for the same.

Bond issue authorized.

Sec. 2. The board of aldermen of said town are hereby authorized and empowered to issue the bonds of the said town for the purposes aforesaid to the amount of $125,000 (one hundred and twenty-five thousand dollars) in such denominations and form as it may

Amount.

Denomination.

determine, and to run for a period of thirty years from the issue of the same and to bear interest at a rate not exceeding five per centum per annum, payable semi-annually on the first day of June and December of each year after their issue at such place as the board of aldermen may direct. Maturity. Interest.

Sec. 3. That said bonds shall be coupon bonds consecutively numbered and signed by the mayor and the clerk of the town of Thomasville, and it shall be the duty of the said clerk to keep an accurate account of the same. Authentication.

Sec. 4. The said bonds shall not be sold for less than par value, nor hypothecated, nor otherwise disposed of for less than their par value, and the coupons on said bonds shall be receivable by tax collector and treasurer of the town of Thomasville in payment of all taxes and dues to said town. Bonds not to be sold below par. Coupons receivable for town tax.

Sec. 5. That the board of aldermen of the town of Thomasville, upon the issuing of said bonds, shall thereafter levy and collect annually upon all subjects of taxation, which are now or may hereafter be embraced in the subject of taxation under the charter of said town and the law, a sum sufficient to meet the interest on said bonds as the same accrues, and to provide for the payment of the principal thereof when the same shall become due; such taxes shall be levied and collected at the same time and in the same manner as other taxes of said town and shall be paid into the hands of the treasurer thereof. Proceeds arising from the said taxes shall be a separate fund in the hands of the treasurer for the purposes aforesaid and no other. Special tax. Separate fund.

Sec. 6. That the proceeds arising from the sale of said bonds shall be used for the following purposes and no other: Specific appropriation.

(First). For the purpose of installing, erecting and building a system of waterworks and sewerage in the said town for the use of the town and the inhabitants thereof.

Sec. 7. The board of aldermen of said town are authorized to charge its inhabitants for the use of the said waterworks and sewerage, either or both, by private persons in said town a uniform rate to be prescribed by the board of aldermen, and the receipts arising from said rentals shall be kept by the treasurer of said town and shall be applied for the payment of the operating expenses thereof and interest on said bonds and to provide a sinking fund for the payment of the principal of the bonds. Water and sewerage rents. Appropriation of rentals.

Sec. 8. That the board of aldermen of said town, at the time of the issue of the bonds as aforesaid, are authorized and empowered to elect a water commission, composed of three citizens of the said town, whose term of office shall begin immediately upon their election and continue for the term of two years, and their successors to be elected by the board of aldermen as their term of office expires every two years. Water commission. Term of office.

Eligibility.

Sec. 9. That no one shall be eligible to the position as member of the water commission except one who is eligible for the office of member of the board of aldermen, and it shall be the duty of the said water commission to at once proceed to install, equip, operate and maintain the aforesaid system of waterworks and sewerage in the said town and they shall have power to make all necessary contracts and employ all proper agents, persons, contractors and servants to construct, install, complete, operate and maintain the said systems. They shall make monthly reports of their proceedings to the board of aldermen of the town and shall be authorized to draw upon the treasurer of the town vouchers for payment of the expenses incurred in the construction, installation, operation and maintenance of the said system, which vouchers shall be countersigned by the mayor and the clerk of the town and be paid by the treasurer out of the funds provided by the town for same.

Duty of water commission.

Powers.

Monthly reports.

Vouchers.

Entrance on lands for surveys and construction.

Sec. 10. That for the purposes aforesaid said water commission shall have the right to enter upon the lands of all persons, firms and corporations within or without the limits of the town of Thomasville for the purpose of making surveys, laying and putting down pipes, drains and appliances for the purposes of constructing and maintaining said system of waterworks and sewerage and for the purposes of erecting any reservoir or other necessary building or doing any other act necessary to be done in the erection and maintenance of such system and may condemn such real estate, easement or interests in land that may be necessary to properly and effectively carry out the purposes of this act.

Condemnation of real estate.

Application for damages.

Sec. 11. That when any person or persons whose lands are taken, used and condemned under provisions of this act, claim damages therefor, he shall within thirty days from the time the same is so taken, apply in writing to the board of aldermen of the town of Thomasville for the payment of the damages claimed therefor. In the event the claimant and the board of aldermen are unable to agree upon the amount of the said damages, then the said board of aldermen and the claimant shall each select an arbitrator who shall be a freeholder and a citizen of the town and who shall select a third person to act as umpire, who shall likewise be a freeholder of said town, and the three shall after notice to the claimant and water commission examine the lands condemned and ascertain the damages sustained and the special benefits, if any, accruing to the owner in consequence of the taking of his lands for the purposes aforesaid, which special benefits shall be deducted from the damages and shall make their report in writing to the board of aldermen, assessing the amount to be paid such claimant, if any. The award shall be paid by the said water commission out of the funds provided for the erection and operation of the said system: *Provided*, either party may appeal to the superior court of Davidson County from the said award, upon giving notice of such appeal

Arbitration of damages.

Payment of award.

Proviso: right of appeal.

within ten days from the filing of the award and giving bond in the sum of at least one hundred dollars to the opposite party to pay the costs of appeal, in case the amount recovered upon appeal is not changed upon the trial in the superior court: *Provided,* that no appeal shall delay the prosecution of the work contemplated by this act: *Provided, further,* in assessing damages to property situate outside of the town limits, the person claiming damage shall be allowed to select an arbitrator who is not a resident of the town.

Proviso: appeal not to delay work.

Proviso: selection of arbitrator.

Sec. 12. That when such an appeal is taken, it shall be the duty of the town clerk to transmit the proceedings by such condemnation to the clerk of the superior court of Davidson County.

Transcript of appeal.

Sec. 13. That nothing in this act shall be construed to require the purchasers of any of said bonds to see that the purchase money paid therefor is applied for the purpose prescribed in this act.

Liability of purchaser.

Sec. 14. That the power and authority hereby granted to the board of aldermen of the town of Thomasville to issue the bonds hereinbefore mentioned may be exercised without submitting the issue of said bonds to the qualified voters of said town, and any and all laws or clauses of laws in conflict with this right and requiring the submission of the same to the qualified voters of the said town be and the same are hereby repealed.

Election not required.

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

Ratified this the 18th day of February, 1911.

CHAPTER 82.

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF THE TOWN OF ROXBORO AND THE BOARD OF COMMISSIONERS OF PERSON COUNTY TO MAKE DONATIONS TO A CONFEDERATE MONUMENT TO BE ERECTED IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Roxboro and the board of commissioners of Person County be and they are hereby authorized to appropriate an amount not to exceed the sum of one thousand dollars each out of the treasury of said town and county to be used in aid of the erection of a monument to the Confederate soldiers of Person County.

Appropriation authorized.

Amount.

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

Ratified this the 21st day of February, 1911.

CHAPTER 83.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE, RELATING TO THE CHARTER OF THE TOWN OF COLUMBIA.

The General Assembly of North Carolina do enact:

Contracts and bond issues to be submitted to vote.

Section 1. That chapter one hundred and forty-seven of the Private Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended by adding to section seventeen at the end thereof the following: "The board of commissioners or other governing body of said town are expressly forbidden to enter into any contract for street paving, lighting, with gas or electricity, sewerage, waterworks, or erection of municipal buildings for said town, or to issue bonds for any purpose whatever unless the question of entering into such contract or contracts or the issuance of bonds shall have been first submitted to the qualified voters of said town, and a majority of the qualified voters of said town shall have voted for the same.

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

Ratified this the 21st day of February, 1911.

CHAPTER 84.

AN ACT TO CONFER UPON THE ROANOKE AND MOUNT AIRY SOUTHERN RAILWAY COMPANY CERTAIN PRIVILEGES AND TO SUBJECT IT TO CERTAIN RULES AND REGULATIONS AND TO AUTHORIZE AND ENLARGE ITS POWER IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporation authorized to enter State.

Section 1. That the Roanoke and Mount Airy Southern Railway Company, which is a corporation of the State of Virginia, organized in the years nineteen hundred and ten and nineteen hundred and eleven, under the laws of that State, and now existing and doing business, be and the same is hereby authorized and empowered to enter into the State of North Carolina and therein to acquire, own and maintain and operate with steam and other power a line or lines of railroad, together with the necessary right or rights-of-way, stations, depots, station houses, switches, sidetracks, telegraph lines and other appurtenances and incidentals of railroads through the county of Surry, State of North Carolina, a distance of about four miles into the town of Mount Airy, Surry County, State of

Enumeration of powers.

Route.

North Carolina, and being an extension of the line or lines now being surveyed or to be surveyed from the city of Roanoke, Virginia; thence on or near Burt Mountain in Virginia, and then to Floyd Court House or near there, the county of Floyd, State of Virginia; thence in southern direction through Floyd County, Carroll County, Pickett County to State line between Virginia and North Carolina, at a point nearly north of the town of Mount Airy in Surry County, North Carolina; thence on though the land of Surry County to Mount Airy, in the said county and State of North Carolina, or as the said line may be changed from time to time, altered by the said Roanoke and Mount Airy Southern Railway Company, and that the said company, in respect to the portion of this property in the State of North Carolina, shall have and is hereby invested with all the rights and privileges which it has under the charter granted by the State of Virginia, in so far as they are not contrary to the laws of this State, together with all the general rights and privileges and subject to all the general rules and restrictions of a railroad corporation of the State of North Carolina: *Provided, however*, that as to the portion of said property in the State of North Carolina the said company shall be subject to the jurisdiction of this State as to suits by and against it in causes arising in this State, and as to the regulations and government of such portions of its railroad property as is located in this State in the same manner and to the same extent as if it was a corporation in this State, and for this purpose it shall be considered as a North Carolina corporation, subject to all the North Carolina laws and have and enjoy all rights, privileges, powers and benefits conferred on railroads by the laws of North Carolina, as to that portion of its property situated in this State, and in that name may sue and be sued in any court of this State, and may purchase and acquire by gift, deeds or otherwise, such real and personal property as shall be necessary for carrying out the interest and object of this charter, and shall have the additional powers to own and operate, lease quarries, mines, coal beds, lumber yards in any of the counties through any part of the railroad may extend or pass.

Proviso: jurisdiction over road in this State.

North Carolina corporation.

Sec. 2. That the Roanoke and Mount Airy Southern Railway Company shall have the right to sell, mortgage or encumber by deed of trust, or otherwise, its property, rights and franchises in this State, or any part thereof, in the same manner and to the same extent it is, or may be permitted to do by the laws of Virginia: *Provided, however*, that the purchasers, or alienee thereof, shall take the same subject to the same legal restrictions as are imposed upon the Roanoke and Mount Airy Southern Railway Company by the first section of this act.

Right to sell or mortgage road.

Proviso: rights of purchasers.

Sec. 3. That the said Roanoke and Mount Airy Southern Railway Company shall have and be invested with all the rights, eminent domain given to railroads by chapter sixty-nine, Revisal of

Right of eminent domain.

one thousand nine hundred and five of the State of North Carolina and the amendments thereto.

Power to issue bonds.

Sec. 4. It shall be lawful for the said Roanoke and Mount Airy Railway Company, chartered and authorized by this act, to issue coupon bonds, or other bonds in such denominations and running for such a time not exceeding sixty years, and bearing interest at such rate, and payable at such time and place as the board of directors may direct; to be sold or hypothecated by the directors of the said company, and to secure the payment of the same, the company to execute a mortgage to such person or persons, or company or corporation, as the company may select on real or personal property of the said company, together with all the franchises and privileges, or in case the road be divided and built in sections, which the company is authorized to do. Such mortgage may be placed upon each separate section, and in such manner as the company may direct, and it is hereby provided that the registration of any mortgage in Surry County, North Carolina, shall be a lien on said property and franchises conveyed in said mortgage as now provided by the laws of registration.

Mortgages on sections.

Registration of mortgage.

Power of consolidation.

Sec. 5. That said company may consolidate its stocks, franchises and property with those of any railroad company chartered by the laws of the State of North Carolina or Virginia, upon such terms as may be agreed upon by the two companies, but in case of such consolidation, the consolidated company shall remain a North Carolina corporation in regard to the rights of suing and the liabilities of being sued, and the jurisdiction of the courts of North Carolina over the same, and the authority is hereby given to change the name of said company to another, by a majority vote in annual or general meeting of its stockholders. Such change of the name to be evidenced by a certificate signed by the president of said company, with the corporate seal affixed and attested by its secretary, and to be recorded that such consolidation and change of name shall not be construed to invalidate any notes or bonds held or owned by said transferring company, but said bonds, stocks, franchises and other incidents of said properties shall pass to the consolidated company with all rights and powers to collect with same force and effect as first owner had, and all obligations shall be in as full force and effect after consolidation as before.

Consolidated corporation.

Change of name.

Construction across public roads.

Sec. 7. That said company shall have the right, when necessary, to construct their road across any public road or along side of any other railroad or public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good as the one taken by the company, and which has been accepted by the board of county commissioners.

Proviso: public road to be constructed.

Liability of stockholders.

Sec. 8. That the stockholders of said company, whether private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company beyond the

amount of their unpaid subscriptions to the capital stock of said corporation.

Sec. 9. That said company shall have power to use any sections or portions of its road before the whole of the same has been completed, and charge for the transportation of passengers and freights thereon. Power to use sections of road.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, 1911.

CHAPTER 85.

AN ACT TO AMEND THE CHARTER OF THE MT. PROSPECT GRADED SCHOOL OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter seven hundred and forty-six, section thirteen of the Public Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out the words "five miles of" in line six of said section. Prohibition.

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

Ratified this the 21st day of February, 1911.

CHAPTER 86.

AN ACT TO INCORPORATE THE MAXTON, ALMA AND SOUTHBOUND RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That P. A. Fore, of Richmond, Virginia, C. J. Cottingham, A. J. Steed, R. M. Williams, Sallie Lou McKinnon and A. J. McKinnon, of Maxton, North Carolina, and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body corporate and political, and to exist for the term of sixty years under the name and style of the "Maxton, Alma and Southbound Railroad Company," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, shall have power to adopt a common seal and change the same at will, and shall be capable of taking by purchase, gift or in any other way real or personal property and holding, leasing, conveying or of dealing with the same, and for the purpose of enabling the corporation to do all the things and acts necessary for Corporators. Term. Corporate name. Corporate powers.

its purpose it is hereby invested with all the rights, privileges, immunities and powers conferred upon railroad companies by chapter sixty-one of The Revisal of 1905, entitled "Railroad Companies," and amendments thereto, and to make ordinances, by-laws and regulations consistent with the laws of this State and the laws of the United States for the government of all under its authority, for the management of its estate, and for the due and orderly conduct of its affairs.

Ordinances, by-laws and regulations.

Power to lay out, maintain and operate railroad.

Telegraph and telephone lines.

Routes.

Sec. 2. That the said company, upon its organization, as hereinafter provided, shall have the power to survey, lay out, construct, equip, maintain and operate by steam, electricity or any other motive power, a railroad with one or more tracks, and telegraph and telephone lines from the station of Alma, or the town of Maxton, in the county of Robeson, State of North Carolina, or any other point on the Seaboard Air Line Railway, in the county of Robeson, to the town of Rowland, or any other point in the county of Robeson, or through the counties of Robeson, Columbus or Brunswick, State of North Carolina, or the counties of Dillon, Marion, Horry, in the State of South Carolina, or any other counties in the State of North Carolina or the State of South Carolina, to any point on the Atlantic seaboard, in either the State of North Carolina or the State of South Carolina that may be agreed upon by the board of directors of said company: *Provided*, that before entering the State of South Carolina with its lines, said company shall comply in all respects with the laws of said State. The said company shall also have power to connect its tracks with any other railroad company now chartered, or that may hereafter be chartered, and to lay down and use tracks through or into any town or city along its proposed lines by and with the consent of the corporate authorities of such city or town.

Proviso; entry into South Carolina.

Connections with other roads.

Tracks in towns and cities.

Capital stock.

Sec. 3. The capital stock of said company shall not be less than twenty-five thousand dollars ($25,000), nor more than one hundred and twenty-five thousand dollars ($125,000), to be divided into shares of one hundred dollars ($100) each, and may from time to time be increased between the minimum and maximum limits hereby provided, as the stockholders thereof may determine.

Increase of capital.

The stockholders may, by a majority vote, further increase said capital stock from time to time to an amount not exceeding five hundred thousand dollars ($500,000): *Provided*, that before increasing said capital stock above the amount of one hundred and twenty-five thousand dollars ($125,000), they shall pay to the State of North Carolina the fees and taxes provided by law upon such increase as may be made. The holder of stock in said company shall in all meetings of the stockholders be entitled, either in person or by proxy, to one vote for each share of stock held by him, and a majority of the stock shall constitute a quorum at all meetings of the stockholders. As soon as the minimum amount above provided

Stock vote.

Quorum of stockholders.

shall have been subscribed the said company may organize. Subscriptions to the stock may be made in money, land or other property, in bonds, stocks, credits, contracts, leases, options, mines, mineral, right-of-way and other rights and easements, labor or service, upon such terms as may be agreed upon or provided by the subscribers and board of directors of said company, and there shall be no individual liability upon takers or holders of said stock beyond the unpaid subscriptions thereto. If any subscriber to the stock of this company shall neglect or refuse to pay any installment of his subscription when it becomes due, as required by the board of directors, said board may declare his stock forfeited, as well as the previous payments thereon, to the use and benefit of said company, but before declaring it forfeited, the said stockholder shall have served upon him a notice in writing, in person or by deposit of said notice in the post-office with the postage paid, directed to him at the post-office near his usual place of abode, or to the post-office address as given opposite his name to the subscription paper, and stating that he is required to make such payments within sixty days from the date of such notice, at such time and place as is named thereon, and at the expiration of said period of sixty days, if the subscription is still in default, the board of directors may exercise the power of forfeiture above conferred.

Organization.
Subscriptions.
Liability of stockholders.
Forfeit of stock.
Notice to stockholders.

Sec. 4. The corporators mentioned in this act, or a majority of them, shall have power to open books of subscription in person or by agent or agents at such place or places, either within or without the State, as any such majority may fix, and with or without notice, as such majority may determine, and to keep the same open for such time and under such conditions, rules and regulations as they, the said majority, may deem necessary or expedient, and the said corporators, or a majority of them, and as they, the said majority, deem proper, after ten days notice served upon or mailed to the subscribers at such address as may be given opposite their names to such subscription paper, may call together the subscribers to the said shares of stock at any place within or without this State, and the said subscribers, or such of them as shall attend or send proxy, may then complete the organization of said company by electing a board of directors to consist of such members as they may determine, which board shall not be less than six nor greater than twelve, and such other officers as may be provided for, to be elected at the stockholders meeting by the by-laws hereinafter provided for, and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by-laws of the said company may prescribe to be elected by the board of directors, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to complete the organization of the said company and to carry into effect the objects of this act, and to enable them to perfect their

Books of subscription.
Meeting for organization.
Directors.
Other officers.
Agents.

organization they are hereby invested with and may enjoy all the rights, powers, liberties, privileges, immunities and franchises pertaining to corporations under the general laws of the State.

Annual meetings.

Sec. 5. The annual meeting of the stockholders shall be held on such day or days as is or may be prescribed by the by-laws, or if none be prescribed, then on such day as the stockholders may in a 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 the State as shall be fixed from time to time by the board of directors.

Notice of meeting.

Notice of the annual meeting shall be sent to each stockholder by the secretary of the company in the way and manner provided for in the by-laws.

Called meetings.

Sec. 6. 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 a notice, as provided for in section five, of the time and place of such meeting for at least ten days before the said meeting. 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.

Election of directors.

Sec. 7. An election of directors shall be by ballot and shall be held at the annual meeting, unless otherwise determined from time

Term of office.

to time by the stockholders. The directors shall hold office until

Vacancies.

the succeeding annual meeting or until their successors are duly elected and assume their duties. The board may fill any vacancy that may occur in the directorate during the time for which its

Election of president and other officers.

members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be annually elected by the directors from among their board or from among the stockholders, in such manner as the regulations of the

Term of office.

company may prescribe, and shall hold their office until their successors shall be elected and assume their duties. There shall be a

Secretary and treasurer.

secretary and treasurer elected by the board of directors, and may be one and the same person. In the absence at any meeting of the board of directors, of the president and vice-president, or of the

President and secretary pro tem.

secretary, the board may appoint a president and secretary *pro tempore*. The board of directors shall have authority to adopt by-

By-laws.

laws for the government of the corporation, subject, however, to amendment or repeal by the stockholders.

Certificates and transfer of stock.

Sec. 8. The company shall issue certificates of stock to its members, and the stock may be transferred in such manner and form as may be prescribed in the by-laws of the company.

Power to acquire other railroads.

Sec. 9. That the said company may have power to take by purchase, lease or otherwise, the railroad, franchises and property of any other railroad now constructed or that may hereafter be con-

Power of sale or lease.

structed in this State or elsewhere. It may assign or lease its prop-

erty and franchises, or any part thereof, to any other railroad company incorporated by the laws of this or any other State, and the railroad company leasing or purchasing this road shall hold, own and enjoy the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so leasing or purchasing shall be entitled to all the property, franchises, privileges and immunities belonging or appertaining to the company incorporated by this act, and the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The company shall have power to consolidate, merge or pool its capital stock with any other corporation chartered by the laws of this or any other State, and may lease or be leased, operate or be operated by such corporation by and with the consent of a majority of the stockholders of the respective corporations voting separately, and the consolidated corporation will become a new corporation under any name to be designated by the terms of the agreement, and a certified copy of the agreement shall be filed in the office of the Secretary of State, and shall be taken to be the agreement and act of consolidation of said corporation, and a copy of said agreement and act of incorporation, duly certified by the Secretary of State, under his seal, shall be evidence of the existence of the new corporation, and the new corporation is hereby invested with and shall have and possess all the corporate powers, rights and privileges and be subject to all the duties and liabilities of the railroad incorporated by this act, together with all the property, powers, rights and privileges contained in the charter of the company or companies with which it becomes consolidated or merged, and such consolidated company may from time to time increase its capital stock to any amount that the stockholders of the consolidation may by a majority vote determine. The company incorporated by this act may subscribe to or purchase the capital stock, bonds or credits of any other corporation now in existence or hereafter projected in this State or elsewhere, and any other such company may subscribe to or purchase the stock, bonds or credits of this company, and the company shall have power to represent its capital stock by it held in other companies through an agent or proxy appointed by the president of the company. This company shall have power to use any section or portion of its road or other lines before the whole of the same shall have been completed, and may charge toll for the transportation of passengers and freight on its road and for the transmission of messages or use of its telegraph and telephone lines on any such section of its road or lines: *Provided*, that nothing contained in this act shall be construed to allow said company to become the channel through which competing railroads, lines or companies shall merge or consolidate.

Powers of purchasing company.

Power of consolidation and merger

New corporation.

Agreement filed.

Increase of capital.

Powers in dealing with other companies.

Proviso: merger with competing lines.

Construction across roads and streets.

Sec. 10. The company shall have right and power, when necessary or convenient, to construct their said road across any public road or street at such point 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 the power to construct dams, culverts, trestles, bridges over and across streams, valleys or depressions, and to cross any navigable stream or canal on its road. 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 may, in making intersection or connection with any other railroad, have all the rights, powers and privileges conferred upon railroads by the laws of this State.

Proviso: new road.

Dams, culverts and bridges.

Crossing and connections with other roads.

Turnouts, switches and sidetracks.

Proceedings for condemnation of land.

Sec. 11. Whenever for any cause this company is unable to agree with the owners of land or any railroad company owning any right-of-way, or any town or city owning any street or public way over or near which it proposes to extend its road, for the purchase of such land or rights-of-way for its depots, roadbeds, quarries or other purposes of the company, the said company may file a petition before the clerk of the superior court of the county in which the land lies, stating the object for which the land is desired, with a description and plot 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 clerk in the manner provided for by law, and in the event that any of the persons interested in said cause are unknown or nonresidents of this State, such notice may be served by advertisement in the same way and manner as provided in the general law for the service of notice on nonresidents, and such advertisement shall state briefly the object of the application and give a description of the land to be taken. 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 date be fixed by consent, to assess 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 peculiar benefits to be derived in re-assessment, which shall be of the fee simple value of the property proposed to be taken by the company. The appraisers shall make their report to the clerk of the superior court within ten days

Service of process.

from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds, after being approved by the clerk, and payment of the damages assessed by the appraisers and proven by the clerk, of the parties interested, shall have the force and effect of an easement for such property to the company. Either party may appeal to the superior court, in term, from the approval or disapproval of the clerk: *Provided*, such appeal be prayed within ten days from the approval or disapproval of the clerk, and in such appeal may present such evidence as they may desire, and the trial shall be *de novo* in the court, but the burden of proof shall be upon the party objecting to the finding of the appraisers. If the said company shall pay to the parties, or into court, the sum appraised by the appraisers, then and in that event the said company may enter and take possession of and hold said lands, notwithstanding the pendency of appeal, until final judgment is rendered on such appeal, and the appellant or owner of the premises shall not be entitled to an injunction, restraining order or other process that would hinder, delay or obstruct the work. In the event that the true owner of the 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 an assessment of the value thereof, but no action of ejectment shall be brought by him nor the occupation or possession of the company in anywise disturbed, unless within the time to be fixed by the courts it shall fail to pay such damages as may be assessed for the value thereof: *Provided, however*, that in case the true owner be at the time of such occupation under any legal disability, he may file a petition for an assessment of the damages within two years from the removal of such disability.

Right of appeal.

Proviso: time of appeal.

Trial on appeal.

Payment to vest title.

Rights of owner not notified.

Proviso: owner under disability.

Sec. 12. The right of said company to condemn or take land under this act shall be limited to a space of fifty feet on each side of its roadbed, measuring from the middle line of the same, except in case of deep cuts or high embankments, when the said company shall have a 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, stations, station grounds, shops or yards, gravel pits, quarries or other purposes necessary for the construction and operation of said road, it may condemn not exceeding ten acres in any one place.

Limit of land condemned.

Sec. 13. That it shall be lawful for the said company, through its agents, superintendents, engineers or other persons in its employ, to enter at any time upon all lands and waters for the purpose of exploring, surveying and locating its line or lines upon the same and of making a plot or plots thereof.

Entrance on land for surveys.

Sec. 14. That any county, township, city or town along or near the line of the constructed or proposed road of this company may

Counties and municipal corporations may subscribe to company.

Method of subscription.

Petition for election.

Election to be ordered.

Ballots.

Law governing election.

Notice of election.

Returns.

Effect of election.

Bond issue.

Denominations of bonds.

Maturity and interest.

Authentication.

Special taxes.

subscribe to the capital stock of said company, either in money, bonds, securities or other property in the following manner: Upon the presentation of a petition in writing, signed by not less than ten per centum of the registered voters of the county, township, city or town, to the board of commissioners of such county or other proper authorities of such city or town, requesting them to submit to the qualified voters of the county, city, town or township where such petitioners may reside, a proposition to subscribe a definite sum, to be named in said petition, and whether in money, bond or otherwise to the capital stock of the company, the board of commissioners of said county or proper authorities of said 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 thereof the question of subscription to the capital stock of the said railroad company the amount specified in the petition, at which election all those qualified to vote who are in favor of such subscription and who 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 there shall be written or printed the words "Against subscription," and an election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as provided for the election of county, township, city or town officers by the general election laws of the State. Such election shall be held after thirty days notice thereof, specifying the amount of the proposed subscription, shall have been posted at the court-house door of such county, and at every polling place in such county where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or to the proper authorities of the said city or town. If a majority of the qualified voters shall vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town shall meet and 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 upon account of what county, township, city or town they are issued. They shall be in denominations of not less than $500, and not more than $1,000, and each shall run for such number of years, and bear such rate of interest, not exceeding the rate prescribed by law, 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 the said board, witnessed by the official seal thereof, and if issued by a city or town, they shall be signed by the mayor and treasurer of such city or town, witnessed by their official seal.

Sec. 15. The county authorities 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 other taxes, 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 their other taxes a sufficient tax upon the property and polls of 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: *Provided*, in levying the said tax they preserve the equation between property and polls prescribed by the constitution of the State. That the taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officers 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 they are 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 the said bonds, or in which there is a township issuing the said bonds, or the proper authorities of the city or town issuing said bonds: *Provided*, that whenever practicable 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 thereof. In the event that the property, rights, franchises, or any part thereof, of this company are hereinafter 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.

Proviso: constitutional equation.

Taxes kept separate.

Specific appropriation.

Investment of sinking fund.

Proviso: investment in bonds.

Transfer of subscription.

Sec. 16. For the purpose of this act all 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 this 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 for 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 liberties in respect to any of the 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 hereby declared to be corporate agents of the said township so incorporated and situated within the limits of said counties respectively, for the purpose of issuing bonds of the said township or townships and providing for the levying and collecting of taxes on property and poll to pay the principal and

Townships and counties incorporated.

Corporate agents.

interest of said bonds and to provide a sinking fund as herein above mentioned, and the said board of county commissioners of any county subscribing to the capital stock of this company, or in which any township is situated subscribing to the capital stock thereof, shall have the right and authority to represent and vote the stock of the said county or township in any stockholders' meeting, or that may appoint an agent or proxy therefor. All provisions contained in any town charter in conflict with the provisions of this act are hereby repealed, so far as they are in conflict with this act.

Company may issue bonds.

Sec. 17. It shall be lawful for this company to issue coupons or registered bonds in such denominations and running for such time and bearing such rate of interest and payable at such time and place as the board of directors may direct, and to secure the payment of the same said company is authorized to execute one or more mortgages or deeds of trust to such persons or corporations as it may select, on all or any part of its real or personal property, franchises and privileges, or in case the road be divided and built in sections, such mortgages or deeds of trust may be placed upon such separate sections, or on all and any part of its franchises, and in such manner as the company may direct, and it is hereby further provided that the registration of any mortgage or deed of trust provided to be executed in this section may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchises conveyed in such mortgage or deed of trust. This company may, by the action of the stockholders, or through its board of directors, sell, hypothecate or otherwise dispose of the bonds authorized by this section to be issued, or any part of its stock, bonds or mortgages.

Mortgages.

Mortgage on separate sections.

Registration of mortgage.

Sale of bonds.

Convicts for construction of roads.

Sec. 18. The board of directors of the penitentiary of this State, or any other State into which this company may extend its lines, may, upon application of the president of this company, approved by the governor of the State, turn over to said company convicts not otherwise appropriated or needed, in the discretion of the State board, not more than two hundred in number, to be worked on the construction of said road upon such terms as may be agreed upon, the said convicts to be guarded and superintended by authorities of the penitentiary and to be hired to said company as is now or may hereafter be provided by law.

Liability of stockholders.

Sec. 19. The stockholders of this company or private individuals or corporations, public, private or municipal, shall not be personally liable for the debts of the company.

No forfeiture for non-user.

Proviso: organization.

Sec. 20. This act shall not be forfeited by non-user: *Provided*, that the said company shall be organized within five years from the ratification of this act.

Sec. 21. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, 1911.

CHAPTER 87.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-SIX, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE, AMENDING THE CHARTER OF THE TOWN OF ELIZABETHTOWN, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter one hundred and fifty-six, Private Laws of one thousand eight hundred and ninety-five, and all amendments thereto, be and the same are hereby repealed, and the following substituted in lieu thereof: "That the corporate limits of said town shall be as follows: Beginning at the upper corner of said town as shown by the original plan thereof, and running thence with the west line of Ben street to the corner of Ben and Haverford streets; thence with the north edge of Haverford street to the corner of Haverford and Pine streets; thence with the west edge of Pine street to the corner of Pine and King streets; thence with the north line of King street continued north sixty-eight west to the McDowell timber road; thence with the McDowell timber road westward to the head of Deep Bottom Branch at the George Cromartie road; thence down and with the run of Deep Bottom Branch to the M. D. McLeod and E. D. Bizzell line where said line crosses Spring Branch; thence with the M. D. McLeod and the L. J. Hall lower line continued at about north nineteen east to the Cape Fear River, the upper corner of the old stock law territory; thence up and with the river to the beginning. Corporate limits.

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

Ratified this the 21st day of February, 1911.

CHAPTER 88.

AN ACT TO REPEAL CHAPTER FIFTEEN, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND EIGHT, AND TO AMEND CHAPTER FOUR HUNDRED AND FIFTY-ONE, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND THREE.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifteen, Private Laws one thousand nine hundred and eight, be and the same is hereby repealed. Trustees and terms of office.

Sec. 2. That section nine of chapter four hundred and fifty-one of the Public Laws one thousand nine hundred and three, be amended as follows, to wit: Strike out all of said section between

the figure "9" in line one and the word "and" in line eleven and insert in lieu thereof the following: "That E. E. Hilliard, Stuart Smith, C. L. McDowell, A. L. Purrington, G. Hoffman, H. I. Clark, J. A. Kitchin and Wilson Allsbrook shall be and are hereby constituted and appointed a board of trustees for the public schools of said graded school district. The first one of said trustees shall hold office until the first Monday in June, one thousand nine hundred and twelve, the next one until the first Monday in June, one thousand nine hundred and thirteen, the next one until the first Monday in June, one thousand nine hundred and fourteen, the next one until the first Monday in June, one thousand nine hundred and fifteen, the next one until the first Monday in June, one thousand nine hundred and sixteen, the next one until the first Monday in June, one thousand nine hundred and seventeen, the next one until the first Monday in June, one thousand nine hundred and eighteen, the next one until the first Monday in June, one thousand nine hundred and nineteen.

Trustees named.

Terms of office.

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 21st day of February, 1911.

CHAPTER 89.

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 established.

Section 1. That for the purposes and benefits of this act the boundary hereinafter named shall be a public school district, and is hereby named and designated the Old Fort graded school district.

Name.

Boundary.

Sec. 2. That the Old Fort graded school district shall be composed of the following boundary, to wit: Beginning at the mouth of Curtis Creek and running up said creek to a point where the lands of C. A. Blackwelder and J. B. Burgin join; thence a straight line to the northeast corner of the T. D. Kanipe lots; thence a western course with Maple street to the northeast corner of B. C. Bright's lot; thence across said street to O. H. Blocker's corner, and with his line to the top of the ridge; thence with the crest of said ridge to the top of Burgin's Mountain; thence a straight line to A. W. Padgett's line near Sallie Gap; thence with A. W. Padgett's line west of his house to Ellen Bradley's line; thence a straight line on the west side of Ellen Bradley's house to point tunnel; thence south to the top of the first ridge; thence with the crest of said ridge to

the Brooks Forney place; thence an eastern course between the lands of H. A. Westerman on one side and Brooks Forney and Carson Goforth on the other side to Carson Goforth's northeast corner; thence a southern course with the Salisbury lines to the public road leading up the Catawba River; thence a western course with said road to Eugene Beech's northwest corner; thence south with the west lines of Eugene Beech and B. P. Hensley to B. P. Hensley's southwest corner; thence a straight line eastwardly to W. E. Moore's southeast corner and L. P. Crawford's southwest corner; thence with L. P. Crawford's line to C. H. McCurry's line; thence with C. H. McCurry's line to his southwest corner; thence an eastern course to Joseph Smith's southeast corner on the bank of Crooked Creek road; thence a northern course to L. P. Crawford's and Clarence Murphy's line; thence with L. P. Crawford's line to his and T. M. Davis's corner on the bank of Catawba River; thence with T. M. Davis's outside line with its various calls and distances to his and J. S. Bradley's corner on the bank of the Catawba River; thence with said river to the beginning.

School committee. Committee named. Terms of office.

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 thirteen; that the term of P. H. Mashburn shall expire on the first Monday of May, one thousand nine hundred and fourteen; that the term of C. H. Burgin shall expire on the first Monday in May, one thousand nine hundred and fifteen; that the term of T. M. Davis shall expire on the first Monday in May, one thousand nine hundred and sixteen; that the term of J. S. Bradley shall expire on the first Monday in May, one thousand nine hundred and seventeen. 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 office, they shall be filled as above specified.

Election of successors. Vacancies.

Powers of committee. Compensation of officers and teachers. School census.

Sec. 4. That the school committee provided for by this act shall have exclusive control of the public school interests, funds and property in the graded 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.

Children admitted free.

Sec. 5. That all the white 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.

Treasurer.

Sec. 6. That said school committee named in section three hereof shall appoint or elect one of their number treasurer of said graded school district, who shall, before entering upon his duties as such

Bond of treasurer.

treasurer, execute a bond in the sum of one thousand dollars ($1,000), payable to said graded school district for the faithful performance of his duties as treasurer, said bond to be approved by the graded school committee of said district.

School tax.

Sec. 7. That there shall be levied annually by the board of county commissioners of McDowell County, on the recommendation of said school committee as to the amount needed at the time of levying other taxes for the county of McDowell, a tax in said district not

Rate.

to exceed twenty cents on the one hundred dollars valuation of 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 tax so levied shall be collected by the sheriff or tax collector of the county of McDowell under the same laws that govern the collection of other county taxes; and the sheriff or tax collector of the county of McDowell shall pay said taxes, after deducting his commission, to the treasurer of the Old Fort graded

Separate funds.

school committee; and the treasurer of said committee shall keep separate from all other funds the said taxes, and pay out same only

School warrants.

on warrant signed by the chairman, and countersigned by the secretary of said committee.

Apportionment from State and county.

Sec. 8. That all public school funds derived from the State and county for the use of said Old Fort graded school district shall be paid out of the treasury of said graded school committee 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.

Title to property.

Sec. 9. That the school committee provided for by this act shall have the right to control the sites, lands, buildings and any and all property belonging to said graded school district, and the title thereto is invested in said committee and their successors. The

School year.

committee shall fix the time for the beginning and ending of the school year for said district, and do any and all things necessary for the best interests of said school district.

Incorporation.

Sec. 10. That the committee hereby created shall be a body corporate by the name of the Old Fort graded school district, and by

Corporate name.

Corporate powers.

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

Conveyances.

suits against the corporation hereby created. All conveyances to said school committee shall be to them and their successors in office.

Sec. 11. That all laws and clauses of laws in conflict 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 21st day of February, 1911.

CHAPTER 90.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BLACK MOUNTAIN.

The General Assembly of North Carolina do enact:

Section 1. That section seven of chapter three hundred and seventy-one of the Private Laws of one thousand nine hundred and seven be and the same is hereby stricken out and the following language substituted therefor, to wit:

Election on bond issue.

That whenever, in the opinion of the board of aldermen of the town of Black Mountain, it shall be deemed wise to issue bonds for the laying off or improvement of streets, for the construction and installation of waterworks, or a sewerage system or for an electric lighting plant for the town of Black Mountain, the said board of aldermen may order an election by the qualified voters of the town of Black Mountain upon the question of the issuance of such bonds, such election to be held at any time the mayor and board of aldermen of Black Mountain may appoint and select. Said election shall be held after the mayor and board of aldermen shall order the same and said mayor and board of aldermen shall order the election to be held at least thirty days prior to the time of holding such election.

Advertisement of election.

The time and place of holding such election shall be advertised by written or printed poster in the town of Black Mountain for thirty days immediately preceding such election, and such poster shall be placed in at least four public places in said town of Black Mountain.

Supervision of election.

Said election shall be held under the supervision and control of the mayor and board of aldermen of the town of Black Mountain.

Election officers.

The board of aldermen shall appoint a registrar and two judges of election to hold said election.

Registration.

The registrar shall keep the registration books open for thirty days preceding said election.

Returns.

The registrar and judges of election shall make due return of the result of such election to the mayor and board of aldermen, and the mayor and board of aldermen shall declare the result of such election, and the declaration of the mayor and board of aldermen as to the result of said election shall be final.

Declaration of result.

Ballots.

At said election the voters favoring the proposed improvement shall vote a ticket on which shall be written or printed "For im-

provement bonds," and the voters opposing such improvement shall vote a ticket on which shall be written or printed "Against improvement bonds." If, at said election, a majority of the voters of said town voting at such election shall cast their ballots for the improvement bonds, the board of aldermen shall then have power and authority to issue such bonds.

Effect of election.

Order for election.

The order of the mayor and board of aldermen ordering an election for any of said improvements shall designate the nature and character of the proposed improvement, the amount of bonds which it is proposed to issue, the terms upon which said bonds shall be issued, and the substance of the order of the mayor and board of aldermen shall be posted and due notice given of the terms upon which said bonds shall issue and the purpose for which it is proposed to issue them in the notices of such election which shall be posted as above provided in said town for at least thirty days before such election shall be held.

Limit of bond issue.

Sec. 2. That the town of Black Mountain may issue bonds for laying off and improvement of streets or for the installation of a water system or sewerage system or for the building of an electric lighting system, to an amount equal to twenty (20%) per cent of the assessed tax valuation of all real and personal property in said town of Black Mountain.

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

Ratified this the 21st day of February, 1911.

CHAPTER 91.

AN ACT TO INCORPORATE SCHOOL DISTRICT NUMBER ONE, WHITE RACE, MARK'S CREEK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That District Number One, Mark's Creek Township, which is described and bounded as follows: "Beginning at Little River bridge at Moore's Mill; thence west with the road that leads into the Tarboro road; thence west with said Tarboro road to H. L. Bunn's land; thence around H. L. Bunn's land on the north side of the Tarboro road and back to said Tarboro road; thence west with said road to D. T. Lee's land; thence around D. T. Lee's land on the north of Tarboro road and back to said road; thence west with said road to M. A. Scarboro's and W. R. Scarboro's land; thence around M. A. and W. R. Scarboro's land on the north side of the Tarboro road and back to said road; thence with said Tarboro road to L. W. Todd's land; thence around L. W. Todd's land on the north side of

the Tarboro road and back to said Tarboro road; thence with said Tarboro road to the Battle road; thence with said Battle road to the Smithfield road; thence with said Smithfield road to Johnston County line; thence with said Johnston County line to Little River; thence up said river to the beginning," be and the same is hereby incorporated under the name and style of Wendell graded school district, Wake County, North Carolina, and is hereafter to be known and styled as such. Incorporation. Corporate name.

Sec. 2. That the county board of education of Wake County, North Carolina, upon the ratification of this act, shall appoint a board of trustees for said district, consisting of five members, who shall be resident freeholders of same, who shall hold their offices in the following manner and until their successors are duly appointed and qualified; one member for the term of two years, two members for the term of four years, and two members for the term of six years, and at the expiration of the term of office of each of the said trustees herein provided for, their successors shall be elected to serve for the term of six years. Appointment of trustees. Terms of office.

Sec. 3. That the said board of trustees and its successors in office shall within thirty days from and after their appointment by the county board of education of Wake County meet, qualify and organize by electing a chairman and secretary to said board and shall enter upon the discharge of their duties as such trustees. Trustees to qualify. Organization.

Sec. 4. That the said board of trustees shall have and exercise complete control and direction over said school district, not in conflict with the authority vested in the county board of education, and shall at all times be subject to such rules and regulations as the county board of education for Wake County under the general law of the State may adopt. Power of trustees.

Sec. 5. That any vacancy occurring in the said board of trustees by death, resignation, or otherwise, shall be filled by the county board of education of Wake County. Vacancies.

Sec. 6. That all laws and clauses of laws in conflict with 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 22d day of February, 1911.

CHAPTER 92.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF SELMA GRADED SCHOOL TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING A GRADED SCHOOL BUILDING AT SELMA, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Bond issue authorized.

Amount.

Interest.

Denominations.

Authentication.

Maturity.

Section 1. That for the purpose of raising money to build and equip a graded school building for Selma graded school district, the board of trustees of said Selma graded school district is hereby authorized and empowered to issue bonds to an amount not exceeding twenty thousand ($20,000) dollars, payable at such time and 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 of such denominations as the board may prescribe, and shall be signed in the name of the board of trustees of Selma graded school district, under its corporate seal, by the chairman of the board, and attested by the secretary, and shall mature in not less than twenty (20) years from the date of their issue.

Bonds not to be sold below par.

Specific appropriation of proceeds.

Special tax.

Sec. 2. That 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 than those mentioned in section one of this act.

Sec. 3. That in order to pay the interest on said bonds as the same become due, the board of county commissioners of Johnston County is required and directed to levy and collect, in adddition to all other taxes in said Selma graded school district, 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 the same, or to provide for the payment thereof. The tax so levied upon property shall be an *ad valorem* 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 levied and collected at the same time and in the same manner as other taxes upon the property and polls of said Selma graded school district, and turned over to the treasurer of the board of trustees of said Selma graded school district, as hereinafter provided: *Provided*, that the taxes levied and collected under this act for the purposes aforesaid shall in no event, singly or collectively, exceed ten (10) cents on the one hundred dollars valuation of property, or thirty cents on the poll: *Provided, further*, that the taxes collected under the provisions of this act shall be kept separate and apart from the other funds coming into his hands, and shall be used for no other purpose. It shall be the duty

Tax ad valorem.

Proviso: limit of tax rate.

Proviso: specific appropriation of tax.

of the treasurer, as the said coupons are paid off and taken up by him, to cancel the same and report to the board of trustees aforesaid the number and amount of coupons so canceled.

Sec. 4. That the bonds may be sold at public or private sale, with or without notice, as the board of trustees of said school district may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of the board of trustees of the Selma graded school district, who shall give such bond for the safe keeping and disbursement of said funds as shall be required of him by the said board of trustees, and he shall receive no compensation for receiving or collecting any of the funds provided by this act, but shall be reimbursed his necessary expenses incurred in making suretyship bonds and in the performing of the duties required of him. Sale of bonds. Proceeds paid over. Bond of treasurer. Compensation.

Sec. 5. That the aforesaid bonds shall be issued and sold for the purposes set forth in this act, and the board may prescribe for the retirement of the same in series or engross, maturing at such period or periods as they may prescribe, not exceeding twenty years from the issue thereof. And the proceeds arising from the sale of said bonds shall be used as required by section one of this act to pay for the erection, construction and equipment of a graded school building for said Selma graded school district, and said fund shall be expended under the supervision and direction of the board of trustees of said Selma graded school district, and upon vouchers of said board: *Provided*, that if any surplus remains in the hands of said treasurer, from the sale of said bonds, after paying for said school building, furnishings and equipment, then such surplus may be used for the cancellation of interest coupons or for the payment of outstanding bonds, and the retirement thereof: *Provided, further*, that the purchasers of the bonds herein provided for shall not be required to see to the application of the purchase money. Retirement of bonds. Expenditure of funds. Proviso: surplus. Proviso: purchasers.

Sec. 6. That before said bonds shall be issued, or the taxes herein provided for, levied and collected, the question of issuing said bonds and levying and collecting the taxes herein provided for shall first be submitted to the qualified voters of said Selma graded school district, and to that end the county board of commissioners of Johnston County shall, upon the recommendation of the board of trustees of said school district, call an election at any time within six months after the ratification of this act, in which shall be submitted to the qualified voters of Selma graded school district the proposition to issue not more than twenty thousand dollars in coupon bonds and the levy and collection of tax, within the limitations fixed in this act, to pay the interest thereon and retire and pay off said bonds, and for such election shall appoint a registrar and two pollholders to conduct said election, who shall canvass and declare the result. The said election shall be advertised by the board of county commissioners for thirty days prior to the day of election in some news- Question submitted to voters. Time for election. Election officers. Canvass and declaration of result.

Advertisement. Law governing election.

paper published in Johnston County. Otherwise the election shall be advertised and held in accordance with the law regulating the holding of elections for members of the General Assembly. Those voting for the issue of said bonds and the levy of said tax shall have written or printed upon their ballots the words "For bonds"; those voting against the same shall have written or printed upon their ballots the words "Against bonds." If a majority of the qualified voters of said district shall vote in favor of the issue of said bonds, then there shall be levied annually by the board of commissioners of Johnston County on all persons and property within the limits of said district, liable for taxation, a special tax as provided in section three of this act; said tax to be collected by the sheriff of Johnston County and turned over to the treasurer of said board of trustees; also the said board of trustees shall issue the bonds of said graded school district not to exceed the said amount of twenty thousand dollars, of such denomination 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, as hereinbefore provided, and said bonds may be of such form and tenor, and transferable in such a way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty years from the date thereof, as the said board of trustees shall determine. An election resulting unfavorably to the issue of said bonds and levy of said tax shall not exhaust the power of said board to submit the question of levying said tax and issuing said bonds at another and subsequent election, to be held as herein provided for, at any time within one year from the date of first election.

Ballots.

Effect of election.

Subsequent elections.

New registration.

Sec. 7. That for the election provided for in this act there shall be an entire registration of the voters of said graded school district, and if the first election result unfavorably to the issue of bonds and levy of tax, but the second election shall result favorably to such proposition, then and in that event it shall have the same force and effect as if no election had been previously held.

Treasurer of trustees.

Sec. 8. That the treasurer to the board of trustees of Selma graded school district shall be one of said board, who shall be elected for such term as the board of trustees may deem proper, any vacancy occurring at any time to be filled by the said board of trustees.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 22d day of February, 1911.

CHAPTER 93.

AN ACT TO INCORPORATE THE TOWN OF ROCKWELL, ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Rockwell, in the county of Rowan, be and the same is hereby created a body politic and corporate by the name and style of "The Town of Rockwell," and as such shall have all the rights and privileges contained in chapter seventy-three of The Revisal of North Carolina, and that said chapter, except as hereinafter otherwise provided, shall constitute a part and parcel of the charter of said town. That the municipal government of said town shall consist of a mayor, five aldermen, treasurer, tax collector, and as many policemen as the board of aldermen shall deem necessary; that the mayor and aldermen shall be elected by the resident electors of said town at the election to be held in May, one thousand nine hundred and eleven, as now provided by law, and that until said election the following named persons are hereby appointed as mayor and aldermen, to wit: Mayor, G. H. Peeler; aldermen, J. M. Holdshouser, J. A. Linn, H. W. Bost, J. C. Lyerly and J. W. Peeler.

Incorporation. Corporate name. Corporate powers under general law. Town officers. Election of officers. First officers named.

Sec. 2. That the corporate limits of said town shall embrace all the territory circumscribed by the following lines: Beginning at an iron stake in the main street of the town near C. Holdhouser's store; thence south forty-five east two thousand six hundred and forty feet to a stone; thence south forty-five west two thousand six hundred and forty feet to a stone; thence north forty-five west five thousand two hundred and eighty feet to a stone; thence north forty-five east five thousand two hundred and eighty feet to a stone; thence south forty-five east five thousand two hundred and eighty feet to a stone; thence south forty-five west two thousand six hundred and forty feet to a stone, intersecting with second line two thousand six hundred and forty feet from the beginning corner; thence to the beginning.

Corporate limits.

Sec. 3. That the said board of aldermen shall appoint the other officials of said town, and that the tenure of office of said mayor and aldermen shall be for two years succeeding the election in May, one thousand nine hundred and eleven, and biennially thereafter, as now provided by law.

Aldermen to appoint other officials. Terms of mayor and aldermen.

Sec. 4. That any qualified elector who is otherwise qualified under the laws of North Carolina to vote, shall be entitled to vote in the town elections of said town: *Provided, however,* he has been a resident of said town for ninety days preceding the election.

Electors.

Sec. 5. That the board of aldermen of said town shall have the right to lay out streets, condemn property for street purposes, dis-

Powers of a dermen

continue streets when necessary, pass such rules and regulations for the good government of the town as to them may seem just and proper, levy *al valorem* and poll tax on such male persons subject to such tax in a sum not exceeding two dollars per annum, and may levy an *ad valorem* tax on all real and personal property within said town in a sum not exceeding twenty-five cents on every hundred dollars worth of property as assessed for State and county taxes and according to the values assessed for State and county taxes. All taxes levied upon real and personal property shall constitute a lien thereon and on and after September the first of each year the tax collector of said town shall have full authority to levy and make sale of the real and personal property, or either, of such person, and to that end said tax collector shall have all the powers, rights and authority as now vested in the sheriffs of the State 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 to two thousand nine hundred and fourteen, inclusive, of The Revisal of North Carolina, and said sections are hereby made a part of this charter as fully as if written herein, except where the word "sheriff" appears therein, the words "tax collector" shall be inserted, and except as herein modified. That in case of sale of said real estate for taxes, then the deed of the purchaser shall be executed by the tax collector under the seal of said town, attested by the mayor and the clerk of the board of aldermen; and that if any person liable to pay poll or *ad valorem* tax shall leave or not remain in said town when taxes shall become due, and shall remove his personal effects and have no real estate, or if the tax collector can not find sufficient property within said town to pay his taxes, then said tax collector 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 said certificate shall be a valid execution in such sheriff's hands to levy on 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 of chapter seventy-two of said Revisal is hereby made a part of this charter not inconsistent with this act.

Tax rates.

Taxes a lien on property.

Collection by distress.

Deed to purchaser.

Collection on removal of delinquent.

Sec. 6. 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, and upon such things as are now taxable by law as provided by the revenue act of the General Assembly of one thousand nine hundred and eleven; and upon such subjects as are permitted to be taxed for State and county purposes not inconsistent with the laws of North Carolina.

Privilege and franchise tax.

Sec. 7. That if any person shall willfully fail or refuse to list his property for taxes or himself for poll tax, if liable therefor, he shall be guilty of a misdemeanor, and upon conviction, be fined fifty dollars or imprisoned thirty days. Failure to list taxes a misdemeanor. Punishment.

Sec. 8. That the mayor and board of aldermen shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations, as may be necessary and proper for the government of said town, not inconsistent with the laws of the State of North Carolina. Ordinances and by-laws.

Sec. 9. The mayor of said town shall have the same criminal jurisdiction within said town that justices of the peace now have in the county, and may punish offenders by fine not exceeding fifty dollars or by imprisonment not exceeding thirty days in jail or on the streets of the town or public roads of the county, and his commitment, directed to the officer of the town, or sheriff or jailer of the county, shall be sufficient authority for such officer to receive said offender as stated in said commitment. The officer or officers of said town may make arrests without warrant when any offense has been committed in his presence or has reasonable grounds to believe an offense has been committed and that it is necessary to immediately apprehend the offender. The warrants and processes issued by the mayor of said town may be served anywhere in the county by the town officers or sheriff of the county or any other lawful officer, and such offender may be pursued even unto other counties of the State until apprehended. Jurisdiction of mayor. Arrests without warrant. Process of mayor.

Sec. 10. That the board of aldermen of said town shall have the right to establish a public school district within said town and have the county board of education recognize the same as a district, and may, within said district, levy a special tax, on real and personal property, not exceeding twenty-five cents on the hundred dollars worth of property and not exceeding seventy-five cents on the poll, which shall be applied exclusively for school purposes, and if such levy shall be made, then the provisions heretofore mentioned in this act for the levy and collection of taxes shall apply; that the board of aldermen may establish a system of waterworks, sewerage or electric light, or both or all, and levy a special tax to pay for the same of not exceeding twenty-five cents on the hundred dollars worth of property, real and personal, and may issue bonds to pay for the same, with coupons or otherwise, to run not more than thirty years, and to bear a rate of interest not greater than six per cent per annum: *Provided, however,* that the question of bonds or no bonds shall first be submitted to the qualified voters of said town and an election be held as now provided by law for special elections, and let the people of said town, by their votes, say whether said system or systems shall be put in and whether said town shall issue bonds; the said board of aldermen may also borrow a suffi- School district. Special school tax. Rate. Waterworks, sewerage and lights. Special tax. Power to issue bonds. Maturity. Interest. Proviso: issue submitted to voters. Loan for schoolhouse.

cient sum to build a public schoolhouse or graded schoolhouse, within said town and district and execute the note of the town or mortgage the town property or pledge the faith and credit of the town to secure the same.

Contracts and actions.

Sec. 11. That all contracts made and entered into for and in behalf of said town, and all suits and actions or causes of actions, either for or against said town, shall be in the name of the town of Rockwell.

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

Ratified this 22d day of February, 1911.

CHAPTER 94.

AN ACT TO INCORPORATE THE TOWN OF LOCUST IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Section 1. That the town of Locust in Stanly County is hereby incorporated under and by the name and style of the town of Locust, and shall be subject to the general laws of the State governing municipal corporations not inconsistent with this act.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as described in the following boundaries, to wit: Beginning at an iron pin in the public crossing in said town and run south eighty west three-eighths of a mile to a stake; thence north ten west three-eighths of mile; thence north eighty east six-eighths of mile to a stake; thence south ten east six-eighths of mile to a stake; thence south eighty west six-eighths of mile to a stake; thence north ten west three-eighths of mile to a second station, making limits three-eighths of mile on the main road.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, three commissioners and a town marshal, and a town treasurer.

Election of officers.

That the mayor and commissioners shall be elected by the people, and the marshal and treasurer shall be appointed by the board of commissioners, as is hereinafter provided for in this act.

Mayor named.

Sec. 4. That J. A. Little is hereby appointed and constituted mayor of said town for the term expiring on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and that

Commissioners.

R. W. Simpson, D. W. Turner and J. F. Hartsell be and are hereby appointed board of commissioners for said town for term expiring on Tuesday after the first Monday in May, one thousand nine hundred and thirteen, and that said mayor and commissioners shall hold office until their successors are elected and qualified as is hereinafter provided.

Officers to qualify and organize.

Sec. 5. That it shall be the duty of said board of commissioners, together with said mayor, to meet, take the oath of office and organize as officers of said town within thirty days from the ratification of this act. That immediately upon the said board of commissioners and mayor taking the oath of office they shall organize and proceed to appoint a town marshal and a town treasurer, and it shall be the duty of the mayor of said town to preside at all meetings of the board of commissioners, and that the said board may appoint some person as secretary and they may appoint one of their members to act in such capacity, if they shall see fit so to do. That the town marshal shall enter into a bond payable to the State of North Carolina in the penal sum of five hundred dollars, for the faithful performance of his duties as such officer, which bond shall be approved by the said board of commissioners, and duly recorded in office of register of deeds of Stanly County as other official bonds for county officers, and that said marshal shall have authority to serve all processes issuing from the mayor of said town for the enforcement of the law therein.

Duty of mayor.

Secretary.

Bond of marshal.

Authority of marshal.

Power to pass ordinances.

Sec. 6. That the said board of commissioners shall have power and authority to pass any and all ordinances that they may deem necessary for the interest of said town, not in conflict with the laws of the State of North Carolina and this act and they shall provide for the enforcement of said ordinances.

Jurisdiction of mayor.

Sec. 7. That the mayor of said town shall have jurisdiction over all criminal offenses within the corporate limits of said town over which a justice of the peace would have jurisdiction, and that his fees for all processes and trials shall be the same as that of a justice of the peace and that the fees of the town marshal shall be the same as is now provided for constables, and that said mayor shall have power to issue his warrant, hear and try all cases coming before him in the same way and manner as is prescribed for justices of the peace, with the powers to punish and to imprison and to punish for contempt of court, and that his jurisdiction in all criminal offenses arising in said town shall be the same as that of a justice of the peace, and that he shall have the right to try all persons for violations of the town ordinances of said town and for any violations of the State law within corporate limits of said town, and when it shall appear that an offense has been committed and at the trial thereof evidence will disclose the fact that he has not jurisdiction of said offense, then it shall be his duty to bind the defendant over to the next criminal term of the superior court for Stanly County and require the defendant to enter into and give sufficient bond for his appearance, and it shall be his duty to recognize such witnesses for the State for their appearance, as he may deem proper.

Fees.

Bond of treasurer.

Sec. 8. That the board of commissioners shall require the town treasurer to enter into bond payable to the State of North Carolina

in the penal sum of five hundred dollars, before any funds shall be paid into his hands as such officer, and that said bond shall be signed by two or more sufficient sureties and be justified and recorded in office of register of deeds for Stanly County as other official bonds.

Power to levy tax.

Sec. 9. That the board of commissioners for said town shall have power and authority to levy a tax on all the real estate and personal property in said corporate limits and on polls, and that they shall not levy a greater tax in any one year than forty-five cents on the poll and fifteen cents on the hundred dollars valuation, and that the valuation of said property shall be the same as is fixed thereon for county and State purposes; that the marshal of said town shall have the same powers to collect taxes therein as the sheriff of the county, and shall be governed by the same rules, laws and regulations, with full power to seize, levy on and sell property, both real and personal, for said purposes, and do all acts and things incident thereto in the same manner as the sheriff, except that he may sell any property for taxes at the public square in said town, after due advertisement as provided by law.

Tax limit.

Collection of tax.

License taxes.

Sec. 10. That the said board of commissioners shall have power and authority to levy a special tax on shows, merry-go-rounds, and other entertainments or shows for fee, price or reward not inconsistent with the laws of the State and in the same way that State taxes are levied thereon: *Provided*, that no tax shall be levied on any entertainments when the same are solely for charitable purposes.

Proviso: entertainments for charitable purposes.

Liquor and other drinks.

Sec. 11. That the said board of commissioners shall have the right and authority to exclude the sale of or tax the sale of spirituous liquor, beer, near beer or any other soft drinks by whatever name they may be called or designated, and to tax clubs where liquor or beer is kept in said corporate limits in such sums as they may see fit and proper and that said tax when paid shall be paid to the county treasurer and applied to the general school fund of the county: *Provided*, that no drinks of any kind, the sale of which is forbidden by the State of North Carolina, shall be sold in said corporate limits or licensed to be sold by said town.

Clubs.

Proviso: prohibition.

Application of taxes.

Sec. 12. That the commissioners of said town are hereby directed and allowed to use the taxes levied and collected in said town for the purpose of defraying the expenses of said corporation and for working and repairing streets and sidewalks therein, and in keeping the same in good and passable condition.

Publication of statements.

Sec. 13. That the treasurer of said town shall publish semi-annually at one or more public places in said town for a period of thirty days an itemized and sworn statement showing the distribution of any and all funds which may have come into his hands by virtue of his office. That said treasurer shall keep a record as treasurer of said town, in which he shall keep an accurate statement of all funds or taxes received by him or other moneys in any way

Records kept by treasurer.

placed in his hands as said officer, and that said records shall be open to inspection of any voter or property holder in said town at any time.

Oath of mayor.

Sec. 14. That the mayor of said town shall take the oath prescribed as follows: that he will faithfully and impartially discharge the duties of his office and that he will administer justice to all parties tried before him as mayor of said town according to the evidence and the law governing the same, to the best of his knowledge and ability. And the commissioners of said town, before entering upon the duties thereof, will take an oath that they will faithfully and impartially discharge all duties devolving upon them by virtue of their office without fear or favor according to law. And the treasurer, before entering upon the duties of his office, shall take the oath that he will faithfully account for and pay over all funds that may come into his hands as such as directed by law, to the best of his ability. And that the town marshal shall take an oath before entering upon his duties that he will faithfully and impartially execute all writs and processes directed or delivered to him by the mayor of said town or any other person having authority to direct processes to him and faithfully execute and return the same as directed by law, to the best of his knowledge and ability, and his duties shall be the same as a constable, and he shall arrest all persons violating any ordinance or State law in his presence and carry them before the mayor of said town to be dealt with according to law.

Oath of commissioners.

Oath of treasurer.

Oath of marshal.

Election officers.

Sec. 15. That the commissioners of said town are authorized and directed to meet and appoint a registrar and two judges of election to hold an election of officers in said town on the first Monday in May, one thousand nine hundred and thirteen, and every two years thereafter. And that they shall hold and conduct an election under the general laws of the State governing elections in cities and towns, opening and closing the registration books for said town the same number of days preceding the election as required by Revisal, one thousand nine hundred and five, chapter seventy-three; and that no person shall be eligible to vote in said town unless he should have been in the State two years and the county for six months, and shall have resided in the town for four months next preceding election; and that the returns of said elections shall be made to the clerk of the superior court and register of deeds for Stanly County and a copy filed with the register of deeds and a record made thereof.

Elections.

Voters.

Returns of election.

Sec. 16. That all laws and clauses of laws heretofore enacted concerning the charter of the town of Locust in Stanly County, are hereby repealed and this act substituted.

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

Ratified this the 22d day of February, 1911.

CHAPTER 95.

AN ACT TO AUTHORIZE THE TOWN OF CHERRYVILLE TO BORROW MONEY FOR PUBLIC IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Borrowing authorized.

Amount.

Notes.

Resolution.

Proviso: resolution passed at special meeting.

Section 1. That the board of aldermen of the town of Cherryville, Gaston County, be and it is hereby authorized and empowered to borrow money in a sum not to exceed eight thousand dollars for such time or times as it may deem wise and pledge the credit, faith and property of the said town of Cherryville for the payment thereof. The said board of aldermen shall issue a note or notes for said amount so borrowed in the name of the town of Cherryville, and said notes shall be signed and executed by the treasurer of said town in accordance with and by direction of a resolution duly passed by the board of aldermen of said town, which said resolution shall direct the amount to be borrowed, the time for which it is to run, from whom borrowed, and for what purpose it is to be used, and said resolution shall be duly recorded in the minutes of the meeting of the board of aldermen of said town and said resolutions shall be passed only at a regular meeting of said board: *Provided*, said resolutions may be passed at a special meeting if all of the members of said board are present.

Use of money borrowed.

Sec. 2. That the money authorized to be borrowed in the foregoing section shall be used by the said board of aldermen for the purpose of making public improvements in the town of Cherryville, including the building of a city hall, the paving or improving of the streets, or any other necessary public improvement.

Tax for payment of loan and interest.

Rate.

Sec. 3. That for the purpose of repaying the loan herein authorized and for paying the interest on same, the board of aldermen of the town of Cherryville is hereby authorized to levy a tax annually on all property, both real and personal, situate within the incorporate limits of said town, of not exceeding thirty cents on the one hundred dollars worth of property and a tax of not exceeding ninety cents on each poll, the foregoing tax levy to be in addition to the taxes now levied or authorized to be levied in said town. The tax herein provided for shall be levied at the same time and in the same manner as now provided for the levy of taxes in said town, and the same shall be collected by the same officers and accounted for in the same manner as is now provided by law.

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

Ratified this the 22d day of February, 1911.

CHAPTER 96.

AN ACT TO LEVY A SPECIAL TAX TO FINISH PAYING FOR THE PUBLIC GRADED SCHOOL BUILDING IN DISTRICT NUMBER ONE IN DILLSBORO TOWNSHIP IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Petition for election.

Sec. 1. That upon petition of one-fourth of the freeholders within special school district number one in Dillsboro Township, Jackson County, endorsed by the board of education of said county, the board of commissioners, after thirty days notice posted at the court-house door in said county and three public places in said district, shall hold an election to ascertain the will of the qualified voters in said district whether there shall be levied in said district a special annual tax of not more than thirty cents on one hundred dollars valuation of property and ninety cents on the poll to pay off the indebtedness against the new public graded school building, or the remainder thereof, incurred in constructing same, which special tax, if voted, shall continue for three years, if so long be needed to liquidate said debt.

Notice of election.

Question to be voted on.

Tax rate.

Term of tax.

Law governing election.

Sec. 2. That for the machinery for holding said election, the manner of voting, and declaring the result, shall be the same as contained in section four thousand one hundred and fifteen of The Revisal of one thousand nine hundred and five.

Effect of election.

Specific appropriation.

Sec. 3. That in case a majority of the qualified voters at the election vote for such special tax, then the same shall be levied and collected as State and county taxes and shall not be applied to other than the purposes herein stated.

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

Ratified this the 22d day of February, 1911.

CHAPTER 97.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PITTSBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Powers of commissioners to improve sidewalks.

Section 1. That the commissioners of the town of Pittsboro shall have full power and authority from time to time to grade, curb and pave the sidewalks of said town with brick, stone, cement or other material that may be decided on by said commissioners, and to require every owner of real estate abutting on the said sidewalk to

One-half cost on landowners.
Proviso: limit of cost.
Lien on property.
Collection of assessment.
Collection by action.
Record of assessments.

pay one-half of the cost of paving said sidewalk along and in front of said property: *Provided*, that in no case shall the abutting property owner be required to pay more than fifty cents per square yard. That such costs and charges shall be a lien on all such abutting real estate from the commencement of the work, and when said work is completed in front of the abutting property, the owner or owners shall be notified of the cost thereof, and his part of said cost, as above specified, shall at once become due and payable to said town, and if not paid on demand, may be assessed upon said property and entered on the tax list of said town against said property for the current year and may be collected in the same manner that other taxes are collected, or may be collected by an action instituted in the corporate name of said town against said owner or owners in the superior court of Chatham County to enforce said lien, in which action judgment may be taken for the sale of said property to satisfy the amount due said town, together with all costs of said action. Said action may be brought any time within three years from the date of the completion of said work for the purpose of enforcing said lien. It shall be the duty of said commissioners to cause the cost of said paving in each case to be entered by the secretary on a book kept by him for that purpose, and it shall be his duty to collect the same and account therefor in the same manner as the taxes of said town.

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

Ratified this the 22d day of February, 1911.

CHAPTER 98.

AN ACT TO AMEND THE CHARTER OF THE CAROLINA AND TENNESSEE SOUTHERN RAILWAY COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Term of corporation and exemptions from general law stricken out.
Rights continued.
Term of continuance.
Subjection to general law.

Section 1. That chapter seventy-two of the Private Laws of one thousand nine hundred and three be and the same is hereby amended by striking out sections two and six of said chapter.

Sec. 2. That all rights, powers, privileges and franchises conferred on the Carolina and Tennessee Southern Railway Company by said chapter seventy-two, Private Laws of one thousand nine hundred and three, except those rights, powers, privileges and immunities mentioned in said section six thereof, shall be and remain in full force and effect for ninety-nine years from the ratification of this act.

Sec. 3. That only from and after the ratification of this act as to things done or omitted shall the Carolina and Tennessee Southern

Railway Company be subject to the laws now in force, relating to the forfeiture of corporate rights and privileges which now govern other corporations of like kind for non-user of their corporate rights, powers and privileges, except as hereinafter provided.

Fulfillment of requirement.

Sec. 4. That the amount already expended in the construction of the Carolina and Tennessee Southern Railway shall be construed to fulfill the requirements of section two thousand five hundred and sixty-four of The Revisal of one thousand nine hundred and five, providing that at least ten per cent of its capital shall be expended within two years; and the limit of ten years from the date of the ratification of this act requiring the completion of the line shall not apply to that part of the proposed line between Bushnell, in Swain County, North Carolina, and the Tennessee State line so long as the Carolina and Tennessee Southern Railway Company is involved in present litigation over the acquisition or occupancy of the right-of-way along the line from Bushnell to the Tennessee State line; but the ten years as provided under section two thousand five hundred and sixty-four of The Revisal of one thousand nine hundred and five, shall begin to run as to said line from Bushnell to the Tennessee State line only after such present litigation has been settled and determined.

Time for completion of line.

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

Ratified this the 22d day of February, 1911.

CHAPTER 99.

AN ACT TO REVISE THE CHARTER OF THE TOWN OF LUMBER BRIDGE, IN THE COUNTY OF ROBESON.

Preamble.

Whereas, by chapter one hundred and fifty-one, Private Laws of one thousand eight hundred and ninety-one, the town of Lumber Bridge was duly incorporated; and, whereas, it is deemed advisable by the authorities and citizens of said town that the said act should be amended and revised to the end that the charter of said town shall be contained in one act of the General Assembly; therefore,

Preamble.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the present town of Lumber Bridge shall continue to be as heretofore a body politic and corporate, under the name and style of the town of Lumber Bridge, and under such name is hereby invested with all the property and rights of property, and all rights, privileges, powers and authority which now belong to or are possessed by the present town of Lum-

Corporate name.

Corporate powers.

ber Bridge, and all powers heretofore granted by any law now in force in reference to said town are hereby invested in the said town of Lumber Bridge; and in and by that name the said town may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town as the proper authorities may deem necessary and expedient: *Provided, however,* that no law or ordinance or rule or regulation of the present corporation shall be affected by this act unless inconsistent herewith; nor shall any duty, debt or obligation due by the present town to any person, firm or corporation be impaired by this act, but such debt or obligation shall remain in full force and effect and its full, true and lawful performance is hereby imposed upon the said town.

Proviso: existing ordinances.

Existing duties, debts and obligations.

Corporate limits.

Sec. 2. That the corporate limits and boundaries of said town of Lumber Bridge shall be as follows, to wit: Beginning at the pool of Providence Baptist church and running with the edge of the Little marsh to Shaw's Mill; from thence with the said marsh to the mouth of Wateree Branch; thence up the said branch to Shaw's canal; thence up the said canal to the Atlantic Coast Line Railroad; and from thence direct to the beginning.

Town officers.

Sec. 3. The officers of the said town shall consist of a mayor, four commissioners and a town marshal to be elected by the qualified voters of said town as is hereinafter provided: *Provided, however,* that until the regular election to be held in May, one thousand nine hundred and eleven, there shall be five commissioners for said town as now provided by the charter of said town.

Proviso: commissioners until regular election.

Eligibility for office.

Sec. 4. No person shall be entitled to hold the office of mayor or commissioner unless he shall be an elector of the State of North Carolina and shall have resided for twelve months next preceding the day of election within the corporate limits of said town.

Vacancies.

Sec. 5. In case the office of mayor or commissioner shall become vacant from death, resignation, removal or otherwise, such office shall be filled by the commissioners of said town, and the person so elected shall serve the term to which his predecessor was elected and until his successor shall be elected and qualified.

Election of officers.

Sec. 6. The mayor, commissioners and town marshal of said town shall be elected annually on the first Monday of May in each and every year, including the year one thousand nine hundred and eleven, and the persons so chosen shall hold their office for a term of one year and until their successors shall be elected and qualified. All elections shall be held under the same restrictions that county and State elections are held, except as herein otherwise provided.

Terms of office.

Law governing elections.

Meetings of commissioners.

Sec. 7. The commissioners of said town shall hold regular meetings for the transaction of the business of said town on the first Mondays in July and January of each year: *Provided, however,* that special meetings of said commissioners may be held at any time upon the call of the mayor or a majority of the commissioners and of every such special meeting each commissioner shall be given at

Proviso: special meetings.

least one day's notice. The mayor of the town shall have no vote at any meeting of the commissioners except in case of a tie, but in that event he shall cast the deciding vote. Vote of mayor.

Sec. 8. The officers mentioned in this act shall perform the same duties and exercise all the powers and privileges prescribed in chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina. Duties of officers.

Sec. 9. The commissioners of said town shall have power to lay out or open any new street or streets within the corporate limits of the said town whenever deemed necessary and shall have the power at any time to widen, enlarge, change, extend, narrow or discontinue any street or streets within said corporate limits whenever they may so determine, and shall have power of eminent domain and the right to condemn any land or property for the public uses and purposes of the said town, for any purpose whatsoever, by making a reasonable compensation to the owner or owners of the property taken or damaged thereby. In any case where the owner of the land taken or damaged can not agree with the commissioners as to the value of the land or amount of the damage, the mayor shall issue his warrant to the town marshal commanding him to summon three disinterested freeholders of said town, who, together with two disinterested freeholders to be selected by the person claiming damages, shall determine the value of the said property or the amount of damages to which the owner is entitled, having due regard to the benefits, if any, accruing to the property as well as any damages thereto, and they shall afterwards return a written report of their proceedings and findings into the office of the mayor. The said appraisers, before entering upon their duties, shall take oath to fairly, faithfully and impartially discharge their duty as appraisers. If the owner or person claiming damages refuses to select the two appraisers upon his part as herein provided, then the report of the three appraisers summoned upon behalf of the town shall be final. If either a majority of the commissioners or the property owner shall be dissatified with the action of the appraisers, then they may appeal to the superior court of Robeson County within ten days from the filing of the report of the appraisers, and upon such appeal being taken, the proceedings and report of the appraisers shall be certified by the mayor of the town to the clerk of the superior court of Robeson County, and thereupon the said cause shall be docketed for trial upon the civil issue docket of the superior court of Robeson County and the cause shall be heard as other civil causes: *Provided*, that the burden of proof shall be upon the person or persons objecting to the findings and report of the appraisers: *Provided, further*, that the commissioners of said town shall not have to await the awarding of damages or the payment thereof before proceeding to take the property and use same for the public use, and no appeal shall have the effect of staying further proceed-

Powers as to streets.

Power to condemn land.

Procedure for condemnation.

Right of appeal.

Proceedings on appeal.

Proviso: burden of proof.

Proviso: appeal not to delay work.

ings pending the determination of the appeal, but said commissioners shall have the power to proceed to open or change any street, or devote the property so taken to any public use, the damage to be assessed and determined later and as herein provided.

Sec. 10. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 11. That this act shall be in effect from and after its ratification.

Ratified this the 22d day of February, 1911.

CHAPTER 100.

AN ACT TO ESTABLISH A COLORED GRADED SCHOOL DISTRICT, TO BE KNOWN AS THE ARARAT COLORED GRADED SCHOOL OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Ararat graded school district established. Boundary.

Section 1. That the territory contained within the following limits shall be constituted the Ararat graded school district, colored, Surry County: Beginning at the Ararat River at Fish Mills bridge; thence up the said river to the Virginia line; thence west following the Virginia line to the Lovell Creek, above the old Green Hill cotton factory; thence down the said Lovell Creek to the corporate limits of the town of Mt. Airy; thence eastwardly following the lines of said town to said Ararat River, the beginning.

Special school tax.

Sec. 2. That the board of county commissioners of the county of Surry shall levy annually a special tax not exceeding thirty-three and one-third cents on the one hundred dollars worth of property on the taxable property in said district belonging to and owned by the colored people only, and the sum of fifty cents on the poll on the colored people between the ages of twenty-one and fifty years of age, and said tax shall be collected annually by the sheriff of Surry County.

Taxes to be turned over.

Sec. 3. That it shall be the duty of the sheriff of Surry County to turn over such taxes as may be collected under section two of this act to the treasurer of the board of education of Surry County, to be held and used for the benefit of the graded school named herein, and the property of the said school district shall become the property of said graded school and shall be vested in the said school trustees in trust for the use of the said school.

Property vested.

Trustees named.

Sec. 4. That the following persons shall constitute the trustees of said graded school district: George Fulton (colored), Reuben Cloud (colored), Bud Hetters (colored), Thomas Long (colored), and John Alred (colored), and their term of office shall continue two years, and their successors shall be appointed by the board of

Term of office.

Election of successors.

education of Surry County, and all vacancies occurring in the said trustees, by death, resignation or otherwise, shall be filled for the unexpired term by the remaining members of the said board of trustees under this act. Vacancies.

Sec. 5. That the said board of trustees shall organize within thirty days after the final ratification of this act, by electing a secretary, and the treasurer of the board of education of Surry County shall be the treasurer of said 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. Organization of trustees. Bond of treasurer.

Sec. 6. That all funds apportioned to said district by the county board of education 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 and placed to the credit of the said school district, and shall be apportioned and used under the direction of said board of trustees of said district for the maintenance of the said school. No money shall be paid out except upon the order of the said trustees, countersigned by the chairman of the board of education of Surry County. Apportionment from general funds. School orders.

Sec. 7. That said board of trustees shall have the control of all the property of said district, and likewise the schools, and may establish such number of schools as they may deem necessary, and shall regulate the government thereof, and employ and fix the compensation of all officers and teachers of said school; and all officers shall be required to make to the county board of education of Surry County reports as are required of other public schools by the public school law of the State. Powers of trustees. Reports.

Sec. 8. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate and by the name and style of the "Board of Trustees of Ararat Graded School, Colored," and by that name may sue and be sued, hold and sell real estate, and all titles of said property shall vest in them, and they shall have the power to sell the same and apply the proceeds to the use of the school with the approval of the board of education of Surry County. Trustees incorporated. Corporate name. Corporate powers.

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

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 22d day of February, 1911.

CHAPTER 101.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Elections.

Section 1. That after the word "May" in section four, line three, of the charter of Mount Airy, strike out the words "of each year" and insert the following: "one thousand nine hundred and eleven, and every two years thereafter," After the words "five hundred dollars," at the end of section twenty of the said charter, add

Salary of commissioners.

the following: "And to fix the salaries of the members of the board of commissioners at a sum not to exceed sixty dollars annually to each of the commissioners." After the words "other taxes are collected," at the end of section twenty-nine of the said charter, add the

Notice to delinquents of assessments against property.

following: "*Provided,* that before such cost is assessed against the property of such delinquent, that a notice stating the amount of such cost shall be served by the chief of police of the town of Mount Airy, upon such delinquent, if he be a resident of Surry County, and if he be a nonresident, upon his agent, if he have one in the county, and if personal notice can not be served upon such delinquent or his agent, then by publishing the notice for ten days in a newspaper published in the town of Mount Airy, and the said delin-

Right of appeal.

quent shall have the right to appear before the board of commissioners at the next regular meeting of the board after the expiration of said notice, and contest the amount of the said assessment, and shall have the right of appealing from the action of the board of commissioners to the superior court of Surry County.

Sec. 2. That this act shall be enforced from and after its ratification.

Ratified this the 22d day of February, 1911.

CHAPTER 102.

AN ACT TO PROVIDE FOR THE ISSUING OF BONDS IN THE TOWN OF ELK PARK, IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Creation of debt authorized.

Amount.

Purpose.

Section 1. That the town of Elk Park is hereby authorized and empowered to create a debt, to an amount not exceding fifteen thousand dollars, for public improvements, such as grading and paving streets, installing a system of waterworks and water supply, 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 of all said purposes, in the name of the town of Elk Park, 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 semi-annually, as the board of aldermen may determine: *Provided*, that the aggregate amount of bonds issued for all purposes shall not exceed fifteen thousand dollars.

Bond issue authorized.
Maturity.
Interest.
Proviso: limit of amount.

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 "Disapproved" 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 "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 aldermen thereof, setting forth the matter above required in the notice of election.

Issue to be approved by voters.
Notice of election.
Ballots.
Effect of election.
Separate boxes.
Proviso: petition for election.

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.

Authentication.
Sale of bonds.
Not below par.

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

Special taxes.

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 subjects of taxation, which taxes so collected shall at all times be kept separate and distinct and used only for the purposes 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 can not 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 investments 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 two 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.

Taxes kept separate.

Proviso: investment of sinking fund.

Proviso: bond of clerk and treasurer.

Proviso: tax rate.

Record of bonds.

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.

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 22d day of February, 1911.

CHAPTER 103.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BLADENBORO, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter sixty-six of the Private Laws of 1903, entitled "An act to incorporate the town of Bladenboro, Bladen County," be and the same is hereby amended by adding to said act an additional section to be numbered section ten, as follows:

Sec. 10. That the board of town commissioners of said town shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary; and they shall have power at any time to widen, enlarge, change and extend any street or streets, or any part thereof, within the corporate limits of the town; and shall have full power and authority to condemn and appropriate any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof, but in case the owner or owners of the land sought to be condemned or appropriated for the public use by the board of commissioners and the said board can not agree as to the compensation, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner of the land refuses to choose such arbitrator, then the mayor shall in his stead choose one for him, and in case the two chosen as aforesaid can not agree, they shall select an umpire, whose duty it shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by, and the benefits accruing to the owner in consequence of the change, and report their findings and conclusions to the board of town commissioners, in writing, under their hands and seals, and the same shall be recorded in the minutes of the said board. The award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the board of town commissioners the right to use the land for the purposes for which it is condemned, and all damages agreed upon between the owner of the land and the board of town commissioners or awarded by the arbitrators, shall be paid of town commissioners or awarded by the arbitrators, shall be paid as other town liabilities by taxation: *Provided*, that either party may appeal to the superior court as now provided by law.

Powers of commissioners as to streets.

Condemnation of land.

Arbitration for assessment of damages.

Proviso: right of appeal.

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

Ratified this the 22d day of February, 1911.

CHAPTER 104.

AN ACT TO INCORPORATE ASHEBORO TRUST COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Wm. C. Hammer, C. C. Cranford, Hal M. Worth, Geo. T. Murdock, W. C. Hammond, their associates and successors, are hereby created a body politic and corporate under the name of Asheboro Trust Company, and by that name shall have all the rights, powers and privileges incident and pertaining to corporations.

Corporators.

Corporate name.

Corporate powers.

Capital stock.

Sec. 2. That the capital stock of the corporation shall be limited to one hundred thousand dollars, divided into two thousand shares of the par value of fifty dollars each. The corporators above named,

Books of subscription.

or any three of them, may open books of subscription to the capital stock and after one hundred shares of stock have been subscribed,

Organization.

the corporators having charge of the books of subscription may give notice of a meeting of the subscribers for stock to be held at some place in the town of Asheboro, at a time to be fixed in the notice, and at such time the subscribers for stock, or a majority of them in interest may meet and organize the company (the corporation)

Beginning business.

and as soon as thirty-five hundred dollars of capital stock has been paid in the corporation shall have authority to commence business.

Principal office.

Sec. 3. The principal office and place of business of the corporation shall be in the town of Asheboro, North Carolina, and the corporation is authorized to establish branch offices at such other places

Branch offices.

as it may deem proper and for the advantage of the corporation.

Officers.

The corporation is authorized to determine what officers it shall

By-laws.

have; to make all needful by-laws, rules and regulations for the

Further enumeration of corporate powers.

conduct of its business in accordance with this act; to make contracts; to use a common seal; to sue and be sued in the courts as fully as natural persons; to buy, sell, hold and convey real estate, personal or mixed property, and do any and all lawful acts and exercise all lawful privileges and powers which a corporate body may do or exercise.

Stock of other corporations.

Sec. 4. That the corporation may become the owner of the capital stock of other corporations either by subscription or purchase, and may sell the same, and may, by its properly constituted agent or agents representing the corporation at the meetings of such other corporations, vote the strength of its stock in the management of the affairs of such other corporation; that the corporation may purchase the entire stock or business of any other corporation doing business authorized under this act, or consolidate with such other corporation or corporations.

Further enumeration of powers.

The corporation is authorized to do the business of a general dealer in stocks, bonds, notes, shares, debentures or other securities of any State, municipality, corporation, firm, partnership or other business; to act as fiscal agent for or on behalf of any corporation, company, firm or partnership, whether public or private, or for any person, in the purchase or sale of any debentures, stocks, bonds, notes, mortgages or other securities, with or without guaranty or obligation by the corporation, and the corporation may subscribe or sell any part of its property, real or personal, or any interest acquired by it, to any person or other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability beyond the terms of the purchase or subscription.

Deposits for investment.

The corporation may receive on deposit all sums of money which may be offered it for the purpose of investment, in

such sums, at such times and on such terms as the board of directors may agree to.

Powers as surety company.

Sec. 5. That the corporation shall have the power to become surety on the bond of any State, county, city or town official, or on the bond of any executor, administrator, guardian, or trustee or receiver or collector, and on bonds and undertakings of all kinds required in any court of justice, as fully as a natural person, by the signature and justification of any of its executive officers or any agent or attorney duly authorized and empowered so to do by the rules and regulations of the corporation, and for such suretyship the corporation may charge a reasonable compensation or commission.

Powers as agent, factor or trustee.

Sec. 6. That the corporation shall have the right to act as agent, factor or trustee for any State, county, town or city, or other municipality, corporation, company, firm, partnership or individual on such terms as to the agency as may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing in and disposing of any and all bonds, certificates of stock or any description of property, real or personal, or for the guaranteeing of the payment of any such bonds, certificates of stock or other evidences of debt, and for the general management of the business entrusted to it as agent, and may charge such premiums, commissions or rate of compensation as may be agreed on concerning any of the matters and things authorized to be done by this act.

Guarantee company.

Power to act as fiduciary.

Sec. 7. That the corporation shall have the power to receive money in trust, to become executor, administrator, guardian, receiver or collector of any estate and to accept and execute any other trust which may be committed to it by any of the courts of this State or of the United States, by any corporation, company, firm or private person, and to accept any grant or transfer, devise or bequest of any property or trust created by the laws of this State, and to execute the same on such terms as may be established and agreed on by the board of directors of the corporation.

Courts may appoint company in fiduciary capacities.

Sec. 8. That in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner, collector, or guardian of any minor, lunatic or inebriate, it shall be lawful for such court, if it shall deem it proper, to appoint Asheboro Trust Company to act in such capacity, and the accounts of the corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and on such adjustment and settlement all proper, legal and customary charges, costs and expenses shall be allowed the corporation for its services, care and management of the estate so committed to its charge, and said corporation acting in such fiduciary capacity shall be subject to all orders and decrees made by any proper tribunal under the laws of this State: *Provided*, that any oath required by law be taken for the qualification to any office

Proviso: qualification of company.

or trust may be taken by any officer of the corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

Company may act as trustee.

Sec. 9. That the corporation is hereby fully authorized and empowered to act as trustee for any insolvent person, firm or corporation; to act as trustee in bankruptcy under the National Bankruptcy Act, and to receive on deposit all funds in litigation in the various courts in this State, and pay thereon such interest as may be agreed on not exceeding the lawful rate. It shall have the power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds, silver plate or other valuables, and to charge and collect a reasonable compensation for the same, which said charge shall be a lien on such deposit till paid, and to generally do and carry on the business of a safety deposit company.

Deposits in litigation.

Deposits for safe-keeping.

Warehouse and storage company.

Sec. 10. That the corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares and merchandise, cotton and other farm products and personal property of whatsoever nature, and charge and receive compensation for the storage and keeping of such, which charge shall constitute a first lien on the property so stored; make rules, regulations and by-laws fixing terms and prices for storage, manner of inspection, form of receipts, insurance on property stored and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit on cotton or other product and products, and goods, wares and merchandise and personal property stored, and the warehouse receipts issued by the corporation are hereby declared to be negotiable instruments and pass by endorsement and delivery and entitle the bearer thereof to the property marked and designated therein in the same manner as the original holder would be if he had not assigned it: *Provided*, in the absence of any stipulation in the receipt or contract between the corporation and the depositor of property in said warehouse, the corporation shall be held only to exercise of ordinary care in the custody and protection of such property and the corporation shall be under the control of and shall obey all laws governing such institution.

Advances on property stored.

Receipts negotiable.

Proviso: liability.

Powers as improvement company.

Sec. 11. That the corporation shall have the authority and power to buy and sell real estate; to act as agent for the purchase and sale of real estate or any interest therein; to lease or rent real estate for itself or as agent for any other person, firm or corporation; to purchase land, lay off streets or roads thereon, subdivide the lands into lots, and to improve any such real estate and sell the same as if it were done by an individual.

May act as insurance agent.

Sec. 12. That the corporation may engage in the purchase or sale of insurance on life or property, or both; act as agent for any insurance company and for any bonding company authorized to do business in this State; to collect the premiums on policies of insurance, and commissions on bonds by bonding companies, and

generally do any and all things necessary for the proper conduct of a general insurance business, as agents for insurance companies of all kinds, including life, health, sick benefit, fire, accident, live stock, boiler, or any other kind of insurance company or bonding company, authorized to do business in this State under the laws of the State.

Banking and savings bank business.

Sec. 13. That the corporation may, when the sum of ten thousand dollars has been paid into the capital stock of the corporation, exercise the right, power and privilege of engaging in general banking and saving bank business, either or both, the said banking business to be inaugurated and begun as required by the laws of this State, and until such time as the corporation shall exercise the rights and powers granted to so engage in the business of banking, the stockholders of the corporation shall be liable individually only to the same extent as stockholders in any other corporation organized and existing under the laws of this State as provided for in chapter twenty-one (21) of The Revisal of one thousand nine hundred and five of North Carolina.

Liability of stockholders.

Enumeration of powers as banking company.

Sec. 14. That after complying with the provisions of the preceding section, the corporation shall have the right, power and privileges to do a general banking business, commercial and saving, either or both; to receive deposits, make loans and discounts, to obtain and secure loans for any person, company, firm, partnership or corporation; to pay the checks and drafts of same; to invest its own money or the money of others; to lend or invest its own money or the money of others in or upon mortgage, pledge or other security on any lands, tenements, hereditaments or personal property, or on any interest therein of any kind, wherever situate; to lend money on, purchase or otherwise accept bills of lading or the contents thereof, and on any bills, notes, choses in action, stocks, bonds or other securities, or on any and all negotiable or commercial paper, crops, produce and products of any and all kind, on bullion, merchandise or personal property, and to sell the same or dispose thereof in any manner, and to charge any rate of interest on loans not exceeding the rate allowed by law.

Further enumeration of powers.

Sec. 15. That the corporation shall be invested with all the privileges conferred on banking institutions and savings banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon either by fixed rates or by way of dividends, out of the net earnings, according to the agreement that may be made by the corporation and its depositors, and the board of directors is fully empowered to adopt all needful rules and regulations for conducting and carrying into effect the general banking and savings bank features of the corporation.

Deposits of minors and married women.

Sec. 16. That the corporation may receive deposits from minors and married women and open accounts with them in their own names whether for investment or otherwise, and when any deposit shall be made in the name of any minor or any married woman, the

corporation may deal with such persons in reference thereto as though he or she were not under any disability or incapacity to contract, and any and all payment or payments made to such minor or married woman on his or her receipt, check, draft or other acquittance, or payment made to any such person, company, firm or corporation, or the assignee of such, as shall present any check or draft drawn against any such deposit, shall be valid and sufficient release and discharge of the corporation for such deposit and interest on or for the part thereof so drawn upon and paid.

Liability of stockholders in banking business.

Sec. 17. That when the corporation exercises the rights and powers herein granted to do a general banking and a savings bank business, either or both, then, and not until then, the stockholders therein shall be individually responsible, equally, ratably, and not one for another, 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: *Provided*, that the provisions of this act shall not conflict with the banking laws of the State now in force.

Sec. 18. This act shall be in force from and after its ratification.

Ratified this the 23d day of February, 1911.

CHAPTER 105.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-ONE OF THE PPRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO STREET OR ROAD DUTY IN THE TOWN OF MARION, McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Road duty.

Section 1. That section thirty (30) of chapter two hundred and ninety-one (291) of the Private Laws of one thousand nine hundred and nine be amended by striking out in line four (4) between the word "work" and the word "or" the words "two days in every four months for each year" and insert in lieu thereof the words "not less than two nor more than four days in each year, the exact number of days in each year to be determined by the board of aldermen of said town."

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

Ratified this the 23d day of February, 1911.

CHAPTER 106.

AN ACT TO AMEND SECTION NINE OF CHAPTER SIXTY-SEVEN, THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATIVE TO ELECTING THE TRUSTEES FOR THE WESTFIELD GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That the trustees of the Westfield Graded School shall be divided into two classes. That S. F. Shelton and Dr. J. F. Smith be and are hereby appointed in the first class, beginning the first Monday in May, one thousand nine hundred and eleven, for a term of two years, and E. J. Payne, L. L. Lowe and A. F. Christian shall be and are appointed in the second class for a term of four years, beginning the first Monday in May, one thousand nine hundred and eleven: and it is further *Provided*, that upon the expiration of the terms above named and fixed the qualified voters in said district shall elect every two and four years thereafter successors to each class respectively.

Trustees classified. First class. Term of office. Second class. Term of office. Election and terms of successors.

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

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

Ratified this the 23d day of February, 1911.

CHAPTER 107.

AN ACT TO CHANGE THE DIVIDING LINE BETWEEN BLOOMINGDALE SPECIAL TAX SCHOOL DISTRICT NUMBER TWO AND BARNESVILLE SPECIAL TAX SCHOOL DISTRICT NUMBER SIX, IN STERLING'S TOWNSHIP, ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the dividing line between Bloomingdale special tax school district number two and Barnesville special tax school district number six in Sterling's Township, Robeson County, be and the same is changed and located as follows: Beginning in the original line in Indian Swamp, D. B. Lewis's line; thence up Indian Swamp to the land line between Owen Ward and R. Brumble; thence with Ward's upper line to Miles Johnson's upper line; thence with Miles Johnson's line to Haynes Johnson's upper line; thence with Haynes Johnson's line about south to the public road, leading from Sterling's mill to Bethesda church.

Line changed. New line.

Purpose of act.

Sec. 2. The purpose of this act is to transfer Owen Ward, E. T. Lewis, William Walters, John Walters, D. B. Lewis, Miles Johnson and Haynes Johnson and their lands and premises from Bloomingdale special tax school district number two to Barnesville special tax school district number six in Sterling's Township, Robeson County.

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 23d day of February, 1911.

CHAPTER 108.

AN ACT TO AUTHORIZE THE BOARD OF GRADED SCHOOL TRUSTEES OF OXFORD TO ISSUE BONDS FOR SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

Board incorporated

Section 1. That the board of graded school trustees of the town of Oxford as established by chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three shall

Corporate name.

be and remain a body corporate under that name and may adopt

Corporate powers.

and use a common seal, and shall be vested with all the property, real and personal, of the Oxford graded schools, and the powers of said board to sell, mortgage, convey and transfer same and in the manner as set forth in section six of said chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three, are hereby confirmed and re-enacted.

Bond issue authorized.

Sec. 2. That the board of graded school trustees of the town of Oxford be and they are hereby authorized to issue coupon bonds

Amount and interest.

to the amount of not exceeding twenty thousand dollars, to bear interest at a rate of not more than six per centum per annum, to

Maturity.

mature and be payable in not less than ten or more than thirty years from date thereof, and for the purpose of securing the payment of said bonds the said board of graded school trustees are

Security for payments.

hereby authorized and empowered to execute a deed of trust to such person or corporation as said board may select, conveying the lot or parcel of land in the town of Oxford upon which is located the graded school buildings for whites, with the usual power of sale and other powers necessary and proper to secure the payment of the interest on said bonds and the principal thereof when due.

Sale of bonds.

Sec. 3. That said board of graded school trustees are hereby authorized and empowered to sell said bonds for the best price obtainable in the discretion of said board, and said bonds shall be in de-

nominations of not less than one hundred ($100) dollars nor more than one thousand ($1,000) dollars, payable and redeemable at such time and place as may be fixed by said board and named therein: *Provided*, that said board be authorized to pay a reasonable commission or brokerage for the disposal of said bonds, if same be necessary. The said bonds shall be signed by the chairman of said board, and countersigned by the secretary, and have the corporate seal of said board affixed thereto, and the coupons attached shall bear the printed or lithographed signature of the chairman of said board. Denominations. Proviso: commission on sale of bonds. Authentication.

Sec. 4. That the board of graded school trustees shall keep separate the money arising from the sale of said bonds and the same shall be expended and disbursed by said board in erecting, completing, furnishing and equipping the white graded school building in the town of Oxford and to pay off and take up all outstanding indebtedness heretofore created for said purpose, and for no other purpose: *Provided*, that the holders of said bonds shall not be required to see to the application of the money arising from the sale of said bonds. Moneys kept separate. Appropriation of proceeds. Proviso: holders of bonds.

Sec. 5. That it shall be the duty of said board of graded school trustees, as empowered by section four, chapter three hundred and thirty-three, Public Laws of one thousand nine hundred and three, to require the board of commissioners of Oxford to annually levy a tax, within the limits therein set out of thirty cents on the hundred dollars valuation and ninety cents on the poll, sufficient to meet the interest on the bonds herein authorized, and to provide for a suitable sinking fund. And if the said board of graded school trustees or their successors in office shall fail to so require the levy of taxes sufficient for said purpose, then the holders of said bonds shall be subrogated to the right to require the levy of the full amount of taxes specified by section four, chapter three hundred and thirty-three, Public Laws of one thousand nine hundred and three. And the holders of said bonds shall be further subrogated to the right to call for the proportionate part due the Oxford graded schools from the school fund of the county of Granville, or from the State of North Carolina, in case default should be made in the payment of the interest or principal of said bonds, and the right of action is hereby expressly given the holders of said bonds, or any of them, to enforce the rights herein granted in the superior courts of North Carolina. Special taxes. Subrogation of rights. Right of action.

Sec. 6. That the board of graded school trustees shall have power to fix the compensation of the treasurer for the performance of his duties that may be required of him in the carrying out of the provisions of this act. Compensation of treasurer.

Sec. 7. That it shall be the duty of the said board of graded school trustees to provide a sinking fund for the payment of the principal of said bonds at maturity as near as may be feasible, and Sinking fund.

for that purpose shall set apart each year from the taxes collected, moneys apportioned and other income derived for the graded schools of Oxford, a sum as nearly sufficient for that purpose as possible.

Payment of interest.

Sec. 8. That it shall be the duty of said board of graded school trustees to provide each year for the payment of the semi-annual interest on said bonds, and for that purpose shall set apart each year from the taxes received, moneys apportioned and other income derived for the graded schools of Oxford, a sufficient sum to pay same.

Apportionment for payment of bonds and interest.

Sec. 9. That in order to meet the payment of said bonds and interest, the county board of education of Granville County is hereby authorized and directed to apportion annually for ten years beginning with the year one thousand nine hundred and eleven, out of the amount set aside from the school fund of said county as a building fund, the sum of five hundred ($500) dollars to be applied to the payment in part of the bonds issued as aforesaid, for the erection of said school buildings, said sum to be in addition to any amount apportioned by said county board for current expenses of the Oxford graded schools.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 23d day of February, 1911.

CHAPTER 109.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF TARBORO TO ISSUE BONDS FOR PAVING MAIN STREET.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of commissioners of the town of Tarboro be and they are hereby authorized to issue bonds, to an amount

Amount.

not to exceed twenty-five thousand dollars, for the purpose of grading, paving, macadamizing and otherwise improving for travel and drainage Main street of said town, and to construct sidewalks thereon and pave the same and put down crossings, curbings, gutters and cross drains and otherwise properly improving them; that the said bonds shall be negotiable coupon bonds, payable to bearer, in such

Purpose.

Denominations.

denomination as it may determine, and to become due and payable

Maturity.

forty years after date, as to principal, and the interest to be payable in semi-annual installments, at the rate of five per cent per annum, and shall be in such forms and payable as to principal and interest, at such place or places as said board of commissioners may

Interest.

Date.

determine, and shall be dated on such dates as said board of commissioners may determine.

Sec. 2. That the 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 premiums received upon the sale thereof, shall be kept separate and apart from the other funds of said town and shall be applied only to the purposes aforesaid: *Provided, however*, that the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money to said purposes. Bonds not to be sold below par. Proceeds kept separate. Specific appropriation. Proviso: duty of purchasers.

Sec. 3. That the said bonds shall be signed by the mayor of said town and attested by the clerk of the town and sealed with the seal of the said town. Authentication.

Sec. 4. That the board of commissioners shall pay the interest and principal of said bonds out of the taxes authorized to be levied under the charter of the said town, or any act already enacted or to be enacted hereafter; and the said board of commissioners is empowered, and shall, if it 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 said board to levy a tax. Payment of interest and principal. Special tax. Rate.

Sec. 5. That the board of commissioners of said town of Tarboro shall not issue said bonds or any part thereof until they have first caused to be held in said town 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 said board of commissioners is hereby authorized and directed to call the election to be held and conducted at the time and place of the general town election on the first Monday in May, one thousand nine hundred and eleven. The said election shall be advertised by said board of commissioners for four weeks immediately preceding the day of election, at least once a week in some newspaper published in said town. Said election shall be held by the 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 the bonds for grading, paving, macadamizing and otherwise improving Main street of said town shall vote a written or printed ticket with the words "For paving bonds" thereon; and those who are opposed to the issuing of said bonds shall vote a written or printed ticket with the words "Against paving bonds" thereon; the result of the election shall be ascertained by the officers thereof, and certified and returned by them to the board of commissioners of the town of Tarboro within two days from the day of election, and the said board of commissioners shall officially determine the result of said election and cause same to be recorded in their minutes. If at said election a majority of the qualified voters of said town shall vote "For pav- Election to be held. Date for election. Advertisement of election. Law governing election. Tickets. Advertisement and return of election. Record. Effect of election.

ing bonds," 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 as hereinbefore provided.

New registration.

Sec. 6. That there shall be a new registration of said voters of said town of Tarboro for the said election, and it shall be the duty of the said board of commissioners of the said town to appoint registrars and give due notice of said new registration and the name of the registrars.

Appointment of registrars.
Notice.

Power to grade and improve streets.

Sec. 7. That in the event a majority of the qualified voters of said town as aforesaid, at the election held for the purpose, shall vote "For paving bonds," then the said board of commissioners of said town shall have full power and authority to grade, pave, macadamize and otherwise improve for travel and drainage the said Main street of said town or any portion of the said street, and to construct sidewalks on said street and pave them, and put down crossings, curbings, gutters, cross drains and otherwise properly improve them; and in order to more effectually carry out the authority now existing and by this act delegated to improve the said street and the sidewalks thereon, the said board of commissioners of said town shall assess one-sixth of the cost of the grading, paving, macadamizing, constructing side drains, cross drains and all other necessary drains and crossings or otherwise improve the roadway or street proper on all the real estate abutting on each side of said street or portion thereof so improved, and each lot shall be charged with its ratable proportion of said assessment according to its frontage on said street, that is to say, the said town shall bear two-thirds of the cost of said improvement and the abutting property owners one-third, and shall also assess against each lot abutting on said street along which lot the curbing and gutter is constructed or the sidewalk improved, one-half of the cost of the curbing and the gutter and the entire cost, except the grading, of the paving and otherwise improving the sidewalks of the said street for the distance the said curbing, guttter or sidewalk is put down and extend along such lot: *Provided*, if the commissioners of said town deem necessary they shall order the owner or owners of any lot abutting on Main street to pave or otherwise improve the sidewalk of said street for the entire distance that it may extend along such lot and assess the cost thereof and collect same as provided in chapter three hundred and fourteen, Private Laws of one thousand nine hundred and nine, or any act amendatory thereof.

Assessment on abutting real estate.

Apportionment of cost of curbing and guttering.

Proviso: sidewalks laid by lot owners.

Liens on real estate.

Sec. 8. That the amount of assessment for grading, paving, macadamizing, constructing side drains, cross drains, and all other necessary drains and crossings or otherwise improving the said street, and the amount of assessment for curbing and gutters and for sidewalks, as authorized in the preceding section on each piece of real estate or lot, shall be a lien on such real estate, and the amount of the lien and all such assessments against all property

abutting on said street, as aforesaid, shall become due and payable as follows, to wit: in three equal installments, payable one, two and three months from the date of the assessment. That should the owner or owners of any such lot neglect or refuse to pay same within thirty (30) days after notice of the amount charged against same, it shall be the duty of the town tax collector 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: *Provided*, that whenever the town has had said work done it shall give the owner or owners of the lot thirty days notice of the amount charged and assessed against such lot, and if the owner or owners should be dissatisfied with the amount charged and assessed against such lot, the said owner or owners may give notice to the said board of commissioners of said town within the thirty days aforesaid that he, she or they take an appeal to the superior court of Edgecombe County and shall within five days thereafter serve a statement of the facts upon which the appeal is based, and also file within said time, in the office of the clerk of the superior court of Edgecombe County, a written undertaking in the sum of two hundred dollars, with sufficient sureties, to be approved by said clerk, 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, and the said appeal shall at the next term of said court be tried as other actions at law, and in said action the said owner or owners 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 issues raised shall be tried and the cause in other respects disposed of according to law and the practice of the court.

Payment by installments.

Collection of assessments.

Proviso: notice to lot owners.

Appeals.

Procedure and bond on appeal.

Trial on appeal.

Sec. 9. This act shall apply only to Main street in said town of Tarboro and shall in no wise repeal or conflict with chapter three hundred and fourteen, Private Laws of one thousand nine hundred and nine, as to other streets in said town.

Limitation of act.

Sec. 10. If a majority of the qualified voters of said town as aforesaid shall vote "Against paving bonds" in the election to be held under section five of this act, then chapter three hundred and fourteen, Private Laws of one thousand nine hundred and nine, or any act amendatory thereof, shall be and remain in full force and effect as to Main street as to all other streets of said town.

Law effective if bond issue negatived.

Sec. 11. This act shall be in force from and after its ratification.

Ratified this the 23d day of February, 1911.

CHAPTER 110.

AN ACT TO INCORPORATE THE TOWN OF DUNDARRACH IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the town of Dundarrach, in the county of Robeson and the State of North Carolina, be and the same is hereby incorporated by the name and style of Dundarrach, and, so far as may not be inconsistent with this act, shall have all the powers and be subject to all the provisions of chapter seventy-three of The Revisal of one thousand nine hundred and five, and acts amendatory thereto.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a point one-half of a mile north from the center of the Aberdeen and Rockfish Railway Company depot as it is now located at the station of Dundarrach, and running thence west one-half of a mile; thence south one mile; thence east one mile; thence north one mile; thence west one-half of a mile to the beginning; forming a perfect square, with the depot as the center. It shall be the duty of the mayor and commissioners hereinafter appointed to have the boundary lines of the town located and duly marked by a competent surveyor.

Boundary lines to be located and marked.

Jurisdiction beyond corporate limits.

Town officers.

Sec. 3. That the jurisdiction of the mayor of the said town and the officers thereof, for the purpose of police regulations, shall extend in all directions one-half 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 from time to time appoint.

First officers named.

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. A. McInnis, mayor; Edgar Hall, Jesse Gibson, M. C. McMillan, L. B. Smith, commissioners.

Mayor a special court.

Jurisdiction.

Sec. 5. That the mayor of the said town of Dundarrach is hereby constituted a special court, with all the jurisdiction and power in criminal offenses occurring within the corporate limits of said town or one-half mile thereof which are or hereafter may be given to justice of the peace.

Powers of commissioners as to streets.

Sec. 6. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of said town whenever deemed necessary by them by making a reasonable compensation to the owners of property damaged thereby, and the proceedings for condemning said sidewalks or streets shall be the same as is now prescribed for condemnation for same under the general laws of North Carolina. The said town is hereby vested

with all the other powers of eminent domain as given by the general laws of the State of North Carolina. Eminent domain.

Sec. 7. That the board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property and all other sorts of property that are now subject to taxation for county and State purposes: *Provided, however,* that the taxes levied by them shall not exceed one dollar and sixty cents on the one hundred dollars valuation of all property in said town and three dollars on each taxable poll. Power of taxation. Proviso: tax limit.

Sec. 8. That this act shall be in force from and after the day of its ratification.

Ratified this the 24th day of February, 1911.

CHAPTER 111.

AN ACT TO AMEND THE CHARTER OF THE BLACK MOUNTAIN RAILWAY COMPANY.

Whereas, J. Bis Ray and others did, on the twenty-first day of April, one thousand nine hundred and ten, in accordance with the statutes of the State of North Carolina in such case made and provided, make, sign, file and cause to be recorded in the office of the Secretary of State of the State of North Carolina articles of association constituting them and all persons who should afterwards become stockholders of such company a corporation by the name of "Black Mountain Railway Company"; and, Preamble.

Whereas, the corporation so formed has heretofore acquired by gift, purchase and conveyance to it certain parcels of land which it desires to use as its right-of-way, extending from a point at or near the mouth of South Toe River where the same flows into Toe River, in Yancey County, North Carolina; thence up and along said South Toe River to a point at or near the mouth of Little Crabtree Creek, and thence up and along Little Crabtree Creek to the mouth of Ayler's Creek, and thence up and along said Ayler's Creek for a distance of about two miles; and, Preamble.

Whereas, the board of commissioners of Yancey County, North Carolina, has subscribed to one hundred thousand dollars ($100,000) par value of the stock of the said Black Mountain Railway Company, and such subscription has been approved by a majority of the qualified voters of said county at an election held on September twenty-fourth, one thousand nine hundred and ten; and, Preamble.

Whereas, the said Black Mountain Railway Company desires to obtain amendments to its charter to enable it to have perpetual succession, to change its route and termini, to acquire by the exercise of the power of eminent domain lands which may be needed for the Preamble.

new location of highways and streams, the course of which may be changed by the construction or relocation of the lines of railroad, to consolidate with any other existing, proposed or future railroad corporation in or out of this State, the existing, proposed or future lines of which connect, or shall when completed connect with the existing, proposed or future lines of the Black Mountain Railway Company by direct connection or by bridge, ferry or otherwise, or over any other line or lines constructed or to be constructed; to purchase, lease, construct, or otherwise acquire, maintain and operate any railroad property or franchises in or out of this State; to sell, lease, mortgage, and otherwise encumber or dispose of all or any part of its property and franchises in or out of this State; to authorize and empower any railroad corporation organized under the laws of this or any other State or States, or of this State and another or other States or of the United States, to purchase or take a lease of all or any part of its properties and franchises and by virtue of such purchase or lease to become a corporation of this State as to all properties so purchased or leased, to confirm and ratify the gifts, purchases and acquisitions of the property heretofore made to and by it, and to confirm and ratify the subscription to one hundred thousand dollars ($100,000) par value of its capital stock heretofore made by the board of commissioners of Yancey County, and in the judgment of the legislature, the objects of the corporation can not be attained under the general laws:

The General Assembly of North Carolina do enact:

Corporators.

Sec. 1. That J. Bis Ray, James B. Hensley, G. W. Anglin, J. E. Evans, E. F. Watson, G. D. Ray, Chas. L. Ruffin and F. Powell, and all persons who may now or who shall hereafter become stockholders of the Black Mountain Railway Company, and their successors, shall be and continue to be a body politic and corporate under the name

Corporate name.

of "Black Mountain Railway Company."

Corporate powers.

The said Black Mountain Railway Company, by and in that name, shall have power to have perpetual succession 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 divisions of the 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 regulations 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 evidences of indebtedness created by any other corporation or corporations of this or any other State, and while the owner of 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 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 general 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.

Power to construct, maintain and operate railroad.

Sec. 2. That said company shall have power to construct, acquire, maintain and operate a railroad of any gauge, with one or more tracks, by such route as may be determined upon by its board of directors, from a point in Mitchell County, North Carolina, at or near the mouth of the South Toe River where the same flows into Toe River, in Mitchell or Yancey County; thence up and long said South Toe River, in Yancey County, to a point at or near the mouth of Little Crabtree Creek where the same flows into said South Toe River; thence up and along said Little Crabtree Creek to a point at or near the town of Burnsville, in Yancey County, North Carolina, and thence across the divide which separates the waters of Little Crabtree Creek from the waters of Cane River to a point on said Cane River, and thence down and along said Cane River to a point at or near the mouth of Indian Creek where the same flows into the said Cane River, a distance of about fifteen miles.

Route.

Branches.

Extensions.

Sec. 3. The said company, when authorized by resolution of its board of directors, may construct or otherwise acquire, maintain and operate any number of branches of its main line in this State, and may make an extension beyond either of its termini in this State, each such branch or extension not to exceed twenty miles in length; and, when authorized by resolution of its stockholders, may make such branches or extensions, each not to exceed fifty miles in length. The gifts, purchases and acquisitions by and to the said company of properties between said points and between the points hereinbefore mentioned and for branch lines, heretofore made, are hereby ratified and confirmed.

Gifts, purchases and acquisitions confirmed.

Subscription by Yancey County confirmed.

And the subscription heretofore made by the board of commissoiners of Yancey County to one hundred thousand dollars ($100,000) par value of the capital stock of said Black Mountain Railway Company, upon the terms mentioned and set out in the resolution of said board of commissioners, adopted on August second, one thousand nine hundred and ten, is ratified and confirmed.

Road may be built in sections.

Sec. 4. Said company may, in its discretion, build any portion or all of its branch or branch lines or extensions before completing its main line, and may construct a part of its main line specified in paragraph two hereof, without completing said entire main line, and may build said lines by such routes as it deems most advantageous and expedient, and may change the location of its main line or branches at any time, and shall have the right to cross navigable streams or canals on its route: *Provided, however,* a draw sufficient not to impede navigation is placed in its bridges over such streams or canals. In case any portion of said main line shall not be completed in six years from the passage of this act, the rights of said company, or of any company in which or with which it shall be merged or consolidated, or of any other company resulting from any such consolidation, or to which it shall be leased, sold or conveyed, or which in any way shall succeed to or acquire the property or franchise of said Black Mountain Railway Company, to construct such uncompleted portion shall cease, but the corporate existence and powers of said Black Mountain Railway Company, or of any company in which, or with which, it shall be merged or consolidated, or of any other company resulting from any such consolidation, or of any company which may in any way succeed to or acquire the property and franchises of said Black Mountain Railway Company, so far as the completed road is concerned, shall not cease, but shall continue.

May change location.

Right to crosss navigable streams.

Proviso: draw bridges.

Rights as to portions not completed in six years to cease.

Telegraph and telephone lines.

Sec. 5. Said company shall have power to purchase, lease or otherwise acquire, and to construct, maintain and operate all necessary and convenient telegraph and telephone lines in connection with, and as a part of its business, as far as practicable on the right-of-way of such road.

Exclusive right to transport freight and passengers.

Sec. 6. 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 general laws regulating the same as the General Assembly, or tribunals constituted thereby, may from time to time establish.

Capital stock.

Sec. 7. The capital stock of said corporation shall not at any time be reduced to an amount less than two hundred and fifty thousand dollars ($250,000) par value, to be divided into shares of the par value of one hundred dollars ($100) each, and the capital stock of two hundred and fifty thousand dollars ($250,000) now authorized may be increased from time to time in the manner provided by law for increasing the capital stock of railroad companies, as the demands of the said company shall require.

Sec. 8. Said company shall have 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, or of this State and another or other States, or under the law 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 and franchises 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 property and franchises so purchased, acquired or leased, including the power of eminent domain only as to lands needed to enable such purchaser to fully construct any portion of its road described in section two of this act, 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 or lease, become a corporation of this State as to all properties and franchises so purchased 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 as to all causes of action and legal proceedings affecting and growing out of the properties and franchises 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.

Power to sell or lease.

Proviso: powers to purchasing or leasing company.

Proviso: purchasing or leasing company to become corporation of this State.

Sec. 9. 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 another State or States, or this State and another or other States, or under the laws of the United States, and 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.

Power to purchase other railroads.

Sec. 10. Said company shall have the power to merge with, or consolidate into a single corporation with any other corporation or corporations formed, or to be formed, for the purpose of construct-

Power of merger and consolidation.

ing, 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 existing or proposed or future lines of the Black Mountain 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 corporation shall be consolidated or merged, so that all property, 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 consolidation or merger shall be made, or resulting therefrom.

Consolidated corporation a domestic corporation.

Procedure for consolidation and merger.

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:

Agreement by directors.

(*a*) The board of directors of the several corporations, proposing to merge or consolidate, may enter into a joint agreement under the corporate seal of their respecting 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 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 new or consolidated corporation, and in 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.

Agreement to be submitted to stockholders.

(*b*) 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 at least six times a week, for two successive weeks, in a newspaper published in or near the place where the principal office in this State of the corporation is 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 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 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 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 and recorded in the office of the Secretary of State, and when such certificate 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.

Notice of meeting.

Vote on agreement.

Certificate of ratification by stockholders.

(*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 conditions and subject to the restriction 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 action, belonging to each of such corporations, shall be taken and deemed as transferred to and invested 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 as effectually be the property of the new or consolidated corporation as they were of the former corporations 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 con-

Effect of agreement.

Proviso: existing rights preserved.

tinue 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.

Consolidated corporation to establish office.

Notice of establishment.

(*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 consolidated corporation.

Pending actions.

(*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.

Powers and rights of consolidated 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 or consolidated corporation shall, in additioon 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 and 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.

Powers in connection with other railroads.

Sec. 11. Said company shall have power to cross, intersect, join and unite its railroad with any other railroad at any point on its route and upon the grounds of such other company, with necessary turn-outs, sidings and switches and other conveniences in furtherance of the objects of its connections, and run parallel with any other railroad upon the grounds of such other company: *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 with the consent of the corporate authorities of said towns and cities.

Proviso: use of other company's ground.

Tracks through towns or cities.

Power to condemn lands.

Sec. 12. Said company shall have the power to acquire by purchase or, in the event of failure or inability to agree with the owner thereof upon the terms of purchase, by condemnation, such lands as it may deem necessary for its purposes and for the establishment and maintenance of terminals, roundhouses, machine and repair shops, viaducts and other structures, in the cities, towns and counties along its proposed routes and for changes of any highways or streams, which, in the judgment of its board of directors, it may be necessary to change in the construction of its proposed line of road, subject to the provisions of subsection five of section two thousand five hundred and sixty-seven of The Revisal of one thousand nine hundred and five.

Municipalities may subscribe to capital.

Sec. 13. That whenever it shall be determined by the said Black Mountain Railway Company, by resolution of its board of directors, as provided in section three hereof, that said main line of said railway company shall be extended, and in the extension of such main line the same shall pass through or into any county, township, city or town, such county, township, city or town is hereby authorized through its proper authorities to subscribe such sum to the capital stock of said railway company whether in bonds or otherwise, upon such terms as may be agreed upon by and between said railway company and such proper authorities of such county, township, city or town, and upon an election had in such county, township, city or town to ratify such subscription at any election held in such county, township, city or town to ratify such subscription as may be entered into between said railway company and said authorities of such county, township, city or town, and a majority of the votes cast at such election be in favor of subscription, then such authorities shall be and they are hereby authorized to make the payment of such subscription to said railway company of such subscription upon such terms as may have been agreed upon between said railway company and such county, township, city or town authorities. That the provisions of this section shall apply likewise to any branch line which may be proposed to be constructed by said railway company.

Elections for ratification of subscription.

Subscriptions to branch lines.

Taxes in municipalities subscribing to stock.

Sec. 14. That in case any township, town or city shall make the subscription to said railway company capital stock as provided in section thirteen hereof, then and in that event such township, town or city shall levy, collect and use in such township, city or town the taxes, lawful to be assessed against the property and franchise of said railway company, and expend said taxes, so assessed and collected in such township, city or town for the exclusive use and benefit of such township, city or town without having to account or distribute to any remaining township, city or town in such county as may be located in such county in which such subscription is made.

Construction of act.

Sec. 15. Nothing in this act, giving particular and designated powers, rights and privileges to this company, shall, or shall be construed to, limit or abridge the powers, rights and privileges of this company given generally in section one of this act, or by the general law of this State, or by the charter of the corporation amended by this act.

Merger with competing line forbidden.

Sec. 16. Nothing in this act shall empower, or shall be construed to empower the Black Mountain Railway Company, or any successor corporation, to purchase, or to take a lease of, or to sell, or to lease its property to, or to consolidate with, or to merge into, any railroad corporation whose existing line may be parallel to or competing with any line or lines of the said Black Mountain Railway or any successor corporation.

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

Ratified this the 24th day of February, 1911.

CHAPTER 112.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WINDSOR, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That chapter one hundred and ninety-two of the Private Laws of North Carolina of one thousand eight hundred and eighty-nine, and chapter two hundred and thirty-one of the Private Laws of North Carolina of one thousand eight hundred and ninety-three, be and the same are hereby amended so that the corporate limits of the town of Windsor in Bertie County be and the same are hereby extended, marked and designated as follows: Beginning at the culvert below the log landing of the Wellington and Powellsville Railroad and running a straight line to a cedar tree standing at the southeast corner of Cashie Neck road and Gray's lane; thence a straight line to the northwest corner of Luke Pearce's lot on the Indian Woods road; thence a straight line to J. E. Tadlock's lot, northwest corner; thence a straight line to a red oak standing in front of the late George Rice's residence on west side of Coleraine road; thence along J. H. White's line, the old Shepherd line, E. S. Dale's line and A. S. Rascoe's line to Cashie River; thence along down the river to the new county bridge; thence across by the bridge to the river; thence down along the river to the beginning.

Sec. 2. All laws and parts of laws contrary to 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 24th day of February, 1911.

CHAPTER 113.

AN ACT TO INCORPORATE THE BEAVERDAM SCHOOL DISTRICT IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Township to constitute school district.

Section 1. That the township of Beaverdam in Cherokee County shall be and constitute the Beaverdam graded school district.

Trustees incorporated.

Corporate name.

Corporate powers.

Sec. 2. That the board of trustees hereinafter provided for by this act are hereby declared a body corporate by the name of "Beaverdam graded school district," 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. It may sell, mortgage or transfer any such property and prosecute and defend any suit or suits for or against said corporation: *Provided*, that all moneys received from any sale, mortgage or transfer of any property belonging to said corporation shall be reinvested in real estate for benefit of said corporation. All instruments requiring registration shall be 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.

Proviso: reinvestment of money from sale of property.

Control of public school interests and property.

Sec. 3. That the corporation hereby chartered shall have entire and exclusive control of the public school interest and property in said district, to be governed and controlled by a board of trustees, who shall manage and conduct the affairs of said corporation and elect all necessary officers, and shall prescribe rules and regulations for its government, not inconsistent with this act and the general public school law of the State. They shall employ and fix the compensations of officers and teachers of the 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 said district, and do all other acts that are just and lawful for the conduct and management of the graded public schools in such district: *Provided*, that all children resident in said district between the ages of six and twenty years shall be admitted into the said schools free of tuition charges: *Provided, further*, that the admission of nonresident students shall be under the direction of the trustees.

Employment and compensation of officers and teachers.

School census.

Proviso: free tuition to resident pupils.

Proviso: admission of nonresident students.

Election of superintendent.

Sec. 4. The board of trustees provided for by this act shall elect, annually, a superintendent of the schools embraced within the above described territory, who shall also be a teacher, and whose duties it shall be to supervise the graded public schools of said graded school district, and exercise such other powers and discharge such other duties as the said board of trustees may prescribe. The county superintendent shall examine all applicants for teachers' po-

Examination of teachers.

sitions and shall issue certificates to them as provided by the general school law of the State.

Apportionment under general law.

Sec. 5. That the moneys which shall be from time to time apportioned under the general law of the State to the corporation herein chartered, and all other moneys to which the said corporation may be entitled by special tax, gift, grant, devise or apportionment or from whatsoever source otherwise, shall be paid over to the treasurer of said corporation, whose receipt for same shall constitute a sufficient voucher of such payment. The sheriff of Cherokee County shall collect all special taxes that may be levied under any provision of this act, for school purposes in the territory above described, as other taxes are collected, and turn them over to the treasurer of the corporation herein chartered, taking his receipt for the same. The board of trustees of the corporation herein chartered shall appoint some citizen 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 due and faithful performance of his duty as treasurer, to be approved by the county board of education of Cherokee County. A copy of the said bond shall be deposited with the county superintendent of Cherokee County, and the original thereof with the clerk of superior court of Cherokee County.

Collection of special taxes.

Election of treasurer.

Bond of treasurer.

Allowance to treasurer.

Sec. 5. The said treasurer shall be allowed two per centum for all moneys paid out by order of said corporation. 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, shall be the only valid voucher in the hands of said treasurer for disbursement of said money in any settlement. The said treasurer shall furnish annually to the county board of education of Cherokee County, and to 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 said corporation: *Provided*, that the books, accounts and vouchers shall be open for inspection by the board of trustees, any taxpayer in said district, county board of education, and county superintendent of Cherokee County, at any time.

School warrants.

Annual statements.

Proviso: books and accounts open for inspection.

Special tax to be voted on.

Sec. 6. That the board of county commissioners of Cherokee County, North Carolina, shall and are hereby authorized to submit to the quailfied voters who reside in the above described territory, the question of whether a tax shall be annually levied for the support of the schools in said territory provided for by this act. Such election shall be held at any date recommended by the board of trustees of said corporation after first giving thirty days notice of said election by publication in some newspaper published in Cherokee County, and by posting notices in three public places in said territory. In all other respects said election shall be held and

Date of election.

Notice of election.

conducted under the regulation of the general election law: *Provided*, the board of county commissioners of Cherokee County shall appoint three competent citizens as registrars, one in each voting precinct of above described territory, who shall within ten days after their appointment, open the books of registration at some public place in his precinct, and keep them open for fifteen days, and register therein all persons who are qualified under the constitution and general laws of the State to vote in any general election. The board of county commissioners shall also appoint two competent citizens of each voting precinct in the above described territory 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 in their appointed voting precinct and open the poll book and conduct said election in the same manner and under the same regulations as provided for the election of members of the General Assembly. At said election those who favor the levying of such tax shall vote on written or printed ballots, without device, the words "For school," and those opposed to the levying of such tax shall vote on written or printed ballots the words "Against school." The 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 on the following day, after holding such election, the persons holding the said elections in the different precincts shall meet at some place to be designated by the board of trustees herein provided, and determine the result of all the said elections, and within two days after holding said meeting they shall certify under their hand to the board of county commissioners of Cherokee County the number of votes cast and counted "For schools," and the number cast and counted "Against schools," 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, held after the delivery of same to him, deliver same to the chairman of the board of county commissioners of Cherokee County, and said board shall proceed at once to declare the result of said election, and if a majority of the qualified votes cast shall be in favor of "Schools," the board of county commissioners of Cherokee County shall levy a tax at a rate sufficient to provided for the support and maintenance of the schools in the territory above described for a term not less than six months in each year. The sheriff or tax collector of Cherokee County shall collect said special taxes under the same rules and regulations which other taxes are collected, except the said tax collector shall receive only two and one-half per cent as his commission; and said tax collector shall be subject to the same liabilities for collection and disbursement of said tax as he may be for other school taxes:

Proviso: law governing registrars.

Registration.

Judges of election.

Conduct of election.

Ballots.

Determination of result.

Certificate of result.

Declaration of result.

Effect of election.

Commission of tax collector.

Proviso: tax limit. *Provided,* that the special tax so levied shall not exceed thirty cents on the one hundred dollars valuation of property and ninety 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 was made and annually thereafter, levy such tax as may be recommended by the board of trustees of the corporation herein chartered, observing the constitutional equation between property and poll, not exceeding thirty cents on the one hundred dollars valuation of property and ninety cents on the poll: *Provided, further,* that the passing or failure to pass of this act shall not affect the section of above described territory wherein a special tax is levied already.

Levy of tax.

Constitutional equation.

Limit.

Election of trustees. Sec. 7. The corporation herein chartered shall be under the control and management of a board of trustees composed of five persons, resident taxpayers of the said district, who shall be elected by the qualified voters of the territory above described. Such election shall be held on the same date and under the same rules and regulations as the election of members of the General Assembly. The said board of trustees shall be divided into two classes, the first class, which shall be composed of three members, shall hold office for a term of two years; the second class, which shall be composed of two persons, shall hold office for a term of four years. Until their successors are elected, which shall be at the next election of the members of the General Assembly to be held in the year one thousand nine hundred and twelve, W. M. Morrow, J. T. Dockery and W. G. Odem shall constitute the first class of trustees and until their successors are elected, which shall be in the year one thousand nine hundred and fourteen, R. L. Hampton and E. W. Bates shall constitute the second class of trustees. Should a vacancy occur in said board of trustees, by death or resignation, the remaining members of the said board shall appoint his successor to fill the unexpired term.

Terms of office.

First trustees named.

Vacancies.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this the 24th day of February, 1911.

CHAPTER 114.

AN ACT TO ESTABLISH A GRADED SCHOOL DISTRICT IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Graded school district created. Section 1. That a graded school district is hereby created in Lee County, to be known as Jonesboro graded school district, with the following boundaries: Beginning at a stake in the Sanford graded school line, where the same intersects the western boundary of the

Name.

Boundaries.

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 A. B. Harrington's place; thence east to Gunter's fence to a stake; thence with the fence in a southeasterly direction to a 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 West 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's 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's to a stake near said Thomas's house; thence in an easterly course to and including Robert McNeil's, to a stake near his house; thence in a southeasterly direction to and including the Meyers place to a stake near 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's 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 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. Kelly's barn; thence in a northwesterly direction to and including H. A. Tally'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 Barret's house; thence south to a stake in Bailey Way's field; thence northwesterly to a stake in J. R. Rives's field; thence west across the Seaboard Air Line Railway to a gum tree; thence with the Seaboard Air Line Railway to the beginning.

Election to be called on special tax and bonds.

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 the said school district for the support of the school and for the purpose of submitting to the qualified voters of the said district the question of issuing bonds to an amount of ten thousand ($10,000) dollars for the purpose of constructing and equipping a graded school building in said district, which election shall be held at such time and place as may be determined upon by the commissioners of Lee County, and called by them. The persons residing in the said school district hereinafter provided for who shall be entitled to vote for members of the General Assembly shall be entitled to vote at said election. The county commissioners shall give thirty days notice by posters at four public places in said school district of the time and place of holding the said election. The board of commissioners shall also appoint a registrar and two judges of election for the purpose of holding said election, according to the laws now or hereafter enacted for the election of members of the General Assembly. The registration books shall be open ten (10) days before the election, and the registrar shall give ten (10) days notice of the time and place of registration by notices posted in four public places in said school district. Separate boxes shall be provided for the balloting upon the question of the special school tax, and upon the question of issuing the bonds for the construction of the graded school building. The polls shall be kept open from sunrise to sunset, and at its conclusion the registrar and judges of election shall count the votes, declare and certify the result to the register of deeds of Lee County. At said election those favoring the levying of a special school tax shall vote a ballot upon which shall be written or printed the words "For special tax," and those opposing shall vote a ballot upon which shall be written or printed the words "Against special tax"; those favoring the issuing of bonds for the construction of the graded school building shall vote a ballot upon which shall be written or printed the words "For bonds"; and those opposing shall vote a ballot upon which shall be written or printed the words "Against bonds."

Time and place of election.

Electors.

Notice of election.

Election officers.

Registration.

Notice of registration.

Ballot boxes.

Hours of election.

Count, declaration and certificate of result.

Ballots in election on special tax.

Ballots in bond elections.

Sec. 3. If the majority of the qualified voters of said district at said election shall vote for the special school tax the commissioners of Lee County shall levy the said special tax for the maintenance of the school, as herein provided, not exceeding fifty cents on the one hundred dollars worth of taxable property and not more than one dollar and fifty cents on every taxable poll; and if at the said election the majority of the qualified voters of the said district shall vote for bonds the commissioners of Lee County shall issue bonds for the construction of the graded school building and provide a sinking fund for the payment of the same, as hereinafter provided for, and shall levy upon the taxable property and polls of said district and other subjects of taxation a tax not exceeding twenty cents on the one hundred dollars worth of taxable property and sixty cents on every taxable poll.

Effect of election on special tax.

Effect of election on bond issue.

Sec. 4. The said bonds shall be in denominations of one hundred dollars each, and shall bear interest at five per centum per annum, payable semi-annually at the office of the treasurer of the said graded school in Jonesboro, and shall have attached coupons representing the said interest, and shall mature thirty years from, bearing such date as the county commissioners of Lee County may determine. The bonds shall bear the signature of the chairman of the board of commissioners of Lee County and the register of deeds of said county, and shall be of such form as said county commissioners may determine. The said bonds shall not be sold for less than par, and all the funds arising therefrom shall be applied exclusively to the building and equipping the said graded school building in said district.

Denominations of bonds.

Interest.

Maturity.

Authentication.

Bonds not sold below par.

Application of proceeds.

Sec. 5. That the property now in use in connection with the existing public school district known as the Jonesboro public school district and the title thereof shall vest in the board of trustees of the Jonesboro graded school hereinafter provided for, and the board of education of Lee County shall execute to said board of trustees a deed for the same, and said board of trustees shall have power to use all such public school property as they may deem best in connection with the building and equipping the said graded school or the maintenance of the said school, and shall have power and authority, if they deem best, to sell said property and devote the proceeds to the purposes mentioned, and purchase a new site for said building and construct the same upon said property: *Provided*, that board of trustees herein named may appoint a building committee, one at least of whom shall be of their own number, with full power and authority to have such graded school building erected, execute all necessary contracts and manage the construction and erection of the same.

Transfer of school property.

Power of trustees in dealing with property.

Proviso: building committee.

Sec. 6. That the said graded school shall be controlled and managed by a board of trustees, five in number, who shall be elected by the qualified voters of the said district at the time and place of the

Board of trustees.

Election of trustees.

Law governing election.

election of the municipal officers of the town of Jonesboro, and said election shall be conducted as nearly as possible in the manner provided for the election of the members of the General Assembly. The members of said board shall hold office for a period of six years and until their successors are elected and qualified, and until the election of the same the following are hereby appointed a board of trustees for the said graded school district, with all the powers and duties herein created:

First trustees named.

C. H. Russell and J. B. Watson shall hold their office as trustees of the said graded school until the election in one thousand nine hundred and thirteen; J. R. Rives shall hold office as trustee of said graded school until the election in one thousand nine hundred and fifteen; J. A. McBryde and L. H. Gibbons shall hold their office as trustees of the said graded school until the election in one thousand nine hundred and seventeen, and shall be invested with the same until their successors are elected and qualified. Vacancies in the board caused by death, removal or otherwise, shall be filled by election by the board of trustees, the appointees holding the remainder of the terms.

Vacancies.

Organization.

Sec. 7. Said board of trustees shall meet and organize as soon as may be convenient after their appointment or election, and shall organize by the election of a chairman from their own members; and shall elect a suitable person either from their own number or otherwise as treasurer of said graded school district, and who shall also act as secretary to the board. The said board shall have the power to make such rules and regulations for the management and conduct of the schools in the district and for their own body as they may deem proper, and shall have power to select teachers and fix the compensation of the same, and shall have and exercise such powers as are given to public school committees under the public school laws of the State. But these provisions shall not be construed to limit in any way the powers vested in said board of trustees by this act. The said board of trustees shall be a body corporate under the name and style of "The Board of Trustees of Jonesboro Graded Schools," and shall have all the rights, powers and duties of corporations under the laws of this State.

Powers of trustees.

Incorporation.

Corporate name.

Bond of treasurer.

Sec. 8. The treasurer of the graded school shall file his bond with surety approval by the board of trustees in a sum not less than the total amount of taxes collected under this act for the preceding year, which bond shall be renewed from time to time as required by said board of trustees. He shall keep a correct account of all funds coming into his hands by virtue of his office, keeping a separate account of the funds arising from the sale of the bonds and special tax levied for the payment of the said bonds and the interest thereon; he shall pay out money only upon the order of the chairman or two members of the board of trustees. He shall make such reports as may be required of him by said board of trustees.

Accounts.

School orders.

Reports.

His compensation shall be fixed by the board of trustees and shall be paid out of the funds collected and disbursed by him; and he shall receive upon the funds arising from the sale of the bonds herein mentioned only one per cent for the disbursing thereof. Compensation.

Sec. 9. Such amount of the public school funds as may be due the said district from time to time shall be paid to the treasurer of the said district by the treasurer of Lee County immediately upon the receipt of the same by him; and the special taxes herein provided for the maintenance of the said school and for the payment of the interest upon the bonds and for a sinking fund provided shall be collected by the sheriff or tax collector of the county in the same manner as other taxes of the county are collected, and when they are collected shall be turned over directly to the treasurer of the graded school district and be disbursed by him in the manner herein set out. School funds paid to treasurer. Collection of taxes.

Sec. 10. If at the election herein provided for the majority of the qualified voters of the said district shall not vote for the special tax, or if the majority of the qualified voters shall not vote for the issuing of the bonds herein provided for, then this act and every part thereof shall be null and void. Refusal to vote special tax or issue bonds to nullify act.

Sec. 11. This act shall be in force from its ratification.

Ratified this the 24th day of February, 1911.

CHAPTER 115.

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE NEGOTIABLE BONDS TO RAISE MONEY FOR THE PURPOSE OF FUNDING, TAKING UP AND DISCHARGING OUTSTANDING FLOATING INDEBTEDNESS AND FOR THE EXTENSION AND IMPROVEMENT OF THE WATER AND SEWER SYSTEMS OF SAID CITY AND FOR GRADING, PAVING AND OTHERWISE PERMANENTLY IMPROVING THE STREETS OF SAID CITY AND FOR THE PURPOSE OF BUILDING ONE OR MORE ADDITIONAL PUBLIC SCHOOL BUILDINGS IN SAID CITY.

Whereas, the city of High Point has valid outstanding floating indebtedness amounting in the aggregate to twenty thousand dollars ($20,000), all of said indebtedness having been contracted, created and incurred for the necessary expenses of the city; and, Preamble.

Whereas, it will be more economical and for the best interests of the city to issue its negotiable bonds for the purpose of funding, taking up and discharging such floating indebtedness: and, Preamble.

Whereas, the said city desires to issue negotiable bonds to raise money for the extension and improvement of the water and sewer Preamble.

systems of said city and for grading, paving and otherwise permanently improving the streets of said city and for building one or more additional public school buildings in said city; now, therefore,

The General Assembly of North Carolina do enact:

Bond issues authorized.

Section 1. That the city council of said city of High Point be and it is hereby authorized and empowered to issue negotiable bonds of said city in the amounts and for the purposes as follows:

Amount for floating debt.

Twenty thousand dollars ($20,000) for the purpose of funding, taking up and discharging said outstanding floating indebtedness of said city heretofore contracted, created and incurred for the necessary expenses of said city; also fifty thousand dollars ($50,000) for the extension and improvement of the water and sewer systems of said city; also forty thousand dollars ($40,000) for grading, paving and otherwise permanently improving the streets of said city; and also ten thousand dollars ($10,000) for building one or more additional public school building in said city.

For water and sewer systems.

For street improvement.

For school buildings.

Denomination.

Sec. 2. That the said bonds shall be coupon bonds of such denomination as may be determined by the city council of said city and shall mature thirty years from their date, shall bear interest at the rate of five per centum per annum, payable semi-annually, represented by coupons attached to said bonds, and both principal and interest of said bonds shall be payable in gold coin of the United States of America of the present standard weight and fineness.

Maturity.

Interest.

Sale of bonds.

Said bonds may be sold by said city council at public or private sale and the purchaser shall not be required to see to the application of the purchase money: *Provided, however,* that said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value. Said bonds shall be signed by the mayor and auditor of said city and sealed with the corporate seal attested by the city clerk, and the coupons shall bear the engraved or lithographed signatures of said mayor and said auditor. The said city council may fix by resolution the date of said bonds and the place or places of payment thereof and may in such resolution prescribe the form of said bonds and all other matters in relation thereto not fixed in this act.

Proviso: not to be sold below par.

Authentication.

Exemption from city tax.

Sec. 3. That said bonds and their coupons shall be exempt from city taxation until all of them become due, and the coupons when due shall be receivable in payment of city taxes.

Coupons receivable for taxes.

Special tax.

Sec. 4. That for the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the city council of said city, and it is hereby empowered and directed so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation in said city in the same manner and at the same time as other taxes are collected: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose. It shall

Proviso: specific appropriation.

be the duty of the treasurer of said city as coupons of said bonds are paid off and taken up to cancel the same and report not less than twice a year to the city council the number and amounts of coupons so canceled. Reports of treasurer.

Sec. 5. That the said city council may in its discretion issue the said twenty thousand dollars ($20,000) funding bonds herein authorized without submitting the question of the issue of said bonds to a vote of the qualified voters of said city. Funding bonds.

Sec. 6. That the said city council shall not issue said fifty thousand dollars ($50,000) water and sewer bonds, or said forty thousand dollars ($40,000) street improvement bonds, or said ten thousand dollars ($10,000) school building bonds, or any of them, nor levy and collect any taxes to pay the principal or interest of said water and sewer bonds, or said street improvement bonds, or said school building bonds, unless it shall have been authorized and empowered so to do by a vote of the majority of the qualified voters of said city at an election to be called and held in said city at such time and place or places as said city council shall appoint. Said city council shall order a new registration of the voters of said city for such election and the registration and challenge of voters shall be conducted, and the said election shall be held and conducted in the same manner as is now prescribed by law for holding elections for mayor and commissioners of said city, except as otherwise provided in this act; that the mayor of said city shall give notice of said election and the purposes thereof by advertisement in one or more newspapers published in said city, which said notice shall be published once a week for four successive weeks, the first publication of said notice to be at least thirty days before said election; that at said election the ballots tendered and cast by the qualified voters on the question of the issue of said water and sewer bonds and said street improvement bonds and said school building bonds, and the levy of taxes to pay the principal and interest of said bonds, shall have written or printed upon them the words "For the bond issue" or "Against the bond issue," and all qualified voters of said city who vote for the issue of said bonds and the levy of said tax upon the conditions and terms set out in this act shall vote "For the bond issue" and all qualified voters opposed thereto shall vote "Against the bond issue." In the event that a majority of the qualified registered votes cast on said question shall be "For the bond issue," the city council shall be authorized to issue said bonds as in this act provided. That the said city council may call an election under this act at any time it may see fit after giving the notice herein provided for and observing the law relating to elections, as required by this act; but the rejection by the voters of said proposition shall not prevent the said council from calling another election or elections under this act until the proposition is carried affirmatively: *Provided,* that not more than two elections shall be held under this act.

Election on other bond issues.

New registration.

Law governing elections.

Notice of election.

Ballots.

Effect of election.

Time of election.

Subsequent election.

Authority for issue of bonds.

Sec. 7. That this act shall without reference to any other act of the General Assembly of North Carolina or the charter of the city, be full authority to the city of High Point to issue and sell bonds as in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof and shall be incontestable in the hands of *bona fide* purchasers for value. All acts and parts of acts, public or private, so far as they are inconsistent with this act, are hereby repealed.

Proceedings for issue of bonds.

No proceedings on the part of said city in respect of the issue of said bonds shall be necessary except such as are required by this act.

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

Ratified this the 24th day of February, 1911.

CHAPTER 116.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LITTLETON, IN THE COUNTIES OF HALIFAX AND WARREN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That chapter thirty of the Private Laws of one thousand nine hundred and five be and the same is hereby amended, as follows: That the words "three-fourths of one mile in every direction," in line five of section three of said chapter, be stricken out, and the following inserted in lieu thereof: "North nine hundred yards, east nine hundred yards, south three-fourths of one mile, west nine hundred yards.

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

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

Ratified this the 24th day of February, 1911.

CHAPTER 117.

AN ACT TO AMEND THE CHARTER OF MOREHEAD CITY, AND TO CONTROL AND REGULATE THE HARBOR THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eleven of the Private Laws of one thousand eight hundred and eighty-seven, entitled "An

act to incorporate the town of Morehead City," be and the same is hereby amended by striking out of said act section twenty-seven, and inserting in lieu thereof the following:

Sec. 27. Said commissioners of Morehead City shall have power to construct and repair the sidewalks or any of the streets of said town. And they shall further have power, and they are hereby authorized to establish for said town of Morehead City a harbor line, and construct and maintain such public docks and wharves as they may deem advisable, and charge for the use thereof such compensation as may be reasonable and just; to control and regulate the use of such docks and wharves by vessels in said port under such rules, regulations and ordinances as they may adopt, subject to the Constitution and laws of the United States; and they are hereby authorized and empowered to adopt such ordinances as will carry into effect this section; and if they shall deem necessary they are authorized to appoint a board consisting of three citizens of said town, who shall be known as harbor commissioners, who shall hold office for a term of one, two and three years from the date of their appointment, and until their successors shall be appointed and qualified, with power and authority to designate and fix and establish such docks, wharves, harbor line, rules and regulations as they may deem necessary and advisable for the purposes hereinbefore set out. And said commissioners of said town, for the purpose of establishing such public docks and wharves as they may deem necessary and advisable, shall have the right to condemn and appropriate for such purpose such land and water front as may be necessary therefor upon making compensation to the owners thereof, for such land or water front as may be required and appropriated by them; and in the event said board of commissioners and the owners of such land or water front shall not be able to agree upon the price therefor, then in that event said commissioners shall condemn the same for the use of the town of Morehead City under the same rules, regulations and procedure as is herein prescribed for the condemnation of lands for streets in said city.

Construction and repair of streets and sidewalks.

Harbor line.

Docks and wharves.

Wharfage charges.

Rules and regulations.

Harbor commissions.

Terms of office.

Power to condemn and and water ront.

Procedure for condemnation.

And said board of commissioners of Morehead City are further authorized and empowered to make, prescribe and designate the character of dock or wharf, or docks or wharves, that shall be built by any individual or corporation adjacent to and along the harbor line which may be made or established by said board of commissioners or harbor commissioners herein provided for, and no dock or wharf shall be constructed along or upon such harbor line or adjacent thereto until the plans and specifications therefor shall have been submitted to and approved by the board of commissioners of Morehead City, or the board of harbor commissioners if same shall be created as herein provided. And said board of commissioners of Morehead City are hereby authorized to make and adopt such ordi-

Regulation of building docks and wharves.

Plans and specifications to be approved.

nances as they may desire for the carrying into effect of this provision.

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

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

Ratified this the 24th day of February, 1911.

CHAPTER 118.

AN ACT TO PROVIDE FOR THE MAINTENANCE OF THE GRADED SCHOOLS OF THE TOWN OF HENDERSONVILLE, AND TO AUTHORIZE THE COMMISSIONERS OF SAID TOWN TO ISSUE BONDS FOR THE PURPOSE OF ERECTING A NEW SCHOOL BUILDING, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Town constituted graded school district.

Section 1. That the town of Hendersonville shall be and is hereby constituted a graded school district for both white and colored schools.

Enumeration of powers of trustees.

Sec. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the town of Hendersonville; shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act; shall elect their own chairman, secretary and treasurer; shall employ and fix the compensation of the superintendent and teachers, and prescribe standards and qualifications for said superintendent and teachers (which standards and qualifications shall, in the judgment of said trustees, in no case be lower than the standard and qualifications of teachers in the public schools of the county where similar salaries are paid); and shall do all other acts that may be just and lawful to conduct and manage the graded school interests in said town: *Provided*, that all children between the ages of six and twenty-one years, whose parents or legal guardians are *bona fide* residents of the town of Hendersonville, shall be admitted into said schools free of tuition charges; and in case the said school trustees shall have any doubt as to whether the parent or legal guardian of any child applying for admission to the said school is a *bona fide* resident of the town of Hendersonville, the said trustees shall require said parent or legal guardian to make affidavit as to his or her legal residence, and shall take such other testimony as may, in their judgment, be necessary to determine such question: *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

Proviso: free tuition to resident children.

Proviso: nonresident pupils.

Proviso: credits to nonresidents.

trustees shall allow such credits to the parents or guardians of non-resident children attending schools as they may think just and meritorious on account of the school taxes paid on property in the town by said parents and guardians: *Provided, further,* that the said trustees may, in their discretion, if they think wise and proper, charge reasonable tuition for teaching foreign language. Proviso: tuition in foreign languages.

Sec. 3. A. F. P. King, K. G. Morris, J. Williams, U. G. Staton, S. J. Justice, T. W. Valentine, J. F. Brooks and C. E. Brooks are hereby appointed school trustees for the graded school of said town of Hendersonville. At their first meeting after the ratification of this act, the said trustees shall divide themselves (by lot or otherwise, as they may deem best), into four classes, each class to be composed of two members. The terms of office of the members of the first class shall expire July first, one thousand nine hundred and twelve, and the terms of office of the members of the second, third and fourth classes shall expire one, two and three years respectively thereafter. Successors in office to the members of each class shall be elected by the board of commissioners of said town of Hendersonville at their first meeting in the month preceding the expiration of the term of office of each class. Persons hereafter elected school trustees by the board of commissioners shall be elected for a term of four years. Vacancies caused by death, removal, failure to qualify, or other cause, shall be filled by said board of commissioners of the town of Hendersonville at any meeting. Trustees named. Classification. Terms of office. Election of successors. Vacancies.

Sec. 4. That the commissioners of the town of Hendersonville shall levy annually, for school purposes, the amount of taxes not exceeding twenty cents on the one hundred dollars worth of property and sixty cents on the poll, which the trustees shall recommend as necessary to establish and run the schools for not less than seven nor more than ten months in each year. And the taxes levied and collected under the provisions of this act shall be placed by the town treasurer to the credit of the said school trustees, and shall be applied exclusively to the support and maintenance of the graded schools in the town of Hendersonville. School tax. Specific appropriation.

Sec. 5. That, for the purpose of erecting additional school buildings, or increasing school facilities, in said town, the commissioners of said town of Hendersonville shall, at any time, upon the request of the said school trustees, issue interest-paying coupon bonds, interest payable semi-annually, to any amount not exceeding fifteen thousand dollars ($15,000), at the least rate of interest, not exceeding six per cent per annum, as will enable them to sell said bonds at par. If said bonds shall be issued, the interest thereon for each year and one thousand dollars ($1,000) of the principal shall be paid each year by the levying and collection in addition to the taxes authorized in section four of this act of a sufficient amount of taxes on the real and personal property within said town to meet the payment of the interest coupons as they may fall due, Town commissioners to issue bonds. Amount. Interest. Maturity.

and one thousand dollars of the principal, said taxes to be levied and collected in the same manner as other municipal taxes are levied and collected: *Provided*, such bonds shall not be sold for less than par: *Provided, further*, that no bonds shall be issued nor indebtedness incurred under and by virtue of this act except upon the approval of a majority of the qualified voters of said town, said approval of said voters to be determined at an election duly called and held by the commissioners of said town, upon such date as said governing body of said town may fix for the holding of said election, at which election shall be submitted to the said voters of said town the question, whether or not the said commissioners of said town shall contract a bonded indebtedness, not exceeding fifteen thousand dollars, for the purpose of erecting additional school buildings or increasing school facilities in said town, at which election those favoring said bonded indebtedness shall vote a ticket upon which shall be written or printed the words "For bonds"; and those who oppose said bonded indebtedness shall vote a ticket upon which shall be written or printed the words "Against bonds." Said election shall be called and held in the same way as elections are held for the election of a mayor and for other municipal purposes. If a majority of the qualified voters of said town shall vote in favor of said bonded indebtedness, then the commissioners of said town shall issue interest-bearing coupon bonds in $1,000 denominations, payable at a time to be fixed by the commissioners of said town.

Proviso: bonds not to be sold below par.

Proviso: approval of voters.

Date of election.

Question to be submitted.

Tickets.

Law governing election.

Effect of election.

Apportionment of school money.

Sec. 6. That it shall be the duty of the said school trustees to distribute and apportion the school moneys placed to their credit so as to give each school in the town, white and colored, the same length of school term as nearly as may be each year.

Annual reports.

Sec. 7. That the said school trustees shall make an annual report to the board of commissioners of said town of Hendersonville of the receipts and disbursements of all school funds under their control.

Incorporation.

Corporate name.

Corporate powers.

Sec. 8. That the school trustees hereby created shall be a body corporate by the name and style of "The Trustees of the Hendersonville Graded Schools," 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, of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school trustees shall be to them and their successors in office.

Fund for repairs and furniture.

Sec. 9. That the said school trustees are authorized each year to set aside any amount, not exceeding ten per cent of the school funds for that year, for repairs and furniture of school building.

Repealing clause.

Sec. 10. That chapter one hundred and twenty-two of the Private Laws of one thousand nine hundred and one, chapter two hundred and seven of the Private Laws of one thousand nine hundred and

five, and all other 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 24th day of February, 1911.

CHAPTER 119.

AN ACT TO INCORPORATE THE TOWN OF BOLIVIA, IN BRUNSWICK COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the territory hereinafter described in section two be, and they are hereby incorporated by the name and style of Bolivia, and by such name and style of the town of Bolivia shall be incorporated, and shall be subject to, and as a town, governed by the provisions of chapter seventy-three (73) of The Revisal of one thousand nine hundred and five, volume one; the several sub-chapters thereof, except sub-chapter eleven, together with amendments to said first ten sub-chapters that may hereafter be duly made by the General Assembly, are hereby adopted and made the law for the government and regulation for the said town of Bolivia. Incorporation. Corporate name. General law applicable.

Sec. 2. That the limits of the said town of Bolivia shall extend as follows: Beginning on a stone south eight degrees, thirty-nine minutes east four thousand one hundred, seventy-four and one-half feet from a stone in the middle of Wilmington avenue, runs thence north sixty-two degrees fifty-five minutes west two thousand six hundred and forty feet to a stone; thence at right angles to said line north twenty-seven degrees five one-hundredths minutes east seven thousand nine hundred and twenty feet to a stone; thence at right angles to said line south sixty-two degrees fifty-five minutes east two thousand six hundred and forty feet to a stone; thence at right angles to said line south twenty-seven degrees five one-hundredths minutes west seven thousand nine hundred and twenty feet to the beginning. Corporate limits.

Sec. 3. That the officers of the said incorporated town shall consist of a mayor, and, until changed as provided by law, three aldermen and such other officers as may be appointed by the mayor and aldermen, the said aldermen when qualified to be the governing body of the said town as the board of aldermen and shall be presided over by the mayor. And until the first Monday in May, one thousand nine hundred and eleven, and until their successors are qualified, the following persons shall fill the offices after qualification Town officers. Officers named.

as follows: Mayor, J. P. Cox; aldermen, G. L. Edwards, J. H. Knox and A. T. Danford.

Powers as to taxation.

Sec. 4. That the powers and provisions for taxation in the said town shall be those authorized and set forth in said chapter seventy-three, volume one of The Revisal of one thousand nine hundred and five, and in addition thereto the said town of Bolivia shall have the power to levy privilege taxes on business done or occupation followed in the said town which are not prohibited by the constitution and laws of the State of North Carolina and of the United States.

License taxes.

Powers as to streets and buildings.

Sec. 5. That the town of Bolivia shall have the right of eminent domain in the said incorporated limits for the purpose of acquiring and laying off streets and for the acquiring and erection of the necessary buildings or other municipal improvements.

Ordinances and municipal regulations.

Sec. 6. That the mayor and board of aldermen of the town of Bolivia shall have the power to promulgate and enforce by ordinances, rules and municipal regulations for the government of the said town, not contrary to the law of the land, and when adopted shall not be repealed until after at least ten days public notice in three or more public places in said town, and shall keep a record of all official transactions by the board of aldermen.

Notice required for granting franchise.

Sec. 7. That no franchise shall be valid unless granted after at least thirty days public notice given by the board of aldermen in at least three public places in said town.

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

Ratified this the 24th day of February, 1911.

CHAPTER 120.

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER FOR ELIZABETH CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Charter and amendments repealed.

Proviso: officers to fill out terms.

Section 1. That the charter of Elizabeth City and all amendments thereof be, and the same are hereby repealed: *Provided, however,* that the members of the present board of aldermen, the members of the present board of control, mayor, chief of police, city clerk, tax collector, 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.

Corporate limits.

Sec. 2. The corporate limits of Elizabeth City shall be bounded as follows: Beginning at a point on Pasquotank River at the south-

ern 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 southwardly 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 the baseball park; thence southerly and westerly along the road passing the baseball park 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 Seldon street; thence southerly along the east side of Seldon 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 a branch crossing Park street; thence in a northward direction to Park street; thence westwardly down Park street to Butler's lane; thence northwardly down Butler's lane to a point within three hundred feet of Riverside avenue; thence easterly and paralleling Riverside avenue to Raleigh street; thence northwardly down Raleigh avenue to 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—FIRST WARD BOUNDARIES.

Sec. 3. That said city shall be divided into four wards, to be known respectively as the First, Second, Third and Fourth. The First Ward shall be bounded as follows: Beginning at the northeast corner of Main and Road streets; thence eastwardly, binding Main street, to Pasquotank River; thence northerly, binding said river, to 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 Southern Railroad track; thence southerly along Road street to Main street, the place of beginning. Wards. First ward.

SECOND WARD BOUNDARY.

Second ward.

The Second Ward shall be bounded as follows: Beginning at the northwest corner of Main and Road streets; thence westwardly along Main street to the Norfolk Southern Railroad track; thence northerly and easterly along said railroad track to the city boundary line; thence along said boundary line to Road street; thence southerly along Road street to Main street, the place of beginning.

THIRD WARD BOUNDARY.

Third ward.

The Third Ward shall be bounded as follows: Beginning at the southwest corner of Road and Main streets; thence southwardly along Road street to the city boundary line; thence westwardly and northwardly along said boundary line to Main street; thence eastwardly along Main street to Road street, the place of beginning.

FOURTH WARD BOUNDARY.

Fourth ward.

The Fourth Ward shall be bounded as follows: Beginning at the southeast corner of Main and Road streets; thence eastwardly along Main street to Pasquotank River; thence southwardly and eastwardly along said river to the city boundary line; thence southwardly and westerly along said boundary line to Road street; thence northwardly along Road street to Main street, the place of beginning.

MUNICIPAL ELECTIONS.

Municipal elections.

Officers.

Proviso: election by wards.

Proviso: residence of aldermen.

Proviso: vacancy.

Qualification for office.

Term of office.

Beginning of term.

Call and notice of election.

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 eleven, 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, tax collector and eight aldermen: *Provided, however,* that two of the said aldermen shall be elected in each of the four wards of the said town by the qualified voters of said town residing in said ward: *Provided, further,* 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 *Provided, further,* that should any alderman during 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 other causes. The said mayor, chief of police, treasurer and tax collector shall be qualified voters in said town at the time of their election; and they, together with said aldermen, shall hold office for two years and until their successors shall have been 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.

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: *Provided,* there shall be at least one polling place in each election precinct: *Provided, further,* that the said aldermen may divide each of said wards into more than one election precinct and designate polling places in each of said election precincts.

Polling places. Proviso. Proviso.

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 act as register 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 elected, 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 immediately after calling said election, and to have a notice of their appointment served upon the registrars and judges of election 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.

Publication of matters relating to elections.

Service of notices.

Vacancies.

Registrar to be sworn. 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 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 residing 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.

New registration.

Notice of new registration. 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.

Registration books. 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

Revision of registration books.

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.

Time of registration.

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 of 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 the 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. of 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.

Hours of registration.

Close of registration.

Registration on election day.

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.

Vacancies in election officers.

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 the 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.

Challenge day.

Sec. 15. On the second Saturday before each election the registration books shall be kept open at each 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 persons appearing 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.

Proviso: challenges on election day.

Entry of challenges.

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 can not 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

Hearing on challenges.

Notice to voters.

Service of notices.

Names to be erased.

shall hear and determine the cause of challenge under the rules and regulations prescribed by 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. Hearing on election day.

Sec. 17. Immediately after each election the registrar shall deposit the registration books for the respective precincts with the clerk of the town, who shall carefully preserve them. Deposit of registration books.

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. Judges of election. Judges to be sworn.

Sec. 19. The judges of election shall open the polls, superintend the same until the close of the election; they shall keep two poll books, in each 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. Judges to open and superintend polls. Poll books. Deposit of poll books.

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. Hours of election.

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. Electors. Proviso: removal from wards.

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.

Ballots for aldermen. For other officers.

Sec. 23. Each alderman shall be voted for in his respective ward only, and on one ballot; the chief of police, the mayor, treasurer and tax collector shall be voted for in all the wards of said town on another ballot.

Ballot boxes.

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 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 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 the said ballot boxes shall be deposited by the registrars and judges of election with the chief of police, who shall preserve the same.

Deposit of ballots.

Count of votes.

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.

Canvass of returns

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.

Quorum.

Meeting of board of canvassers.

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.

Members to qualify.

Canvass of returns.

Abstracts.

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 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 shall be elected treasurer; whoever shall receive the greatest number of votes in said town for tax collector shall be declared tax collector; the two who shall receive in the First Ward the greatest number of votes for aldermen shall be declared elected aldermen from that ward; the two who shall receive in the Second Ward the greatest number of votes for aldermen shall be declared elected aldermen from that ward; the two who shall receive in the Third Ward the greatest number of votes for aldermen shall be declared elected from that ward; the two who shall receive in the Fourth Ward the greatest number of votes for aldermen shall be declared elected aldermen 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 two opposing candidates, the result shall be determined by lot.

Judicial powers.

Declaration of results.

Proviso: residence of aldermen.

Powers of board.

Sec. 29. In all respects other than herein provided, all elections held in said town shall be conducted as prescribed for elections 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.

Fraud or illegal voting an infamous crime.

Punishment.

Entry with intent to commit fraud.

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.

Perjury.

Punishment.

Interference with election misdemeanor.

Punishment.

Interference with registration a misdemeanor.

Punishment.

Forfeit for treating.

Oppression or intimidation of voters a misdemeanor.

Bribery or attempt to bribe.

Punishment.

Taking of bribe.

Punishment.

Powers of registrars and judges.

False registration or impersonation of voter.

Punishment.

Challenges for conviction of crime.

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 nor imprisoned more than thirty days.

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, the one-half for the use of the corporation and the other to the use of the person who shall sue for the same.

Sec. 34. If any person shall discharge from employment, withhold patronage from or otherwise injure, threaten, oppress or 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.

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.

Sec. 36. The registrars and judges of election are hereby empowered to administer all oaths and affirmations necessary in the conduct of the elections.

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.

Sec. 38. If any person be challenged as having been convicted of any crime which excluded 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 question 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.

Voting by person disqualified for conviction.

Punishment.

Sec. 39. That the judges of the 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.

Reception of votes.

Powers of judges of election.

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 any 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.

Powers of registrars and judges to maintain order and enforce obedience.

Punishment as for contempt.

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 place 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 or more than one thousand dollars.

Sale or gift of liquor forbidden.

Punishment.

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 duties or do any act required to be done by him or them under

Failure or refusal to perform duty a misdemeanor.

the provisions of this act, he shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

Punishment.

Provisions as to other elections.

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.

Aldermen to qualify.

Sec. 44. On the first Monday in June, one thousand nine hundred and eleven, the aldermen-elect, after having taken and subscribed

Oath of aldermen.

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

Organization.

elected and qualified. They shall organize and elect, for their term, one of their members chairman, who shall perform their duties of the mayor of the corporation in case the office of mayor is vacant

Vacancies.

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

Proviso: recommendation by voters.

of office: *Provided, however,* that any vacancies occurring in the board of aldermen shall be filled by electing such person or persons to fill such vacancies as a majority of the qualified voters from the said ward or wards wherein such vacancy or vacancies occur shall recommend.

Regular meeting.

Regular meeting of the 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

Notice of special meeting.

mayor, all the aldermen then in the town shall be notified, and when called by a majority of the aldermen, such as shall not join

Election of other officers.

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 fire department, health officer, clerk, harbor master, building inspector, and all such other officers, deputies and assistants as it may deem necessary for the proper government of the town, which officers so ap-

Terms of office.

pointed shall hold their offices respectively during the term of the board appointing them and until their successors are appointed and

Removal for cause.

qualified: subject, however, to be removed at any time, and others

Compensation of officers.

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 proper, unless

Officers to qualify.

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 may require, with security to be approved by the board: *Provided*, 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 secretary and treasurer and 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.

Bonds of officers.

Harbor master and building inspector.

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.

Power to make ordinances.

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 ordinance duly enacted:

Control of property and finances.

(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.

Payment of debts.

(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.

Powers as to streets.

(3) To prevent excavations on any streets or sidewalks unless by permission of the board, or except under the direction of the street commissioner, to prescribe and exact fees for such privileges, and to require deposits as guarantees of the proper restoration of such street or sidewalk.

Excavations on streets.

(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 purpose.

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.

Railroads, street cars and locomotives.

Gates or watchmen at street crossings.

(6) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary.

Railroad tracks, turnouts and switches.

(7) 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.

Steam engines.

(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.

Automobiles.

(9) To regulate the use of automobiles, motor cars, motor cycles or any other vehicles; to issue permits for the use of such vehicles, and to require the same to be numbered.

Inspection of foods.

(10) To provide for and regulate the inspection and quality of everything to eat and drink offered for sale in said town.

Inspection and regulation of dairies and milk supplies.

(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 for penalties for the violating thereof.

Regulation of slaughter houses.

(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 slaughter houses which furnish meats to markets within the town.

Dairies, groceries, blacksmith shops, stables and slaughter houses.

(13) To require any owner or occupant of any dairy, grocery, blacksmith shop, stables or slaughter house to cleanse, repair or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Markets.

(14) To establish markets and market places, and provide for the government and regulation thereof.

Public grounds.

Regulations as to animals.

(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 can not 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 provisions of the ordinance have been complied with.

Observance of Sunday and maintenance of order.

(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 make such appropriation as it may deem necessary for the maintenance of military companies organized in the city according to law. Fire department.

(18) To prohibit the erection, building, placing, removing or repairing of wooden buildings within the fire 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 fire-proof materials; 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 a nuisance 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. Fire limits. Nuisances.

(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. Inspection of construction. Erection of poles.

(20) To authorize one or more officers, agents or employees of the town to enter in and upon all building 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 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. Inspection of buildings and premises.

(21) To require the construction of suitable fire escapes on or in auditoriums, schoolhouses, hotels, lodging houses, factories and other buildings, whether now built or hereafter to be built. Fire escapes.

(22) To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stove pipes, 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. Regulation of construction.

(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. Construction of buildings 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. Definition and abatement of nuisances.

Crematories.

(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.

Sanitation of premises.

Further sanitary regulations.

(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.

Cemeteries.

Vital statistics.

(27) To establish and maintain one or more cemeteries, and to regulate the burying of the dead, the registration of birth and death, 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.

Sewerage.

(28) To establish systems of sewerage and works for sewerage disposal and to extend and build the same beyond the corporate limits when deemed necessary.

Census.

(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 compensation, together with all the expenses of such enumeration, shall be paid in such manner as the board of aldermen may provide.

Commissioner.

Expense of enumeration.

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 trade of electrical wiring, plumbing and gasfitting to pass such examination and possess such qualifications as may seem proper to said board.

Public service companies.

(31) To compel any electric light company, gas company, telephone company, water company, and 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 controry: *Provided*, the revenue from such extension shall equal six per cent per annum on the cost of such extension.

Proviso: revenue from extension.

Punishment for breaches of ordinances.

(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.

Further police regulations.

(33) To provide for the removal of night soil within the town limits; to make reasonable assessments against either tenants, property or property owners, for the purpose of effecting such removal,

and such assessments shall be paid and collected as the regular municipal taxes are paid and collected, and such assessments shall be a lien upon the property of such tenants or property owners: *Provided*, such assessments shall not exceed one dollar and twenty cents per year per house and lot. Proviso: limit of assessment.

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. Limit of penalties. Imprisonment for penalty.

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. Penalties of minors.

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. Officers not to contract with city. Penalty.

OTHER POWERS AND DUTIES OF THE BOARD OF ALDERMEN.

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 diseases, may stop, detain and examine for such purpose every train, conveyance or vehicle coming from places believed to be infected with such disease; may establish and regulate 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 endangers health, to be removed to the hospitals; may remove from 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. Quarantine powers. Hospitals.

Sec. 51. That in the 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 incur that expense. Expense of removals to hospitals.

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 Power to lay out and open new streets.

widen, change, extend or discontinue any street or streets of 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 a reasonable compensation to the owner or owners thereof. In case the owners of the land and the board of aldermen can not 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 novo* for damage against the corporation for the value of the land taken.

Power to condemn land.

Assessment of price.

Right of appeal or suit de novo.

Paving sidewalks.

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 pavements 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, or his agent, or if such nonresident have no agent in Pasquotank County, or if personal service can not 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 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 the 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 assessments 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 of the cost thereof.

Work done by town.

Apportionment of expense.

Assessment of expense.

Lien on property.

Collection.

Reimbursement to owners.

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 requirements by proper fines and penalties; and upon the failure of such owner to do such paving after twenty days notice 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 can not 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 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 manner 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 corporation.

Assessment districts.

Assessment of cost.

Lien on property.

Collections.

Proviso: payment in installments.

Proviso: street crossings.

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 semi-annually: *Provided*, said bonds shall be sold at not less than par, and shall become due and payable thirty 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.

Bonds for street paving.

Denominations.

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.

Approval of paving contracts.

Board of permanent improvement.
Election.

Sec. 57. That a board of permanent improvement of Elizabeth City, consisting of five members, one of whom shall be elected from each ward, be established; the said members shall be elected as other officers, at the regular municipal election in May, one thousand nine hundred and eleven, for aldermen for 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.

Proviso: vacancies.

Proviso: board to serve without compensation.

Pipes and tracks to be laid before street improvement.

Sec. 58. Before the streets are paved and improved the board of aldermen shall compel the water, gas, sewerage and railroad 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.

Tax for interest on bonds.
Rate.

Sec. 59. That the aldermen of the said corporation shall levy a tax annually, not exceeding twenty-five cents upon the one hundred dollars valuation of all real and personal property, to pay the interest of the bonds mentioned in section fifty-six of this act; and also on or before the time when the principal of said bonds shall become due to levy and collect a further special tax for payment of same or to provide for payment thereof.

Tax for payment or bonds.

Wharfage rates.

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 shall be to inspect all firewood brought to the city for sale.

Wood inspectors.

Finance committee.
Duties.

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, clerk, chief of police, tax collector, street commissioner and trial justice of Pasquotank County and make an itemized report in writing of receipts and disbursements to the said board at its regular meeting in June, one thousand nine hundred and eleven, 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 committee. The said committee shall receive such compensation as the board may provide, not to exceed one hundred and fifty dollars.

Reports.

Political affiliation.

Compensation.

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.

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. Salary of aldermen.

VETO POWER OF THE MAYOR.

Sec. 64. Every ordinance or contract which shall have passed the board of aldermen shall, before it becomes a law 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, six-eighths of the board shall agree to pass such ordinance or contract, it shall then become a law and binding upon the board. 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 or binding upon the board. Veto of mayor. Passage of ordinance over veto. Record of vote. If mayor file no objection.

DUTIES AND POWERS OF THE 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 such 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 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 commissioners, with authority to direct them, and all town orders shall be countersigned by him. He shall be paid a salary not exceeding 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 mayor. Communications to aldermen. Reports. Recommendations. Town orders. Salary.

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 duties under the direction of the mayor and Chief of police to serve process. Police duties.

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.

Monthly reports and settlements.

Bond of chief of police.

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.

Compensation.

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.

Harbor master and building inspector.

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.

DUTIES AND POWERS OF THE POLICE.

Duties and powers of 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 crimes, 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 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 unlawfully 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 summons 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 of entry upon premises.

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 summons a posse to aid them, and all persons so summoned shall have like authority to enter and arrest.

Duty of county jailer.

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.

DUTIES OF TREASURER.

Duty of treasurer.

Sec. 73. It shall be the duty of the treasurer of the corporation of Elizabeth City to 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 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 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 by the law and ordinances of said board of aldermen; the treasurer 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 said board. For his services he shall be paid a sum in the amount of three hundred dollars per annum. 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.

Accounts.

Bond of treasurer.

Salary.

Reports.

Penalty for failure to report.

DUTIES OF THE TOWN ATTORNEY.

Duty of 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.

Salary.

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 THE STREET COMMISSIONER.

Power and duty of street commissioner.

Sec. 75. The street commissioner shall be vested with the power 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 the power and it shall be his duty to tear down and remove any building or part thereof or awning or other obstruction to sidewalks ordered to be torn down and removed by the board; he shall have at his disposal all labor due the town and shall be furnished with 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.

Supervision of fire department.

Reports 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 in an unsafe or dangerous condition; he shall be present at each fire and have control of the fire department, if he may 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 houses to be pulled down or blow 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.

Presence, duty and power at fires.

Substitutes.

Fire apparatus.

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

Inspection of hydrants.

he shall perform any additional duties imposed upon him by the board of aldermen or the laws of the State.

Salary.

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.

Duty 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 not exceed three hundred dollars per annum in full for all services rendered.

Salary.

DUTIES OF THE HARBOR MASTER.

Duty and power 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 the 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.

Duty of building inspectors.

Sec. 81. 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 AND POWERS OF THE TOWN CLERK.

Duties and powers of town clerk.

Sec. 82. It shall be the duty of the town clerk to attend all meetings of the board of aldermen and keep the minutes of the proceedings of the board of aldermen and preserve all books, papers, bonds, reports and bills which may be presented to the board, together with all other articles committed to his care during his continuance in office and deliver them to his successor. He shall serve as tax lister for the corporation and shall make out the tax book from the abstract and make out the stubs in the tax collection book and turn the same over to the board of aldermen not later than the regular meeting in September of each year. And for the faithful performance of the duties as such clerk he shall give a bond in the sum of one thousand dollars, to be approved by the board of aldermen.

Tax lister.

Bond.

Orders and stub books.

He shall keep the order book stub and when the order is issued he shall not deliver the same to the payee until it is countersigned by the mayor, and he shall faithfully perform all other duties that may be imposed upon him from time to time by the board of aldermen.

Salary.

For such service he shall receive the sum of three hundred dollars per annum.

TAXES.

Taxing power.

Sec. 83. The board of aldermen shall have the power to annually impose, levy and collect upon all real and personal estate within the corporate limits of the town: (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. (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 (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.

General municipal tax.

Tax for fire department.

Taxes for other purposes.

Proviso: no poll tax.

STREET LABOR TAX.

Street tax.

Sec. 84. 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.

Misdemeanor.

Punishment.

FIRE LIMITS OF THE TOWN OF ELIZABETH CITY.

Boundaries of fire limits.

Sec. 85. The fire limits of the town of Elizabeth City shall be as follows: Beginning at the mouth of Poindexter Creek at Pasquotank River and running westwardly up the said creek to Water street; thence northwardly along the east side of Water street to Pearl street; thence westwardly down the north side of Pearl street to a point one hundred and fifty feet west of Poindexter street; thence in a southwardly direction to the junction of the north and south branches of Poindexter Creek; thence down the south branch of Poindexter Creek to Martin street; thence southwardly down the west side of Martin street to Fearing street; thence eastwardly down the south side of Poindexter street to Tiber Creek; thence eastwardly down the said Tiber Creek to Pasquotank River; thence northwardly down the various courses of said Pasquotank River to the place of beginning.

MACHINERY FOR THE COLLECTION OF TAXES.

Notice for listing taxes.

Sec. 86. The 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 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 him a list of all their taxable property in the corporation of Elizabeth City; said list shall state 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 said clerk shall be sworn to before him in like manner as other tax lists are sworn to.

Tax lists.

Lists to be sworn.

Tax books.

Sec. 87. And from the returns so made the said clerk 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 clerk 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.

Inquiry for delinquents.

Sec. 88. That the said clerk shall, within the time hereinbefore recited from the returns of the tax lists, make, to the best of his knowledge and belief, by comparing his books 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.

Forfeit for failure to list.

Revision of tax list.

Failure to list taxes a misdemeanor.

Sec. 89. That all persons that 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 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 same manner as other fines of the town are collected; and it shall be the duty of the tax

Punishment.

Tax collectors to prosecute.

collector of said corporation to prosecute offenders against this section.

Levy of tax.

Sec. 90. That as soon as the clerk 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 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.

Collection of tax.

Powers of tax collector.

Statements to town treasurer.

Penalty for non-payment.

Duties of tax collector.

Sec. 91. That 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 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 time he shall be fined for each failure the sum of ten dollars. He shall give bond, payable to the corporation of Elizabeth City, with surety, as hereinbefore provided, to be approved by the board, in the sum fixed by them. His compensation shall be four per cent on the amount collected 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 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 as much as may be allowed.

Monthly settlements.

Bond.

Compensation.

List of delinquents.

Collection by distress.

Sec. 92. 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 personalty and of thirty days if the property be realty.

Levy on personal property.

Sec. 93. 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. 94. 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.

Division of land.

Sec. 95. 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 can not 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.

Return of proceedings.

Sec. 96. 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.

Time for redemption.

Sec. 97. 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.

Deed to purchaser.

Sec. 98. 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. 99. 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 Revisal of one thousand nine hundred and five.

LICENSE TAXES.

License tax.

Sec. 100. The board of aldermen may levy a tax equal to the State tax upon all subjects taxed by the General Assembly for public purposes and in additional 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:

Organ grinders.

(1) On all organ grinders, a tax not to exceed ten dollars per annum.

Bill posters.

(2) On any person, firm or corporation who posts bills, circulars, cards, advertising, printed or written matter of any kind, or who 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 will not apply to residents of this city advertising their own merchandise, wares, etc., for their own benefit).

Peddlers.

(3) On all agents selling pictures, maps, books or other merchandise from house to house or from person to person, a tax not to exceed twenty-five dollars per annum.

Opticians, oculists and medical specialists.

(4) On all itinerant opticians, oculists or medical specialists, a tax not to exceed fifty dollars per annum.

Traveling dentists.

(5) On all traveling specialists who follow the business of extracting teeth, a tax not to exceed twenty-five dollars per annum.

Express companies.

(6) On all express companies, a tax not to exceed one hundred dollars per annum.

Dealers in fireworks.

(7) On all dealers or venders of fireworks of any kind, a tax not to exceed twenty-five dollars per annum.

Dealers in futures.

(8) On every broker, board of trade or exchange dealing in cotton or grain futures, flour, coffee or meat, futures, or futures or any other commodity of value, a tax not to exceed one hundred dollars per annum.

Horse auctions.

(9) On all public auction of horses, a tax not to exceed ten dollars per day.

Bootblacks.

(10) On all bootblacks, a tax not to exceed one dollar per annum.

Auctioneer.

(11) On each auctioneer, a tax not to exceed ten dollars per 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.

Carriages and hacks.

(12) On every two-horse carriage or hack running to the depot or elsewhere for reward, a tax not to exceed ten dollars per annum.

Carriages or 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.

(14) On each one-horse public dray, cart or wagon, a tax not to exceed ten dollars per annum. Drays.

(15) On each two-horse public dray, cart or wagon, a tax not to exceed twenty dollars per annum. Drays.

(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. Light companies.

(17) On each dealer in fish or oysters, a tax not to exceed ten dollars per annum. Fish and oyster dealers.

(18) On each gas company, a tax not to exceed two hundred dollars per annum. Gas companies.

(19) On each gasfitter and plumber, a tax not to exceed fifty dollars per annum. Gasfitters and plumbers.

(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. Gift enterprises.

(21) On show houses where prizes are offered as an inducement to purchase tickets, a tax not to exceed twenty-five dollars on each exhibition. Prize shows.

(22) On all dealers in hides, furs or bones, a tax not to exceed twenty dollars per annum. Junk dealers.

(23) On all ice cream dealers, a tax not to exceed five dollars per annum. Ice cream dealers.

(24) On every job printing office a tax not to exceed five dollars per annum. Job printing offices.

(25) On every itinerant who deals in or puts up lightning rods, a tax not to exceed ten dollars per month or for less time. Lightning rod dealers.

(26) On every itinerant who deals in renovating feathers, a tax not to exceed ten dollars per month or for less time. Feather renovators.

(27) On each fruit stand to sell lemonade, ice cream, watermelons, fruits or sandwiches on public occasions, a tax not to exceed ten dollars for the first day and one dollar for each day thereafter. Fruit and sandwich stands.

(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. Loan offices.

(29) On every agent for the selling of kerosene or other oils, a tax not to exceed two hundred dollars per annum. Oil agents.

(30) On lubricating oil agents, an annual tax of not to exceed fifty dollars per annum. Agents for lubricating oils.

(31) On every omnibus carrying passengers for hire, a tax not to exceed ten dollars per annum. Omnibus.

(32) On every exhibitor of photographs, kinetographs, moving pictures or other like exhibitions, a tax not to exceed five dollars per week. Picture shows.

Photographers. (33) On every taker of likenesses by whatever art, a tax not to exceed ten dollars per annum.

Civil engineers surveyors, real estate agents. (34) On every civil engineer or surveyor, real estate agent or broker, a tax not to exceed fifteen dollars per annum.

Itinerant dealers in drugs and medicines. (35) On every itinerant vendor or specific or itinerants making prescriptions, or applications, administering medicine, or drugs, for diseases, a tax not to exceed fifty dollars per week.

Soda water. (36) On all manufacturers of soda water, or bottlers, a tax not to exceed fifteen dollars per annum.

Soda fountains. (37) On every soda and mineral water fountain, a tax not to exceed five dollars per annum.

Undertakers. (38) On all undertakers, a tax not to exceed twenty-five dollars per annum.

Veterinary surgeons. (39) On all veterinary surgeons, a tax not to exceed five dollars per annum.

Trading stamps. (40) On every person, firm or corporation who sells or issues to 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.

Billiard, pool and bagatelle tables. (41) On every billiard, pool or bagatelle table, a tax not to exceed fifty dollars per annum.

Bowling alleys. (42) On all ten pin alleys or bowling alleys, a tax not to exceed fifty dollars per annum.

Animal shows. (43) On every exhibition of animals for reward, a tax not to exceed twenty-five dollars per annum.

Peddlers. (44) On all peddlers of patent soap, medicine, ink, varnish or 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.

Lecturers. (45) On all lecturers for a reward, unless the reward be wholly devoted to some literary or charitable purpose, a tax not to exceed five dollars per lecture.

Wax works and curiosities. (46) On all museums or wax works, or curiosities of any kind, exhibitions for a reward, a tax not to exceed five dollars per annum.

Traveling doctors. (47) On every itinerant physician, dentist, chiropodist, a tax not to exceed ten dollars per annum.

Theaters and opera houses. (48) On each room or hall used as a theater or opera house where public exhibitions or performances are given for profit, a tax not to exceed one hundred and fifty dollars per annum.

Theatrical companies. (49) On every traveling theatrical company giving exhibitions 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.

Circus. (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 or part of a day, a tax not to exceed three hundred dollars.

(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 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. Circus.

(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. Circus.

(53) Circuses charging not to exceed twenty-five cents admission, including reserved seats, a tax not to exceed twenty-five dollars for each day or part of a day. Circus.

(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. Side shows.

(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. Other shows.

(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. Rent agents.

(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. Coal dealers.

(58) For every person, firm or corporation collecting accounts, notes, bills, or money for one person in favor of another as a regular organized collecting agency, a tax not to exceed twenty-five dollars per annum. Collecting agencies.

(59) On every person, firm or corporation engaged in the business of buying and selling, or repairing bicycles or buying or selling bicycles or fixtures, whether such business is conducted with some other business or not, a tax not to exceed ten dollars per annum. Bicycle dealers or repairers.

(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. Ship brokers.

(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. Livery stables.

(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.

Merchandise brokers.

(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.

Sewing machine agents.

(64) On every 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.

Definition of peddlers.

(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 barters or sells the same, shall be deemed to be a peddler

Tax on peddlers.

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 on 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.

Gypsies and fortune tellers.

(66) On every company of gypsies, or strolling bands or 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.

Hotels.

(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.

Slot machines.

(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.

Picture 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.

Merry-go-round and like amusements.

(71) On every merry-go-round, hobby horse, 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.

Dealers in weapons.

(72) On each merchant, storekeeper or dealer who shall keep in stock, sell or offer for sale, any pistol, metallic pistol, cartridge, bowie-knives, dirk, dagger, sling-shot, loaded cane, or brass, iron or metallic knuckles, a tax not to exceed ten dollars per annum.

(73) On any person, firm or corporation selling pianos or organs, a tax not to exceed twenty-five dollars per annum. Dealers in pianos and organs.

(74) On every dealer or merchant selling cigarettes, a tax not to exceed five dollars per annum. Dealers in cigarettes.

(75) On every telegraph company, a tax not to exceed twenty-five dollars per annum. Telegraph companies.

(76) On every telephone company, a license tax not to exceed one dollar for each phone in use per annum. Telephone companies.

(77) On all pawnbrokers, a license not to exceed fifteen dollars per annum. Pawn brokers.

(78) On each Chinese or steam laundry, a license tax not to exceed ten dollars per annum. Laundries.

(79) On any agent for any out-of-town laundry, a tax not to exceed twenty-five dollars per annum. Laundry agents.

(80) On each skating rink, a tax not to exceed ten dollars per annum. Skating rinks.

(81) On each butcher, a tax not to exceed one hundred dollars per annum. Butchers.

(82) On each water company, a tax not to exceed two hundred dollars per annum. Water companies.

(83) On each sewerage company, a tax not to exceed fifty dollars per annum. Sewerage companies.

(84) On each male dog, a tax not to exceed one dollar per annum. Dog tax.

(85) On each female dog, a tax not to exceed five dollars per annum. Tax on female dogs.

(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. Train porters.

(87) On each street railway company, a tax not to exceed two hundred dollars per annum. Street railways.

(88) On each dealer in fresh meats, a tax not to exceed one hundred dollars per annum. Dealers in fresh meats.

(89) On each restaurant or eating saloon, a tax not to exceed twenty-five dollars per annum. Restaurants.

(90) On each electrician, a tax not to exceed twenty-five dollars per annum. Electrician.

(91) On each plumber and pipefitter, a tax not to exceed twenty-five dollars per annum. Plumbers and pipefitters.

(92) On every pressing club, or other place for the cleaning or dyeing of clothes, a tax not to exceed ten dollars per annum. Pressing clubs.

(93) On every stallion or jack serving mares within the corporate limits, a tax not to exceed twenty-five dollars per annum. Stallions and 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 laws of the State unless specifically exempted from municipal taxation, such tax as the board of aldermen may see fit, not to exceed that levied by the State. Other subjects.

Dairies.

Proviso: three or more cows to constitute dairy.

(96) On all dairies selling milk in the town, a tax not to exceed ten dollars per annum: *Provided*, that all persons owning three or more cows and selling milk in the town shall be construed a dairy for the purpose of this section.

License not transferable.

Sec. 101. No license tax enumerated in section one hundred of this act when issued shall be transferable.

License tax not returnable.

Sec. 102. No license tax enumerated in section one hundred of this act when issued and levied shall for any cause be refunded to the payer of that license tax.

License beyond corporate limits.

Sec. 103. The board of aldermen shall have the power to levy any and all of the above mentioned license taxes from any person, firm or corporation carying on any of the trades, professions, etc., set out in the preceding section, within one mile of the corporate limits of the said town.

Collection of license tax.

Sec. 104. 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 suits, or the articles upon which the tax is imposed on any property of the owner, may be forthwith distrained and sold to satisfy the same as provided in this charter for the collection of other taxes by distress or such other penalty enforced as provided for by the city ordinances.

Sec. 105. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 106. That this act shall be in effect from and after its ratification.

Ratified this the 24th day of February, 1911.

CHAPTER 121.

AN ACT TO INCORPORATE THE SOCIAL AID SOCIETY OF SILER CITY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That D. C. Roberts, W. R. McMasters, C. W. Smith, G. W. Smith, R. F. Campbell, J. D. McKeithen, Tom Murry, H. A. Needham, E. W. Smith, W. M. Sumpter, Clyde Lowe, J. W. Sizemore, E. D. Sizemore, A. C. Smith, L. L. Smith, Ortney Campbell, J. C. Johnson, John Culberson, N. H. Hunt, Geo. W. Stout, T. C. Johnson, Jim Roberts, Charlie Langley, J. C. Gregson, W. T. Smith, G. F. Phillips, A. P. Smith, W. R. Kivett, T. J. Henry, A. A. Lambe, Bud Culberson, E. M. Smith, all citizens and residents of Siler City, Chatham County, North Carolina, their associates and successors, are hereby created and made a body politic and corporate

Corporate name.

by the name of "The Social Aid Society of Siler City," and under that name and style shall sue and be sued, implead and be im-

pleaded in any court or elsewhere; to have a common seal, which may be altered at their pleasure; to elect officers, and to make, pass, accept, establish, adopt, alter and amend from time to time and put into execution any and all such by-laws, rules, conditions and regulations as may be necessary to organize, conduct, maintain and carry on the affairs of the society, and generally do and perform all such matters and things as may be necessary, and shall not be inconsistent with the constitution and laws of the State of North Carolina, or the constitution and laws of the United States. Corporate powers.

Sec. 2. The objects and purposes of the society shall be the promotion and cultivation of its members socially, morally and intellectually, and to extend material aid and benefit to those who may become dependent members of the society, and to aid the sick and the poor, and to bury the destitute and indigent dead: *Provided, however*, that no intoxicating liquors of any kind or description shall be allowed to be kept in the building, or on the premises of any building in which the meetings of the society shall be held, nor shall any member be allowed to bring into said building any intoxicating liquors with the purpose and intention of depositing it therein for future use. Objects and purposes. Proviso: intoxicating liquors not allowed on premises.

Sec. 3. That said corporation may, by purchase, devise, gift, bequest, or any other lawful way, take, acquire, hold and own such real estate and personal property and such other property of all kinds as may be deemed by its members necessary, useful and expedient or in any way conducive to the promotion of the principles, purposes or objects for which the society is incorporated, and to the comfort, pleasure, happiness or convenience of its members, and may sell, transfer, mortgage, pledge or convey the same or any part thereof, at pleasure. Power to hold property.

Sec. 4. That the members of this corporation shall not be individually liable for any of its debts, obligations or liabilities of any kind or nature. Liability of members.

Sec. 5. That this corporation shall have power to borrow money and mortgage or pledge its property, or any part thereof, to secure the payment thereof, upon such terms as may seem to it just, advantageous or expedient. Power to borrow money.

Sec. 6. That this act shall be in force and effect from and after the date of its ratification.

Ratified this the 25th day of February, 1911.

CHAPTER 122.

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

The General Assembly of North Carolina do enact:

Section 1. That the town of "North Lumberton," Robeson County, be and the same is hereby incorporated under the name and style of Town incorporated.

Corporate name. Corporate powers. the "Town of North Lumberton," and as such shall be subject to and governed by all the provisions of chapter seventy-three of The Revisal of nineteen hundred and five (1905), entitled "Towns," together with all subsequent acts amendatory thereof, except as hereinafter otherwise provided.

Corporate limits. Sec. 2. That the corporate limits of the town of North Lumberton shall include the lands of the Jennings Cotton Mills, Incorporated, in Lumberton Township, Robeson County, State of North Carolina, bounded and described as follows:

First tract. *First tract.* Beginning at a stake in the center of the Carthage road, where the line of the lands of Mrs. S. B. Rowland and the Beaufort County Lumber Company cross said Carthage road, and runs thence with that road south sixty-five and one-half (65½) east ten and twenty-five one-hundredths (10.25) chains to a stake in center of the road; thence north twenty-two and three-fourths (22¾) east parallel with the northern line of the said Mrs. S. B. Rowland's land sixty-five and one one-hundredths (65.01) chains to a stake by one (1) short leaf and two (2) long leaf pines in the eastern line of said land; thence with that eastern line north forty-six and one-fourth (46¼) west ten and eighty-five one-hundredths (10.85) chains to a short leaf pine by several pines, the northeastern corner of the said Mrs. S. B. Rowland's land; thence with its next line south twenty-two and three-fourths (22¾) west sixty-eight and sixty one-hundredths (68.60) chains to the beginning, containing sixty-eight and forty-seven one-hundredths (68.47) acres, being that part of the home place of Mrs. S. B. Rowland lying and being located north of the Carthage road.

Second tract. *Second tract.* Beginning at a stake in the center of the Carthage road, the northwestern corner of a tract of land conveyed by Mrs. Susan B. Rowland to Irvin Jenkins, and runs thence down the Carthage road south sixty-five (65) degrees thirty (30) east six hundred and seventy-six and five-tenths (676 5-10) feet to a stake in the Carthage road, the southwestern corner of the said Jenkins tract; thence north twenty-two (22) degrees forty-five (45) minutes east four thousand two hundred and ninety and sixty-six one-hundredths (4,290 66-100) feet to a stake, the southeastern corner of the said Jenkins tract; thence south forty-six (46) degrees fifteen (15) minutes east four hundred and eighty-two and six one-hundredths (482 6-100) feet to a stake; thence south twenty-two (22) degrees forty-five (45) minutes west five thousand six hundred and two and ninety one-hundredths (5,602 90-100) feet to a stake on the bank of the Lumber River, and at the edge of Lumber River; thence the various courses of Lumber River, up said Lumber River, until a line running north twenty-two (22) degrees and forty-five (45) minutes east will direct to the beginning; thence north twenty-two (22) degrees and forty-five (45) minutes eight hundred and ninety-five (895) feet to the beginning, adjoining the lands formerly

conveyed by Mrs. Susan B. Rowland to Irvin Jenkins, the said lands lying on both sides of the Carthage road, containing seventy-nine and seventy-one one-hundredths (79 71-100) acres.

Town officers.

Sec. 3. That the officers of the said town shall consist of a mayor and three commissioners, and one or more constables, and a town clerk and treasurer, all to be elected and appointed as hereinafter provided.

Election of mayor and commissioners.

Sec. 4. That the mayor and commissioners of the said town shall be elected on the first Monday in May, one thousand nine hundred and twelve, and on said day biennially thereafter, in the same manner and under the same rules and regulations as are now prescribed by the laws of North Carolina for municipal elections; and the said mayor and commissioners shall at their first meeting, after their qualification, elect one or more constables, a town clerk and treasurer, and such other officers of the said town as may be necessary.

Election of other officers.

Terms of office.

The mayor and commissioners shall hold their offices for the term of two (2) years, or until their successors are elected and qualified. The town clerk and treasurer, and all other officers, shall serve at the pleasure of the mayor and board of commissioners, and shall be subject to removal at any time by a majority vote of the said board; that until their successors have been duly elected and qualified, as prescribed in this act, the following named persons shall fill said offices, to wit: Mayor, J. D. Bacon: commissioners, W. F. Alexander, Wm. Barnes and D. C. Vanhoy. Any vacancies either in the office of mayor or commissioners shall be filled by the remaining members of the board, until the next regular election: *Provided, however*, that if the said mayor and commissioners should fail within ten (10) days to fill any vacancies, the same shall be filled by appointment of the clerk of the superior court of Robeson County, to hold until the next general election. The said mayor and commissioners herein appointed shall have power to elect one or more constables and a town clerk and treasurer, to hold their offices at the pleasure of the mayor and board of commissioners, and until their successors are elected and qualified, as herein provided.

First mayor and commissioners named.

Vacancies.

Proviso: vacancies filled on failure of mayor and commissioners.

Powers of mayor and commissioners.

Sec. 5. That the mayor and commissioners of the said town shall have power to pass ordinances, rules and regulations for the government of the said town, not inconsistent with the laws of the State of North Carolina, and of the United States.

Appointees to qualify.

Sec. 6. That it shall be the duty of the persons elected or appointed under the terms of this act to take the oaths prescribed by law for similar officers of towns and cities under the laws of North Carolina, and to enter upon the discharge of their duties within twenty (20) days after their election.

Limit of taxes.

Sec. 7. That the taxes levied by the said town shall never exceed the sum of ten (10) cents upon the one hundred dollars ($100) valuation of real and personal property, and thirty (30) cents on each taxable poll.

Commitment of prisoners.

Sec. 8. That the sheriff or jailer of the county of Robeson and the town constable of the town of Lumberton are hereby authorized and required to receive into the common jail of Robeson County, or into the town prison or guard-house of the town of Lumberton any person duly committed to such jail or guard house by the mayor of the town of North Lumberton, for the violation of any ordinances of the town of North Lumberton, and to keep such person in said jail or guard-house until discharged according to law, and for such services the sheriff, or jailer or town constable shall be entitled to

Fees.

such fees as he is entitled to in other like cases, to be paid by the order of the mayor of the town of North Lumberton, or by such persons as may be thus confined, as part of the costs.

Jurisdiction of mayor.

Sec. 9. That the mayor of the said town of North Lumberton shall have like jurisdiction, and be subject to the same rules and regulations as the mayors of other cities and towns in the State of North Carolina for all offenses committed within the corporate limits of the said town of North Lumberton.

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

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

Ratified this the 25th day of February, 1911.

CHAPTER 123.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE, RELATING TO THE CHARTER OF THE TOWN OF ROSEBORO IN THE COUNTY OF SAMPSON.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That section two of said act be stricken out and the following be inserted in lieu thereof: "Beginning at a stake in the center of the Atlantic Coast Line Railroad one-half mile south of the center of Roseboro Creek where it crosses said railroad, running north seventy-four east one-half mile to a stake; thence north sixteen west one mile to a stake; thence south seventy-four west one mile to a stake; thence south sixteen east one mile to a stake; thence north seventy-four east one-half mile to the beginning."

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

Ratified this the 25th day of February, 1911.

CHAPTER 124.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HAZELWOOD, HAYWOOD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section two of the charter of the town of Hazelwood, Haywood County, be and the same is hereby amended by striking out all of said section after the word "mill dam" at the end of line eleven of said section down to and including the word "creek" near the middle of line twenty-two of said section and inserting in lieu thereof the following: "thence down the east bank of the said creek to a stake on the east bank thereof at a point in the line where the present corporate limits of said town of Hazelwood leaves said creek and turns back toward Southern Railway, being the extreme lower end of said corporate limit of said town of Hazelwood on and down said creek toward Haywood White Sulphur Springs Hotel." Corporate limits.

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

Ratified this the 25th day of February, 1911.

CHAPTER 125.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THE BOUNDARY LINES OF THE AURORA GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter two hundred and thirty-five of the Private Laws of one thousand nine hundred and seven, relating to the boundary line for the Aurora graded school district, be amended to read as follows:

Beginning at the mouth of Broom Field Run on South Creek, and running up said run with its ravine courses to W. R. Swain's east line, and then northwardly to Swain's northeast corner, and westwardly with Swain's and L. M. Broom's north line to the line of the Farmer's Academy special tax district; thence about north with the line of said special tax district to the Edwards' special tax district; thence with the line of the Edwards' special tax district to the Tuten canal, and with said canal to Whitehurst Creek; thence down Whitehurst Creek to South Creek, and up South Creek to the Boundary line.

beginning. The above described territory shall constitute and be known as the Aurora graded school district.

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

Ratified this the 25th day of February, 1911.

CHAPTER 126.

AN ACT TO INCORPORATE WOMBLE'S CHAPEL, A. M. E. ZION CHURCH AT PEE DEE, ANSON COUNTY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Tye Robinson, F. B. Robinson, C. J. Barrett, W. H. Robinson and Frank Spencer, trustees of Womble's Chapel, A. M. E. Zion church, in the county of Anson, Lilesville Township, at Pee Dee station, and their successors as such trustees, shall be and are hereby declared a body politic incorporate in deed and in law by the name and style of "Trustees of Womble's Chapel, A. M. E. Zion Church," and said corporation shall have power to purchase and hold real and personal estate, and to acquire the same by gift and such other manner as may be allowed by law; shall have perpetual succession, and may sue and be sued, plead and be impleaded in any courts of this State or the United States, having competent jurisdiction; such corporation to extend for two miles each way from said church.

Corporate name.

Corporate powers.

Vacancies in trustees.

Sec. 2. That in case of death or removal, resignation, refusal to act, or from any other cause, there shall become a vacancy in the board of trustees of said church, the remaining trustees shall have power to fill the same or other body of the church may fill the same as may be determined by the properly constituted authorities of the said church.

Prohibition.

Sec. 3. That it shall be unlawful for any person to give away, or in any manner dispose of for gain or otherwise, near beer, cider or spirituous, vinous or malt liquors within the corporate limits of the said church, and any person or persons, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall for each offense be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor.

Punishment.

Drunkeness forbidden.

Sec. 4. That it shall be unlawful for any person to exhibit himself drunk at or within the said corporate limits, and any one violating this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall for each offense be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor.

Punishment.

Sec. 5. That all laws or clauses 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 25th day of February, 1911.

CHAPTER 127.

AN ACT TO INCORPORATE THE HENDERSONVILLE HOSPITAL ASSOCIATION.

Preamble. Whereas, Mesdames E. G. Wilson, J. H. Jordan, J. F. Brooks, C. S. Fulbright, F. S. Thomas, R. M. Ivins, B. W. Carter, J. R. Hill, S. Y. Bryan, E. C. Ingram, and Misses Ella McClain, Susan B. Farmer and Annie L. Smith have heretofore, in conjunction with others, joined together in an effort to build and operate a hospital for the town of Hendersonville, North Carolina, under the name of the Hendersonville Hospital Association, and as such have acquired the right to certain real estate and personal property; and, whereas, it has become wise that the said parties should be incorporated in order to effectuate the good which they have in mind:

The General Assembly of North Carolina do enact:

Corporators. Corporate name. Corporate powers. Section 1. That Mesdames E. G. Wilson, J. H. Jordan, J. F. Brooks, C. S. Fullbright, F. S. Thomas, R. M. Ivins, B. W. Carter, J. R. Hill, S. Y. Bryson, W. C. Ingram, and Misses Ella McClain, Susan B. Farmer and Annie L. Smith, under the corporate name and style of Hendersonville Hospital Association, are hereby declared and constituted a body politic and corporate, and by that name and style shall have perpetual succession and a common seal, the right to contract and be contracted with, sue and be sued, plead and be impleaded in any and all of the courts of this State, and the power to pass and make such by-laws and regulations not inconsistent with the general laws of the State and of the United States as may be necessary to accomplish and fully carry out the objects and purposes of said corporation, and may have all such rights, powers, privileges and immunities for ninety-nine years as are incident to such corporation.

Charge and management of business. Successors and associates. Sec. 2. That said incorporators, and such persons as they may from time to time associate with them, shall have the sole charge and management of the business of said corporation under such by-laws and regulations as they may adopt, and in the event of the death or resignation of any of their number, they shall have the right to appoint a successor or successors under such by-laws and regulations, and may from time to time associate with them other

persons, who, when properly associated, shall have and be invested with all of the rights, privileges and powers that are granted to the said incorporators by the provisions of this act, and the by-laws of the corporation.

Object and purposes.

Sec. 3. That the object and purposes of said corporation shall be the purchase, erection and maintenance of one or more hospitals in or near the town of Hendersonville, North Carolina, for the care and treatment of the sick and afflicted, particularly the unfortunate and destitute.

Power to acquire and manage property.

Sec. 4. That said corporation shall have the right and power to purchase, lease, take and receive by purchase, gift or devise in fee simple all manner of lands, tenements, rents, annuities, and other hereditaments, and to sell, convey, lease and sublet the same, and shall have the right and be capable in law to take, receive and possess all money, books, goods and chattels which may be sold, given or bequeathed to or for the use of the said corporation, and sell and dispose of the same, and all the property, real, personal and mixed, so obtained and held, and the proceeds thereof when sold or disposed of, shall be held by said corporation in special trust for the objects and purposes for which said corporation is organized.

Property held for uses and purposes declared.

Sec. 5. That all property, real, personal and mixed, which has heretofore been conveyed, given, devised or bequeathed to the Hendersonville Hospital Association, shall be held by said corporation under the provisions of this act in special trust for the uses, objects and purposes for which said corporation is organized, as declared in this act.

Power to borrow and loan money.

Sec. 6. That the said corporation shall have the power to borrow money and secure the payment of the same by mortgage or deed in trust upon its said property, and to loan any money which it may hold for the use and purposes of said corporation for such length of time and upon such securities as may be allowed or authorized by the by-laws and regulations which may hereafter be adopted by said corporation.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 25th day of February, 1911.

CHAPTER 128.

AN ACT TO AMEND THE CHARTER OF THE NATIONAL RELIGIOUS TRAINING SCHOOL AND CHAUTAUQUA FOR THE COLORED RACE, INCORPORATED.

Preamble.

Whereas, the National Religious Training School and Chautauqua for the Colored Race was incorporated under the general laws of this State on June thirtieth, one thousand nine hundred and nine,

and now desires its charter then granted to be amended as herein set out; now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That in addition to the powers conferred upon the National Religious Training School and Chautauqua for the Colored Race, incorporated under the general laws of this State on June thirtieth, one thousand nine hundred and nine, by its charter then granted, the said corporation is authorized and empowered to issue certificates of distinction and confer degrees of honor upon those who have completed satisfactorily the courses prescribed by the board of trustees prescribed in said charter, and upon such other persons distinguished for their work in literature, science or art, as may be from time to time selected and approved by said board of trustees. Certificates of distinction and degrees of honor.

Sec. 2. That the said corporation is further authorized to borrow such sums of money and issue its notes or bonds to evidence the same as may be necessary for the carrying on its work, but only with the written consent and approval of the advisory board and the executive committee created under the provisions of its charter; and the notes or bonds so issued shall be executed by such officers as may be appointed and authorized. Power to borrow money.

Sec. 3. That the period of the existence of the corporation shall be unlimited. Term of existence.

Sec. 4. The board of trustees, or upon their failure to do so, the executive committee shall prescribe the courses of study and instruction and the methods for training those attending the schools and colleges established and maintained by said corporation. Courses of study and methods of training.

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

Ratified this the 25th day of February, 1911.

CHAPTER 129.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and sixty-seven of the Private Laws of one thousand nine hundred and nine, entitled "An act to incorporate the town of Icemorlee in Union County," ratified on the twenty-sixth day of February, one thousand nine hundred and nine, be and the same is amended by striking out the word "Icemorlee" wherever it occurs in the first section of said act and by inserting in place thereof the words "West Monroe." Name changed.

Corporate limits.

Sec. 2. That section two of said act be repealed and there shall be substituted therefor the following:

"Sec. 2. That the corporate limits of said town shall be as follows: Beginning at an iron stake on the south side of the Carolina Central Railroad forty-two feet from the center of the track on a line bearing from the center of the track north 82 degrees west; thence from the said iron stake north 82 degrees west 23 chains to an iron stake; thence north 73½ degrees west 23.77 chains to an iron stake; thence north 18¾ degrees east 28.25 chains to the center of the Carolina Central Railroad track; thence with the center of said railroad track to the beginning."

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

Ratified this the 25th day of February, 1911.

CHAPTER 130.

AN ACT TO AMEND THE CHARTER OF THE WINGATE SCHOOL IN UNION COUNTY.

Preamble.

Whereas, the Wingate School was incorporated in one thousand eight hundred and ninety-seven, as will appear upon reference to chapter thirty-one, Private Laws of one thousand eight hundred and ninety-seven, for the purposes of conducting a high school under the auspices of the Union County white Baptist Association; and, whereas, said school was established and, up to this time, has been conducted by the Union County white Baptist Association; and, whereas, said association now desires that all neighboring associations of like faith and order unite with them in the conduct and management of said school under the same provisions, rights and privileges as have heretofore been conferred upon the Union White Baptist Association, together with the right of said association to a representation on the board of trustees; now, therefore,

The General Assembly of North Carolina do enact:

Co-operation of neighboring associations.

Section 1. That the Union County White Baptist Association be and it is hereby authorized and fully empowered to allow other neighboring white Baptist Associations of like faith and order, unite with and co-operate with them in the conduct and management of a high school at Wingate, North Carolina, under the same provisions, rights and privileges as are now granted to the Union White Baptist Association.

Board of trustees.

Sec. 2. That each association that unites with the Union Association for the purposes aforesaid shall be entitled to three members of the board of trustees to be elected and hold office for such a term

as said association may designate at the time of the election of said trustees, not exceeding six years.

Sec. 3. That the Union Baptist Association at its annual session in October of each year may decrease its number of trustees as it may see fit: *Provided*, said association shall always have not less than six members of said board of trustees. Numbers of trustees.

Sec. 4. That all the rights, privileges, immunities and powers heretofore conferred on the Union White Baptist Association in chapter thirty-one, Private Laws of one thousand eight hundred and ninety-seven, are hereby jointly conferred upon the Union, Anson and Pee Dee Baptist Associations, and such other associations as may hereafter unite with them for the purposes aforesaid. Joint rights, privileges and immunities conferred.

Sec. 5. That A. D. Griffin, S. J. Turner and R. L. Hardison are hereby declared members of the board of trustees of the Wingate School from the Anson Association to hold office for such a term of years as designated by said association, not exceeding six years. Trustees from Anson Association.

Sec. 6. That D. A. Liles, H. C. Dockery and Archibald McNeal are hereby declared members of the board of trustees of the Wingate School from the Pee Dee Association, to hold office for such a term of years as designated by said association, not exceeding six years. Trustees from Pee Dee Association.

Sec. 7. That I. A. Clontz, W. M. Perry, J. L. Bennett, A. C. Davis, T. E. Williams, John C. Sikes, E. C. Williams, B. F. Parker, J. A. Bivens, J. W. Bivens, J. B. Mangum, J. F. Moore, F. M. Sutton, W. P. Griffin and J. E. Sustar are hereby declared members of the board of trustees of the Wingate School from the Union Association, to hold office for such a term of years as designated by said association at the time of their respective elections, not exceeding six years. Trustees from Union Association.

Sec. 8. That Private Laws of one thousand eight hundred and ninety-seven, chapter thirty-one, be amended wherein it conflicts with this chapter, otherwise it is still in full force and effect. Law amended.

Sec. 9. That his act shall be in force from and after its ratification.

Ratified this the 25th day of February, 1911.

CHAPTER 131.

AN ACT TO APPOINT THREE TRUSTEES TO LOOK AFTER PUBLIC LOT AT LAKE WACCAMAW, IN TOWN OF FLEMINGTON, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Clyde Council, F. B. Gault, J. D. Maultsby, are thereby appointed trustees to take possession of and look after and protect the public square given by Josiah Maultsby to the citizens Trustees named.

Boundary.

of the State of North Carolina, described as follows: Situated in the county of Columbus, in Waccamaw Township, in the town of Flemington, on Waccamaw Lake, and lying between the W. C. and A. Railroad, now the Atlantic Coast Line Railroad and Lake Waccamaw, bounded on the east by H. B. Short's old railway, running by his residence; on the north by the lands of H. B. Short; on the south side by his residence; on the west by the street or road leading from said W. C. and A. Railroad; thence up the old town lot number seven (No. 7), next to where McGuigan lives, containing about four (4) acres, and is the same land known as the public lands shown in a plat recorded in book L, page one hundred and thirty-two, of record of deeds of Columbus County, and marked "Public square" on the plat of the town of Flemington.

Filling vacancies.

Sec. 2. That in the event of a vacancy in said board of trustees, the clerk of the superior court of Columbus County is hereby authorized to fill the same.

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

Ratified this the 25th day of February, 1911.

CHAPTER 132.

AN ACT TO ESTABLISH AND INCORPORATE THE FREE WILL BAPTIST SEMINARY, OF AYDEN, NORTH CAROLINA.

Preamble.

Whereas, the Free Will Baptist denomination believes in fostering and maintaining intellectual and moral training, and in order to develop to the highest degree possible the intellectual and moral training, which can be promoted by the establishment of an institution of higher learning; and, whereas, the Free Will Baptist denomination desires to establish, maintain and support an institution of learning for the mental and moral training of the youth of their own denomination and all others who may desire to participate therein; now, therefore,

The General Assembly of North Carolina do enact:

Corporators incorporated as trustees.

Section 1. That J. W. Alford, Willie Gaskins, Dr. Harvey Dixon and Henry Cunningham, of the Eastern Free Will Baptist Conference of North Carolina; George C. Vause, George W. Prescott, Exum Dail, W. F. Hart and W. J. Braxton, of the Central Free Will Baptist Conference of North Carolina; E. T. Phillips and D. B. Sasser, of the Western Conference of North Carolina; J. F. Casey, of the Cape Fear Free Will Baptist Conference of North Carolina; Eugene St. Clair, of the Midway Free Will Baptist Association of Georgia; E. B. Joyner, of the Southern Georgia Free Will Baptist

Association; J. B. Oliver, of the South Carolina Free Will Baptist Conference, and their successors, to be elected as is hereinafter stipulated, are hereby created and constituted a body corporate and politic for the purposes and in the manner hereinafter enumerated as trustees of the Free Will Baptist Seminary.

Corporate name.

Sec. 2. That the name of this corporate body is the Free Will Baptist Seminary.

Location.

Sec. 3. The location of this institution designated the Free Will Baptist Seminary, and site of this institution is in the town of Ayden, in the county of Pitt and State of North Carolina.

Seminary.

Sec. 4. The object and purpose for which this institution is formed and instituted is to conduct, manage and control the educational institution of the Free Will Baptist church, to be known as the Free Will Baptist Seminary at Ayden, Pitt County, and to conduct and manage in connection therewith such primary and high schools as its trustees may deem necessary; to conduct, manage and instruct those who may choose to enter for instruction in the higher branches usually taught in colleges and universities, and shall have power to confer such literary degrees as its board of trustees may deem proper and necessary, upon such persons as may acquire the necessary proficiency in the course of study prescribed by the trustees of this institution.

Primary and high schools.

Literary degrees.

No capita stock.

Profits used for benefit of institution.

Sec. 5. The corporation is to have no capital stock, and all profits that may at any time arise from the conduct and management of said institution shall be used for the benefit of said institution of learning.

Powers of trustees.

Sec. 6. That said institution shall be managed, regulated and controlled by the board of trustees, who shall have power to make and enforce such by-laws as they may deem necessary for the proper management and conduct of said institution.

General corporate powers.

Sec. 7. The Free Will Baptist Seminary, established by this act, shall have a corporate seal, may sue and be sued, and shall have the right and power to purchase or otherwise receive, hold and convey property, real, personal and mixed, and shall have the right to invest any and all funds that may come into its possession, in furtherance of the purpose of its creation.

Trustees named.

Sec. 8. The said J. W. Alford, Willie Gaskins, Dr. Harvey Dixon, Henry Cunningham, George C. Vause, George W. Prescott, Exum Dail, W. F. Hart, W. J. Braxton, E. T. Phillips, D. B. Sasser, J. F. Casey, Eugene St. Clair, E. B. Joyner and J. B. Oliver, are hereby constituted and declared trustees of the said Free Will Baptist Seminary, whose terms of office as trustees of said Free Will Baptist Seminary shall expire on the annual commencement day of said institution, and the term of office of their successors shall be for the ter mof one year.

Term of office.

Successors.

Sec. 9. The successors of the trustees named in section eight and their successors in office shall be composed of Free Will Baptists,

who shall assume the entire control of the institution immediately after their appointment or election as hereinafter provided for.

Vacancies. Whenever a vacancy occurs in said board of trustees by the expiration of their regular term, or by death, incompetency or removal of membership to a church not belonging to the conference, association or convention from which the initial selection is made, the conference, association or convention of which he was a member shall have power to fill such vacancy at its next regular annual session. The

Tenure of office. tenure of office of said board of trustees shall be one year from the annual commencement of the institution, at which time the said board of trustees shall hold their annual meeting, and the conference, association or convention from which the initial selection is made, shall have power to select the same number of trustees at

Trustees to hold over. its annual meeting. That if for any reason any conference, association or convention should fail to elect its regular number of trustees at its annual meeting, then and in that event, the trustees representing such conference, association or convention shall hold office until their successors are elected.

Election of officers, professors and teachers. Sec. 10. That all officers, professors and teachers of the said Free Will Baptist Seminary shall be duly elected by the board of trustees or a majority of them at the annual commencement in each year, and said officers, professors and teachers shall be elected for a

Term of office. term of one year or until their successors are elected.

Entrance fees and tuition. Sec. 11. The said Free Will Baptist Seminary is hereby granted the right to charge entrance fees and tuition for the instruction given as the board of trustees may deem necessary and proper.

Powers of trustees. Sec. 12. The entire and absolute control of the Free Will Baptist Seminary shall be under the supervision of the said board of trustees, who shall have power to make, alter and amend such by-laws as they may deem necessary and proper for the maintenance, support and management of said institution.

Sec. 13. This act shall be in force from and after the date of its ratification.

Ratified this the 25th day of February, 1911.

CHAPTER 133.

AN ACT TO REGULATE THE PRICES AND CHARGES FOR THE USE AND SALE OF WATER, ELECTRIC LIGHTS, GAS AND OTHER MOTOR AND WATER POWER IN THE TOWN OF TRYON.

The General Assembly of North Carolina do enact:

Commissioners of town to regulate prices. Section 1. That the commissioners of the town of Tryon, North Carolina, be and are authorized and empowered to regulate from

time to time, contract, establish or change the price charged and collected by any and all corporations, companies or individuals furnishing and supplying, now or hereafter, water, gas, electric lights, motor or water power to the patrons and consumers in the town of Tryon.

Sec. 2. *Provided*, that the charges or prices named and fixed by said town commissioners be neither lower or higher than the minimum or maximum sum or charges heretofore named in any franchise heretofore granted by said town commissioners. Proviso: limit of prices.

Sec. 3. That any three or more patrons and consumers of water, gas, electric lights, electric or water power, shall have and exercise the right to appear before the town commissioners for the purpose of seeking a change, modification or readjustment of the water, gas, electric lights, electric or water power charges or rates, and after a proper hearing the said commissioners shall take such action as in their judgment shall be just and reasonable. Appearance and hearing.

Sec. 4. All acts or parts of acts in conflict with this enactment are hereby repealed in so far as relates to Tryon, North Carolina.

Sec. 5. This act to be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1911.

CHAPTER 134.

AN ACT TO ALLOW ROANOKE RAPIDS GRADED SCHOOL DISTRICT, HALIFAX COUNTY, TO ISSUE BONDS TO PROVIDE FOR THE ENLARGEMENT OF THE PRESENT SCHOOL BUILDINGS OF THE DISTRICT AND THE PROPER EQUIPMENT OF THE SAME.

The General Assembly of North Carolina do enact:

Section 1. That the board of school trustees of Roanoke Rapids graded school district be and they are hereby authorized and empowered to issue bonds of said school district to an amount not to exceed fifteen thousand dollars, of such denominations and of such proportion as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable semi-annually, at such time 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 as follows: Five hundred dollars thereof on the first day of January, one thousand nine hundred and twenty-five, and five hundred dollars annually thereafter till all are paid, at such place or places as said board of trustees may determine. Bond issue authorized. Amount. Denominations. Interest. Maturity.

Payment of interest and bonds.

Sec. 2. That the interest on said bonds and the bonds themselves shall be paid from the funds and taxes levied for said school district under chapter one hundred and eighty-nine of the Private Laws of North Carolina, of session one thousand nine hundred and seven.

Act submitted to election.

Sec. 3. That the provisions of this act shall be submitted to a vote of the qualified voters of said school district at an election on a day to be designated by the board of commissioners of the town of Roanoke Rapids, at any time after the ratification of this act. That

Notice of election.

thirty days notice of such election, containing a copy of the provisions of sections one and two of this act, or a synopsis of the same, shall be published in one or more weekly papers published in the county of Halifax, and in all other respects said election shall

Law governing election.

be held and conducted under the provisions of the law governing the holding of municipal elections in said town.

Ballots.

Those qualified voters approving the issue of bonds provided for in this act, and the levy and collection of the taxes to pay the same, shall deposit a ballot containing the written or printed words "For bonds," and those disapproving the same shall deposit a ballot containing the written or

Effect of election.

printed words "Against bonds." If a majority of such voters shall vote "For bonds," it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid board of school trustees authority to issue such bonds, and to the board of commissioners of said town authority to levy such particular tax, and said board of school trustees and said board of commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against bonds," then said board of school trustees and said board of commissioners shall not have such

Proviso: record of election.

authority: *Provided*, that the result of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Roanoke Rapids, and, after thirty days from 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

Proviso: further election.

facts therein recited: *Provided, further*, that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, the board of commissioners of said town of Roanoke Rapids shall order another election, at any time after the expiration of six months from the date of the former election, and if at such election a majority of the qualified voters shall vote "For bonds," it shall have the same force and effect as if no election had been previously held.

Expenditure of proceeds of bonds.

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 trustees in providing for the enlargement of the present school buildings of said district and the proper equipment of the same.

Bonds not to be sold below par.

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 said bonds, nor their proceeds, be used for any other purpose than that declared in section four of this act. Specific appropriation.

Sec. 6. That said bonds and their coupons shall not be subject to taxation by the town of Roanoke Rapids until they become due, and tender of payment shall have been made, and such coupons shall be receivable in payment of all taxes, and other dues of said town for any fiscal year in which said coupons may become due, or thereafter; and if the holder of said 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 interest thereon for the time they shall have been outstanding after maturity. Exemption from town tax. Coupons receivable for taxes.

Sec. 7. That with respect to the said bonds as provided for in this act all of the provisions of chapter one hundred and eighty-nine, Private Laws of North Carolina of one thousand nine hundred and seven, entitled "An act to establish graded schools in the town of Roanoke Rapids in Halifax County" shall be applicable thereto and said bonds shall be governed thereby, except as herein provided. Former law applicable.

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

Ratified this the 25th day of February, 1911.

CHAPTER 135.

AN ACT TO AMEND CHAPTER EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE, CHARTER OF TRUSTEES OF WATTS HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter eight of the Private Laws of one thousand eight hundred and ninety-five be and the same hereby is amended by striking out the word "twelve" in line six and inserting in lieu thereof the word "thirteen," and by striking out all between the word "age" in line twelve and the word "*Provided*" in line seventeen and inserting in lieu thereof the following: "one by each of the following bodies or associations in the city of Durham, to wit: the Presbyterian church; the Methodist Episcopal church, South; the Missionary Baptist church; the Protestant Episcopal church; the board of aldermen of said city; the Watts Hospital Association; the Academy of Medicine, and Trinity College, and one by the board of county commissioners of Durham County." Number of trustees. Election of trustees.

Sec. 2. That the word "person" in lines seven and eight of section five of said chapter be stricken out and the words "resident of Durham County" be inserted in lieu thereof. Residence.

City and county.

Sec. 3. That section seven of said chapter be and the same hereby is amended by striking out the word "town" in line one and inserting in lieu thereof the word "city," and by striking out the word "is" in line one and inserting in lieu thereof the words "and county of Durham are each."

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

Ratified this the 25th day of February, 1911.

CHAPTER 136.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF EAST LUMBERTON, ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter ninety-eight of the Private Laws of nineteen hundred and seven be amended by striking out all after the word "following" in lines three and four of said section three, down to and including the word "provided," and inserting in lieu thereof the following:

Election of mayor and commissioners.

"Sec. 4. That the mayor and commissioners of said town of East Lumberton shall be elected on the first Monday in May, one thousand nine hundred and twelve, and on said day biennially thereafter, in the same manner and under the same rules and regulations as are now or may hereafter be prescribed by the laws of North Carolina for municipal elections. And the said mayor and commissioners shall at their first meeting after their qualification elect one or more constables and a town clerk and treasurer and such other officers of said town as may be necessary, who shall hold their offices at the pleasure of the mayor and board of commissioners and until their successors are elected and qualified; that until their successors have been duly elected and qualified as provided herein the following named persons shall fill said offices, to wit: Mayor, S. D. Collins; commissioners, T. E. Mullis, M. H. Abbott and H. L. Hewitt. And said persons shall elect one or more constables and a town clerk and treasurer to hold their offices at the pleasure of the said mayor and board of commissioners and until their successors are elected and qualified as provided herein. That any vacancy occurring in the said office of mayor or commissioners shall be filled by the remaining members of the said board of commissioners until the next general election as herein provided: *Provided, however*, that if the said board of commissioners shall fail for a period of ten days to fill any vacancy, then the clerk of the superior court of Robeson County shall appoint some competent taxpayer of the said town of East Lumberton to fill said vacancy until the next ensuing election.

Election of other officers.

Mayor and commissioners named.

Vacancies.

Sec. 2. That chapter one hundred and thirty-nine of the Private Laws of nineteen hundred and one, as amended by chapter ninety-eight of the Private Laws of nineteen hundred and seven, and as further amended by this act, be and the same is hereby reenacted and declared in full force and effect. Law re-enacted.

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

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

Ratified this the 25th day of February, 1911.

CHAPTER 137.

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:

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 eleven, 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 ten cents on the one hundred dollars valuation of all the taxable property of said town, and not to exceed thirty cents additional tax on the poll. The said election shall be held on the first Monday in May, one thousand nine hundred and eleven, and at the same time of holding the annual election for mayor and commissioners and under the same laws and regulations, and the board of commissioners of said town shall prepare a separate box, and 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 on a written or printed ballot to be deposited in the box prepared for that purpose the words "For schools" upon it, and those opposed to levying such additional tax shall vote a written or printed ballot with the words upon it "Against schools"; and if a majority of the qualified voters of said town shall vote for such additional tax, the same shall be levied and collected annually by the town authorities in the same manner as the other taxes are levied and collected. 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, Private Acts one thousand nine hundred and seven, chapter fifty-eight," and not to exceed twenty cents on the one hundred dollars valuation

Election to be ordered by petition.
Date of election.
Question to be submitted.
Tax rate.
Date of election.
Ballot box.
Ballots.
Effect of election.

of all taxable property of said town and sixty cents on the poll. When an election is called under the provisions of this act, the commissioners of the said town shall advertise the election for thirty days prior thereto at three public places in said town.

Notice of election.

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 25th day of February, 1911.

CHAPTER 138.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF TARBORO TO ISSUE BONDS TO IMPROVE ITS WATERWORKS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

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 twenty-five thousand dollars, for the purpose of making the necessary improvements, betterments and extensions of the water system of the said town; that the said bonds shall be negotiable coupon bonds, payable to bearer, in such denominations as it may determine, and to become due and payable thirty-five years after date, as to the principal, and as to the interest to be payable in semi-annual installments at the rate of five per cent per annum, and shall be in such form and payable, as to the principal and interest, at such place and places, as said board of commissioners may determine.

Amount.

Denominations.

Maturity.

Interest.

Bonds not to be sold below par.

Sec. 2. That the 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 premiums upon the sale thereof, shall be kept separate and apart from other funds of said town and shall be applied only to the purposes aforesaid: *Provided, however*, that the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money to said purposes.

Specific appropriation of proceeds.

Proviso: duty of purchasers.

Authentication.

Sec. 3. 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 said town.

Payment of interest and principal.

Sec. 4. That the board of commissioners shall pay the interest and principal of said bonds 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 board of commissioners are empowered and shall, if it 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 one 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 board of commissioners to levy a tax. Special tax. Rate.

Sec. 5. That the board of commissioners of said town of Tarboro shall not issue said bonds or any part thereof until they have first caused to be held in said town 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 said board of commissioners is hereby authorized and directed to call the election to be held and conducted at the time and place of the general town election on the first Monday in May, one thousand nine hundred and eleven. The said election shall be advertised by said board of commissioners for four weeks immediately preceding the day of election, at least once a week, in some newspaper published in said town. 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 the bonds for making the necessary improvements, betterments and extensions of the said water system of said town shall vote a written or printed ticket with the words "For waterworks bond" thereon, and those who are opposed to the issuing of said bonds shall vote a written or printed ticket with the words "Against waterworks bond" thereon; the result of the election shall be ascertained by the officers thereof, and certified and returned by them to the board of commissioners of the town of Tarboro within two days from the day of election, and the said board of commissioners shall officially determine the result of said election, and cause same to be recorded in their minutes. If at such election a majority of the qualified voters of said town shall vote "For waterworks bonds," 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 as hereinbefore provided. Election on bond issue. Date of election. Advertisement of election. Law governing election. Ballots. Ascertainment, certificate and return of votes. Determination and record of result. Issue of bonds.

Sec. 6. That there shall be a new registration of said voters of said town of Tarboro for the said election, and it shall be the duty of the said board of commissioners of said town to appoint registrars and give due notice of said new registration and the names of the registrars. New registration. Appointment of registrars. Notice of registration.

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

Ratified this the 25th day of February, 1911.

CHAPTER 139.

AN ACT TO REPEAL AN ACT TO INCORPORATE THE TOWN OF MAUFIN, IN THE COUNTY OF PITT.

The General Assembly of North Carolina do enact:

Law repealed.

Section 1. That chapter three hundred and forty-seven of the Private Laws of one thousand nine hundred and five, entitled "An act to incorporate the town of Maufin, in the county of Pitt," is hereby repealed.

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

Ratified this the 25th day of February, 1911.

CHAPTER 140.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE, AND TO REPEAL ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

CHAPTER 1. ORGANIZATION.

Corporation continued.

Section 1. That the inhabitants of the city of Asheville shall continue as they have heretofore been, a body politic and corporate,

Corporate name.

under the name and style of the "City of Asheville," and by that

Corporate powers.

name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed to it, and may invest, sell or dispose of same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights and privileges necessary for its proper government or usually appertaining to municipal corporations.

Property and property rights vested.

Sec. 2. That all property, real, personal and mixed, of whatsoever character and description, and wheresoever situate, now held, controlled or used by the city of Asheville for any purpose, or which may hereafter be held, controlled or used by said city, or which may have been vested in said city by virtue of any law of the State of North Carolina, and any and all judgments, liens, rights of liens and causes of actions of any and all kinds in favor of said city of Asheville, shall vest in and remain and inure to the said city of Asheville, its successors and assigns, under this act.

Exercise of corporate powers.

Sec. 3. That the corporate powers of the city of Asheville shall be exercised as hereinafter provided by the board of commissioners

and such other officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed.

Distribution of executive and administrative powers.

Sec. 4. That the executive and administrative powers, authority and duties in the city of Asheville are distributed into and among the several departments, and the powers and duties to be performed are assigned to the appropriate departments and officers, all as herein set forth.

BOARD OF COMMISSIONERS.

Board of commissioners.
Mayor.
Election.
Commissioner of public works.
Commissioner of public safety.
Commissioner of public accounts and finances.

Sec. 5. The board of commissioners shall consist of three members, one of whom shall be mayor, and all of whom shall be elected by vote of the people, as hereinafter provided. One of said commissioners shall be elected and known as the commissioner of public works, one of said commissioners shall be elected and known as the commissioner of public safety, and the mayor shall be known as the commissioner of public accounts and finances.

MAYOR.

Chief executive office.
Duties not expressly delegated.
General supervision and oversight.
Chief representative.
Contracts by city.
Statements and reports.

Sec. 6. The mayor shall be the chief executive officer of the city of Asheville, and subject to the supervision of the board of commissioners, and shall perform all duties pertaining to such office. He shall do and perform all the duties provided or prescribed by law, or by the ordinances of the city of Asheville not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the city government and shall be the chief representative of the city, and shall report to the board any failure on the part of any of the officers of his or any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the city, unless otherwise provided by law, or ordinance, or resolution of the board of commissioners. He shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the board of commissioners.

COMMISSIONER OF PUBLIC ACCOUNTS AND FINANCES.

Commissioner of public accounts and finances.
Purchasing agent.
Approval of bills.
Warrants.
Tax collector.
Water rents and licenses.

Sec. 7. The commissioner of public accounts and finances (who is also mayor) shall be the purchasing agent of the board of commissioners of the city of Asheville, and all property, supplies and material of every kind whatsoever, shall, upon the order of the board of commissioners, be purchased by him, and when so purchased, the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor, when such warrants are issued they shall be signed by the said commissioner and countersigned by some other person to be designated by the board of commissioners; he shall be collector of all taxes; he shall collect water rents; he shall issue all licenses or permits as provided by law, ordinances or resolutions adopted by the board of commis-

sioners, and in the absence or inability of any commissioner to act, he shall exercise temporary supervision over the department assigned to the said commissioners, subject, however, to the power of the board to substitute some one else to temporarily perform any of such duties; he shall have control of all employees of his department and of all other officers and employees not by law, ordinance or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents and departments required by law and by the board of commissioners to be kept or made; he shall regularly at least once in three months inspect or superintend inspection of all records and accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made; he shall recommend to the board methods of modern bookkeeping for all the departments, employees and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, quarterly, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause to be published quarterly statements showing the financial condition of the city; he shall examine or cause to be examined all accounts, pay-rolls and claims before they are acted on or allowed, unless otherwise provided by law, or by order of the board of commissioners; he shall procure, from all persons, firms or corporations operating public service utilities in the city, and cause to be placed on file, such reports as are by law or ordinance, or order of the board of commissioners required to be made by said public service corporation to the city or any of its officers, and shall procure copies of such reports as are made to the State or any public department or office, and cause the same to be placed on file, and shall collect all license fees, franchise taxes, rentals and other moneys which may be due or become due to the city; he shall report the failure on the part of any person, firm or corporation to pay money due the city; he shall report to the board of commissioners any failure on the part of any person, firm or corporation to make such reports as are required by law, ordinance or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper; he shall, unless otherwise provided by the board of commissioners, cause to be examined the accounts and records of any person, firm or corporation operating a public service utility in the city, whenever such person, firm or corporation is required to submit its accounts to the city for examination, and shall report to the board of commissioners any refusal on the part of any such person, firm or corporation to submit to such examination; the assessor, auditor, city clerk, corporation counsel, and their respective offices or departments, and all employees therein, and all book-

Temporary supervision of other departments.

Control of employees.

Accounts and records.

Inspection of records and accounts.

Bookkeeping.

Quarterly audits.

Quarterly statements.

Accounts, pay-rolls and claims.

Reports on public service utilities.

License fees, franchise taxes and rentals.

Reports and recommendations to board of commissioners.

Accounts of public service utilities.

Officers and employees assigned to departments.

keepers and accountants are apportioned and assigned to the department of public accounts and finances, and shall be under the direction and supervision of the commissioner thereof; he shall do and perform any and all services ordered by the board, or may be ordered by the board not herein expressly conferred upon some other department.

COMMISSIONER OF PUBLIC WORKS.

Commissioner of public works.

Sec. 8. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department, the construction, cleansing, sprinkling and repair of the streets and public places, the erection of buildings for the city, the making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the civil engineer, of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvements made, when completed according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance, or order of the board of commissioners; he shall have control, management and direction of the public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law, and the ordinances relating to streets, public squares and places, and control of the placing of bill-boards and street waste paper receptacles; he shall have supervision over the public service utilities not otherwise assigned to some other department; and all persons, firms or corporations rendering services in the city under any franchise, contract or grant made by the city or State, not otherwise assigned to some other department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed by public service corporations in, along, under or over the streets, and shall report to the board of commissioners or city officers as may be appointed by them to receive his reports, any failure of such person or corporation to render proper service under a franchise granted by the city or by the State, and shall report any failure on the part of such person, firm or corporation to observe the requirements or conditions of such franchise, contract or grant.

Streets, public places and buildings.

Public improvements.

Approval of estimates.

Control of public grounds and buildings.

Supervision of public service companies.

Street car tracks, telephone and telegraph wires.

Reports to board of commissioners.

Water supply.

He shall have charge of the watersheds and intake from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water for the city of Asheville; it shall be his duty to act for the city, subject to the control of the board of commissioners, in securing all rights-of-way and easements connected with and necessary to the supply of water for the city; he shall have supervision and control of all buildings, grounds and apparatus connected therewith, and incident to the furnishing of water for the

city; he shall superintend the erection of water tanks and laying of water lines and the operation thereof.

Employees and officers assigned to department.

The department of the civil engineer, and all employees therein, the departments of streets, parks, buildings, and all employees in said departments, shall be under the supervision and control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets and public parks in the city of Asheville, or belonging to said city, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board not herein expressly conferred upon some other department.

COMMISSIONER OF PUBLIC SAFETY.

Commissioner of public safety.

Sec. 9. The commissioner of public safety shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the

Police force.

chief of police and take charge of the department, and shall at all times have power to give direction to the officers and all employees in the police department, and his direction shall be binding upon all such officers, employees, subject only to the control of the board

Police stations, jail, property and apparatus.

of commissioners; he shall have charge of the police stations, jails and property and apparatus connected therewith, including city ambulance, and patrol wagons used in connection with his depart-

Fire department.

ment; he shall have supervision and control, subject to the control of the board of commissioners, of the fire department, of all firemen, officers and employees therein or connected therewith, and of all fire stations, property and apparatus used in connection with the

Fire alarm system.

fire department; and of the fire alarm system, and all property and apparatus connected therewith; he shall have power to temporarily supersede the chief of the fire department, and his orders to said department, and all employees therein, shall be binding upon said

Inspectors.

department; he shall have charge of the electrical inspector, plumb-

Market house.

ing inspector, building inspector, market house, and the employees connected therewith, and of all apparatus and property used therein; he shall have charge and supervision and direction over all officers

Enforcement of traffic ordinances.

and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys and public ways, on and across railway lines, and through and over public parks and other public places; he shall have the direction of all employees of the city connected with and under his department; he shall perform all other services ordered by the board of commissioners, or that may be ordered by the board, not herein expressly conferred upon some other department.

Recommendations for purchases.

Sec. 10. It shall be the duty of each commissioner to recommend to the city purchasing agent the purchase of goods, and the con-

tracts of all bills necessary to be contracted for his department, and these recommendations shall be submitted to the board of commissioners for its orders with respect thereto.

Reports from public service companies.

Sec. 11. The board of commissioners shall have the power to require all public service corporations, and all people doing a public service business in the city of Asheville, to make such reports, and have a right to the inspection of such books and papers, as the North Carolina Corporation Commission has the right to require and inspect under the laws now enacted, or which may be enacted, with reference to public service corporations doing business in the city of Asheville.

Inspection of books and papers.

Legislative powers, functions and duties.

Orders for public improvements.

Levy of taxes.

Appropriation of funds.

Audit and allowance of accounts.

Assessments for improvements.

Contracts.

Sec. 12. The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the city or its officers. It shall make all orders for the doing of work, or the making or constructing of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the board of commissioners, or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances, and resolutions making contracts or authorizing the making of contracts, shall be drawn by the corporation counsel, or submitted to such officer before the same is made or passed. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review, and to approval or revocation by the board of commissioners. Every head of department, superintendent, agent, employee or officer, shall, from time to time, as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners, in writing, respecting the business of his department, or office, or employment, all matters connected therewith. The board of commissioners may, by ordinance or resolution, assign to a head of a department, a superintendent, officer, agent or employee, duties in respect to the business of any other department, office or employment, and such services shall be rendered without additional compensation. The board of commissioners shall elect and have authority over the city clerk, who shall be the clerk of the board of commissioners.

Contracts and ordinances drawn by corporation counsel.

Acts of heads of departments subject to review.

Reports from departments, superintendents, agents, employees and officers.

Assignment of duties.

City clerk.

Officers and employees of departments.

Sec. 13. All officers and employees of each department shall be under the control and supervision of the commissioner of that department, subject to the ultimate control of the board. That for

Power of department commissioner to suspend, remove or discharge.
Proviso: appeal to board of commissioners.
Hearing on appeal.
Reinstatement.
Proviso: lost time.

any reason, satisfactory to himself, a commissioner of any department is hereby empowered to suspend, remove or discharge any subordinate officer or employee in his department: *Provided*, that any officer or employee elected by the board of commissioners shall have the right at any time within three days from the time of such ruling, to appeal from the same to the board of commissioners, who shall hear the same at their first regular meeting after such appeal is taken, and may affirm or reverse such commissioner. If the ruling of the commissioner be reversed, said officer or employee shall at once be reinstated in his office or employment: *Provided, further*, the party so suspended, removed or discharged shall have no claim against the city for the time lost by reason of such ruling of the commissioner.

Audit of books and accounts.

Sec. 14. The board of commissioners shall cause to be audited the books and accounts of all departments, and of all officers and employees who do, or may, receive or disburse money.

POWERS OF COMMISSIONERS.

Further powers.

Sec. 15. The board of commissioners of the city of Asheville shall, in addition to the other powers herein granted them, have full power by ordinances:

Plumbers and plumbing work.

(*a*) To regulate and control plumbers and plumbing work and to enforce efficiency in the same.

Rates of public service companies.

(*b*) That upon any reasonable complaint from a responsible party that the rates charged by any public service corporation are unreasonable, the board of commissioners shall carefully investigate the rates complained of, and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation, the said board shall enter upon its record an order directing the corporation to charge not exceeding such maximum rate as the board may deem proper. The board shall send a copy of such order to the said corporation and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy of the record in the entire matter. As soon as practicable after its receipt, the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered so to do, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing, the Corporation Commission shall decide the question involved, either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the board of commissioners shall not become effective until approved by the Corporation Commission as aforesaid.

Order fixing rate.
Transcript to corporation commission.
Corporation commission to set day for hearing.
Notice to parties.
Decision of corporation commission.
Right of appeal.
Order of board of commissioners not effective until approved.

(*c*) To make and provide for the execution thereof of such ordinances, rules and regulations as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better government and general welfare of the inhabitants of the city as are not inconsistent with this act and the constitution and laws of the State. Promotion of health and general welfare.

(*d*) To elect all officers and select all employees of the various departments, whose selection is not herein expressly provided for: *Provided, however*, that the selection of such officers and employees as are not expressly provided for herein may be delegated by the board of commissioners to the commissioners of the respective departments, subject to the right of the board to review the action of the respective commissioners: *Provided, further*, the compensation of all employees shall be fixed by the board of commissioners and all fees shall be covered into the treasury. Election of officers and employees. Proviso: election may be delegated. Proviso: compensation of employees. Fees covered into treasury.

(*e*) To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health or other property, under such just rules and regulations as they may, by ordinance, establish, and likewise to suppress any and all other nuisances maintained in the city. Condemnation and removal of dangerous buildings. Other nuisances.

GRANTING OF FRANCHISES.

Sec. 16. That no franchises shall be granted by the city of Asheville until the question has been submitted, at a special or general election, to the qualified voters of the city, and until a majority of those voting upon the proposition have voted in favor of granting such franchise: *Provided*, that in all elections upon the granting of franchises the person, persons or coroprations applying for same shall deposit with the city treasurer a sum which, in the opinion of the board of commissioners will be sufficient to defray the expenses of such election: *Provided, further*, that no franchise shall be granted for a longer time than fifty years from the date of the granting of such franchise. Every grant of every franchise or right, as hereinbefore provided, shall make provision by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant, and when the grant of any franchise or right is made, the city shall not part with the power to expressly reserve the right and duty at all times to exercise, in the interest of the public, full superintendence, regulation and control, in respect to all matters connected with the police powers of said city; and before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions that may be right and proper, including a provision for fixing a rate, fares and charges to be made if the grant provide for Franchises not to be granted but by vote of people. Proviso: deposit for expenses. Proviso: limit of time. Provision for forfeiture. Right to be reserved to city. Grant of franchise embodied in ordinance.

Proviso: franchises heretofore granted.

Proviso: extension of existing franchises.

the charging of a rate, fares and charges: *Provided*, that this act shall not affect any rights, privileges and franchises heretofore legally granted by the city to any person, firm or corporation: and *Provided, further*, that this section shall not be so construed as to prohibit the said board from allowing persons or corporations to construct switches, turnouts and sidetracks and additional gas pipes, mains and lines, over streets on which they now hold franchises.

THE INITIATIVE AND REFERENDUM.

Petition proposing ordinance.

Sec. 17. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal to the number provided herein for recall of any official. The signatures, verifications, authentications, inspections, certifications, amendments, and submission of such petition shall be the same as provided for petitions for the removal of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of electors, and contains a request that the said ordinance be passed or submitted to a vote of the people, if not passed by the board of commissioners, such board shall either:

Petition for passage of ordinance or submission to vote.

Passage of ordinance.

(*a*) Pass such ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition, or,

Submission to voters.

(*b*) After the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of commissioners shall forthwith submit the question to the qualified voters at a special election called for that purpose, or to a general election occurring within ninety days after the date of the clerk's certificate.

Ballots.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Ordinance effective if approved by majority.

Ordinance not repealed or amended but by vote of the people.

More than one ordinance submitted.

Limit of special election.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

Repeal or amendment of ordinance.

The board of commissioners may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should any such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at

Proposed ordinance published.

any election, the city shall cause such ordinance or proposition to be published once in each of the city daily newspapers published in said city; such publications to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on. Time of publication.

No ordinance passed by the board of commissioners, unless otherwise expressly provided, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the board of commissioners, shall go into effect before twenty days from the time of its final passage and publication in the daily papers then published in Asheville; and if during said twenty days a petition, signed by electors of the said city equal to the number prescribed herein to be signed to a petition for the recall of any official, protesting against the passage of such ordinance, be presented to the board of commissioners, the operation of such ordinance shall thereupon be suspended, and it shall be the duty of the board of commissioners to consider such ordinance, and if the same is not entirely repealed, the board of commissioners shall submit to the qualified voters the question of the repeal of such ordinance at an election to be held for that purpose, in the manner and under the conditions herein provided for reference to voters of the question of recall of an official. When ordinances take effect. Protest against ordinance. Operation of ordinance suspended. Election for repeal of ordinance.

NOMINATIONS OF CANDIDATES.

Sec. 18. All candidates to be voted for at all general municipal elections at which time a mayor, commissioners, judge of police court, or any other elective officer are to be elected, under the provisions of this act shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Monday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practical, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for said general election. Nomination of candidates. Date for primary elections. Election officers. Place of election. Laws governing elections.

Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner of either of the other two departments, or judge of the police court, or any other elective office, shall, at least ten days prior to said election, file with the said clerk a statement of such candidacy, in substantially the following form: Statement of candidacy.

State of North Carolina—County of Buncombe.

I, ..., being first duly sworn, say, that I reside at ..... street, city of Asheville, county of Buncombe, State of Form of notice.

North Carolina; that I am a candidate for nomination to the office of (mayor, or commissioner of a particular department, or other office) to be voted upon at the primary election to be held on the ..... Moday of ....., 19..., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

(Signed) .....

Subscribed and sworn to (or affirmed) before me, by....., on this ..... day of....., 1915.

(Signed) .....

Deposit.

and shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five ($5) dollars.

Publication of names of candidates.

Immediately upon the expiration of the time for filing the petitions for candidates, the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to

Primary ballots.

appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac-

Arrangement of ballots.

simile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed with a square at the left of each name, and immediately below the words "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words "Vote for one." Like provision shall be made for the names of candidates for each other elective office provided by law.

Printing and heading.

The ballots shall be printed upon plain, substantial, white paper, and shall be headed:

"Candidates for nomination for mayor and commissioners of two other departments, and other officers (naming them), of city of Asheville, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be substantially the following form:

Form of ballots.

("Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

"Official primary ballot, candidates for nomination for mayor and commissioners, and other offices (naming them) of city of Asheville, North Carolina, at the primary election.

"For mayor (names of candidates), (vote for one).

"For commissioner of the department of public safety (names of candidates), (vote for one).

"For commissioner of the department of public works (names of candidates), (vote for one).

"For judge of police court (names of candidates), (vote for one).

"Official ballot. Attest: (Signature) .....,
City Clerk."

Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. Distribution of ballots.

The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city of Asheville under such rules as may be prescribed by the board of commissioners, and such challenge shall be passed upon by the judges of election and registrars: *Provided, however,* that the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots, and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the city clerk, upon blanks to be furnished by the said clerk within six hours of the holding of the polls. On the day following the said primary election, the city clerk, under the supervision and direction of the mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish in all daily newspapers of said city at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor, and the two candidates receiving the highest number of votes for commissioners for each of the respective departments, the two candidates receiving the highest number of votes for a judge of the police court, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, judge of the police court, and other elective officers, at the next succeeding general municipal election. Qualified voters. Proviso: law governing challenges. Count of votes. Returns. Canvass of returns. Publication of result. Canvass to be public. Candidates at general election.

ELECTIONS.

Sec. 19. There shall, on the first Tuesday in May, one thousand nine hundred and eleven, and every four years thereafter, be elected a mayor (who shall also be commissioner of public accounts and finances), a commissioner of the department of public works, a commissioner of the department of public safety, who, together, shall constitute the board of commissioners of the city of Asheville, and there shall also, at the same time, be elected a judge of the police court, and such other elective officers as may be provided by law. City elections.

Sec. 20. The city clerk shall cause ballots to be printed for the municipal election as herein provided, authenticated with a facsimile of his signature. Upon the said ballots the names of the said candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the com- City clerk to have ballots printed. Arrangement of ballots.

missioners of the two other departments respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words "Vote for one," and likewise arranged in alphabetical order, shall appear the names of the candidates for judge of the police court, with a square at the left of each name, and immediately below the words, "Vote for one," and likewise arranged in alphabetical order shall appear the names of the candidates for such other elective officers as may be provided by law.

Printing and heading of ballots.

The ballots shall be printed upon plain, substantial white paper, and shall be headed:

"Candidates for election for mayor and commissioners of the two departments and for judge of the police court, of the city of Asheville, North Carolina, at the general municipal election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Form of ballots.

("Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

"Official municipal ballot, candidates for mayor, and commissioners, and judge of the police court of the city of Asheville, North Carolina, at the municipal election.

"For mayor (names of candidates), (vote for one).

"For commissioner of the department of public safety (names of candidates), (vote for one).

"For commissioner of the department of public works (names of candidates), (vote for one).

"For judge of police court (names of candidates), (vote for one).

"Official ballot. Attest: (Signature) ....., City Clerk."

Qualifications for voters.

Sec. 21. That all persons entitled to vote for members of the General Assembly, if held at the time of the election provided for in the preceding section, and who have been residents of the city and precinct in which they offer to vote for four months next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor, two commissioners, judge of police court, and other elective offices, and no one except a resident of the city shall be eligible to any office in the corporation.

Eligibility for office.

Test of qualification.

Sec. 22. That the provisions made, or hereafter made, by the General Assembly, which may be in force at the time of any city election, for testing the qualification 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 invested with full and ample judicial power to pass upon and decide said qualifications.

Precincts.

Sec. 23. That the board of commissioners shall divide the city into six precincts, which number may be increased at any time the board

may, in its discretion, deem necessary for the convenience of the voters of the city; and the said board shall fix the boundaries of the said precincts, and provide in each precinct a polling place as nearly centrally located in the precinct as possible. If any registered voter shall remove from one precinct to another within the four months next preceding any election, he shall be entitled to vote in the said election in the precinct from which he shall have moved.

Polling places.

Removal from precinct.

Sec. 24. That the board of commissioners shall, on the first Monday in March, one thousand nine hundred and fifteen, and every four years thereafter, appoint a registrar and two judges of election for each precinct in the city, all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the court-house door, and notice to be served upon such appointees by the chief of police, and shall give ten days notice of a registration of voters for the said election at the court-house door, specifying the time, place and name of registrars for said election.

Appointment of election officers.

Publication and notice to appointees.

Notice of registration.

Sec. 25. That each registrar shall be furnished by said board of commissioners 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 books of the precinct for which he is appointed in such manner that said books shall show an accurate list of electors previously registered in such precinct 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 days previous to the election, keep open the books for the registration of any electors residing in such city 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 city. Each registrar shall be required to be at the polling place for his precinct on Saturdays from seven a. m. until sunset during the period for registration. He shall keep 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, in Buncombe County six months, and in the precinct in which he offers to register four months previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city. 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 commissioners on fifteen days notice, by publication in some newspaper of said city, before the opening of the books may order an entirely new registration of voters whenever they may deem it proper.

Registration books.

Revision of books.

Time of registration.

Registration on Saturdays.

Races registered separately.

Oath may be required.

False swearing a misdemeanor.

Punishment.

New registration.

Close of registration.

The registration books shall be closed at sundown on the second Saturday before the election, and after the same are closed no person shall be allowed to register, except those coming of age after the books closed and before or on election day, who are otherwise qualified electors of the city, and the books shall then be placed in the office of the city 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.

Deposit and inspection of books.

Custody of books.

Failure to deposit books a misdemeanor.

Penalty.

Election officers to be sworn.

Conduct of election.

Sec. 26. 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 registrars and the judges of 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 officers in like manner and during the same hours as elections for members of the General Assembly are conducted. The polls shall be open on the day of election from seven a. m. until sunset, and no longer.

Hours of election.

Pay of election officers.

Sec. 27. The registrars and judges of the election shall receive for their services such compensation as shall be fixed by the board of commissioners, but the pay of the registrars shall not exceed two ($2) dollars each a day for the Saturdays they are required to be at the polls and the day of election, and two cents additional for each new name registered, and the judges of election shall not be paid more than two ($2) dollars each a day for their services: *Provided*, the board of commissioners may allow the registrars and judges compensation, not exceeding one day's pay, as they may deem proper for attendance of the election officers upon the meeting of the board of canvassers.

Proviso: allowance for service of canvassers.

Vacancies.

Sec. 28. If any judge or 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 should occur in said office, for any reason, then the mayor shall appoint to fill the vacancy.

Canvassing board.

Sec. 29. That on the day following the day of election at eleven o'clock a. m. all of the registrars and pollholders of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman, and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the report of the registrars and judges, and such person

Organization of board.

Reception and tabulation of votes.

as shall receive the highest number of votes for mayor shall be declared elected mayor, and such persons as shall receive the highest number of votes for each of the positions of commissioner shall be declared elected commissioner of the respective departments, and such person as shall receive the highest number of votes for judge of the police court shall be declared elected judge of the police court, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of the said board, one of which shall be given to the mayor, and the other filed in the archives of the city clerk, who the same day shall publish the result of the election at the door of the city hall.

Candidates declared elected.

Certificate of vanvass.

Copies of returns.

Filing and publication of return.

Sec. 30. If of the persons voted for as mayor, commissioners of the respective departments, judge of the police court, or any other elective office, there shall be an equal number of votes between any two candidates for like office in the municipal election in the city of Asheville, in such case there shall be held on the following Tuesday an election, in accordance to the provisions herein provided for holding a municipal election for the city of Asheville. If of the persons voted for as mayor, commissioners of any department, judge of the police court, or any other elective officer, there shall be an equal number of votes for two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election for nomination of candidates, in accordance with the provisions for holding primaries for the nomination of candidates in the city of Asheville, to break the tie.

Election for settlement of ties.

Primary election for settlement of ties.

Sec. 31. That if the commissioners shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city, and of him who shall sue therefor one hundred dollars.

Forfeit for failure of commissioners to advertise and hold election.

Sec. 32. That if any person elected mayor, commissioner, judge of the police court, or any other elective officer, shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor or any commissioner, judge of the police court, or any other elective officer, be unable to discharge the duties of his office, or temporarily absent from the city of Asheville, the board of commissioners shall choose some person for the unexpired term, or during his disability, as the case may be, to act as mayor, commissioner, judge of the police court, or other elective officers, and he shall be clothed with all the authority and powers given under this charter to such regular officer; but such officer or officers so elected shall be subject to recall as other officers.

Election to fill vacancies.

Office subject to recall.

Call of special elections.

Sec. 33. The board of commissioners shall have power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided for in this act. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city, or unless expressly provided to the contrary. That all special elections shall be held under the same rules and conditions as are herein provided in this act for general elections.

Notice of election.

Law governing elections.

Challenges.

Sec. 34. Any registered voter of the said city may, at any time, before the election or on the day of election, object to the name of any person appearing upon the registration book of his precinct, and the book shall be kept open at the polling place on the second Saturday before every election for inspection by the voters of the precinct. 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 person so challenged shall not be allowed to vote until the cause of challenge shall be heard and determined, under the rules and regulations prescribed by the general law regulating the election for members of the General Assembly. As soon as any person is challenged the registrar shall give notice in person or by mail of the same to the person so challenged. All challenges shall be heard and determined on the day of election by the registrar and judges.

Challenge day.

Entry of challenges.

Notice to person challenged.

Hearing and determination of challenges.

Officers to hold until successors elected and qualified.

Sec. 35. That the mayor and commissioners, judge of the police court, and all other elective officers, shall hold their offices respectively until the next ensuing election, and until their respective successors shall be elected and qualified.

Duties performed by present officers.

Sec. 36. That all duties herein imposed upon the mayor and board of commissioners with reference to primaries and elections, shall, prior to the election and qualification of mayor and commissioners in one thousand nine hundred and eleven, be performed by the mayor and board of aldermen of the city of Asheville as now constituted.

Removal from city to vacate office.

Sec. 37. In the case of the removal of the mayor, any commissioner, judge of the police court, or any elective officer, from the territorial limits of said city, such removal shall, *ipso facto*, create a vacancy in his office.

TO PROHIBIT BRIBERY.

Giving or receiving bribe a misdemeanor.

Sec. 38. Any person giving or receiving, or any person promising to give or receive any money, property, or thing of value, to secure the vote or influence any person in any primary or general election; and any person promising to give or secure, or promising to use his influence to secure any place or position under the city government of Asheville, in consideration of any influence or effort or vote on behalf of any candidate or candidates for office under the city government of Asheville, shall be guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court; and any person,

Punishment.

a candidate for office, who shall be guilty of the offense above prescribed, shall, upon conviction, be ineligible to hold any office under the government of the city of Asheville. Candidate guilty of bribery ineligible to office.

Sec. 39. Every candidate in the city election, a city primary, or both, shall within ten days from the election file with the city clerk an itemized statement, under oath, showing all expenditures of money or other things of value made by him, or by any one for him to his knowledge in connection with, or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provision of this section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. Candidates to file statements of expenditures. Failure a misdemeanor. Punishment.

RECALL OF OFFICIALS BY THE PEOPLE.

Sec. 40. The holder of any elective office other than judge of police court, may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine, and from the voter's register ascertain, whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of such examination. If by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect, if the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of commissioners without delay. If the petition shall be found to be sufficient the board of commissioners shall order and fix a date for holding a primary, as provided for in cases preceding regular elections, the said primary to be held not less than ten days or more than twenty days from Power of voters to remove elective officers. Procedure to effect removal. Petition. Petition to state grounds of removal Signatures. Petition to be sworn to. Examination and certificate to petition. Amendment to petition. Deficient petition returned. Petition submitted to board of commissioners. Primary if petition be found sufficient.

the date of the clerk's certificate to the board of commissioners that a sufficient petition is filed.

Election by primary.

Sec. 41. If in the primary election any candidate receives a majority of all the votes cast, which vote, however, shall be not less than a majority of all the votes cast for the different candidates for mayor at the last preceding municipal election, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If in the primary election there are only two candidates, and neither candidate receives a vote as large as a majority of all the votes cast for the different candidates for mayor at the last preceding election, the officer sought to be recalled shall remain in office. If there be more than two candidates in such primary and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates named shall be placed on the ticket in the primary and election held and the results canvassed, under the same rules, conditions and regulations as are now prescribed for the primaries preceding regular election. The board of commissioners shall make, or cause to be made publication for ten days of notice and all arrangements for holding such election, and the same shall be conducted, returned and the results thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant, and in that event the unexpired term shall be filled by election of the board, but the commissioner removed shall not be eligible to election by the board, and the person so elected by the board shall be subject to recall as other commissioners. If the incumbent receives a majority of votes in the primary or the election, he shall continue in office. The said method of removal shall be cumulative and additional to any other method provided by law. That in the event any officer is recalled and any person is elected as his successor that the right of recall of such successor so elected shall be as in case of officer originally elected.

Second primary if first be not decisive.

Tickets.

Notice of and arrangements for election.

Term of successor.

Candidacy of person whose removal is sought.

Incumbent deemed removed.

Vacancy.

Incumbent continued in office.

Recall of successor.

SALARIES.

Salaries.

Mayor.

Commissioners.

Judge of police court.

Sec. 42. The mayor and commissioners shall have offices at the city hall. The compensation of the mayor shall be twenty-five hundred ($2,500) dollars per annum, that of each commissioner two thousand ($2,000) dollars per annum, and that of judge of police

court ($1,500) fifteen hundred dollars per annum, payable in equal monthly payments. Every other officer, agent, employee and assistant of the city government shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at nonpayment intervals. Other officers, agents and employees.

MEETINGS.

Sec. 43. Regular meetings of the board of commissioners shall be held daily, except Sundays, at such time as the board shall by ordinance provide, and special meetings may be called at any time by the mayor or two commissioners. All meetings of the board of commissioners, regular or special, shall be open to the public. Two members of the board of commissioners shall constitute a quorum and the mayor shall be entitled to a vote as a commissioner, and shall not be entitled to another vote in case of a tie. Regular meetings of board of commissioners. Special meetings. Meetings open to public. Quorum. Vote of mayor.

Sec. 44. At the first meeting of the board of commissioners, after the regular election of the members thereof, they shall elect a mayor *pro tem.* from among their members, who shall in the absence or inability of the mayor to serve, perform the duties of mayor. Mayor pro tem.

Sec. 45. That at their first meeting after their election, or as soon thereafter as is practicable, the board of commissioners shall elect, by ballot, the following officers, to wit: A city treasurer, who shall be one of the commissioners other than the mayor, and who shall serve without further remuneration, a corporation counsel, and a city clerk, who shall hold their respective offices at the will of the board. Election of officers by commissioners.

Sec. 46. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or a special meeting of which he shall have had notice, as prescribed in this act, he shall, unless excused by the board, forfeit and pay for the use of the city the sum of four dollars, which forfeiture may be enforced by the mayor. Forfeit by commissioner for non-attendance.

Sec. 47. The said board of commissioners shall, during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenues of the city for the next fiscal year and apportion the same, together with any surplus left over to the general fund from the preceding year as herein provided, to the several departments of the city government, reserving from said estimate not more than ten per cent of the total amount of the revenue estimated, as above provided, to be used in case of emergencies. Any unexpended portion of said reserved fund created for any fiscal year shall constitute a part of such reserve fund for the ensuing year. Such estimate or budget shall be prepared in such detail as the said board shall deem advisable, and in order to enable the said board to properly make the apportionment hereinbefore required, the heads of each department of the city shall, at least ten days before said apportionment is made, furnish in writing to said Estimate and apportionment of revenue. Reserve for emergencies. Estimates by heads of departments.

board estimates in detail of the amounts needed for their respective departments, which estimates shall be considered by the board of commissioners in determining the amount apportioned to each department of the city: *Provided*, that any apportionment made by said board of commissioners to any department of the city may at any time be increased or reduced, or may be diverted from one department to another by a majority vote of all the members of the board: and *Provided, further*, that if at the end of the fiscal year any surplus remains to any department of the city for which an apportionment was made, the same shall be credited to the general funds of the city, and shall form part of the general funds for the next ensuing fiscal year. That at the end of each quarter during the fiscal year each of the heads of the various departments of the city shall file with the board of commissioners an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid.

Proviso: change of apportionment.

Proviso: surplus from departments to general fund.

Itemized reports of departments.

Duties of city clerk.

Sec. 48. It shall be the duty of the city clerk to attend each meeting of the board of commissioners, and to keep the minutes and records of all the proceedings of said board in well bound books provided for that purpose, and to preserve all books, papers and writings of all kinds committed to his care during his continuance in office and deliver them to his successor, and to account for and pay over all moneys which may come into his hands by virtue of his office, to keep the corporate seal of the city and to affix same when lawfully directed so to do, to act as clerk of the police court, and shall perform such other duties as may be required of him by this act or by the board of commissioners.

Bond of city treasurer.

Sec. 49. The city treasurer shall give bond in some bonding company, in such sum and form, and with such conditions as may be required by the board of commissioners, the amount of said bond shall not be less than ten thousand dollars and the same to be approved by the board of commissioners, said bond to be paid for out of the regular expense funds of the city. It shall be his duty to call on all persons having in their hands any moneys or securities belonging to the city which ought to be paid and delivered into its treasury, to surrender the same to him, and to receive and safely keep and pay out the same only on warrants, signed by the mayor and countersigned by some other person to be designated by the board of commissioners. All moneys belonging to said city and received by any officer or agent thereof, from any source whatsoever, shall, unless otherwise herein directed, be by him turned over to said treasurer, as hereinafter provided, for which the treasurer shall give a receipt to the party so paying. Said treasurer shall keep, in books provided for that purpose, a full and correct account of all moneys received and disbursed by him and shall render a statement of his receipts and disbursements to the board of commissioners at the first of each month, and at such other time as may be required of

Duties of city treasurer.

Warrants.

Moneys turned over to treasurer.

Books and accounts.

Statement of receipts and disbursements.

him by said board. Said board of commissioners shall have the right to require of the treasurer 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 said bond shall be given and approved in the manner aforesaid. That said board of commissioners may, in their discretion, select one or more banks in the county of Buncombe as depository banks for the city of Asheville, and should such bank or banks be so selected as above provided it shall then be the duty of said treasurer to make daily deposits of such sums and moneys as shall be received by him from all sources whatsoever to his credit as treasurer in one or more of said banks, and such depository bank or banks, before any such deposit is made therein, shall be required to enter into an obligation with the said board of commissioners to pay into the treasury of said city interest at a rate to be fixed by said board of commissioners, which said interest shall be payable at the end of each month, and shall be based on the daily average balances for the month: *Provided*, the rate of interest to be paid by said bank may at any time be changed by the board of commissioners. The said bank or banks may, in the discretion of the board, be required also to execute a good and sufficient bond, with sureties to be approved by the said board of commissioners, and conditioned that such bank or banks will safely keep and account for and pay over said money on demand and as ordered by the board of commissioners. All interest paid by any such bank upon such balance shall be collected by the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as a part of the general funds of said city, subject to its use for any legitimate or municipal purpose. That whenever required by this charter or by the board of commissioners said treasurer shall keep the funds and the accounts thereof of the different departments of the city separate. Said treasurer shall do and perform such other acts as said board of commissioners may require of him, and on the expiration of his term of office, or upon the same being for any reason vacated, he shall deliver to his successor in office all the moneys, securities and other property which are or ought to be in his hands by virtue of his office.

New bond.

Depository banks.

Daily deposits.

Interest on deposits.

Proviso: rate of interest.

Bonds given by banks.

Collection and reports of interest.

Funds kept separate.

Settlement with successor.

Sec. 50. The commissioner of public accounts and finances of said city, in the collection of taxes, shall be vested with the same power and authority as is given by the State to sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. It shall be his duty to collect all taxes levied by the board of commissioners, and he shall be charged with the sums appearing on the tax list as due for city taxes. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per cent per month, to be paid to the city upon all sums so unlawfully retained. In the

Collection of taxes.

Debits.

Penalty for holding funds.

Credits.

settlement with the commissioner of public accounts and finances he shall be credited with all poll taxes and taxes of personal property which the board of commissioners shall declare to be insolvent and uncollectible, and with such amounts as may be involved in suit by appeal from the ruling of the board, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore provided. After the accounts of said commissioner shall be audited and settled, the same shall be reported to the board of commissioners, and when approved by them the same shall be recorded in the minute book of said board, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.

Audit and settlement of accounts.

Record prima facie evidence of correctness.

Bond of commissioner.

Sec. 51. The commissioner of public accounts and finances of said city shall give bond in some bonding company in such sum and form, and with such conditions as may be required by the board of commissioners; the amount of said bond shall not be less than ten thousand dollars, and the same to be approved by the board of commissioners, said bond to be paid out of the regular expense funds of the city. The condition of said bond shall be that he shall account for all taxes collected by him and shall pay over to the city treasurer the amount of said taxes within the time prescribed therefor by the preceding section.

Amount and approval of bond.

Condition of bond.

Duties of corporation counsel.

Sec. 52. That it shall be the duty of the corporation counsel to prosecute and defend all suits for and against the city, to advise the mayor, board of commissioners and all other commissioners, officers, agents and departments of the city in regard to matters connected with the city's business, and it shall be his duty when required to do so, to attend the meetings of the board of commissioners, and to prepare such deeds, contracts, bonds and other legal papers as may be required for the city's business.

Chief of police.

Sec. 53. The chief of police, acting under the commissioner of public safety, shall have the supervision and control of the police force, and it shall be his duty to report to the commissioner of public safety any failure 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 penalties, fees and costs collected by him; that it shall be the duty of said chief of police to see that all laws and ordinances of the city are enforced and to do all such things as may be required of him by the board of commissioners or by the commissioner of public safety. He shall report any violation of law or the ordinances of the city to the judge of the police court. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city. Such power and authority to be exercised by them not only in the corporate limits, but within one mile outside thereof, or on any rights-of-way, easements or property of the city without the corporate limits

Reports.

Settlement with policemen.

Duties.

Power and authority.

Authority extended.

thereof, and on the right-of-way of any street railway or extension thereof, within and without the city limits, operating under a franchise granted by the city, for the purpose of enforcing ordinances and regulations of the city enacted for police and sanitary purposes, and for the further purpose of suppressing disturbances and apprehending offenders. They shall execute all process legally directed to them by any court within the county, and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with violation of law or of city ordinances in the manner and to the extent as such power is vested in services. They shall receive and turn over to the city clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like service.

Powers in execution of process

Fees.

Sec. 54. The board of commissioners of the city of Asheville shall make rules and regulations for the government and direction of the police of the city. In times of exigency the commissioner of public safety may appoint temporarily such additional policemen as shall be necessary, who shall take the same oath and be vested with the powers and subject to the same control as regular policemen. The board of commissioners of said city 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*, that the commissioner of public safety, when he deems it necessary, may authorize such officer to be on duty in plain clothes. The police of the city shall have power to do whatever may be necessary to preserve the good order and peace of the city, and secure the inhabitants from personal violence and their property from loss or injury.

Government and direction of police.

Additional policemen.

Badges, arms and uniform.

Proviso: plain clothes men.

Sec. 55. That the chief of police and each member of the police force, shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oaths shall be filed with the mayor and entered in the book with the oaths of the board of commissioners and other officers of the city.

Policemen to be sworn.

Sec. 56. That the board of commissioners of the city of Asheville shall have the power to license, tax, regulate, restrict, prohibit and revoke any license, after being issued on the following business, viz:

Licenses.

For running billiard tables, bowling alleys, or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made, for pawnbroker, or for selling "near beer," cider or any other soft drink, of whatever name, containing one-half of one per cent or more of alcohol, but not in sufficient

Enumeration of subjects.

quantities to produce intoxication. Before issuing license as above, said board may require bonds from all applicants, conditioned as the board of commissioners may determine, with such sureties as the said board may approve: *Provided*, this section shall not be construed so as to permit said board to license any business which is now or may hereafter be prohibited by law.

Proviso: business prohibited by law.

Plumbers and electricians.

Sec. 57. Said board may regulate and license plumbers and those engaged in the electrical wiring of buildings for light, power or heat, and before issuing a license, may require the applicant to be examined and to give bond in such sum and upon such conditions as the board of commissioners may determine, and with such sureties as it may approve, and said board may, for incompetency on the part of such licensees or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder.

Doing plumbing or wiring without license forbidden.

Sec. 58. No person, firm or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said board.

Term of license.

Not transferable.

Sec. 59. That no license issued hereunder by said board shall be for more than one year, and same shall not be transferable or assignable except by the permission of the board of commissioners.

Doing business without license a misdemeanor.

Punishment.

Sec. 60. Any person carrying on or practicing any business, profession, trade or vocation 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 not more than fifty dollars, or imprisoned not more than thirty days.

License not issued until tax paid.

Sec. 61. That no license shall be issued as herein provided before the license tax shall have been paid.

Provisions of Revisal applicable.

Sec. 62. That the provisions of sections two thousand nine hundred and eighty-two to section three thousand and ten, inclusive, of The Revisal of one thousand nine hundred and five of North Carolina shall apply to the city of Asheville, where not inconsistent with the provisions of this act.

Election on ratification of act.

Sec. 63. That on the third Tuesday in March, one thousand nine hundred and eleven, there shall be held in the city of Asheville an election at which all voters who are then registered and qualified to vote shall be entitled to vote for the purpose of determining whether it is the will of such voters that the foregoing shall become law applicable to the city of Asheville. That the election shall be advertised by the board of aldermen for twenty consecutive days prior to the holding of such election. Said advertisement shall be inserted in each daily newspaper published in the city of Asheville. That such election shall be conducted in all things as are elections for mayor and aldermen under the present law as nearly as may be.

Advertisement of election.

Ballot boxes.

Ballots.

Sec. 64. That at each voting place in said city at such election, there shall be provided one box in which each person entitled to vote may deposit one ballot. That those wishing to vote that the fore-

going provisions shall become law applicable to the city of Asheville may vote a ballot upon which there shall be printed or written the words "For commission form of government," and each of those wishing to vote against the foregoing provision becoming law applicable to the city of Asheville may vote a ballot on which shall be printed or written the words "Against commission form of government."

Count of ballots and certificate of result.

Sec. 65. That the election officers for each precinct shall, within six hours from the time the polls are closed in the election to determine the question as to whether the foregoing provisions shall become law, shall count the ballots and certify the result to the mayor and board of aldermen. The mayor and board of aldermen shall, within twenty-four hours, examine such certificates and formally declare whether a majority of those voting have voted "For commission form of government" or "Against commission form of government," and spread upon their minutes the record of their determination, and if it shall appear therefrom that a majority of those voting at such election have voted "For commission form of government," the foregoing sections of the proposed charter and laws shall at once become effective and the law applicable to the city of Asheville, North Carolina, as if unconditionally passed by the General Assembly of North Carolina.

Canvass of returns and record of result.

Effect of election.

Failure by alderman to discharge duty a misdemeanor.

Punishment.

Penalty.

Sec. 66. That if the mayor or any of the aldermen of the city of Asheville shall fail to perform any of the duties imposed upon them, relative to holding elections provided for by this act, they and each of them so neglecting shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court, and shall also be liable to a penalty of one hundred dollars, one-half of which shall be payable to the county school fund and one-half to the party who shall sue for same.

Powers and duties under present charter.

Sec. 67. That wherever in the present charter of the city of Asheville and in all acts amendatory thereof, any power, authority and duties are conferred upon the mayor and board of aldermen of the city of Asheville, or the board of aldermen, that such power, authority and duties are hereby conferred upon and vested in the mayor and board of commissioners: *Provided, however,* that such power, authority and duties are not inconsistent with and in conflict with the provisions of this act.

Chairman of finance committee.

Sec. 68. That section thirty-one of the Private Laws of North Carolina, session one thousand nine hundred and one, be and the same is hereby amended by striking out in line nine of said section the words "chairman of the finance committee of said city," and substituting in lieu thereof the words "commissioner of public safety."

Provisions of present charter continued in force.

Sec. 69. That all provisions of the present charter of the city of Asheville, and the acts amendatory thereof, not in conflict with this amendatory act are continued in full force and effect.

Repealing clause.

Sec. 70. That all acts and parts of acts in conflict with this be and the same are hereby repealed.

When act effective.

Sec. 71. That this act shall be in force and effect from the day of declaring carried the election "for commission form of government" in the manner hereinabove set out: *Provided, however,* that so much of this act as provides for an election for the adoption thereof by a vote of the people shall be in full force and effect from and after its ratification.

Ratified this 25th day of February, 1911.

CHAPTER 141.

AN ACT TO INCORPORATE COWEE LODGE, NO. 24, ORDER OF THE STAR OF BETHLEHEM.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That W. J. Jenkins, John E. Rickman, John H. Dalton, Willis Meadows, C. A. Bryson, M. L. Rickman, J. W. Rickman, John W. Murray, J. R. Ray, W. C. Sheffield, Nora Leach, Mary Jenkins, Varnie West, Nannie West, Jennie Ray, Fannie Bryson and others, officers and members of Cowee Lodge, Number Twenty-four ("24"), Order of the Star of Bethlehem, under the jurisdiction of the Eminent Grand Commandery of Detroit, Michigan, and the Grand Council of North Carolina, and their successors, be and they

Corporate name.

are hereby declared to be a corporation and body politic by the name, style and title of Cowee Lodge, Number Twenty-four (24), Order of

Corporate powers.

the Star of Bethlehem, and by that name, style and title they and their successors shall and may at all times hereafter have power and be capable in law to have and hold, receive and retain property, both real and personal, also devises and bequests of any person or persons, body corporate and politic, capable of making the same; and the same at their will and pleasure to transfer, convey and dispose of in such manner as they may deem proper, for the promotion of the principles and the advancement of the purposes for which this corporation is formed.

Further corporate powers.

Sec. 2. That the said corporation and its successors, by the name, style and title aforesaid, shall be forever hereafter capable 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, before any and all judges, officers or persons whatsoever, in all and singular actions, matters or demands whatsoever.

Common seal.

Sec. 3. That it shall and may be lawful for the said corporation to adopt and have a common seal for its use, and the same at its will and pleasure to change, alter and make new from time to time, as it may deem proper and think best.

Principal office.

Sec. 4. That the corporation aforesaid shall have its principal office at West's Mills, Macon County, North Carolina; and it shall in general have and exercise all such rights, privileges and immuni-

ties as by law are incident or necessary to corporations of like character, and that may be necessary to the corporation herein constituted.

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

Ratified this the 25th day of February, 1911.

CHAPTER 142.

AN ACT FOR THE RELIEF OF E. D. SNEAD, PUBLIC SCHOOL TEACHER OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the board of education of Cumberland County be and they are hereby authorized to pay to Dr. E. D. Snead such sum as they may find to be due him as balance on salary as a public school teacher for District Number Six, Rockfish Township, Cumberland County, not to exceed the sum of ten dollars. Payment of balance of salary ordered. Limit.

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

Ratified this the 25th day of February, 1911.

CHAPTER 143.

AN ACT TO INCORPORATE HODGES INSTITUTE.

The General Assembly of North Carolina do enact:

Section 1. That John Newell, Levi Cromartie, George W. Williams, Sip W. Smith, Paul Hutson, Calvin Shaw, C. F. Newell, F. G. Shipman and Ed McLeod, 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 Hodges Institute, and by that name they shall have perpetual succession and a common seal, may sue and be sued, may purchase, take 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 hereinbefore mentioned shall be and remain the trustees or board of directors of said corporation until their successors are elected, as hereinafter provided. Corporators. Corporate name. Corporate powers. Trustees or directors.

Sec. 2. That said board of trustees or directors shall have the general supervision and control of said corporation. It shall have the power to make such rules, regulations and by-laws not incon- Supervision and control. Powers of trustees or directors.

sistent with the constitution and laws of the State of North Carolina or the United States, as may be necessary or proper for the good government of the said school and the management of the property and funds of the same. Said board may provide for and elect a chairman and such other officers of its own body, and a president, professors, teachers and such other officers for the management of the school itself as it may deem necessary or proper, and may prescribe the tenure, duties and compensation of such officers and teachers, whether of its own board or of the school. Said board may, after reasonable notice and for cause stated, remove any or all of such officers as it may deem best. 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 said board shall constitute a quorum.

Organization.

President, professors, teachers and other school officers.

Quorum.

Directors.

Sec. 3. That said trustees shall, for all legal purposes, be regarded as a board of directors.

Term of office.

Sec. 4. That the term of office of the said trustees shall be for fifteen (15) years, and in the case of death, disqualification or removal from office on the part of any member the vacancy so created shall be filled by the other trustees.

School non-denominational and non-sectarian.

Sec. 5. That said Hodges Institute shall be and is hereby created a non-denominational and non-sectarian school for the purpose of broadly disseminating the principles of enlightenment without regard to creed.

Financial assistance from county.

Sec. 6. That it shall be proper and permissible for the board of education of Bladen County to extend financial assistance to said Hodges Institute, either by the consolidation of the near-by public school districts for colored people therein or otherwise, as in the discretion of said board may be deemed best.

Institute to become public school.

Sec. 7. That should said Hodges Institute receive financial assistance from said board of education, then and in the event said Hodges Institute shall be subject to the supervision and control of the superintendent of public instruction of Bladen County just as are the public schools in said county. And the said Hodges Institute in such event shall be deemed a public school and shall in all respects be governed and controlled by the public school law then and thereafter in force.

General 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.

Term.

Sec. 9. That this corporation shall have duration for fifteen (15) 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 25th day of February, 1911.

CHAPTER 144.

AN ACT TO CHANGE CERTAIN TERRITORY FROM THE BONSAL TO THE MERRY OAKS SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the following described territory, lying in Wake County and being a part of the old Bonsal school district, bounded as follows, to wit: Beginning in the Wake and Chatham County lines in the northwest corner of Lonnie Mimms' land; thence east with said Mimms' line to his northeast corner; thence south with his line to his southeast corner; thence south to Thomas Wyndham's and J. J. Reynolds' corner; thence with said Wyndham's and Reynolds' line south to their southeast corner; thence west with Reynolds' 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 part of the Merry Oaks, Chatham County, special tax school district for the white race. Boundary.

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

Ratified this the 25th day of February, 1911.

CHAPTER 145.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ENFIELD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and forty-six of the Private Laws of North Carolina of the session of one thousand eight hundred and ninety-seven, entitled "An act to amend the charter of the town of Enfield, North Carolina," be amended by striking out section two thereof and inserting in lieu thereof the following, to wit:

"Sec. 2. That the corporate limits of the town of Enfield shall be as follows, to wit: Beginning at an iron stake on the north side of Franklin street and the east side of the Atlantic Coast Line Railroad Company and twenty-five hundred feet from the center of said railroad track; thence parallel with said railroad 46 15′ W. 4,470 feet to an iron stake in S. Pope's yard; thence along said Pope's line and the avenue N. 43 45′ W. 4,800 feet to an iron stake; thence N. 46 15′ E. 6,260 feet to an iron stake; thence N. 75 40′ E. 1,030 feet to an iron stake; thence S. 43 45′ E. 2,500 feet to an iron stake; thence 14 15′ W. 3,220 feet to the beginning." Corporate limits.

Sec. 2. That all laws or 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 25th day of February, 1911.

CHAPTER 146.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE PRIVATE LAWS OF NORTH CAROLINA OF NINETEEN HUNDRED AND NINE, ESTABLISHING A SPECIAL TAX SCHOOL DISTRICT IN WAKE COUNTY AND CHATHAM COUNTY, KNOWN AS SCHOOL DISTRICT NUMBER FOUR.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter one hundred and three, of the Private Laws of North Carolina of nineteen hundred and nine be amended as follows:

Strike out the words commencing with the word "beginning" in line three down to and including the semicolon in line eight and insert in lieu thereof the following:

Boundary. "Beginning at a point in the line of Wake and Chatham counties at the southeast corner of J. D. Richardson's land, running thence with said Richardson's line west to the southwest corner of said J. D. Richardson's land; thence with J. D. Richardson's line to W. T. Burt's line; thence with Burt's west line northwardly to his northwest corner; thence with Burt's north line to J. D. Richardson's line; thence with said Richardson's west line running north to the western side of the D. and S. C. R. R. right-of-way; thence with said right-of-way south to the Wake County line; thence with said Wake County line to the east side of D. and S. C. R. R. right-of-way; thence north with east side of said right-of-way to the Merry Oaks district line; thence west with Merry Oaks district line to A. J. Segrove's northeast corner; thence south with Segrove's east line to C. J. Bright's and Segrove's corner; thence with Segrove's south line west to the old Merry Oaks district line; thence west with said Merry Oaks district line to A. L. Wilson's west line." Also strike out in line twenty-six of said section and chapter from and including the word "thence" in said line down to the semi-colon in line thirty and insert in lieu thereof the following: "Thence with the Ennis line west to the said county line."

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

Ratified this the 25th day of February, 1911.

CHAPTER 147.

AN ACT TO INCORPORATE MILL CREEK CHURCH IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Incorporation. Section 1. That Mill Creek church, in Bentonsville Township, Johnston 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 powers to be vested in the officers of said church and their successors in office; and it is hereby declared a misdemeanor for any person, firm or corporation to sell or otherwise dispose of for gain any intoxicating liquors, drinks or beverages within two miles of said church, under a penalty of not exceeding fifty dollars for each offense, or imprisonment not exceeding thirty days. Corporate powers. Sale of intoxicating liquors, drinks or beverages a misdemeanor. Punishment.

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

Ratified this the 25th day of February, 1911.

CHAPTER 148.

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

The General Assembly of North Carolina do enact:

Section 1. That the town of Marietta, in the county of Robeson, be and the same is hereby incorporated, by the name and style of the town of Marietta, and shall be subject to all the provisions contained in chapter seventy-three (73) of The Revisal of one thousand nine hundred and five, entitled "Towns," which are not inconsistent with the provisions of this act. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of the said town shall be as follows: Beginning at a stake in the center of the track of the Raleigh and Charleston Railroad, which is five hundred yards north, fifty-eight degrees and thirty minutes east from the intersection of Oliver street in said town with the Raleigh and Charleston Railroad, and runs thence south thirty-one degrees and thirty minutes east five hundred yards to a stake; thence south fifty-eight degrees and thirty minutes west one thousand yards to a stake; thence north thirty-one degrees and thirty minutes west one thousand yards to a stake; thence north fifty-eight degrees and thirty minutes east one thousand yards to a stake; thence south thirty-one degrees and thirty minutes east five hundred yards to the beginning, being a square one thousand yards on each side with the intersection of Oliver street and the Raleigh and Charleston Railroad as the center. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor, four commissioners, a marshal, a 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 eleven, and until their successors are elected and qualified, to wit: Mayor, L. M. Oliver; commissioners, C. A. Oliver, W. W. Early, S. M. Oliver and D. F. Gregg. That the marshal, clerk and treasurer shall be elected by the town commissioners. Town officers. First officers named. Officers elected by commissioners.

Town elections.

Sec. 4. An election shall be held in said town on the first Monday in May, one thousand nine hundred and eleven, and biennially thereafter for mayor and commissioners, under the laws of the State of North Carolina, regulating elections in towns and cities.

Council.

Ordinances.

Sec. 5. That the mayor and commissioners shall form a council and may make, publish and enforce ordinances for the government of the said town, not inconsistent with the constitution of the United States, the constitution of North Carolina and the laws of said sovereignties.

Mayor a special court.

Jurisdiction.

Sec. 6. The mayor of the town of Marietta is hereby constituted a special court with all the jurisdiction and powers in criminal offenses occurring within the corporate limits of the said town or within one mile thereof, which are or which may hereafter be given to justices of the peace; he shall preserve and keep the peace and may cause, upon proper proceedings, persons charged or convicted of crime in other counties or States who may be found in the town limits to be arrested and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said town and to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the laws and rules and ordinances made by the commissioners of said town.

Taxing powers.

Sec. 7. That the board of commissioners of said town shall have power to annually levy and collect and cause to be collected, taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies, all personal property and all other subjects of taxation now taxed or which may hereafter be taxed by the General Assembly of North Carolina for State and county purposes and on the taxable polls within said town: *Provided*, that the taxes levied by said town shall not exceed the sum of twenty cents on the one hundred dollars valuation of all property within the said town and sixty cents on each taxable poll to meet all liabilities of the said town which may be hereafter created.

Proviso: tax limit.

Road work.

Sec. 8. That the incorporation of the said town of Marietta shall in no wise affect the working of the public roads in Robeson County which may run through or into the said town of Marietta, but the county of Robeson shall continue as heretofore to work all such public roads leading into or through the said town of Marietta; and if any changes or amendments be made to the road law of Robeson County as it now exists, then the public roads leading through or into the town of Marietta shall be worked under the general law applicable to the county of Robeson, or to the township within which the said town of Marietta is located, and nothing in this act shall be construed as imposing any duty upon the board of commissioners of said town to work, improve, keep up or maintain any public road leading by, through or into the said town.

Sec. 9. The commissioners of said town shall have power to lay out or open any new street or streets within the corporate limits of the said town whenever deemed necessary, and shall have the power at any time to widen, enlarge, change, extend, narrow or discontinue any street or streets within said corporate limits whenever they may so determine, and shall have the power of eminent domain and the right to condemn any land or property for the public use and purpose of said town by making a reasonable compensation to the owner of such land or property. In case the owner of the land so taken can not agree with the commissioners as to the amount of damage, the mayor shall issue his warrant to the town marshal, commanding him to summon three disinterested freeholders of said town, who, together with two freeholders to be appointed by the owner, shall determine the value of said land or the amount of damage to which the property owner is entitled, having due regard to the benefits, if any, accruing to the property, as well as any damages thereto, and they shall afterwards return a written report of their proceedings to the mayor. The appraisers shall be sworn to impartially discharge their duties before entering upon the discharge thereof. If either a majority of the commissioners or the property owner be dissatisfied, then an appeal may be taken to the superior court within ten days and upon such appeal taken, the mayor shall transmit a copy of the report of the appraisers to the superior court of Robeson County and said cause shall be docketed upon the civil issue docket to be tried as other civil causes. The commissioners shall not have to await the awarding of damages or the payment thereof before proceeding to take the property and use same for the public use, and no appeal shall have the effect of staying further proceedings during its pendency, but the commissioners shall have power to proceed to open or change any street or devote the property taken to any public use, the damage to be assessed and determined as herein provided: *Provided, however*, that nothing as herein contained shall authorize the commissioners of said town to close, narrow or discontinue any street as the same now exists in said town of Marietta, or as shown upon the map of said town which is registered in the register's office of Robeson County in book four L, at page eighty-two.

Power of commissioners as to streets.

Power to condemn land.

Procedure for condemnation.

Right of appeal.

Proviso: discontinuance of streets.

Sec. 10. That the officers provided for by this act shall qualify within ten days after the ratification thereof before a justice of the peace or other proper officer, and all officers hereafter elected shall qualify in like manner.

Officers to qualify.

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

Ratified this the 25th day of February, 1911.

CHAPTER 149.

AN ACT TO AMEND THE CHARTER OF THE WINSTON-SALEM SOUTHBOUND RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter thirty-four of the Private Laws of North Carolina, passed at its session of one thousand nine hundred and five, being an act to incorporate the Winston-Salem Southbound Railway Company, be and the same is hereby amended as follows: Insert after the word "line" and before the word "provided" in line seven of said section the following: "or to any other point in the county of Anson."

Alternative terminus.

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

Ratified this the 25th day of February, 1911.

CHAPTER 150.

AN ACT TO RE-CHARTER THE TOWN OF AURORA IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Boundary lines.

Corporate powers.

Section 1. That the town of Aurora in Beaufort County, with the boundary lines of said town as they are now located under the existing laws, is hereby incorporated, with all the powers and privileges which are granted to and conferred upon towns by virtue of chapter seventy-three of The Revisal of North Carolina of one thousand nine hundred and five, and all laws amendatory thereto.

Power to condemn land for streets and sidewalks.

Sec. 2. That the commissioners of the said town are hereby authorized and empowered to condemn, or otherwise acquire, all necessary lands for the extension of its streets and sidewalks in said town.

Taxing power.

Proviso: limit of rate.

Proviso: street tax.

Sec. 3. The commissioners of said town are hereby authorized and empowered to levy and collect from all subjects of taxation within said town, an annual town tax: *Provided, however,* said tax shall not exceed fifty cents on the one hundred dollars valuation of property, and one dollar and fifty cents on the poll: *Provided, further,* that nothing herein contained shall prevent the commissioners of the said town from levying and collecting from the male residents of said town, between the ages of twenty-one and forty-five years, a street tax not to exceed four dollars per year from each person, which tax shall be kept separate and apart from all other taxes, and it shall be the duty of the said commissioners to use the street tax for no other purpose than in the necessary building and repairing the streets and sidewalks of said town.

Officers of town.

Sec. 4. That all officers of said town as it now exists are hereby authorized and empowered to continue in and perform the duties of their respective offices until their successors are elected at the regular election in May, one thousand nine hundred and eleven, and are duly qualified and inducted into office.

Sec. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1911.

CHAPTER 151.

AN ACT TO INCORPORATE THE TOWN OF MAURY, IN GREENE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the town of Maury, in the county of Greene, State of North Carolina, be and the same is hereby incorporated under the name and style of the town of Maury, and shall have all the rights, powers and privileges, and be subject to all the duties and provisions of chapter seventy-three of The Revisal of one thousand nine hundred and five.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 2. That the corporate limits of the said town shall be as follows, to wit: Beginning at the center of the roadbed of the East Carolina Railway, on the canal, runs thence with said canal in a westerly direction two hundred yards to a stake: thence in a northerly direction one thousand yards to a stake on the Snow Hill road; thence with said road in an easterly direction four hundred yards to a stake on said road; thence in a southerly direction parallel with said East Carolina Railway one thousand yards to a stake on the canal; thence with the canal in a westerly direction to the beginning.

Town officers.

Police officers.

Sec. 3. That the officers of the said town of Maury shall be a mayor and five commissioners and a constable, the last named officer to be elected by the commissioners of the said town, who may also appoint such police officers as they may deem necessary.

Town clerk or treasurer.

Bond of treasurer.

Sec. 4. That the board of commissioners of the said town of Maury, upon their organization or as soon thereafter as may be, shall elect a town clerk or treasurer who, before entering upon the duties of his office, shall enter into bond in such amount as the commissioners may deem sufficient, with surety to be approved by said commissioners for the faithful discharge of the duties of his office.

Ordinances.

Sec. 5. That the board of commissioners of the said town may pass such ordinances as it may deem necessary for the peace, safety,

health and good government of the town not inconsistent with the laws and constitution of the State and of the United States.

First officers named.

Sec. 6. That until the qualification and induction into office of the officers first elected under the provisions of this act, the government of the said town shall be vested in the following persons, for the offices named as follows, to wit: W. M. Wells, mayor; and L. L. Hardy, R. O. Harper, J. B. Hagans, E. C. Carr and W. T. Cobb, commissioners; and G. F. Redick, constable. The said officers shall meet and be sworn and inducted into office on the ..... day of March, one thousand nine hundred and eleven, or as soon thereafter as may be.

Induction into office.

Town election.

Sec. 7. That an election shall be held in the said town on Tuesday after the first Monday of May, one thousand nine hundred and eleven, and biennially thereafter, for the election of mayor and commissioners of said town, under the same rules and regulations prescribed for town elections in the said chapter seventy-three of The Revisal of one thousand nine hundred and five.

Officers-elect to qualify.

Sec. 8. That within five days after the said election, the persons elected as officers for the said town shall meet and be inducted into office after having been duly sworn as required by law.

Repealing clause.

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

Copy to be sent to mayor.

Sec. 10. That a copy of this act shall be forwarded by the Secretary of State to W. M. Wells, 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 25th day of February, 1911.

CHAPTER 152.

AN ACT TO IMPROVE THE STREETS OF THE TOWN OF MOUNT AIRY, AND TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Improvement of streets authorized.

Section 1. That the mayor and the board of commissioners of the town of Mount Airy shall have full power and authority, and it is hereby made their duty to grade and pave or macadamize and otherwise improve for travel and drainage the streets of the said town, and to put down crossings and cross drains, and otherwise properly improve them.

Bond issue authorized.

Sec. 2. For the purpose of properly carrying out the duty imposed by the preceding section, the said mayor and board of commissioners are hereby authorized and fully empowered and directed to issue bonds of the town of Mount Airy in such sum as the said mayor and

board of commisioners may determine, to be sufficient for the purpose, not to exceed fifty thousand dollars, and the said bonds, when issued, are to be denominated "street improvement bonds," to be signed by the mayor and countersigned by the secretary, bearing the corporate seal of the said town, shall be written in the usual form, and bear interest from date of issuance until paid, at a rate not exceeding five per cent interest per annum, payable semi-annually, and the said interest shall be evidenced by coupons thereto attached in the usual form; and that the said bonds shall mature at the end of twenty years from the date of issuance and shall be fully binding upon the said town and its property; and that the mayor and the board of commissioners shall issue the said bonds in installments as may be necessary as the work on the street progresses, and the necessity of payment thereof arises, but all of the said bonds shall bear the same date, and bear interest as aforesaid, but the coupons for interest on the installments delayed shall be torn off before issuing, to the date of maturity of the coupons next preceding the date of such issuance.

Limit of amount.

Authentication.

Interest.

Maturity.

Issue in installments.

Sec. 3. In order to more effectually carry out the authority delegated and the duty imposed by this act, the said mayor and board of commissioners shall assess one-fourth of the cost of the grading and paving or macadamizing and constructing side drains, cross drains, and other necessary drains and crossings, or otherwise improving the roadway or street proper on the real estate abutting on each side of the street so improved or repaired.

Assessments on abutting property.

Sec. 4. To equalize the assessments on real estate, for the purpose described in section three next above, the said mayor and board of commissioners shall assess the total cost of such improvement made throughout the entire length of such work and improvements, and then shall pro rate the cost thereof on the real estate abutting thereon, according to the frontage on the street or portion of the street so improved, and charge to such real estate on each side of the street upon which such work is done, its pro rata share of one-fourth of the cost of such street improvement made under the provisions of this act; when the board of commissioners shall order paving, macadamizing or other improvements to any street, they shall have same accurately surveyed, and the permanent grade thereof established, and accurate map made of the various lots and properties abutting upon said street, containing the exact frontage of each lot, and the said map shall be filed in the office of the secretary of the board for public inspection. When the assessment and lien herein provided shall have been made upon the various lands and properties on the street, the said clerk shall write in ink on said map the amount assessed upon the same, and he shall keep the record book showing such assessment and lien and the date and amount of all payments made upon any of said assessments and liens.

Apportionment of assessments.

Surveys, grades and maps.

Assessments entered on map.

Record of assessments.

Assessments a lien on property.

Sec. 5. The amount of assessment for such streets improvements and other roadways, as hereinbefore provided, on each piece of real estate, being estimated as above directed, shall be a lien upon such real estate, and the said mayor and board of commissioners shall

Reports of work.

cause the engineer or surveyor to make a survey and a report of the amounts of the work done and the cost thereof, upon each street, the name of each abutting owner thereon, the number of feet of each lot, and the pro rata share of such cost of such street improvements, to be assessed against such real estate; and upon the adoption of the said report the said amount shall become complete and operative, which said report shall be transcribed upon the minutes of the said board of commissioners, and the amount of the said lien and the said assessment against the property abutting on said street, as

Assessments payable in installments.

aforesaid, shall become due, as follows, to wit: one-fourth in one year, one-fourth in two years, and one-fourth in three years, and

Adoption of report to constitute lien.

the balance in four years, with interest from date. The adoption of the said report of the said surveyor by such board of commissioners shall constitute the said lien for the amount therein stated against each of the separate pieces of real estate therein described,

Enforcement of collection.

and the same shall become due and payable as aforesaid; and in case of failure to pay either of said assessments in thirty days after its maturity then all the unpaid installments shall become due at once, and an execution shall issue by the secretary of the said board of commissioners, directed to the tax collector of the said town, who shall advertise the land upon which the said defaulting assessments are made, as aforesaid, or as required by law for sale of land for taxation under the provisions of the charter of Mount Airy, or under the provisions of the general law, and shall sell the same and

Receipt to purchaser.

give to 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

Time for redemption.

land, and the description of the land sold; and the owner of the land sold shall have twelve months within which to redeem the said land by paying to the purchaser the amount he paid and ten per cent additional; but if the land is bid off for the town, then the owner, in order to redeem the same, must pay the assessment due on the said land, the cost of sale, and twenty per cent on said assessment;

Deed in default of redemption.

if the land is not redeemed within twelve months, then the town tax collector shall make to the purchaser deed to the said land, and same shall operate to convey to the purchaser the title to the said

Proceeds of sale.

land, and the proceeds of the said sale shall be applied, first, to the payment of all that may then remain unpaid, upon said assessment and liens, together with the cost of such sale, which cost shall be the usual fees allowed the town tax collector for selling lands for taxation: the balance, if any, of such proceeds shall be paid to the owner of said land at the time of said sale: *Provided*, that any

Proviso: appeals.

owner of land upon which said lien for such assessment exists shall have the right to file before the mayor and board of commissioners

of said town an affidavit denying that the whole, or any part of the amount, if any he admits to be due, which amount so admitted to be due he shall pay or tender, accompanying his affidavit with it, and before it shall be received, and then the said affidavit shall be received only for the balance, and all such affidavits so received shall be returned to the superior court of Surry County for trial, and it shall be considered that the issue as to the amount then due is raised upon the reception of such affidavit, and without any plea upon the part of the town of Mount Airy, but this shall not be construed to prevent said town of Mount Airy from filing an answer, or any other defense to which it may be entitled under the laws of North Carolina; and upon such trial, if the issues be all found in favor of affiant, then the lien shall be discharged; if, however, the issue shall be found in favor of the town of Mount Airy to any amount, and it be thereby ascertained that affiant is due to the said town any amount by virtue of the matters therein referred to, then said amount so found, together with six per cent interest thereon from the date of its maturity, together with the cost thereon accrued, which cost to be assessed as costs in any other civil actions, shall be and continue a lien against the property upon which the original assessment was placed, and shall be collected by an execution issuing from the said superior court, directed to the tax collector of the town of Mount Airy, which shall be collected by him by sale of said land, as hereinbefore provided in case of execution issuing from the secretary of the town.

Judgment on appeals.

Collection of judgment.

Sec. 6. That the said mayor and board of commissioners of said town, by its proper officers, shall have exclusive control and management of said work upon the streets, and all improvements thereon herein contemplated, and shall complete the same, and the whole of the cost thereof shall be paid for out of the proceeds of the sale of the bonds hereinbefore in this act authorized to be issued and sold, the said town itself being liable for one-half of the cost of the street or roadway between the curbing, and the abutting land on each side assuming the liability hereinbefore created: *Provided, however,* that whatever of the cost of street improvements which may be paid by or assessed against any street or railway company hereinafter to be built, shall be deducted from the proportion of the cost thereof for which the said town is liable as aforesaid: *Provided, further,* in case the said town may not have on hand at any time sufficient funds received from the sale of said bonds to meet the amount then due for the work aforesaid, the mayor and board of commissioners are directed hereby to advance the sum from the general revenues of the town, but such amount so advanced shall be refunded out of funds arising from the sale of said bonds.

Control and management of work.

Payments.

Proviso: assessments on street railways.

Proviso: advances from general fund.

Sec. 7. In order to pay the interest on the said bonds, the commissioners of the said town are hereby authorized, and it shall be their duty to annually compute and levy, at the time of levying other taxes of said town, a sufficient tax on all polls and property, real

Tax for interest.

and personal, and other subjects for taxation mentioned in the charter of the town of Mount Airy and the acts amendatory thereto, which shall be listed for taxation in said town, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and properly pay the interest on said bond; said taxes shall be collected in the same manner at the same time that the other taxes for the town are collected, and shall be paid over by the town tax collector to the treasurer of said town, which officers shall give justified bonds in an amount sufficient to amply cover said taxes.

Constitutional equation.

Collection of tax.

Tax to be kept separate.

Specific appropriation.

Diversion of funds a misdemeanor.

Sec. 8. That the taxes levied and collected for the purposes specified in this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which it was levied and collected, and any mayor or commissioners who shall appropriate by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the conditions of this act, shall be guilty of misdemeanor: *Provided*, the tax levied and collected for the payment of interest shall any year exceed the amount required for that purpose, the amount in excess shall be applied to the interest fund for the next succeeding year, and the said officers, at the time of the assessment of taxes for the payment of interest for the next succeeding year, shall take into consideration said excess, and compute and levy said taxes accordingly.

Proviso: application of surplus.

Tax for sinking fund.

Sec. 9. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of said commissioners at the end of twenty years from the date of said bonds, to annually levy and collect a special tax in addition to the amount hereinbefore mentioned, that shall amount to one-tenth of the amount of the bonds issued under this act, and when an amount shall be levied sufficient to pay off the principal of these bonds, as herein provided for, then the commissioners shall cease to levy taxes under this act, in order to pay interest on said bonds.

Election on bond issue.

Sec. 10. That before any of the bonds hereinbefore in this act authorized shall be issued, the proposition to issue said bonds and to levy and collect annual and special tax to provide for the payment of the interest thereon, and to provide a sinking fund for the payment of the principal of said bonds when they shall become due, shall be first submitted to the qualified voters of the town of Mount Airy, at an election as hereinafter provided. At any such election, those who are in favor of issuing bonds hereinbefore provided for, to be applied to the purpose of street improvement, and upon the conditions hereinbefore imposed, shall vote upon written or printed ballots the word "Approved," and those opposed shall vote on written or printed ballots the word "Not approved." If at any such election the majority of the votes cast shall be in favor of the proposition, and shall be voted "Approved," then the board of commissioners of the

Ballots.

Effect of election.

said town shall issue the said bonds hereinbefore directed, which shall be applied to the purposes and upon the terms and conditions, and subject to all the requirements stated in this act. The first election after the passage of this bill shall be held at such time as the board of commissioners may in their discretion fix, not before the first day of May, one thousand nine hundred and twelve; and if at such election the majority of the votes cast shall be opposed to the proposition, then the board of commissioners shall at any time after the lapse of twelve months, upon the petition of one-third of the qualified voters of said town, order an election to be held, under the rules and regulations prescribed by law for the general election of mayor and board of commissioners of said town, and at each of said elections the ballot shall be as hereinbefore directed, and if at any such election the majority of the votes cast shall be in favor of the proposition, and voting approved, then the said bonds shall be issued by said mayor and board of commissioners, to be applied to the purpose, and upon the terms and conditions stated in this act: *Provided*, that if the amount of the bond issue first voted under the provisions of this act shall be insufficient to complete the street improvements, that then the question of issuing additional bonds shall be submitted to the qualified voters of the town of Mount Airy, at such time as the mayor and board of commissioners may appoint, and to be conducted under the same rules and regulations hereinbefore provided for the first election, and if at such election the majority of the votes cast shall be favorable to the proposition, voting "Approved," then these additional bonds shall be issued by the mayor and board of commissioners, and used for the purposes aforesaid: *Provided, further*, that at any election held under the provisions of this act the mayor and board of commissioners shall have the right and authority to order an entire new registration of the qualified voters of the said town, prior to the holding of said election, upon notice of thirty days of such new registration.

Time for first election.

Subsequent elections.

Proviso: elections on additional bonds.

Proviso: new registration.

Sec. 11. That all laws or parts of laws coming 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 27th day of February, 1911.

CHAPTER 153.

AN ACT AUTHORIZING AN INCREASE IN THE SALARY OF THE RECORDER OF THE RECORDER'S COURT OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the city of Monroe and the board of county commissioners of Union County be and they are

Increase authorized.

hereby authorized and fully empowered to increase the salary of the recorder of the recorder's court of the city of Monroe to an amount not exceeding sixty dollars per month, which said salary shall be paid in the same manner and proportion as is provided by chapter eight hundred and sixty of the Public Laws of one thousand nine hundred and seven.

Limit.

Payment.

Sec. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of February, 1911.

CHAPTER 154.

AN ACT TO EXTEND THE EASTERN BOUNDARY OF THE TOWN OF MARSHVILLE ONE-EIGHTH OF ONE MILE.

The General Assembly of North Carolina do enact:

Extension of limits.

Section 1. That the corporate limits of the town of Marshville, in the county of Union, be and the same are hereby extended east one-eighth of one mile from the present eastern boundary, and parallel thereto. And the territory hereby included shall be and the same is hereby in all respects made a part of the said town of Marshville.

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

Ratified this 27th day of February, 1911.

CHAPTER 155.

AN ACT TO INCORPORATE THE TOWN OF BOWDENS, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the town of Bowdens, in the county of Duplin, be and the same is hereby created a body politic and corporate by the name and style of the "Town of Bowdens," and as such shall have all the rights and privileges contained in chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina, and that said chapter, except as hereinafter otherwise provided, shall constitute a part and parcel of the charter of the said town. That the municipal government of said town shall consist of a mayor and five aldermen, treasurer and tax collector, and as many policemen as the board of aldermen shall deem necessary; that the mayor and aldermen shall be elected by the resident electors of said town at the election to be held in May, one thousand nine hundred and eleven, as now provided by law, and that until said election the

Corporate name.

Corporate powers.

Town officers.

Elections.

following named persons are hereby appointed as mayor and aldermen, to wit: Mayor, F. C. Hines; aldermen, A. R. Turnbull, L. L. Johnson, W. T. Justice, T. H. Latham and J. S. Collier. First officers named.

Sec. 2. That the corporate limits of said town shall embrace all the territory circumscribed by the following lines: Beginning at the road crossing, near the Atlantic Coast Line depot, where the county road crosses the Atlantic Coast Line Railroad, and run one-quarter of a mile each way from said road crossing, forming a circle which is one-half mile in diameter, and the town authorities are hereby instructed to survey and have marked out the above described boundaries. Corporate limits.

Sec. 3. That the board of aldermen shall appoint the other officials of the said town, and that the tenure of office of said mayor and aldermen shall be for two years succeeding the election in May, one thousand nine hundred and eleven, and biennially thereafter, as now provided by law. Appointment of other officers. Term of office.

Sec. 4. That any qualified elector who is otherwise qualified under the laws of North Carolina to vote shall be entitled to vote in the town elections of said town: *Provided, however*, that he has been a resident of said town for ninety days preceding the election. Electors.

Sec. 5. That the board of aldermen of said town shall have the right to lay out streets, condemn property for street purposes, discontinue streets when necessary, pass such rules and regulations for the good government of the town as to them may seem just and proper, levy *ad valorem* and poll tax, and may levy a poll tax upon each male person subject to such tax in a sum not exceeding two dollars per annum, and may levy an *ad valorem* tax on all real and personal property within said town in a sum not exceeding twenty-five cents on every hundred dollars worth of property as assessed for State and county taxes and according to the values assessed for State and county taxes. Powers of aldermen as to streets. Powers of taxation Tax limit.

All taxes levied upon real and personal property shall constitute a lien thereon, and on and after September the first of each year the tax collector of said town shall have full authority to levy and make sale of the real and personal property, or either, of such person, and to that end said tax collector shall have all the powers, rights and authority as now vested in the sheriffs of the State 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 to two thousand nine hundred and fourteen, inclusive, of The Revisal of one thousand nine hundred and five of North Carolina, and said sections are hereby made a part of this charter as fully as if written herein, except where the word "sheriff" appears therein, the words "tax collector" shall be inserted, except as herein modified. That in case of sale of real estate for taxes, then the deed to Taxes a lien on property. Powers of tax collector. Deed to land sold for taxes.

the purchaser shall be executed by the tax collector under the seal of said town, attested by the mayor and clerk of the board of aldermen; and that if any person liable to pay poll or *ad valorem* tax shall leave or not remain in said town when taxes shall become due, and shall remove his personal effects and have no real estate, or if the tax collector can not find sufficient property within said town to pay his taxes, then said tax collector 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 said certificate shall be a valid execution in such sheriff's hands to levy on 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 of chapter seventy-two of The Revisal of one thousand nine hundred and five is hereby made a part of this charter not inconsistent with this act.

Collection from persons removed.

Privilege and franchise taxes.

Sec. 6. 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 privileges and franchise taxes as they may think proper, and upon such things as are now taxable by law as provided by the revenue act of the General Assembly of one thousand nine hundred and eleven, and upon such subjects as are permitted to be taxed for State and county purposes, not inconsistent with the laws of North Carolina.

Failure to list a misdemeanor.

Sec. 7. That if any person shall willfully fail or refuse to list his property for taxes or himself for poll tax, if liable therefor, he shall be guilty of a misdemeanor, and upon conviction be fined fifty dollars or imprisoned thirty days.

Punishment.

Ordinances, by-laws and regulations.

Sec. 8. That the mayor and board of aldermen shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations as may be necessary and proper for the government of said town, not inconsistent with the laws of the State of North Carolina.

Jurisdiction of mayor.

Sec. 9. The mayor of said town shall have the same criminal jurisdiction within said town that justices of the peace now have in the county, and may publish offenders by fine not exceeding fifty dollars or by imprisonment not exceeding thirty days in jail or on the streets of the town or public roads of the county, and his commitment, directed to the officer of the town or sheriff or jailer of the county, shall be sufficient authority for such officer to receive said offender as stated in said commitment. The officer or officers of said town may make arrests without warrant when offense has been committed in his presence or has reasonable grounds to believe an offense has been committed and that it is necessary to immediately apprehend the offender. The warrants and processes issued by the mayor of the said town may be served anywhere in the county by

Police powers.

Process of mayor.

the town officers or sheriff of the county or any other lawful officer, and such offender may be pursued even unto other counties of the State until apprehended.

Sec. 10. That all contracts made and entered into for and in behalf of said town, and all suits and actions or causes of actions, either for or against such town, shall be in the name of the town of Bowdens. Contracts and actions.

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

Ratified this the 27th day of February, 1911.

CHAPTER 156.

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

The General Assembly of North Carolina do enact:

Section 1. That section thirty-six of chapter three hundred and fourteen (314), Private Laws of one thousand nine hundred and nine, be stricken out and the following be inserted in lieu thereof:

"Sec. 36. That should the owner or owners of any such lot neglect or refuse to pay the amount assessed and charged against the same, within thirty days after notice of the amount so charged and assessed, it shall be the duty of the town tax collector 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: *Provided*, the said board of commissioners of the town of Tarboro shall give the owner or owners of the lot thirty days notice of the amount charged and assessed against his, her or their property, and if the said owner, or owners, should be dissatisfied with the amount charged against his, her or their property, and the said owner or owners may give notice to the board of commissioners of said town within thirty days aforesaid, that he, she or they take an appeal to the superior court of Edgecombe County, and shall, within five days thereafter, serve a statement of facts upon which he bases the appeal, and also file within said time, in the office of the clerk of the superior court of said county, a written undertaking in the sum of two hundred dollars, with sufficient sureties to be approved by the said clerk, 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, and the said appeal shall, at the next term of court, stand for trial as other actions at law, and in the said action the said owner or owners should have the right to deny the whole or any part of the amount claimed to be due for the said town, and to plead any irregularity

Sale of lots for assessments.

Proviso: notice to owners.

Notice of appeal.

Bond on appeal.

Pleadings and issues.

with 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.

Improvement districts.

"Sec. 36½. That in addition to the power and authority granted in section thirty-three of said chapter three hundred and fourteen of Private Laws of one thousand nine hundred and nine, the said board of commissioners 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 improvements and to assess not more than one-fourth of the cost of macadamizing or otherwise improving such streets, and the entire cost of paving or otherwise improving the sidewalks adjoining on the real estate abutting on each side of the street or part thereof so improved; and it shall be incumbent upon the owner or owners of the real estate abutting on each side of the street or part thereof so improved to pay the amounts so assessed for such improvement, and the amount of such charges and assessment shall be and constitute liens on the respective lots upon which they are so charged to the same extent as the municipal taxes assessed against the same constitute a lien thereon, and it shall be collected as hereinbefore provided."

Apportionment of expense.

Assessments a lien on lots.

Existing suits not affected.

Sec. 2. That this act shall not apply to existing suits to enforce liens for street or sidewalk improvements in said town, but the said town shall have full power to collect, in accordance with the provisions of this act, any other charges or assessments for street and sidewalk improvements heretofore made against any lot in said town under and by virtue of the said chapter three hundred and fourteen, Private Laws of one thousand nine hundred and nine.

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

Ratified this the 27th day of February, 1911.

CHAPTER 157.

AN ACT RELATING TO POUND CHARGES IN THE TOWNS OF MURPHY AND ANDREWS, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

Section 1. That chapter two hundred and thirty-eight of the Private Laws of one thousand nine hundred and seven be and the same is hereby repealed.

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

Ratified this 27th day of February, 1911.

CHAPTER 158.

AN ACT TO INCORPORATE THE TOWN OF BANNER ELK, IN THE COUNTY OF WATAUGA.

The General Assembly of North Carolina do enact:

Incorporation. Corporate name. Corporate powers.

Section 1. That the town of Banner Elk, in the county of Watauga, be and the same is hereby incorporated under the name and style of "The Town of Banner Elkk," 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 or expedient.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows, to wit: Beginning at S. W. Culver's southeast corner of his ten-acre tract in Mrs. M. L. Hall's line on the side of Horse Bottom ridge, running a northwesterly course with said Hall line to her northwest corner; thence same course to the top of the ridge in the Dugger Mountain field; thence a direct line to F. H. Stinson's hemlock corner; thence west with the line of said Stinson, Michael Banner and I. D. Lowe to L. D. Lowe's corner near the turnpike road; thence west with said Lowe's line to the creek; thence down and with the meanders of the creek to a point where said creek approaches the margin of the turnpike road below R. L. Hodge's store; thence south to Elk Creek; thence up and with the meanders of the creek to the foot bridge at the head of the S. H. Banner mill pond; thence with the top of Horse Bottom ridge to the high knob; thence to the first station.

Town elections.

Sec. 3. That an election for mayor, three commissioners and a town marshal shall be held on the first Monday in May, one thousand nine hundred and eleven, and annually thereafter, under the same rules and regulations prescribed by law for holding municipal elections in this State.

Town officers.

Sec. 4. That the officers of said corporation shall consist of a mayor, three commissioners and a town marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and eleven, or until their successors are duly elected and qualified, viz: Mayor, L. D. Lowe; commissioners, Edgar Tufts, R. L. Lowe and F. H. Stinson; marshal, J. H. von Canon, who shall take the oath of office within thirty days after the ratification of this act before some person qualified to administer oaths.

First officers named.

Officers to qualify.

Powers of commissioners as to streets.

Sec. 5. That the board of commissioners of said town shall have the power to grade, macadamize and otherwise keep in repair the streets, alleys and sidewalks, to lay out and open new streets, widen those already open; to build and repair bridges within the corporate limits and make such other improvements on the streets as the public convenience may require.

Condemnation of land for streets.

Sec. 6. That when any land or right-of-way shall be required for the purpose of opening new streets, or for those already opened, and for want of agreement as to the valuation thereof, the same

Procedure.

can not be purchased from the owner or owners thereof, the same may be taken at a valuation, to be made by three disinterested freeholders to be chosen, one by the landowner and one by the commissioners of the town, and the two thus chosen shall choose the third; or if the landowner shall refuse or fail to choose a freeholder, as above directed, the town commissioners may choose two, who shall elect the third, and in making said valuation the said freeholders, after being duly sworn by some officer qualified to administer oaths, 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, and also any benefit or advantage such owner may receive from the opening or widening of such street or other improvement, and ascertain the sum which shall be paid to the owner of said property, if any they find due, and report the same to the board of commissioners under their hands and seals, which report, on being confirmed and spread upon their minutes, shall have the effect of a judgment against said board of commissioners, and shall pass the title to the said board of commissioners in their corporate capacity

Proviso: right of appeal.

of the land so taken: *Provided*, that if any person over whose land the said street may pass, or other improvements be erected, or the commissioners be dissatisfied with the valuation thus made, then in that case either party shall have the right to appeal to the next term of the superior court of said county and have the matter

Proviso: appeal not to delay work.

in controversy tried by a jury: *Provided, however*, that such appeal shall not hinder or delay the commissioners in opening or widening said streets or erecting such improvements as the commissioners may deem necessary.

Entrance on lands for materials.

Sec. 7. That the officers of said corporation, or any person or persons under their direction or authority, shall have the right to enter upon the lands of any person within the corporate limits of said town and remove earth, gravel, sand or stone for the purpose of improving the streets and sidewalks, or to make other improvements in the town, and to pay any reasonable compensation therefor if demanded by the landowner; and they shall have the like power to enter upon the lands of any person within the corporate limits of

Drains and ditches.

said town for the purpose of making drains and digging ditches to improve the sanitary conditions of said town.

Road duty.

Sec. 8. That no person who is subject to road duty under the road law of the State shall be required to work upon the streets of said

Proviso: commutation.

town more than eight days in any one year: *Provided*, that each person who is subject to road duty within the corporate limits of said town may be excused from road duty by the payment of the sum of seventy-five cents for each day's labor required of him, if said amount be paid to the town marshal on the day prior to the date such persons is required to perform said labor upon the streets.

Sec. 9. That the said board of commissioners shall have the power and authority to levy an annual tax not exceeding $1.50 on the poll, and not exceeding fifty cents on each one hundred dollars valuation, the tax valuation upon the property to be the same as the tax assessment for State and county purposes on the same property for the same year. That the taxes herein authorized to be levied and collected shall be applied to making and improving streets and sidewalks, and for such other improvements in said town as said board of commissioners may deem expedient. Taxing powers.

Sec. 10. That the town marshal as herein provided for shall be deemed *ex officio* tax collector, and shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with sums appearing upon the tax lists as due for town taxes, and shall be credited in settlements as sheriffs are credited; but before taking the tax list for collection he shall be required to execute and file with said board a good and sufficient bond, to be approved by said board of commissioners, in a sum double the amount of said taxes: *Provided*, that if said town marshal shall fail and neglect to file said when the same is required of him, the said commissioners shall appoint a tax collector to collect the said taxes, whose duty it shall be, after executing the bond required by the said commissioners, to collect the said taxes, and the said tax collector shall be subject to the same fines and penalties for failure or neglect of duty as the said town marshal. The said town marshal shall have the same power to serve process, either civil or criminal, that other township constables have, and for the same fees, and the said town marshal shall be subject to the same fines and penalties that township constables are subject to: *Provided*, that before entering upon the discharge of his duties he shall be required to enter into a bond, with good and sufficient sureties, to be approved by said board of commissioners, in a sum not exceeding five hundred dollars. Tax collector. Powers and duties. Proviso: appointment by commissioners. Powers of town marshal. Proviso: bond of marshal.

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

Ratified this the 27th day of February, 1911.

CHAPTER 159.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and sixty-two, Private Laws of one thousand eight hundred and ninety-nine, the same being

the charter of the town of Clayton, be amended by the addition of the following section to said charter of the town of Clayton, North Carolina.

Waterworks, sewerage and electric lights.

Sec. 2. That if the board of town commissioners of the said town of Clayton shall find that the welfare of the town requires the establishment of a system of waterworks and sewerage and a system of electric lights, it shall so declare by ordinance, in which it shall be set forth the amount to be expended for either purpose, which shall not exceed sixty thousand dollars, and shall also provide for the holding of an election to ascertain the will of the people as to issuing bonds for that purpose. The election shall be held in not less than thirty days after the adoption of said ordinance, of which due notice shall be given as provided for other elections, and it shall be held under such rules and regulations as are prescribed by law for other municipal elections. Those in favor of issuing bonds for waterworks and sewerage and for electric lights, as set forth in the ordinance, shall vote a ticket on which shall be the words "For waterworks and sewerage and for electric lights," and those not in favor of issuing said bonds shall vote a ticket on which shall be the words "Against waterworks and sewerage and electric lights." The inspectors of the election shall meet as soon as the poll is closed, and shall declare the result, and make and sign a certificate thereof, and deliver the same to the secretary of the board of town commissioners, who shall record it in the minute book of said board. If a majority of the qualified voters of the town shall have voted in favor of waterworks and sewerage and electric lights, the board of town commissioners shall issue coupon bonds of said town for an amount not exceeding the amount designated in the ordinance, said bonds to mature in not more than thirty years, bearing interest not exceeding six per cent per annum, in such denomination and payable at such place as the board may fix, and may sell the said bonds for not less than par. The proceeds of the sale of said bonds shall be expended under the direction of the said board of town commissioners in the erection of waterworks for said town, and the laying of sewers therein, and the erection of an electric light plant for the purpose of furnishing lights in the town, as the board may deem necessary and expedient. The said board of town commissioners shall have power to appoint such agents as may be needed to manage said waterworks and electric light plant, to regulate the charges for water and electric lights, and generally do all that may be necessary for the maintenance and preservation of said waterworks and electric light plant. If any land or right-of-way is required in the construction of said waterworks, in laying of said sewers and erecting said electric light plant, and the same can not be purchased at a price the said board considers fair and reasonable, the said land and right-of-way may be condemned and taken for waterworks and sewerage and electric light purposes, as is provided for the condemning and taking

Limit of expense.

Election on bond issue.

Time and notice of election.

Law governing election.

Tickets.

Certificate and record of returns.

Bond issue authorized.

Amount.

Maturity.

Interest.

Sale not below par.

Expenditure of proceeds.

Management of plant.

Power to condemn land.

of land for public purposes. And it shall be the duty of the said board of commissioners to levy and collect taxes to pay the interest on said bonds and to provide for the payment of the principal thereof at maturity. Taxes for interest and principal of bonds.

Sec. 3. If a majority of the qualified voters of the said town of Clayton shall not vote at said election in favor of the issue of said bonds herein provided for, the said board of town commissioners at any time thereafter, not oftener than once in each twelve months, as it may deem fit and of its own motion, may again submit the same question to a vote of the qualified voters of the said town of Clayton, on the same notice and terms as are required for said first election, and if a majority of the qualified voters of said town 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 shall take the steps provided in this act for carrying out the provisions of said act. Subsequent elections.

Sec. 4. Any person who shall willfully place or deposit in any of the streams or springs from which the supply of water for domestic or other purposes is drawn or conducted, for the use of the citizens of said town of Clayton, or upon the ground or watershed drained by said streams, any dead carcass of an animal, reptile or other creature, or any filth or poisonous substance, or anything by which the water in said streams shall or may be rendered, or may become liable to be rendered unwholesome, contaminated or otherwise unfit for domestic purposes, shall be guilty of a misdemeanor. Defilement of water supply or watershed a misdemeanor.

Sec. 5. That any person who shall willfully injure any of the property of the said waterworks or sewerage or electric light plant, or in any manner willfully interfere with or obstruct the operations of said waterworks and sewerage, or shall cast, throw, place or deposit any substance or thing into any of the filters, pipes, tanks, conduits, reservoirs, streams or other receptacle or channel of water, or any other source of supply, shall be guilty of a misdemeanor. Injury to or obstruction of plants a misdemeanor.

Sec. 6. It shall be the duty of the health officer of the town of Clayton to institute criminal proceedings against all persons violating the provisions of this act. Health officer to prosecute.

Sec. 7. That section three of said chapter two hundred and sixty-two, Private Laws one thousand eight hundred and ninety-nine, be amended by striking out the word "three" in line two of said section and inserting in lieu thereof the word "five." Number of commissioners.

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

Ratified this 27th day of February, 1911.

CHAPTER 160.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE TOWN OF APEX, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Corporate rights.

Section 1. That the inhabitants of the town of Apex 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 Apex, 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, 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 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: twenty-six hundred and ninety feet east, west, north and south from a point marking the point where the center line of Center street crosses the center line of the main track of the Seaboard Air Line Railway and shall run with the four cardinal points of the compass.

Town officers and elections.

Sec. 3. That the governing body of said town shall consist of a mayor and four commissioners, who shall be elected on the first Tuesday in May, one thousand nine hundred and eleven, 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 five days after their election; and if any person so elected as 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 Wake County.

Time for qualification of officers.

Forfeit for failure to qualify.

Vacancy in office of mayor.

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.

Mayor pro tem.

Sec. 5. That the mayor, commissioners and every other officer of the town of Apex (whether elective or appointive), before entering upon the duties of his office, shall take before a justice of the peace, or any other person qualified to administer oaths, subscribe and have entered upon the minute books of the town commissioners the following oath of office: Officers to be sworn.

"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 therewith, 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. Form of oath.

"Subscribed and sworn to before me, this ... day of ....., 191..."

Sec. 6. That the mayor of the town of Apex is hereby constituted a special court, to be known as "the mayor's court," with original jurisdiction of all offenses arising from the violation of the provisions of this act, of the ordinances, by-laws, rules and regulations of the board of commissioners made in pursuance hereof and the charter of said town, and with all the judicial powers and authority which is now or hereafter may be given to justices of the peace for the trial and determination of such criminal and civil causes as may arise within the corporate limits of said town under the general laws of North Carolina; and to that end he may issue his summons, warrant or other process, and if criminal, have the party brought before him, hear, determine and give judgment thereon, impose fines, penalties and forfeitures, as the case may be, and direct the enforcement thereof by imprisonment in criminal action, subject to the limitations of this act as to the amount of such penalties, and subject also to the same right of appeal as provided for courts of justices of the peace: *Provided*, that no cause arising upon the violation of any of the provisions of this act, or of any ordinance, rule or regulation made in pursuance hereof and of the charter, shall be removed from the mayor's court to a justice of the peace for trial: and *Provided, further*, that in case a defendant, a witness or other person shall be adjudged to be imprisoned by the said mayor's court, it shall be competent for the said court to sentence such person to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such person work during the period of his confinement on the public streets or works of the town or on the public roads of the county of Wake, and in case such imprisonment be for nonpayment of a fine or penalty or costs he shall have credit thereon at the rate of fifty cents a day for every day which he shall so work on the streets, roads or other works of the county. Special court. Jurisdiction. Process. Right of appeal. Proviso: removal of causes. Proviso: sentence to street or road work. Allowance for work.

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.

Commissioners to form one board.
Quorum.
Meetings.
Special meetings.
Pay of commissioners.
Officers to be elected by commissioners.
Qualifications and terms.
Salaries and fees.

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, but the board of commissioners shall have power to change the time of holding their said stated meetings. 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. Each commissioner shall receive two dollars for each regular meeting attended by him. 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, a sanitary officer, a tax collector, a street commissioner, an attorney, and a keeper of the cemetery. Any elective or appointive officer provided for herein may be elected or appointed to two or more of said offices when the duties of such offices do not conflict. 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, and their salaries or fees shall be fixed by the board of commissioners.

Powers of commissioners.
Ordinances.
Nuisances and health regulations.
Streets, sidewalks and drainage.
Extension of authority.
Improvement of streets and sidewalks.

Sec. 9. That the board of commissioners for said town is hereby fully authorized and empowered to do and to perform the following acts:

(1) To make and publish all needful ordinances, rules and regulations for the peace, good order and government of the town.

(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.

(3) To lay out and open new streets and sidewalks, and to provide for the proper drainage of the town, which drainage may be extended if in the opinion of the board of commissioners of said town it be necessary to a distance of one mile beyond the town limits, and for this purpose and for the purpose of exercising control over the watershed, the said board of commissioners shall have the same power and authority, and ordinances passed by them the same validity within the said one mile district beyond said town limits as within the said town limits as hereinbefore set out.

(4) To extend, widen, straighten, grade or otherwise improve any street or sidewalk now existing in said town, 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.

(5) 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. Discontinuance of streets.

(6) 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. Fire apparatus.

(7) 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, and to provide a water supply and the necessary sewerage therefor. Lights, water and sewerage.

(8) 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, and to prohibit the establishment or maintenance of slaughter pens or houses within said town. Markets. Inspections. Slaughter houses

(9) To prohibit, regulate or restrict the sale or use of firecrackers, roman candles, bombs, torpedoes or other explosives in said town. Fireworks and explosives.

(10) To regulate the sale and keeping of powder, gasoline, kerosene or other explosives within the corporate limits of the town. Oils and explosives.

(11) To regulate the speed of riding or driving on the streets and other public places of the town. Speed regulations.

(12) To prohibit and prevent dogs, horses, hogs, domestic fowls and other animals from running at large in the town. Animals running at large.

(12½) To tax privies within the town not to exceed one dollar and a half per year, said tax to be expended by the town in having the privies properly cleaned and made sanitary. Privies.

(13) To build or establish a guardhouse in which to secure or confine offenders against the town ordinances, or the laws of the State of North Carolina. Guardhouse.

(14) 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 or buildings of other material than stone, brick, steel or concrete, in any part of the town where they may increase the danger by fire. Public buildings. Fire limits.

(15) To provide public graveyards or cemeteries in or near the town, and regulate the management of the same. Graveyards.

(16) 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. Street work and care of public property.

General powers.

(17) 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.

Procedure for condemnation of land.

Sec. 10. That when it shall become necessary to condemn real property for streets, sidewalks, drainage, sewerage, water mains, reservoirs, sites for municipal buildings 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 can not agree upon the damages, then the board shall appoint one arbitrator, the owner or owners of the property one (if the owner or owners of the property shall fail or refuse to so appoint, then the board shall appoint two), and a third shall be named by the clerk of the superior court of Wake County; but if any one 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 Wake 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 Wake 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: *Provided, nevertheless,* that if any person over whose land the said street may pass, or improvement be erected, or the commissioners shall be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next superior court of Wake County to be held thereafter; and the said arbitrators shall return to the court to which the appeal is taken their valuation, with the proceedings thereon; and the land so valued by the arbitrators shall vest in the

Proceedings when owners under disability.

Proviso: right of appeal.

town so long as it may be used for the purposes of the same as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land): *Provided, further*, that in case of the discontinuance of the use of the land and its reversion to the owner, the town may remove any improvement erected under its authority and expense within sixty days of such reversion.

Principal streets.

Sec. 10½. That the survey and position of the streets of the town of Apex, as made and plotted by J. P. H. Adams, on the twentieth day of June, eighteen hundred and seventy-eight, recorded in the office of register of deeds of Wake County in book fifty-four, on page three hundred and twenty-seven and three hundred and twenty-eight, and all streets that have since been opened up by the town or accepted by the town shall be and the same are hereby declared to be the principal streets of said town, and said town shall have absolute pre-eminent right of assessment over the land covered by said streets free and discharged from all claims for damages.

Chain gang.

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.

Ordinances to be advertised.

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.

Power of taxation.

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 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:

Property tax.

(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 *ad valorem*, except incomes, a tax not exceeding one dollar on every hundred dollars in value.

Poll tax.

(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.

License taxes.

(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.

Valuation of property.

Sec. 14. The valuation of real and personal property for taxation in said town of Apex shall be the same as that assessed for the collection of State and county taxes in White Oak Township, Wake County.

Appointment of tax listers.

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.

Notice to taxpayers.

Duties of town clerk.

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.

Election of tax collector.

Duties.

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 an amount to be fixed and approved by 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.

Proviso: bond.

Salary or commissions.

Duties of treasurer.

Vouchers.

Bond of treasurer.

Annual report.

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 such other reports as the board shall require. His compensation shall be fixed by the board of commis-

Compensation and term of office.

sioners, and he shall serve for the term of the commissioners or until his successor is elected and qualified: *Provided, however,* 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.

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, or the board of commissioners may pay said officers salaries and provide that their fees be paid into the town treasury. 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 or justice of the peace of Wake County anywhere in Wake 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. Duties of policemen. Power and authority. Fees. Other compensation. Monthly settlements. Execution of process. Bonds.

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; said bonds to be issued in the name of the town of Apex, and in such denominations and forms and payable at such times and places as the said board of commissioners may designate, but running not less than ten nor more than forty years, and bearing interest at no greater rate than six per cent per annum, to be sold at a price not less than par, and the money arising from the sale of these bonds shall be used for public improvements, consisting of a system of waterworks, sewerage and electric light and power plant, municipal building 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. Power to issue bonds. Limit. Denomination. Maturity. Interest. Sale at not less than par. Appropriation of proceeds.

Sec. 21. That the said board of commissioners shall have the power to purchase, acquire, hold, lease, manage control and create, 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, elec- Rights as to water, light and power plants.

tricity, 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 may hereafter be made for these purposes are hereby authorized.

Bonds to be approved by voters.

Elections on bond issues.

Ballots.

Proviso: increase of issue.

Limit.

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 purpose for which said bonds were voted, then the board of commissioners may, in their discretion, issue a sufficient amount of bonds to complete the purchase for which said bonds were issued, but not to exceed twenty per centum of the amount of bonds authorized by the election aforesaid.

Power to improve streets and sidewalks.

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 crossing on the same.

Improvement districts.

Assessment on property.

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 of 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.

Proviso: business or residence property.

Assessment a lien on property.

Payable in installments.

Sec. 25. That said one-half of the cost of paving the said sidewalks, as above provided for, shall be taxed against the property 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 Apex 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. Collection.

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, and all ordinances, by-laws, rules and regulations for the government of said town now in force shall remain in force until regularly repealed by the board of commissioners. Officers continued. Ordinances continued.

Sec. 27. The tax list of the town of Apex shall be made out under the direction of the commissioners of said town as hereinbefore provided and placed in the hands of the chief of police or tax collector of the said town on or before the first day of September in each year, and the taxes of said town shall be due and payable on the first day of September of each year. Delivery of tax list. Taxes due.

Sec. 28. The taxes assessed by said town shall be a lien upon the real estate of the taxpayer owing the same until paid. Taxes a lien on property.

Sec. 29. That if the taxes assessed against any taxpayer by said town for any year shall remain unpaid until the first day of November after they become due, the chief of police or tax collector of said town shall, by virtue of the tax list in his hands, levy upon any personal property belonging to said taxpayer on so much thereof as may be necessary to pay said delinquent taxes, and sell the same after ten days notice of time and place of sale posted at the mayor's office in said town of Apex and three other public places in said town; and there shall be served by said chief of police or tax collector a written or printed notice to said delinquent taxpayer of said time and place of sale. From the proceeds of said sale, the said chief of police or tax collector shall pay the taxes due by said delinquent to said town and cost of sale, which shall not exceed one dollar, and the balance, if any, pay to said delinquent. Collection by distress.

Sec. 30. That if insufficient personal property of the delinquent taxpayer can be found to satisfy the taxes due by said delinquent, it shall be the duty of the said chief of police or tax collector to attach any debt or other property incapable of manual delivery, due or belonging to the person liable, or that may become due him before the expiration of the calendar year, and the person or corporation owing such debt or having such property in possession shall be liable for said tax to the extent of the debt owing or property held by him, and said liability of said person or corporation shall be discharged to the delinquent by the payment of said tax and the cost of attachment to the amount of the same. The proceedings in case of attach- Collection by garnishment.

ment as herein provided shall be the same as now allowed by law for the collection of State and county taxes.

Sale of real estate for tax.

Sec. 31. Should any taxes assessed by said town as provided in this act remain unpaid until the first day of April after they become due, it shall be the duty of the said chief of police or tax collector to advertise and sell for cash any real estate in said town belonging to any delinquent taxpayer, the said sale to occur at the mayor's office in the town of Apex on the first Monday of May of each year after said taxes become due, after advertising the time and place of sale for thirty days in some one or more newspaper published in Wake County, and by giving notice of said sale to the delinquent taxpayer through the mails thirty days before said sale, and the said chief of police or tax collector shall also post notice of sale at the mayor's office of said town of Apex thirty days before said sale.

Certificate to purchaser.

When any purchaser shall bid off land at said sale he shall immediately pay the amount bid by him to said chief of police or tax collector, who shall give to said purchaser a certificate substantially the same form as that given by a sheriff upon a sale by him of

Fee to tax collector.

land sold for State and county taxes. The purchaser shall pay to said chief of police or tax collector a fee not exceeding fifty cents for said certificate, and the same shall be signed by said chief or tax

Record of sales.

collector. The said chief of police or tax collector shall keep a book showing the lands sold by him for taxes, the name of the purchaser and the sum for which each tract was sold and the amount paid

Time for redemption.

for said certificate. The owner of any land sold for taxes, as aforesaid, or any person having an interest in the same, may redeem said land at any time before the first day of January next after said sale:

Proviso: penalty.

Provided, said owner or interested person shall pay said purchaser twenty per cent on the amount paid by him on account of the taxes and certificate aforesaid. Any chief of police or tax collector who shall be directly or indirectly concerned personally in the purchase of any real estate sold by him for taxes shall be guilty of a misdemeanor.

Deed in default of redemption.

Sec. 32. Unless the land sold for taxes as provided in the preceding section shall be redeemed by the time limited therein, the said chief of police or tax collector shall execute to the purchaser and his heirs and assigns a deed conveying the land sold by him for taxes upon the production of the certificate calling for the same; and upon the loss of any certificate, on being fully satisfied thereof by due proof, the said chief of police or tax collector shall execute and deliver the proper conveyance. The deed made by said chief of police or tax collector as herein provided shall be substantially the same in form as that executed by sheriffs upon a sale by them of land sold for the nonpayment of State and county taxes.

Sec. 33. That all laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 34. This act shall be in force from and after its ratification.

Ratified this 27th day of February, 1911.

CHAPTER 161.

AN ACT TO INCORPORATE THE TOWN OF WAGRAM, IN SCOTLAND COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the town of Wagram, in the county of Scotland, State of North Carolina, be and the same is hereby incorporated under the name and style of "The Town of Wagram," and in and by said name 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 desirable for town purposes and necessary for its proper government, and may from time to time sell and dispose of the same as may be deemed advisable by the proper authorities of the town; and said town shall have all the powers contained in and be subject to and governed by all the provisions of chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina, and all amendments thereto, not inconsistent with this act. Incorporation. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be as follows: The said corporate limits shall be and include all the territory embraced within the following boundaries: Beginning at a stake north thirty-nine degrees east fifty chains from the common center of the main line of the Aberdeen and Rockfish Railroad and Main street, at their intersection, and runs thence north fifty-one degrees west forty chains to a stake; thence south thirty-nine degrees west ninety chains to a stake; thence south fifty-one degrees east eighty chains to a stake; hence north thirty-nine degrees east ninety chains to a stake; thence north fifty-one degrees west forty chains to the beginning. Corporate limits.

Sec. 3. That the officers of the said town shall consist of a mayor, five commissioners, a constable, a clerk and treasurer, and as many policemen as may be necessary, in the opinion of the said town, to preserve peace and good order therein. That the mayor and three commissioners shall be elected by the qualified voters of said town as hereinafter provided. That the other officers of said incorporation shall be elected by the commissioners and their salaries be fixed by said commissioners. That until the first election, under this act, shall be held and the officers found to be elected by the same shall have qualified, W. C. Bnie. S. J. Womble and E. C. Smith shall be the commissioners of the said town, J. R. Bundy shall be the mayor of said town, S. T. Thrower shall be the constable of the said town, A. P. Cooley shall be the clerk of said town, and C. C. Maynard shall be the treasurer of said town. Town officers. Election of mayor and comm issioners Election and salaries of other officers. First officers named.

Sec. 4. That there shall be held on Tuesday after the first Monday in May, Anno Domini nineteen hundred and eleven, and biennially Town election.

thereafter, an election in said town for a mayor and three commissioners thereof, under the provisions of chapter seventy-three, subchapter seven, of The Revisal of one thousand nine hundred and five of North Carolina, and amendments thereto not inconsistent with this act. All qualified electors of the county of Scotland who shall have resided for sixty days immediately preceding such election within the limits of said town shall have the right to vote in said election; that the polls shall be opened on the day of election from eight o'clock a. m. until five o'clock p. m., and no longer; that the term of office of the mayor and the commissioners shall begin on the Tuesday following the election and shall continue until their successors shall have been elected and qualified.

Qualification for voters.

Hours of election.

Term of mayor and commissioners.

Enumeration of powers.

Sec. 5. That among the powers conferred upon the commissioners are the following: To provide for the construction and laying out of streets, alleys, roads and lanes, and for the widening of the same; to regulate the cleaning and repairing of all streets and sidewalks; to condemn land for any purpose necessary; to establish and regulate a market or markets, take all proper and effectual means for extinguishing conflagrations and fires; make regulations to cause the due observance of Sunday; suppress and remove nuisances; take all necessary measures to preserve the town from contagious and infectious diseases; to provide for the appointment of special police, and other officers needed; take measures to preserve the peace of the town, to execute the laws and ordinances thereof, and maintain good order; to establish one or more cemeteries inside or outside of the town, of such dimensions as they may deem proper, and make rules regulating the same, and to lease, sell and convey burial lots to persons and families on such terms as may be deemed best, and also provide a common place of burial therein, and to exercise the right to take up and reinter in some other part of the cemetery, or in some other burial ground, the remains of any person or persons interred in said town, for the improvement or better health of the town, or for better arrangement of the cemetery, or for advancing the interests of the town, as they may deem best; to enact and enforce such laws and ordinances as they may deem necessary to preserve the health of the town, determine when necessary the boundary of streets and alleys, establish new streets, lanes and roads and alleys, and sidewalks; to provide for licensing and restraining shows, circuses, menageries, auctions, theatricals and public amusements in the town, to restrain and prohibit gambling and the sale of fermented liquors and intoxicants of all kinds; to prohibit and control firing of firearms and fireworks and explosives of every description, including firecrackers, torpedoes, cannon crackers, roman candles, sky rockets, and such like, and other explosives, and to govern the sale of such firearms and fireworks; to control the manner of arranging stove flues and pipes in buildings; to control the manner in which dynamite, blasting powder, gunpowder and other explosives

and highly inflammable and dangerous substances may be stored and sold; to prohibit, or prescribe the manner of keeping hogs in the town; to prescribe the manner in which dogs shall be kept; to limit the speed at which horses and other animals may be driven through the streets, or at which railroad trains, bicycles, automobiles and other conveyances shall be run through the town; to prohibit railroads from stopping their engines or cars on street crossings, and to require railroad companies to keep the crossings of streets over their railroads in good repair; to cause all alleys, streets, street lots, cellars, privies, stables and places of like character to be examined by the constable, or other officer duly appointed for that purpose, and to cause by their order the said officer to have said place cleansed, and the nuisances abated; and if the premises be first-rate property, the same shall be cleansed and the nuisance abated at the expense of the owner or occupant thereof; and the constable or other person having that duty in charge shall be empowered to visit and inspect any and all premises in the town, and to have the same cleansed, and the expense of the cleansing of such places and removing the nuisance shall be recovered from the owner or occupant thereof, by action in any court having jurisdiction.

Powers in enforcing law and raising revenue.

Sec. 6. The commissioners shall have the power to impose and lay appropriate fines, penalties and forfeitures for the breach of the by-laws and ordinances of the town, to levy and collect taxes on real and personal property, taxable, in the town, to levy and collect license taxes on all trades, privileges, callings, professions and occupations, not specifically exempt from taxation by towns, and to prohibit the carrying on within the town or within one mile thereof of all trades or occupations which shall be a nuisance, and to abate such nuisances and to cause their removal.

Franchises.

Sec. 7. The commissioners shall have the right to grant, control or rescind, at their discretion, any franchise, privilege or permit given to any person, company or corporation, or firm, to erect on, along or under the streets of the town or any of its alleys, any work, piping, electric wires, telephone or telegraph wires, street car lines or other structure in which the people have an interest, as a matter of convenience or otherwise.

Powers as to trees.

Sec. 8. The commissioners shall have the power to protect and control the shade trees planted and growing on the streets and alleys and public places of the town, or which may be hereafter planted and growing on any public street, alley or public square or grounds in said town, and may remove any such from time to time or plant others as may seem best. The commissioners may also grant permission to erect telephone, telegraph, electric light, or street car poles, or other poles upon the streets, sidewalks, alleys and public grounds of the town, or prohibit or prevent such erection of the same, and may control and regulate all such poles as have been erected and the use of the same and the manner of their use;

Poles.

and may remove or cause any of the same or all of the same to be removed at any time in such manner and upon such notice as the commissioners shall deem just and proper.

Passage to trains.

Sec. 9. The commissioners shall have the power to make all proper regulations concerning keeping the ways open to and from arriving and departing trains in the town, for the interest of the traveling public and to facilitate the business of persons attending the same; to prohibit the jumping on or off of moving trains in the town on the part of those not operating the same and not holding a ticket, nor boarding the same with the intention of presenting a ticket or paying regular passenger fare thereon, at least to the nearest station out of town.

Protection of trains.

Control of streets, sidewalks and public grounds.

Sec. 10. The commissioners shall have the power to control, regulate, license, prohibit, remove or cause to be removed any and all structures, and things erected, constructed, put or placed on, or over, or under, any streets or sidewalks or alleys of the town, or on, or over, or under any public grounds in the town.

Powers under general law.

Sec. 11. 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 Wagram.

Duties of clerk and of treasurer.

Sec. 12. The duties of the clerk and the treasurer of said town shall be such as the commissioners shall prescribe.

Power to condemn lands.

Sec. 13. The commissioners may enlarge, widen or decrease streets, extend or close same, as may be deemed best, and may condemn lands for same upon making reasonable compensation for the same.

Procedure for condemnation.

In case of disagreement of the town and the party interested, it shall be lawful to proceed to use the same, and to appoint two freeholders, resident 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 notice by mail if he be a nonresident, the commissioners shall provide for such appointment, and the two appointed shall select a third person, resident freeholder, who shall act with them, and after duly sworn, shall view the premises, and considering the loss to the owner and the consequent improvement to his remaining property, shall determine his net loss, if any, and assess the same, and the town shall pay the same: *Provided*, that either party may appeal to superior court, but the appeal shall not obstruct proceedings of the commissioners.

Proviso: right of appeal.

Compensation of officers.

Sec. 14. That the compensation of officers herein provided for, if any further compensation than as herein set forth shall be made them, shall be determined by the board of commissioners at their first meeting after they shall have qualified and assumed the duties of their offices.

Sec. 15. That the commissioners shall have power annually to levy and collect a tax for general purposes not to exceed thirty-three and one-third cents on the one hundred dollars worth of property within the corporate limits of said town, or lawfully taxable therein, and on all polls residing or taxable in said town, on the first day of June in each year, a tax not exceeding one dollar: *Provided*, that in all levying of taxes the constitutional equation shall be preserved, so that the tax on the poll shall be the same as the tax on three hundred dollars valuation of property. Limit of tax rate. Proviso: constitutional equation.

Sec. 16. That if any person liable to pay any tax shall fail to pay the same within the time prescribed for collection, the collector shall proceed to collect the same forthwith by distress and sale, after public advertisement for ten days at the court-house door in said town, if the property be personal. That when the tax due on any lot or other real estate, or interest in the same shall remain unpaid on the first day of December, or the time prescribed by the commissioner for completing the collection of taxes, the tax collector shall proceed to collect the same by distress and sale of personal property belonging to the owner of said lot, real estate or interest in real estate, if enough of such personal property can be found; or if enough of personal property can not be found the tax collector shall report the facts to the commissioners, together with a particular description of the lot, real estate or interest therein, and thereupon they shall direct the same to be sold at the court-house door in the town of Laurinburg by the collector. The collector shall, before selling the same, make full advertisement of the said real estate at the court-house door, and three other public places in the town for thirty days, and shall serve upon the owner or his agent, if the owner or his agent reside in the town, a written or printed notice of taxes due and the day of sale, or if the owner or his agent be, one, or both, nonresidents of the town, he shall mail notices as above, to them or either of them, if their place of residence is known. In default of the payment of the taxes by the hour and day of sale aforesaid, the tax collector shall sell at the court-house door in the town of Laurinburg, the lot, real estate or the interest therein, to the highest bidder for cash, and if no person will bid enough to pay the taxes and penalties and expenses for said property offered, the tax collector shall bid on behalf of the town the amount of said taxes, 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 collector shall return to the commissioners a statement of his proceedings, specifying the purchase and the price, which shall be entered upon the book of proceedings of the commissioners, and if there be a surplus after paying said taxes, penalties and expenses, the same shall be paid into the town treasury, subject to the demand of the owner. Collection of tax by distress. Sale of land for tax. Return of proceedings.

Time for redemption.

Sec. 17. That the owner of any lot or real estate, or interest in real estate, sold under the provisions of this act, his heirs, executors, administrators or any person acting for them, may redeem the same within one year from the date of sale by paying to the purchaser the amount by him paid, and twenty-five per cent in addition thereto.

Deed in default of redemption.

Sec. 18. That if the lot, real estate or interest in real estate sold as aforesaid, shall not be redeemed within the time specified, the collector, or his successor, under the direction of the mayor of the town, shall convey the same to the purchaser in fee simple, or to his assigns in fee. In the event the town is purchaser, the collector or his successor shall convey to the corporation of the "town of Wagram" and the recitals in such conveyance or in any other conveyance, made by any tax collector of said town, shall be *prima facie* evidence of the truth of the same and can not be attacked, except on the ground that the taxes were not due and unpaid at the date of sale.

Sale of liquor prohibited.

Sec. 19. That it shall be unlawful for any person to sell, barter, exchange or dispose of in any manner whatsoever, directly or indirectly, for gain, reward, or anything of value, any spirituous, vinous, malt or fermented liquors, brandy peaches, bitters, ginger tonic, or any liquors of any name or kind, which is or may be intoxicating, within the boundaries of said town of Wagram, or within one mile of the same.

Jurisdiction of mayor.

Sec. 20. That the said mayor of the said town of Wagram shall be a court with like jurisdiction of all cases as the mayor of other towns in the State of North Carolina, as provided under the general law, chapter seventy-three, sub-chapter four, of The Revisal of one thousand nine hundred and five, and all amendments thereto on offenses committed within the corporate limits of the said town of Wagram.

Sec. 21. That this act shall be in force from and after its ratification.

Ratified this 27th day of February, 1911.

CHAPTER 162.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS FOR THE TOWN OF ANDREWS, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Purpose of issue.

Section 1. That for the purpose of paying off the floating indebtedness incurred by the board of aldermen of the town of Andrews, in Cherokee County, in the construction of a system of waterworks and electric lights, the laying of sewers and concrete sidewalks and street improvements, and for the further purpose of paying the necessary expenses of enlarging and extending the aforesaid public

improvements or any one or more of them, the said board of aldermen are hereby authorized and empowered to issue coupon bonds for the town of Andrews for an amount sufficient for the purposes aforesaid, but not exceeding twenty thousand dollars. Bond issue authorized. Amount.

Sec. 2. That said bonds shall bear not more than six per cent interest, payable semi-annually, and the amount issued, the time to run, and the place where the coupons and principal shall be made payable, shall be as fixed by the board of aldermen and recorded in their minutes. Interest.

Sec. 3. In order to pay the interest coupons of said bonds as they respectively fall due, the board of aldermen are hereby authorized and directed to levy annually a special tax on all taxable property and polls in said town, which will be sufficient, when added to the net income from the sales of water and electricity, to pay the said interest coupons as well as the interest coupons on the forty thousand dollars of bonds of said town which are now outstanding, as and when all of said coupons respectively become due and payable. Tax for interest.

Sec. 4. That said bonds shall be signed by the mayor and countersigned by the clerk of said town and shall have the corporate seal of said town impressed thereon. The coupons attached to said bonds shall be signed by the mayor, either in autograph or printed facsimile thereof. Authentication of bonds and coupons.

A record of said bonds shall be kept in the minutes of the board of aldermen, showing the date of issue, the time to run, the place where payable, the rate of interest, and such other particulars as the aldermen may direct. Record of bonds.

Sec. 5. That no election shall be required to make the bonds herein authorized a good and valid debt of the town of Andrews, when issued and sold for the purposes herein set forth. Election not required.

Sec. 6. That no holder of said bonds shall be required to see to the application of the proceeds of the sale of said bonds. Duty of holders of bonds.

Sec. 7. That all laws and parts of laws in conflict herewith are hereby repealed so far as any such laws apply to the town of Andrews.

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

Ratified this the 27th day of February, 1911.

CHAPTER 163.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF POLLOCKSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Pollocksville shall be and continue as they heretofore have been a body politic and corporate, and henceforth the corporation shall bear the name and style Corporation continued. Coporrate name.

of the town of Pollocksville, and that it shall be subject to all the requirements and provisions of law applying to incorporated towns in North Carolina.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the foot of Pollocksville bridge and Trent River, and running easterly with said river to the mouth of Mill Creek; thence up said creek to Mill Creek bridge and Beaufort road; thence with said road in a westerly direction to the Wilmington road: thence crossing the road and following the dividing line between the land of R. N. White and H. A. White; thence in a northerly direction with the H. A. White line to Mrs. A. G. Barrus's corner; and thence on northerly with Mrs. A. G. Barrus's line to Trent River; thence in an easterly direction with said river to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, three commissioners and a town constable, each of whom shall be

Elections.

elected by vote of the people at the time and in the manner prescribed for holding elections in incorporated towns.

Tax.

Sec. 4. That the board of commissioners of said town shall have power and authority to levy and collect an annual tax upon all real and personal property in said town not exceeding twenty-five cents on the hundred dollars valuation of property, and may also levy and collect a tax upon all other subjects of taxation which are taxed by the State at whatever amount the said board of commissioners may deem right and proper.

Officers named.

Sec. 5. That N. J. Leary be appointed mayor; T. A. Bell, H. A. Creagh and A. H. White be appointed commissioners to serve until their successors are duly elected at the next election of officers in incorporated towns and are qualified.

Commissioners to appoint constable.

Sec. 6. That as soon as the three commissioners above are duly qualified they may appoint a policeman or constable to serve until his successor is duly elected and qualified, and that he or his successor may be elected at same time and for same term as the commissioners are elected.

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 27th day of February, 1911.

CHAPTER 164.

AN ACT FOR THE RELIEF OF GEORGE H. GRAY, A PUBLIC SCHOOL TEACHER.

The General Assembly of North Carolina do enact:

Payment directed.

Section 1. That the board of education of Brunswick County are hereby authorized to direct the payment of a sum not exceeding

eleven dollars and four cents from the unapportioned school funds of one thousand nine hundred and ten to George H. Gray, school teacher, on account of school taught in Shallotte Township, said county, in the year one thousand nine hundred and nine and one thousand nine hundred and ten. Amount.

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

Ratified this the 27th day of February, 1911.

CHAPTER 165.

AN ACT TO VALIDATE ANY SUPPOSED ERROR OF OMISSION OR COMMISSION IN THE ELECTION HELD IN THE CITY OF NEW BERN, SEPTEMBER THIRD, ONE THOUSAND NINE HUNDRED AND TEN, AND TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO ISSUE FIFTY THOUSAND DOLLARS OF BONDS TO MEET EXPENSES OF STREET PAVING AS SPECIFIED IN THE CALL FOR SAID ELECTION.

The General Assembly of North Carolina do enact:

Section 1. The board of aldermen of the city of New Bern are hereby authorized and empowered to issue fifty thousand ($50,000) dollars, 5 per cent coupon bonds, payable thirty (30) years after date of issue, to be expended in street paving as provided for in the election held in New Bern on September third, one thousand nine hundred and ten. Bond issue authorized.—Amount.—Interest.—Maturity.

Sec. 2. The board of aldermen of the city of New Bern are hereby authorized and empowered to proceed in the execution and delivery of the fifty thousand ($50,000) dollars of street improvement bonds, referred to in section one, notwithstanding any omission or commission in the call of the election, the publication of notice or the conduct of the election. Plenary powers.

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

Ratified this 27th day of February, 1911.

CHAPTER 166.

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

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and ninety-five (295), Private Laws of North Carolina for the year one thousand nine hundred and three, and chapter three hundred and ten (310), Private

Laws of North Carolina for the year one thousand nine hundred and seven, be amended by adding after section nine (9) of chapter three hundred and ten (310), Private Laws of one thousand nine hundred and seven, the following:

Tax rate.

"Sec. 10. That the commissioners of the town of Hertford shall be and are hereby authorized and empowered to lay and levy a tax for general municipal purposes of not exceeding seventy-five cents on each one hundred dollars worth of real and personal property at its assessed valuation, and not more than two dollars and twenty-five cents on each taxable poll.

Appropriation for relief fund.

"Sec. 11. That in addition to the powers already enumerated and granted to the commissioners of the town of Hertford by this act, they shall have the power and are hereby given the authority to appropriate from the taxes collected for general municipal purposes hereinbefore provided for a sum of money to be known as a "relief fund," which fund shall be used in their discretion and by their sole authority for the relief of any suffering, hunger or distress appertaining to any inhabitant of the town of Hertford: *Provided*, that there shall not be appropriated or used in any one year an amount in excess of ten per centum of the total amount of taxes collected for the year in which such an appropriation shall be made."

Proviso: limit.

Sec. 2. That all 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 27th day of February, 1911.

CHAPTER 167.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS FOR THE COUNTY OF MECKLENBURG TO REDUCE THE TAX ASSESSMENT ON THE PROPERTY OF THE CHARLOTTE AUDITORIUM COMPANY FOR THE YEARS ONE THOUSAND NINE HUNDRED AND EIGHT, ONE THOUSAND NINE HUNDRED AND NINE, AND ONE THOUSAND NINE HUNDRED AND TEN.

The General Assembly of North Carolina do enact:

Reduction in discretion of county commissioners.

Section 1. That the board of commissioners for the county of Mecklenburg be and is hereby authorized and empowered, in its discretion, to reduce the tax assessment on the property of the Charlotte Auditorium Company for the years one thousand nine hundred and eight, one thousand nine hundred and nine, one thousand nine hundred and ten, if in the judgment of the said board the tax assessment for said years is excessive.

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

Ratified this the 27th day of February, 1911.

CHAPTER 168.

AN ACT TO AMEND THE CHARTER OF THE GOLDSBORO TRACTION COMPANY.

Whereas, the Goldsboro Traction Company is a corporation chartered under the general corporation laws of this State, and has constructed tracks, trolley and all necessary equipment for the operation of cars, and is now operating cars regularly along and over its track by electricity in and along the streets of the city of Goldsboro, Wayne County, North Carolina; and, Preamble.

Whereas, the said traction company desires to extend its lines, track and trolley in said county to Seven Springs and other points in said county of Wayne: Preamble.

Now, therefore, for the purpose of enabling it to extend its lines and trolley as aforesaid.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of raising additional capital for said company, it shall be lawful for said corporation to increase its capital stock to any amount deemed expedient and necessary by its governing power to an additional sum not exceeding $125,000. And the said company shall have power to mortgage its property for the uses and purposes of said corporation as said company may deem necessary. Increase of capital stock. Power to mortgage property.

Sec. 2. It shall be lawful for any county, township, town or city into, by, through or near which the line of said traction company may run or contemplate running, to subscribe to the capital stock of said traction company in such sum or sums and at such time or times as may be agreed upon between said company and such municipality, respectively; and to issue bonds in such denominations, at such a rate of interest, not exceeding six per cent, and running for such time as the authorities of such municipality may deem advisable. and to levy and collect the necessary taxes to pay the same. Counties and municipalities may subscribe to stock. Bond issues. Interest. Taxes.

Sec. 3. In case of subscription to the capital stock of said traction company by any county, township, city or town desiring to do so, the question of such subscription, the amount, rate of interest and time of payment of any bonds as proposed to be issued, the amount, levy and collection of any taxes to pay the same, and any other condition attached to such subscription must first be submitted to the qualified voters of such county, township, town or city proposing to make such subscription, after advertising such election, the time of holding same, and the purposes and conditions thereof, for thirty days at each election precinct in such county, township, town or city. If the subscription is proposed to be made by a county or township, the election must be ordered by the board Question of subscription to be submitted to vote. Advertisement of election. Order for election.

Registrars and poll holders.

of commissioners of such county and held by a registrar and two pollholders for each election precinct, with power in the registrar to appoint pollholders if one or both fail to serve. The registrars and pollholders in the first instance shall be appointed by the board of

Election officers to serve without pay.

county commissioners. The registrars and pollholders shall serve without compensation, and shall make return in writing of the

Returns.

result of the election to the board of county commisioners on the

Effect of election.

first day of the month subsequent to said election; and if upon examination a majority of the qualified voters of such county or township have been cast in favor of subscription, the said board of commissioners shall make subscription, issue said bonds, and levy and collect the taxes for the payment of the same, in accordance with

Elections by cities or towns.

the terms submitted to and approved by the voters. If the subscription is proposed to be made by a city or town, the question shall be submitted to the qualified voters of such city or town in the same manner and under like conditions as provided above for counties and townships, except that the election shall be ordered and the registrars and pollholders shall be appointed by and the returns of the election made to the governing body of such city or town, and

Returns.

the returns shall be made to their first regular meeting subsequent

Effect of election.

to such election. And if upon examination it is found that a majority of the qualified voters of such city or town have been cast in favor of subscription the governing body of such city or town shall make the subscription, issue the bonds, and levy and collect the taxes for the payment of the same, in accordance with the terms approved by the voters. In all such elections those favoring the subscription,

Ballots.

issuing of bonds, and levying the taxes shall vote a ballot on which is written or printed "For subscription"; and those opposing the same shall vote a ballot on which is written or printed "Against

Registration.

subscription." For such an electioon the books shall be open at the home or business place of the registrar ten days next preceding the election for registration and challenge, and at the polls on the day of election to register those who become entitled to vote on that day.

Power to condemn lands.

Sec. 4. That whenever the Goldsboro Traction Company desires to extend or construct any line of railroad in the county of Wayne, North Carolina, it shall have the same power of requiring the easement of the right-of-way for said lines of railroad as is now conferred by the general law of North Carolina upon railroads, and shall enjoy the same right to the same extent and as fully as the railroads are permitted to enjoy and expercise the said right of condemnation.

Place of beginning.

Sec. 5. That said traction company may begin the construction of its lines or tracks and operation of cars at any place or places along

Time of beginning.

its route, and may have five years from the ratification of this act in which to begin the construction of said lines or tracks.

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

Ratified this the 27th day of February, 1911.

CHAPTER 169.

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO ISSUE BONDS TO ACQUIRE WHARF PROPERTY FOR TERMINAL FACILITIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the city of Wilmington, or other governing board, be, and it is hereby, authorized and empowered to submit to a vote of the qualified voters of said city, at such time as may hereafter be fixed by the board of aldermen, or other governing board of said city, after thirty days notice, the question, "Shall the city of Wilmington, North Carolina, issue bonds in an amount not exceeding two hundred thousand dollars ($200,000) for the purpose of acquiring wharf property and other transportation terminals." That said board of aldermen, or other governing board of the city of Wilmington, shall give notice of said election by publishing same in some daily newspaper published in the city of Wilmington, on such days as said paper may be published, for at least thirty days preceding the date of said election. Question to be submitted to voters. Notice of election.

Sec. 2. That said election shall be held and conducted in the same manner as prescribed by law for holding elections for the members of the board of aldermen of the city of Wilmington, or for the election of such other governing board as may be authorized by law at the time of holding said election, and the said board of aldermen, or other governing board, shall appoint the registrars and judges of election, and other election officers, and shall conduct the said election under the regulations that may exist at the time of election of city officers; but may order an entirely new registration for said election, if in their opinion it is advisable. The vote shall be counted at the close of the polls and returned to said board of aldermen, or other governing board of the said city of Wilmington, on the next day but one after said election, and said board shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board, and no other recording shall be necessary. Law governing election. Election officers. New registration. Count and return of vote. Tabulation, declaration and record of result.

Sec. 3. That at the said election the ballots tendered and cast by the qualified voters of the city of Wilmington shall have written on them "For terminal bonds" or "Against terminal bonds." All qualified voters voting in favor of bonds shall vote "For terminal bonds," and all qualified voters voting against bonds shall vote "Against terminal bonds." Ballots.

Sec. 4. In the event that a majority of the qualified electors of said city shall vote for terminal bonds at said election and the result shall be declared and recorded as aforesaid, the said board of aldermen or other governing board shall have prepared and issued bonds in demoninations not exceeding one thousand dollars ($1,000) Issue of bonds if ordered. Denominations.

Amount. and not less than one hundred dollars ($100), to a total amount not exceeding two hundred thousand dollars ($200,000), and said

Interest. bonds shall bear a rate of interest not exceeding five per cent per annum, with interest coupons attached, payable semi-annually, on

Maturity. the first day of January and July of each year until their maturity, and the principal thereof shall be payable or redeemable at any time or times not exceeding fifty years from the date of their issue, as the said board of aldermen or other governing board may deter-

Authentication. mine. The said bonds and coupons shall be payable at such place as may be designated therein, and shall be signed by the mayor of the city of Wilmington, and attested by the secretary of said board of aldermen, or other governing board, and the corporate seal of the city of Wilmington thereto attached.

Bonds to be numbered. Sec. 5. When the bonds shall be issued they shall be numbered consecutively and the bonds and coupons shall state on their face when they are due and payable, and shall show by what authority they are issued, and none of the bonds issued under this act shall be sold,

Sales not below par. exchanged or hypothecated for less than their face value. The said

Record of proceedings and of bonds. board of aldermen, or other governing board, shall have all their proceedings with respect to said bonds recorded in the minutes of their meetings, and when the bonds are issued, the number of the bond, its denominations, date of issue, and to whom issued, and the number of coupons attached must be recorded in the minutes of said board.

Sale of bonds. Sec. 6. That the said board of aldermen, or other governing board, are authorized and empowered to sell said bonds in such manner as they deem wise, subject to the above restrictions, and the proceeds from the sale thereof shall be turned over to the city clerk and treasurer, or such other officer as may have legal custody of the funds of

Separate funds and accounts. the city, which shall be kept separate from other funds, and separate accounts thereof shall be kept; but before receiving said fund, the

Bond of treasurer. said treasurer shall enter into a sufficient bond to be approved by the board of aldermen, or other governing board of the city of Wilmington, conditioned as other bonds, for the faithful safekeeping of

Orders for payment of money. said fund, and all orders issued upon the treasurer for the payment of said money provided for under this act shall state on their face the purpose for which same is paid.

Special tax. Sec. 7. That in the event the result of said election shall be in favor of issuing bonds as aforesaid, the said board of aldermen or other governing board of said city shall levy annually on the first Monday in June of each year, a special tax for said purpose, not

Rate. exceeding ten cents on one hundred dollars worth of property, and thirty cents on the poll; the subject of taxation and levy of taxes are to be the same upon which the said board of aldermen, or other governing board, may now, or hereafter, be authorized to lay and

Application of tax. levy taxes upon for general purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund,

applied first to the payment of the interest on said bonds, and then to the creation of a sinking fund for the redemption of said bonds which shall be sufficient in the judgment of the said board of aldermen, or other governing board of said city, to redeem the same when they become due.

Expense of elections.

Sec. 8. All expenses incurred by the said city of Wilmington on account of said elections shall be paid out of the fund provided for under this act, and the account of the treasurer for the funds collected under this act, whether derived from the sale of the bonds or for the special tax provided, shall be audited by the proper authorities of the said city of Wilmington, as in case of other accounts.

Audit of accounts.

Purchase of terminals.

Sec. 9. In order to prevent all available terminal property from being controlled by railroad companies, or other corporations, the said board of aldermen, or other governing board of the city of Wilmington, in the event the said election may be carried for bonds, and the same are issued, shall use the said funds for the purpose of purchasing in the city of Wilmington, or within two miles of the boundaries thereof, wharf property and other terminals to be held, leased or otherwise used under the direction of the said city, as terminals in connection with the shipping of the port of Wilmington, and the said board of aldermen, or other governing board of said city, are authorized and empowered to purchase such property at such prices as in their judgment will be most advantageous to the port of Wilmington.

Prices.

Exemption from taxation.

Sec. 10. That so long as the property so purchased shall be held and used for the benefit of the city of Wilmington, it shall be exempt from city taxation only.

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

Ratified this the 27th day of February, 1911.

CHAPTER 170.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RED SPRINGS, IN ROBESON COUNTY.

Preamble.

Whereas, the town of Red Springs, in the county of Robeson, on account of the large number of its inhabitants, and of the great increase in the number, size and value of its residences, hotels and business buildings, is in great need of a public water supply;

Preamble.

And, whereas, there is situated in the said town of Red Springs a large and flourishing female college, known as the Southern Presbyterian College and Conservatory of Music, with an annual attendance of more than three hundred (300) students from all parts of the State of North Carolina and many other States;

Preamble. And, whereas, the maintenance and protection of said college is of great importance to the future growth and prosperity of the said town;

Preamble. And, whereas, it is necessary to protect the property of the said town from destruction by fire;

Preamble. And, whereas, the present source of water supply for the inhabitants of the said town is open and driven surface wells;

Preamble. And, whereas, it is necessary for the protection of the health, not only of the permanent inhabitants of the said town of Red Springs, but also for the protection of the health of the large number of students constantly attending said college that there should be a system of sewerage and waterworks in said town;

Preamble. And, whereas, the mayor and board of commissioners of the said town of Red Springs, after full consideration of all the conditions, have declared that there exists in said town an absolute and imperative necessity for the erection, construction and maintenance of a system of waterworks for the purpose of providing fire protection, sewerage and drainage;

Preamble. And, whereas, the ordinary funds derived from current taxes of the said town are wholly insufficient to provide for the construction of said improvements; now, therefore,

The General Assembly of North Carolina do enact:

Waterworks and sewerage. Section 1. That the mayor and board of commissioners of the town of Red Springs are hereby authorized, empowered and directed to have erected and constructed by the board of public works hereinafter created, in and for the town of Red Springs, a system of waterworks for sewerage, drainage and fire protection, and all other purposes incident thereto.

Board of public works. Sec. 2. That for the purpose of carrying out the provisions of this act, there shall be and there is hereby created for that purpose, a board of public works, to be composed of the following named

Board named. citizens and taxpayers of the town of Red Springs, viz: W. J. Johnson, Dr. J. L. McMillan, J. G. Williams, B. W. Townsend, A. T. McCallum and A. B. Pearsall.

Vacancies. In case of the death or disability of a member of the said board, the remaining members shall select some suitable and competent taxpayer of the town of Red Springs to fill the vacancy. The said

Board to serve without pay. board hereby appointed shall serve without compensation, and shall take the oath of office prescribed in section two thousand three hundred and fifty-eight (2,358) of The Revisal, and also an oath to

Oath of office. faithfully perform the duties imposed upon them by this act. The said oath shall be taken before some person authorized to administer oaths, and shall be filed with the town clerk and treasurer of the town of Red Springs and recorded in the minutes of the mayor

Members of board to qualify. and board of commissioners of the town of Red Springs. The persons composing said board, as named in this act, shall qualify and

enter upon the discharge of their duties within twenty (20) days after the ratification of this act, and shall hold office for the term of two years, or until the system of waterworks and sewerage authorized to be erected under the terms of this act shall have been completed, equipped and turned over to the town of Red Springs. Said board shall at their first meeting organize by the election of a chairman and secretary. Term of office. Organization.

Sec. 3. That the said board of public works shall immediately after their qualification proceed to employ a competent and reputable civil engineer, experienced in the business of laying out and constructing systems of sewerage and waterworks, who shall prepare and furnish plans for the erection, construction and completion of the said system of waterworks and sewerage; and after the said plans have been received and approved, the said board shall advertise for bids for the erection, construction and completion of the said system of waterworks and sewerage, and said bids shall be advertised for at least thirty (30) days in some newspaper, 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 the said board. The said board is authorized to fix the amount of deposit or guarantee to accompany each bid, and to prescribe the time limit for the completion of the said sytem, and all other conditions, rules and regulations governing the letting of contracts for the construction of the said system of sewerage and waterworks. Employment of engineer. Duty. Advertisement for bids. Opening of bids. Guaranty of bids. Conditions.

Sec. 4. The said board of public works shall keep a full and accurate record of its proceedings and shall make quarterly reports to the mayor and board of commissioners of the town of Red Springs of its actions and proceedings under the terms of this act, which report shall be spread upon the minutes of the said mayor and board of commissioners, and at all meetings of the said board of public works a majority vote shall control. Records and reports.

Sec. 5. That for the purposes mentioned in section one of this act, the mayor and board of commissioners of the town of Red Springs are hereby authorized, empowered and directed to issue bonds of the town of Red Springs, North Carolina, to an amount not exceeding thirty-five thousand dollars ($35,000), bearing interest at a rate of not more than six per cent per annum. It shall be the duty of the said mayor and board of commissioners of the town of Red Springs, immediately upon the request of the board of public works, to issue the said bonds in the amount and of such form and denomination and bearing such rate of interest not exceeding the amount and rate hereinbefore mentioned, as the said board of public works shall request. 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 the said bonds may be prescribed by the board of public works. The said bonds when issued shall be signed by the mayor and town clerk, and the Bond issue authorized. Amount. Interest. Request for issuance of bonds. Authentication.

seal of the town of Red Springs shall be thereto attached. The said bonds shall mature and be payable thirty years from date, and interest thereon shall be payable semi-annually. The said bonds are hereby declared to be within the exercise of the corporate powers of the town of Red Springs, and the purposes for which the same are to be issued are hereby declared to be a municipal necessity. There shall be levied and collected each year upon the taxable property and polls of the town of Red Springs for the purpose of paying the interest and creating a sinking fund for the ultimate payment of the said bonds an annual tax of not exceeding thirty-five (35) cents on the one hundred dollars ($100) valuation on all real and personal property in said town, and not exceeding one dollar and five ($1.05) cents on each taxable poll. Out of the money so collected the interest shall be paid on said bonds as it shall fall due, and the balance remaining of said taxes shall be invested in a sinking fund, for the purpose of ultimately paying the principal of said bonds. And the mayor and board of commissioners of the town of Red Springs are authorized to invest the said sinking fund in any of the bonds so issued, or any other securities which they may consider more advantageous to the interest of the said town.

Maturity.

Declaration of necessity.

Tax for interest and bonds.

Rate.

Sinking fund.

Investment of sinking fund.

Record of bonds.

Sec. 6. That the town clerk of the town of Red Springs shall provide a record in his office in which shall be entered and kept the names of all the purchasers of said bonds, 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 reported as redeemed, and canceled, and a record of the said redemption and cancellation shall be made.

Advertisement for sale of bonds.

Sec. 7. That before selling said bonds the board of public works hereby created shall advertise the same for thirty (30) days immediately preceding the date of the sale, in a newspaper published in the town of Red Springs, and in such other papers as in their discretion they may deem best, giving the time and place where bids shall be opened for the sale of the said bonds, and the terms upon which said bonds are issued: *Provided*, that the said board of public works hereby created shall have the right in their discretion to reject any and all of said bids for said bonds.

Proviso: power of rejection.

Separate fund.

Specific appropriation.

Separate accounts.

Sec. 8. That the proceeds arising from the sale of said 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 mayor and board of commissioners shall cause the treasurer of the town of Red Springs to open and keep separate accounts of the 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 town funds, or which may hereafter be prescribed for the faithful keeping and disbursement of said funds. The mayor and board of commissioners of the town of Red Springs shall require the treasurer to give bond

Bond of treasurer.

for the faithful and honest performance of his duties in respect to the fund created by this act, which bond shall be for an amount not less than the aggregate proceeds of the sale of the said bonds; that the compensation of the treasurer for receiving and disbursing the proceeds of the said bond issue shall be fixed by the board of public works hereby created. Compensation of treasurer.

Sec. 9. That the taxes levied hereunder shall be collected by the same officer and under the same rules and regulations as other town taxes are collected. Collection of tax.

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 town treasurer shall open upon his books an account to be designated "Waterworks 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 funds of the town of Red Springs, for the purpose of paying the principal of said bonds at maturity, and 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 successor in office, for the use and benefit of the said sinking fund: *Provided*, that said investment shall at all times be subject to the approval and supervision of the mayor and board of commissioners of the town of Red Springs, and the treasurer shall be liable on his official bond for the faithful and honest performance of the duties imposed by this act. Sinking fund account. Investment of sinking fund. Proviso: approval and supervision of investments. Liability of treasurer.

Sec. 11. That the board of public works hereby created is hereby authorized and empowered to disburse all the funds arising from the sale of the said bonds to be issued hereunder for the purpose of erecting, constructing and completing the said system of waterworks and sewerage authorized by this act, and all orders for the payment of money out of the said fund shall be drawn by the chairman of the said board of public works, attested by the secretary thereof, and shall be drawn on the treasurer of the town of Red Springs; and all orders shall state upon the face thereof for what purpose the same is drawn, and said orders when so drawn and signed shall be paid by the treasurer of the town of Red Springs out of the funds arising from the sale of said bonds, as hereinbefore provided. Disbursement of funds. Orders on funds.

Sec. 12. That full authority is hereby conferred upon the mayor and board of commissioners of the town of Red Springs, and upon the board of public works hereby created to do any and all other things necessary or proper to be performed in furtherance of the duties imposed upon them by this act, whether this authority is specifically conferred by this act or not: *Provided, however*, that General powers. Proviso: limitation of powers.

such additional authority be not in conflict with the provisions of this act: and *Provided, further,* that the purchaser or purchasers of any bonds issued hereunder shall not be bound to see to the application of the purchase money arising from the sale of the said bonds.

Proviso: duty of purchasers.

Act mandatory.

Sec. 13. That the powers and duties of the said mayor and board of commissioners of the town of Red Springs and the board of public works, hereby created, in respect to the issue of said bonds, are hereby declared to be mandatory and not directory.

Law repealed.

Sec. 14. That section forty-eight (48) of chapter one hundred and fifty-five (155), Private Laws of North Carolina, session eighteen hundred and ninety-nine (1899), be and the same is hereby repealed and stricken out.

Tax limit.

Sec. 15. That section thirty (30) of chapter one hundred and fifty-five (155), Private Laws of North Carolina, session eighteen hundred and ninety-nine (1899), be amended by striking out the words sixty-six and two-thirds cents in line nine (9) of said section thirty (30) and inserting in lieu thereof the words one dollar, and by striking out the words two dollars in line eleven (11) of said section thirty (30) and inserting in lieu thereof the words three dollars.

Laws repealed.

Sec. 16. That chapter fifty-seven (57), Private Laws of North Carolina, session nineteen hundred and three (1903), and chapter thirty-seven (37), Private Laws of North Carolina, session nineteen hundred and seven (1907), together with all other laws or clauses of laws in conflict with the provisions of this act, are hereby repealed.

Sec. 17. This act shall be in force from and after its ratification.

Ratified this the 27th day of February, 1911.

CHAPTER 171.

AN ACT TO AMEND THE CHARTER OF BETHEL, PITT COUNTY.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That chapter one hundred and forty-six, section one, of the Acts of one thousand eight hundred and eighty-three, be amended as follows: "The corporate limits of the town of Bethel, Pitt County, shall be as follows: Beginning at the corner between S. T. Carson and R. J. Grimes and running with an old patent line north four degrees east one hundred and seventy-one rods to a stake; thence east seventy-two rods to a stake; thence north twenty east fifty-one rods; thence south eighty-three east fifty-seven rods; thence south four west two hundred and thirty-four rods; thence north eighty-three west fifty-nine rods; thence north four east eighteen and

one-half rods; thence north eighty-eight west .. rods to the beginning, containing two hundred and forty-seven acres, more or less."

Taxing power.

Sec. 2. That the town of Bethel, Pitt County, acting through its board of commissioners, shall have the power to levy and collect such taxes as are necessary for its municipal purposes not in excess of 50 cents on the $100 worth of property, and $1.50 on the poll; and said town shall have the power to levy and collect taxes for licenses and franchises granted by said town authorities and collect taxes levied on all trades, professions, shows, exhibitions, all property, animals, persons, apothecaries, druggists and retailers of all kinds that now are and may be taxed by the State.

License and franchise taxes.

Election on bond issue for light plant,

Sec. 3. That the commissioners of said town, for the purpose of installing an electric light plant for the town of Bethel, when two-thirds of their number shall so vote at any regular meeting, shall have the power to submit to the people of said town the question of issuing bonds to the amount of five thousand dollars, bearing interest not to exceed six per cent per annum, payable annually, said bonds not to be sold below par and to be made payable at the end of thirty years; and for the purpose of redeeming said bonds when they become due, paying the interest and providing for the maintenance of said plant, the town shall have the power to levy and collect a tax for said purpose not to exceed twenty-five cents on the $100 worth of property and seventy-five cents on the poll. The election for the purpose of issuing said bonds and levying said special tax for the purpose of installing said plant and paying interest on said bonds, redeeming same and maintaining said plant, shall be held and conducted as other municipal elections, and there shall be a new registration for said election if the said commissioners shall so order. The ballots cast at said election shall read as follows: "For lights" and "Against lights," and if the number of voters voting at said election shall be a majority of the voters qualified for said election, then said commissioners shall issue said bonds, install said electric light plant and levy said tax. The notice for said election shall be given for thirty days prior to said election in some newspaper published in Pitt County and posted in three public places in the town of Bethel, said notice shall state the amount of bonds to be issued and the amount of tax to be levied for said purpose.

Amount and interest.

Bonds not to be sold below par.

Maturity.

Tax for bonds, interest and maintenance.

Law governing elections.

New registration.

Ballots.

Notice of election.

Power to pass ordinances.

Sec. 4. That the commissioners of said town of Bethel shall have the power to pass such ordinances as they shall deem proper for working the streets of said town.

Repealing clause.

Sec. 5. That all clauses and sections of the charter of said town of Bethel in conflict with the provisions of this act are hereby repealed.

Rights of citizenship.

Sec. 6. That all citizens taken in by the extension of the incorporate limits of said town of Bethel shall have all the rights of citizens of said town, prior to the ratification of this act.

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

Ratified this 27th day of February, 1911.

CHAPTER 172.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS, IN THE COUNTY OF MECKLENBURG.

The General Assembly of North Carolina do enact:

Taxing power.

Section 1. The board of commissioners of the town of Matthews, in the county of Mecklenburg, shall have power to levy a tax not to exceed fifty cents on the one hundred dollars valuation of property.

Power to pass ordinances.

Fire limits.

Sec. 2. The board of commissioners of said town shall pass ordinances establishing and defining the fire limits of said town, and within such limits so established, no frame or wooden buildings shall thereafter be erected. The board of commissioners may change the fire limits at any time.

Election of cotton weigher.

Sec. 3. At the regular municipal election to be held in said town on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven, and every two years thereafter, there shall be elected by the qualified voters of said town a cotton weigher, who shall give such bond, take such oath, perform such duties and receive such compensation as is now prescribed by law.

Bond, oath, duties and compensation.

Vacancies.

The board of commissioners shall fill any vacancy in the office of cotton weigher occurring by death, resignation or otherwise.

Improvement districts.

Sec. 4. In order to provide for the repairing, improvement and keeping in order of the sidewalks of said town, the board may from time to time lay off and establish districts, and divide the sidewalks into districts for their repair and improvement, and may from time to time establish the grade of the sidewalk in said districts, and the width thereof and the building line. They may by ordinance provide the character of the sidewalks to be established in the several districts. Every owner of a lot which shall front on any street on which a sidewalk has been established and graded shall improve in such manner as the board 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 town marshal, or if such owner be a nonresident of the county of Mecklenburg, to his or her agent, or if personal service of said notice can not be had on such owner or agent, then, after publication of a notice by the town marshal for thirty days in some newspaper published in Mecklenburg County, calling on them to make such repairs or improvements the board may cause the same to be repaired with either bricks, stone, gravel or cement, at their discretion, and as in such district provided, and

Owners to improve sidewalks.

Work done by town on failure of owner.

Allotment of expense.

one-half of the expense shall be paid by the person in default; said one-half of said expense shall be a lien upon said lot or lots, and if not paid within sixty days after completion of said repairs and improvements, such lot may be sold under the same rules and regulations, rights of redemptions and savings as are prescribed by the general laws of the State for the sale of land for unpaid taxes, or an action in the nature of an action of foreclosure may be instituted in the courts of this State for the collection of such repairs and costs against said owner, and any judgment rendered thereon shall be a lien upon the lot or interest therein for the satisfaction of the amount due the town by the owner, as aforesaid: *Provided, however*, that if the owner or his agent shall elect to make such repair or improvement of the sidewalk in front of his property as the commissioners may direct, at his own cost, and shall promptly complete the same to the satisfaction of the said board of commissioners, then out of the general fund of the town there shall be paid to the said owner, or his agent, one-half the cost incurred by him in the making of such repair or improvement.

Lien on lots.

Collection by sale of lot.

Action for enforcement of lien.

Proviso: payment to owner.

Sec. 5. That the board of commissioners may submit to the qualified voters of the said town, at the municipal election in May, the question whether or not the town shall borrow a sum not exceeding two thousand dollars, to be used for the improvement of streets and sidewalks, or to provide water for the public use, or such other public purpose, as the board of commissioners may approve.

Election on loan for improvement.

At such elections, if ordered by the board of commissioners, those favoring the borrowing of the money shall vote a ticket upon which is printed the words "For bonds," and those opposed to the borrowing of such sum shall vote a ticket upon which shall be printed the words "Against bonds."

Tickets.

If by a vote of the qualified voters the board of commissioners are authorized to borrow said sum of money, the board of commissioners may issue the bond or bonds of the town of Matthews, which bond or bonds shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, and the bond or bonds so issued shall be payable not more than twenty years from date, and it shall be the duty of the board of commissioners to provide by taxation for the payment of the interest on said bonds as the same may become due, and to provide for the payment of the principal money at the maturity of said bonds.

Bond issue authorized.

Interest.

Maturity.

Tax for bonds and interest.

The election herein provided for shall be held under the rules and regulations prescribed for the holding of the municipal election, and the result shall be certified by the proper officers of the board of commissioners of the town, who shall make on the minutes of their proceeding a record of the result of such election, and this certificate so recorded shall be conclusive evidence of the result of such election.

Law governing election.

Return and certificate of result.

Repealing clause.

Sec. 6. All those provisions of the charter of the town of Matthews and the acts amendatory to such charter, which are inconsistent with the provisions of this act, are hereby repealed.

Ratified this the 27th day of February, 1911.

CHAPTER 173.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Town elections.

Section 1. That after the word "May" in section four, line three, of the charter of Mount Airy, strike out the words "of each year" and insert the following: "one thousand nine hundred and eleven, and every two years thereafter." After the words "five hundred dollars," at the end of section twenty of the said charter, add the following: "And to fix the salaries of the members of the board of commissioners at a sum not to exceed sixty dollars annually to each of the commissioners." After the words "other taxes are collected," at the end of section twenty-nine of the said charter, add the following: "*Provided*, that before such cost is assessed against the property of such delinquent, that a notice stating the amount of such cost shall be served by the chief of police of the town of Mount Airy, upon such delinquent, if he be a resident of Surry County, and if he be a nonresident, upon his agent, if he have one in the county, and if personal notice can not be served upon such delinquent or his agent, then by publishing the notice for ten days in a newspaper published in the town of Mount Airy, and the said delinquent shall have the right to appear before the board of commissioners at the next regular meeting of the board after the expiration of said notice and contest the amount of the said assessment, and shall have the right of appealing from the action of the board of commissioners to the superior court of Surry County."

Salary of commissioners.

Proviso: notice to delinquents.

Right of appearance and appeal.

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

Ratified this the 27th day of February, 1911.

CHAPTER 174.

AN ACT TO AMEND AND REVISE THE CHARTER OF THE TOWN OF TRENTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty-one, Acts of one thousand eight hundred and eighty-three, and all amendatory acts thereto, be

amended and consolidated as follows, to wit, and the following shall be the charter of the said town of Trenton: That the inhabitants of the said town of Trenton, in the county of Jones, shall be and continue as they heretofore have been, a body politic and corporate. Incorporation.

Sec. 2. That the officers of the said town shall consist of a mayor and three commissioners, and a clerk and treasurer (provided the clerk may act as treasurer): *Provided, further,* that the present mayor, commissioners and clerk may serve until their successors are duly elected and qualified. Town officers. Proviso: present officers continued.

CORPORATE LIMITS.

Sec. 3. Beginning at a stake at the end of Lower street; thence running north twenty degrees east sixteen poles to Trent River; thence with the various courses of Trent River about eighty-five and three-fourths poles to a gulley opposite Cherry street; thence with said gulley about thirty-five poles to a point opposite Upper street; thence with said gulley and ditch about fifty yards to a stake on the ditch bank parallel with the northern side of Trent street; thence in westerly direction and parallel with said Trent street to a stake opposite the dividing line ditch between Dr. H. G. Monk's woodland and Spicey Quinn's land; thence with said line ditch to a stake opposite the southern side of Third street; thence in an easterly direction and parallel with Third street to the southwestern corner of Third and Upper streeets at J. K. Dixon's; thence with west line of Upper street extended to a point opposite back line of J. K. Dixon and N. L. Smith; thence eastwardly with back fence of J. K. Dixon and N. L. Smith to the mill pond; thence down and with the various courses of the mill pond and race to the east side of Market street; thence with said east side of Market street to a stake two hundred and eighty yards from the corner of Third and Market streets (at Bryan lot); thence eastwardly and parallel with Third street to a point opposite Lower street; thence northwardly and parallel with Lower street to Lower street; thence eastwardly with Jones street extended one hundred and forty yards to a stake; thence northwardly and parallel to Lower street to Trent River; thence up Trent River to the point where Lower street touches Trent River; then to the beginning. Corporate limits.

Sec. 4. The commissioners of said town may appoint a policeman to execute the laws and ordinances of the said town of Trenton and to collect all taxes due the town and such other duties as the commissioners may require. Policeman.

Sec. 5. That the said board of commissioners may require the policeman and clerk to give such bonds to the town as they may deem necessary for the faithful performance of their duties. Bond of policeman and clerk.

Sec. 6. That there shall be an election held on Tuesday after the first Monday in May, one thousand nine hundred and eleven, and every two years thereafter for purpose of electing a mayor or three Town elections.

commissioners and clerk to board of commissioners, who shall act as treasurer also. That the said election shall be held under same laws and regulations that town elections (under The Revisal of one thousand nine hundred and five) are held, and all citizens who 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 in said election.

Law governing elections.

Voters.

Taxing power.

Property tax.

Poll tax.

Sec. 7. That in order to raise funds to defray the necessary expenses incident to the government of said town, the board of commissioners may annually levy and collect the following taxes: on all real and personal property within the corporate limits of said town, including money on hand, solvent credits and all subjects of taxation upon which an *ad valorem* tax is or may be imposed by the General Assembly, not more than thirty-three and one-third (33 1-3) cents on the one hundred dollars worth of property, and one dollar on each taxable poll.

Valuation of property.

Tax list.

Sec. 8. That the valuation of all real and personal property within the corporate limits of said town shall be same as the county valuation, and the town tax list may be copied from the county tax book for same year.

Taxes due.

Proviso: commissioners may fix date.

Sec. 9. 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 March 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.

Law governing election.

Election officers.

Sec. 10. That all elections held in said town shall be conducted as prescribed for election of members of the General Assembly. That the registrar and judges of election are hereby empowered to administer all oaths and affirmations necessary in the conduct of elections.

Power to pass ordinances.

Sec. 11. That the board of commissioners 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.

Powers as to streets and sidewalks.

Sec. 12. That the board of commissioners of said town of Trenton shall have power to lay out and open new streets and sidewalks in said town; also to extend, widen, straighten, grade, drain 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 or drainways, no matter whether such obstructions be of a temporary or of a permanent kind, caused by buildings or parts of buildings being erected over or upon any of the streets or sidewalks.

Proviso: compensation to landowners.

Sec. 13. *Provided, however*, that the board of commissioners shall make reasonable compensation to the owner or owners of any land or lots for damage done the owners of such land or lots in opening, widening or otherwise improving such streets. In case the owners

of the land and the board of commissioners can not agree upon a price, the said board of commissioners shall appoint five freeholders residing in the said town, who shall assess the said land or property to be condemned, and make report to the board of commissioners. If the board of commissioners accept the said report, then the board of commissioners shall pay or tender to the owner or owners of said land or property the amount assessed in cash, and thereupon the title shall become vested in said board of commissioners and its successors. If the landowner or owners of such property shall think the amount assessed is below the actual value of such property, nothing herein shall be construed to deprive him or them the right to appeal to the superior court, or other courts, for the value of such land or property taken. Procedure for assessment of damage. Right of appeal.

Sec. 14. The mayor, in addition to his other duties, shall preside at all meetings of the board of commissioners, but shall not vote except in case of a tie. In case of the absence of the mayor, the board of commissioners may appoint one of their number as mayor *pro tem.*, and he shall have full power to discharge all the duties of mayor in his absence. Mayor to preside at meetings. Mayor pro tem.

Sec. 15. The board of commissioners shall have power to levy and collect each year a specified or license tax on the following subjects, to wit: License taxes.

(1) On all dealers (wholesale or retail) in fireworks of any kind, a tax not exceeding twenty-five dollars. Dealers in fireworks.

(2) On every exhibition of animals for reward, a tax not to exceed twenty-five dollars per annum. Animal shows.

(3) On each peddler on foot, with horse, mule or ox, with or without vehicle, who sells or offers to sell any commodity or article, a tax of twenty-five dollars per annum. Peddlers.

(4) On every company of Gypsies or strolling bands of person or persons, living in wagons or tents, or otherwise, who trade horses and receive rewards for telling or pretending to tell fortunes, a tax not exceeding one hundred dollars per annum. Gypsies.

(5) On every dealer or merchant selling cigarettes, a tax not to exceed five dollars per annum. Cigarette dealers.

(6) On each male dog, a tax not to exceed one dollar per annum. Male dogs.

(7) On each female dog, a tax not to exceed two dollars per annum. Female dogs.

(8) On every stallion or jack serving mares within the corporate limits, a tax not to exceed twenty-five dollars per annum. Stallions or jacks.

(9) Upon every firm, corporation or person selling or offering to sell any beer, near beer or other drink containing alcohol, a license tax discretionary with the board of commissioners, not to exceed one thousand dollars per annum. Dealers in drinks containing alcohol.

Sec. 16. 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, penalty or forfeiture which may have been im- Chain gang.

posed 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.

Police jurisdiction.

Sec. 17. That the town of Trenton shall have police jurisdiction for half a mile outside the corporate limits in every direction, and may make and enforce regulations in respect thereof in as full and ample manner in all respects as if such territory were within such corporate limits.

General laws applicable.

Sec. 18. That the general laws as contained in chapter seventy-three of The Revisal of one thousand nine hundred and five, not inconsistent with this act, shall be part of the laws of the said town of Trenton.

Sec. 19. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 20. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, 1911.

CHAPTER 175.

AN ACT TO ENABLE THE TOWN OF LAURINBURG TO FUND ITS FLOATING INDEBTEDNESS FOR NECESSARY EXPENSES OF THE TOWN, AND TO AUTHORIZE THE TOWN TO LEVY TAXES TO MEET THE PAYMENT OF THE SAME.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of commissioners of the town of Laurinburg be and it is hereby authorized to issue bonds to the amount

Amount.

not exceeding the sum of thirty-seven thousand five hundred dollars, par value, for the purpose of funding the outstanding unprovided for indebtedness of the said town of Laurinburg, contracted for the necessary expenses thereof. The said bonds authorized for this act may

Denomination.

be either negotiable coupon bonds, or registered bonds, in such form and denomination, and may be payable, both principal and interest, in gold coin of the United States, payable at such time or times, and such bonds shall bear such legal rate of interest, not to exceed

Interest.

six per cent, as the board of commissioners of said town may determine: *Provided, however*, that the total issue of bonds authorized

Proviso: limit of amount.

by this act shall not exceed the par value of thirty-seven thousand five hundred dollars. Said bonds shall be signed by the mayor,

Authentication.

countersigned by the clerk and treasurer, and sealed with the corporate seal of the town; and the coupons, if any, on said bonds shall bear the engraved lithographed signature of the treasurer or be signed by his own proper handwriting, as the board of commissioners

may determine. The said bonds shall be sold at public or private sale, with or without notice, for not less than par value and accrued interest; and proceeds of said bonds, including any premium received from sale thereof, shall be applied only to the outstanding unprovided for indebtedness of said town contracted for its necessary expenses; in which shall be included all debts due by note, accounts or unpaid judgments; and the purchaser of said bonds shall not be held responsible for the application of the money derived from the sale of said bonds. Sale at not less than par. Application of proceeds.

Sec. 2. The resolution authorizing the issue of said bonds may be introduced and passed at any meeting of said board of commissioners, by a majority vote of all the commissioners, and no other or further proceedings shall be necessary for the issuance of said bonds, and all bonds issued in accordance with the provisions of this act shall be legal and valid obligations of said town, notwithstanding any provisions of any previous or present act of the Assembly, either general or special, limiting the amount of bonded indebtedness of the town, or otherwise, and all laws or parts of laws inconsistent with this act are hereby repealed in so far as the same are inconsistent with this act. Procedure for issuance of bonds. Validity of bonds.

Sec. 3. The board of commissioners of the town of Laurinburg is hereby required to levy and collect, in addition to all other taxes in said town, a tax upon all taxable property and polls in said town of Laurinburg sufficient to pay the interest on said bonds as the same becomes due; and also on or before the time when the principal of the said bonds shall become due, to levy and collect a further special tax to pay for same or to provide for the payment of same, the tax levied upon property shall be *ad valorem* tax, and the tax upon polls and property be in the proportion, as required by the constitution and laws of the State of North Carolina. Said special tax shall be levied and collected at the same time as other taxes upon property and polls in the town. Tax for interest and bonds.

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

Ratified this 27th day of February, 1911.

CHAPTER 176.

AN ACT TO LEGALIZE THE THIRTY THOUSAND DOLLAR SCHOOL BOND ISSUE OF THE CITY OF GREENSBORO.

Whereas, on the twenty-eight day of December, one thousand nine hundred and six, and the eleventh day of January, one thousand nine hundred and seven, the board of Aldermen of the city of Greensboro, under authority given in the charter of said city, passed an ordinance in the manner prescribed by its charter calling an election to be held Preamble.

Preamble. on the twelfth day of March, one thousand nine hundred and seven, for the purpose of submitting to the qualified registered voters of said city the question of issuing thirty thousand dollars of coupon bonds of said city, payable thirty years after their date, in denominations of one thousand dollars each, and bearing interest at the rate of five per cent per annum, payable semi-annually, and the levy of an annual special tax to pay said bonds at maturity, and the interest thereon as it becomes due, all the proceeds of said bonds to be used for the purpose of erecting, equipping, altering and furnishing a school building or buildings, and, if necessary, of purchasing land for such building or buildings in the city of Greensboro; and,

Preamble whereas, on the twelfth day of March, one thousand nine hundred and seven, said election was regularly and legally held, and said bond issue was duly approved by a majority of the qualified registered voters of said city; and,

Preamble. whereas, on the twenty-second day of March, one thousand nine hundred and seven, an ordinance was duly passed by the board of aldermen of said city authorizing the issue of said thirty thousand dollars of school bonds for the purpose hereinbefore set out; and,

Preamble whereas, by section two thousand nine hundred and twenty-seven of The Revisal of one thousand nine hundred and five it is provided that no municipal corporation can contract any debt for any special purpose to an amount exceeding in the aggregate ten per cent of the assessed valuation of the real and per-

Preamble. sonal property situate in such city or town; and, whereas, it has been determined by the courts of the State that the proposed thirty thousand dollar bond issue above referred to comes within the limi-

Preamble. tation of section two thousand nine hundred and twenty-seven of The Revisal; and, whereas, it is deemed advisable to legalize said bond issue; now, therefore,

The General Assembly of North Carolina do enact:

Bond issue legalized. Section 1. That the said thirty thousand dollar bond issue of the city of Greensboro, for the purpose of erecting, equipping, altering and furnishing a school building or buildings, and, if necessary, of purchasing land for such building or buildings in the city of Greensboro, authorized by ordinances of the board of aldermen of said city, passed on the twenty-eighth day of December, one thousand nine hundred and six, and the eleventh day of January, one thousand nine hundred and seven, and the twenty-second day of March, one thousand nine hundred and seven, and approved by a majority of the qualified registered voters of said city at an election held on the twelfth day of March, one thousand nine hundred and seven, and

Execution and sale of bonds authorized. heretofore referred to in the preamble of this act, be and the same is hereby in all respects legalized, ratified and confirmed; and the board of aldermen or the board of commissioners, as the case may be, of the city of Greensboro, is hereby authorized and empowered to prepare, execute, deliver and sell said bonds as provided by law, and

when a sale of said bonds is effected, said board is hereby directed to levy an annual special tax upon all property within said city subject to taxation as provided in the ordinances of said city hereinbefore referred to for the purpose of paying the principal of said bonds at maturity and the interest thereon as it becomes due, and said bonds when issued and sold as provided by law shall become binding obligations of the said city to the amount of the interest and principal of said bonds. Levy of special tax directed. Bonds valid and binding.

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

Ratified this the 27th day of February, 1911.

CHAPTER 177.

AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the town of Laurinburg shall be as follows: Beginning at the center of the Seaboard Air Line Railway, formerly known as the Carolina Central Railway, where Main street of said town crosses said railway, and running from said point one mile north, south, east and west, so as to form a square with said beginning point as the center: *Provided*, that the territory within the boundaries established by chapter twenty-two, Private Laws of one thousand nine hundred and nine, as the corporate limits of the town of East Laurinburg, shall not be included within the boundaries herein established. Corporate limits. Proviso: East Laurinburg.

Sec. 2. It shall be the duty of the commissioners of said town to establish the four corners of the boundaries established by this act. Commissioners to establish corners.

Sec. 3. That the territory within the boundaries as established by this act shall be included in and become a part of the graded school district, established by chapter fifty-three, Private Laws of one thousand nine hundred and nine. Graded school district.

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

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

Ratified this 27th day of February, 1911.

CHAPTER 178.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CANTON, HAYWOOD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter ninety of the Private Laws of North Carolina for the year one thousand nine hundred and seven, be and

the act entitled "An act to amend the charter of the town of Canton, Haywood County, North Carolina," be amended as follows:

Corporate limits.

Sec. 2. That the corporate limits of the said town shall be enlarged by annexing thereto the following territory: Beginning at a rock in Pigeon River above the mouth of Beaver Dam Creek, the northwest corner of the incorporation line of the town of Canton, North Carolina, and runs down with said Pigeon River sixty-nine and one-half poles to a large been tree on the west bank of said river; thence with the edge of the woodland south seventy degrees fifteen minutes west twenty-one poles to a stake on top of a ridge; thence crossing the field south seven degrees west forty-nine poles to a stake in the south edge of said field; thence south fifteen degrees thirty minutes east twenty-six and four-fifths poles to a large pine tree; thence south seventy-one degrees east sixty-three poles to a chestnut tree; thence south forty degrees east eleven and three-fourth poles to a stake near the top of a ridge; thence eighty-nine degrees east fifteen and one-half poles to a bunch of large linden trees on the west bank of said Pigeon River and in the west bend of the incorporation line of the town of Canton; it being the purpose of this section to annex the above territory known as Fiberville to the town of Canton.

Town officers.

Sec. 3. That at the next election to be held in said town of Canton for the election of mayor and commissioners of said town, there shall be elected by the qualified voters of said town a mayor and three commissioners, it being the purpose of this section to create a board of commissioners consisting of a mayor and three members.

New registration.

Sec. 4. That previous to the next regular election of said town, a new registration shall be had for said town in order to include the electors taken in by the extension of the corporate limits of the town as defined by section two of this act, and to otherwise complete the registration of the qualified voters of said town. Such registration shall be conducted in the manner provided for by chapter seventy-three, entitled "Towns," of The Revisal of one thousand nine hundred and five of North Carolina, and the provisions of said chapter shall apply to said registration and the election held thereunder.

Notice of registration.

Sec. 5. That the board of commissioners of said town shall cause thirty days notice of said new registration to be given thirty days prior to said election, by advertising a copy of said notice in some newspaper published in said town, if any, and, if not in some newspaper published in the county of Haywood and by posting the same at four public places within the corporate limits of said town. Said notice shall contain a description of the extended corporate limits of said town and shall show the number of voting precincts and the places where said election shall be held.

Assessors and tax listers.

Sec. 6. That at the time the board of county commissioners of the county of Haywood appoint assessors and tax listers for the county of Haywood, they shall appoint separate assessors and tax listers

for the town of Canton to appraise and list the property subject to taxation situate in the corporate limits of said town. The board of commissioners of the town of Canton shall recommend to the board of commissioners of the county of Haywood the tax listers and assessors whom they desire to be appointed as assessors and tax listers for the said town of Canton, and it shall be the duty of the board of commissioners of the county of Haywood, and they are hereby directed, to appoint as tax listers and assessors the persons so recommended by the board of commissioners of the town of Canton: *Provided*, that the persons so recommended shall possess all the qualifications as prescribed by law.

Town commissioners to recommend.

Proviso: qualification.

Sec. 7. That said assessors and tax listers shall perform their duties and be subject to all the laws relating to other tax listers and assessors in Haywood County. Said tax listers and assessors shall make their returns in duplicate, one copy to be delivered to the county of Haywood as provided by law, and one copy to be delivered to the town of Canton.

Duties of assessors and list takers.

Sec. 8. Said board of commissioners shall from time to time lay and construct in said town of Canton such system of water, water pipes, sewerage and sewer pipes, and extensions of same as to it may deem advisable, and shall keep the same in proper condition and repair with proper connections, and make all necessary provisions for so doing, and shall control and regulate such system and every part thereof, and may require the owner or owners of any improved lots in said town or any public street or alley where such water or sewer pipes are to be laid convenient and accessible to any lines of pipe to connect such lot with such sewer and water pipes in the manner and places designated by the board of commissioners, and said board of commissioners shall have the power and authority to enforce such connections in any manner they may deem necessary, and upon the failure of the owner or owners to so connect the same after having been given ten days notice, the said board of commissioners may enter upon such lot and make such connections and charge the cost thereof against said lot and such costs or charge shall be and become a lien on said property, the same shall be placed in the hands of the tax collector for collection, and, if the same is not paid promptly, then the tax collector shall advertise and sell said property to satisfy such lien and charge in the same manner as prescribed by law for the sale of property for unpaid taxes: *Provided, however*, that the said board of commissioners may, in its discretion, extend the time of payment to such time as they may deem proper, and shall have the right to charge interest at not more than six per cent (6%) from the day of the commencement of said work.

Waterworks and sewerage.

Enforcement of connections.

Enforcement of collection.

Extension of time for payment.

Sec. 11. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this 27th day of February, 1911.

CHAPTER 179.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, ENTITLED "AN ACT TO INCORPORATE THE WAYNESVILLE RAILWAY AND POWER COMPANY," AND ACTS AMENDATORY THERETO.

The General Assembly of North Carolina do enact:

Section 1. That the act entitled "An act to incorporate the Waynesville Railway and Power Company," being chapter three hundred and five of the Private Laws of one thousand nine hundred and five, and the acts amendatory thereto, being chapter four hundred and ninety-three of the Private Laws of one thousand nine hundred and seven, and chapter two hundred and forty-six of the Private Laws of one thousand nine hundred and nine, are hereby amended by extending the time within which the said corporation, which has been duly organized, shall be required to begin the construction of its road and expend ten per cent of the amount of its capital in the construction thereof, to three years from the date of the ratification of this act, and by extending the time within which it shall be required to finish and put its road in operation, to ten years from the date of the ratification of this act; and said corporation is hereby authorized and required to begin the construction and expend ten per cent of its capital in the construction of its road within three years, and to finish and put the same in operation within ten years from the date of the ratification of this act; and that upon its failure to do so within said time, its corporate existence and powers shall cease.

Time for beginning of work.

Time for completion of work.

Sec. 2. That section two thousand five hundred and sixty-four of The Revisal of one thousand nine hundred and five is hereby repealed in so far as it conflicts with the provisions of this act.

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

Ratified this the 27th day of February, 1911.

CHAPTER 180.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL AND TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL TO ISSUE BONDS, TO PURCHASE AND CONSTRUCT SEWER LINES.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Chapel Hill be amended by adding as a part thereof, as contained in chapter two

hundred and eighty-three, Acts of one thousand eight hundred and ninety-nine, that the aldermen of said town of Chapel Hill be and they are hereby authorized and empowered to issue and sell the bonds of the said town to an amount not exceeding fifteen thousand dollars, said bonds to run for and fall due at the expiration of twenty years, drawing interest from the date of bonds at the rate of six per cent per annum, payable semi-annually on the first day of January and the first day of July of each year until said bonds are paid. The said bonds to be sold at not less than their face value. The proceeds arising from the sale of said bonds shall be expended by the aldermen of the said town of Chapel Hill in purchasing from the University of North Carolina that part of its sewer system which lies outside of the University campus and in extending and constructing sewer lines in such other sections of the town of Chapel Hill as to the board of aldermen shall seem advisable: *Provided*, that said terminals shall be extended to such point or points outside of corporate limits as may be found most suitable: *Provided, however*, that the said amendment of the charter of the town of Chapel Hill be submitted to the qualified voters of said town for their ratification or rejection at an election to be held in said town on Tuesday, second day of May, one thousand nine hundred and eleven, for the election of mayor and aldermen of said town of Chapel Hill. That said election shall be advertised by the aldermen of said town of Chapel Hill, in the *Chapel Hill News*, a newspaper published in said town, for thirty days prior to the day of said election: *Provided, further*, that those who are in favor of said amendment shall vote "For amendment," and those who are opposed to said amendment shall vote "Against amendment." That the votes cast for and against amendment shall be deposited in a special box, counted and duly certified by the judge of said election and returned to the aldermen of said town, who shall certify the result of said election to the Secretary of State and to the register of deeds of Orange County. If a majority of votes cast shall be for the amendment, the said aldermen shall proceed immediately to issue and sell said bonds; but if a majority of votes cast shall be against the amendment, then this act shall be of no force and effect.

Bond issue authorized. Amount. Maturity. Interest. Bonds not to be sold below par. Expenditure of proceeds. Proviso: terminals. Proviso: amendment submitted to voters. Date of election. Advertisement of election. Ballots. Ballot box. Count and return of vote. Certificate of result. Effect of election.

Sec. 2. That said bonds shall be coupon bonds of the denomination of one hundred dollars, and are to be numbered from one upward, in accordance with the order of issue. They shall be signed by the mayor and countersigned by the treasurer of the town and sealed with the corporate seal of the said town, but the coupons thereon may be signed by the treasurer alone.

Description of bonds. Authentication.

Sec. 3. That said coupons shall be receivable in payment of the taxes due the town of Chapel Hill and the same shall be expressed on the face of each coupon.

Coupons receivable for town taxes.

Sec. 4. That for the purpose of paying the interest which shall accrue on said bonds and of accumulating a fund for the payment

Tax for interest and bonds.

of the principal of said bonds when they shall mature, the board of aldermen shall have the power annually to levy and collect in the manner and at the time prescribed for the collection of the general town taxes an *ad valorem* tax not exceeding twenty-five cents on a hundred dollars of assessed valuation of real and personal property, and also a tax on all taxable polls not exceeding seventy-five cents.

Rate.

Collection of taxes.

Sec. 5. That said special tax shall be collected by the tax collector under the same rules and regulations as are prescribed for the collection of the general town taxes, and shall be paid to the treasurer of the town, who shall give a bond with good and sufficient security, conditioned for the faithful and honest management and disbursement of the special taxes and for the safe keeping of the money arising from sale of bonds. The treasurer shall renew his bond annually on the first day of June of each successive year, the amount of which bond shall be fixed and approved by the board of aldermen of the town of Chapel Hill, and shall be registered in the office of the register of deeds of Orange County; and the treasurer shall keep an account of the receipts and disbursements of the special tax money in a separate book to be kept for that purpose, and he shall annually publish a statement showing the balance and condition of the special tax funds in his hands.

Bond of treasurer.

Renewals of treasurer's bond.

Separate accounts.

Annual publication of statement.

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

Ratified this the 28th day of February, 1911.

CHAPTER 181.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MORGANTON TO ISSUE BONDS FOR A WATERWORKS SYSTEM.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of commissioners of the town of Morganton, in Burke County, be and they are hereby authorized and empowered, in their discretion, to issue bonds for either the establishment, installation and maintenance of a waterworks system in said town, or for the purpose of acquiring, buying and taking over the franchise, plant and waterworks system of the Morganton Waterworks Company, in said town of Morganton, and extending the same, to an amount not to exceed thirty-five thousand ($35,000) dollars, payable at such time and place as the board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be less than thirty years from the date of issue.

Amount.

Proviso: maturity.

Interest.

Sec. 2. That the said bonds shall bear interest at a rate not exceeding six per cent per annum, and the interest shall be made pay-

able annually or semi-annually, as the board of commissioners may prescribe, and the said bonds shall not be sold, exchanged, hypothecated or otherwise disposed of for less than par value. Bonds not to be sold below par.

Sec. 3. That the said bonds shall be signed by the mayor of the town of Morganton and attested by the clerk of the board of commissioners of said town and have the corporate seal of the said town affixed thereto, and the coupons thereto attached shall be signed by the mayor of said town and countersigned by the said clerk, and a record shall be kept of 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 such other data in relation to the same as the board of commissioners may direct to be kept. Authentication. Record of bonds.

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 said board of commissioners. Denominations and classes.

Sec. 5. 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. 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 said town, and turned over to the treasurer of said town: *Provided*, that the taxes 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 town of Morganton, as said coupons are paid off and taken up, to cancel the same and report to the board of commissioners the number and amounts of the coupons so canceled. Tax for interest and sinking fund. Levy and collection. Proviso: taxes kept separate. Specific appropriations.

Sec. 6. That the said bonds shall be sold at public or private sale, with or without notice, as the board of commissioners of said town may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of the town of Morganton, 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 commissioners, and his compensation, both for receiving and paying out said fund, shall be such as shall be determined by said board of commissioners. Sale of bonds. Bond of treasurer. Compensation of treasurer.

Sec. 7. That the aforesaid bonds shall be issued for the purposes set forth in the act, and the proceeds arising from the sale of said bonds shall be used for the building, installation and maintenance of a waterworks system in said town, or for the purpose of acquiring, buying and taking over the franchise, plant and waterworks system of the Morganton Waterworks Company, and extending the same, for the purpose of supplying said town, its inhabitants and Purpose of bond issue.

Proviso: duty of purchaser.

others with water: *Provided, however*, that the purchaser of said bonds shall not be required to see to the application of the purchase money.

Warrants for payment.

Sec. 8. That said fund shall be paid out upon proper warrants of said board of commissioners of Morganton, and signed by the mayor and town clerk, and shall be used only for said purpose aforesaid.

Date of election.

Sec. 9. That there shall be held in the town of Morganton on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven, an election wherein those who favor the adoption of the provisions of this act shall vote, written or printed, the words "For bonds," and those opposed thereto shall vote ballots with the words "Against bonds" 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 bonds" written or printed thereon, then the provisions of this act shall become operative and effective.

Ballots.

Effect of election.

Law governing election.

Sec. 10. That said election shall be held in accordance with the provisions of chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and three.

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

Ratified this the 28th day of February, 1911.

CHAPTER 182.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE CORPORATE LIMITS OF THE TOWN OF MOUNT OLIVE, WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter two hundred and one of the Private Laws of one thousand nine hundred and five, be and the same is hereby amended as follows: Strike out all of section two in said chapter two hundred and one, and insert in lieu thereof the following: "That the corporate limits of said town shall be as follows:

Corporate limits.

Beginning at an iron stake at the intersection of North Boundary and Chestnut streets, and runs thence parallel with the Atlantic Coast Line Railroad north 39 east 24 38-100 chains to an iron stake; thence south 51 east 10 55-100 chains to an iron stake; thence south 8½ west 12 chains to W. T. Smith's corner on Church street; thence along eastern edge of Church street south 39 west 7 36-100 chains to an iron stake, Westbrook's and Summerlin's corner; thence with their line south 46 east 8 20-100 chains to the run of Calf Pasture Branch; thence with the run of said branch as it meanders about southeastward 10¼ chains to an iron stake on the run of said

branch; thence south 22 west 20 chains to an iron stake and sweet gum in the Williams line; thence south 7 east 7½ chains to an iron stake in Mary P. Winn's yard; thence south 30 west 32 42-100 chains to a pine on the Kenansville road; thence with said road south 23 east 5 chains; thence south 13 east 5 40-100 chains to an iron stake on the east side of the road near Glen McMillan's corner; thence north 86 west nearly along a ditch 57 70-00 chains to a small maple in the fork of a ditch near the Enterprise Lumber Company's corner; thence north 59 west 16¾ chains to an iron stake, west side of Faison road; thence along west side of said road north 41 east 7½ chains to corner of J. C. Winn's yard; thence north 25 east 26 40-100 chains to an iron stake; thence north 51 west 25 chains to an iron stake; thence parallel with Atlantic Coast Line Railroad north 39 east 56 70-100 chains to an iron stake near the road in Jesse Martin's field; thence south 51 east 34 45-100 chains to the beginning.

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

Ratified this the 28th day of February, 1911.

CHAPTER 183.

AN ACT TO INCORPORATE THE TOWN OF STEM, IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Stem, in Granville County, be and the same is hereby incorporated by the name and style of the "Town of Stem," and as such it shall have all the rights and privileges provided in this act and as contained in chapter seventy-three of The Revisal of one thousand nine hundred and five. Town incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits and boundaries of said town shall be as follows: Beginning at public well at cross road as a center and extending in every direction a distance of eight hundred and eighty yards. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor and five commissioners, who shall be elected in the manner hereinafter provided: *Provided*, that the following shall be the officers of said town until the election to be held on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven, viz: Mayor, E. E. Bullock; commissioners, H. A. Stem, D. G. Bullock, M. H. Bragg, J. C. Hopkins, J. B. Mayes; chief of police, M. S. Mayes. Town officers. First officers named.

Sec. 4. That there shall be an election held for the officers mentioned in this act the first Tuesday after the first Monday in May, one thousand nine hundred and eleven, and every two years there- Town elections.

Law governing elections.

after, and the said elections shall be held under the same rules and regulations which govern the election of members of the General Assembly.

Powers of commissioners.

Sec. 5. That the said commissioners shall have the power and authority to make all such ordinances and regulations as may be necessary for the government and control of the said town, to elect a chief of police and such other policemen as may be necessary, and a

Taxing powers.

tax collector and treasurer. Said commissioners shall have the right to levy and collect as State and county taxes are collected a tax on all subjects of taxtion not exceeding twenty-five (25) cents on the one hundred ($100) dollars worth of property and seventy-

Fines.

five (75) cents on the poll, and they may impose such fines for the violation of the ordinances of said town not exceeding fifty ($50) dollars, as they may deem necessary, and shall have all the powers

Powers under general law.

enumerated in chapter seventy-three of The Revisal of one thousand nine hundred and five and amendatory thereto.

Expenditure of taxes.

Sec. 6. That the said commissioners shall have the power and authority to apply the taxes collected under the provisions of this act to the improvement of the streets and sidewalks of the said town and to the payment of the necessary expense of the government thereof.

Road duty.

Sec. 7. That all persons living within the corporate limits of said town who are subject to road duty shall be required to work the streets of said town for the same number of days as required by the

Commutation.

road law of Granville County, or in lieu thereof pay three ($3) dollars to the treasurer of said town on or before April the first of each year, but such persons shall not be required to work the public roads outside of the corporate limits of said town.

Powers of commissioners as to streets.

Sec. 8. The said board of commissioners shall have the power and authority to lay out and open all such sidewalks and streets in said town as they may deem necessary, and in the event that they can not agree with the owner or owners of the land needed for such side-

Condemnation of land.

walks and streets, then the value of such lands shall be ascertained by a special proceeding before the clerk of the superior court of Granville County, and said clerk shall appoint three disinterested and competent freeholders to assess the damages for the opening of such sidewalks and streets, and upon report of such freeholders and the payment of the amount assessed, if any, said town shall have

Proviso: right of appeal.

the right to take such property for public use: *Provided*, that the town or the landowner shall have right of appeal in all such cases to the superior court of Granville County.

Prohibition.

Sec. 9. That the manufacture and sale of spirituous, vinous, malt or other intoxicating liquors and near beer are forever prohibited within the coroprate limits of said town.

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 and effect from and after its ratification.

Ratified this the 28th day of February, 1911.

CHAPTER 184.

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO ISSUE BONDS TO ACQUIRE WHARF PROPERTY FOR TERMINAL FACILITIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Election authorized.

Section 1. That the board of aldermen of the city of Wilmington, or other governing board, be, and it is hereby, authorized and empowered to submit to a vote of the qualified voters of said city, at such time as may hereafter be fixed by the board of aldermen, or other governing board of said city, after thirty days' notice, the question, "shall the city of Wilmington, North Carolina, issue bonds in an amount not exceeding two hundred thousand dollars for the purpose of acquiring wharf property and other transportation terminals?" That said board of aldermen, or other governing board of the city of Wilmington, shall give notice of said election by publishing same in some daily newspaper published in the city of Wilmington, on such days as said paper may be published, for at least thirty days preceding the date of said election.

Question to be voted on.

Notice of election.

Law governing election.

Sec. 2. That said election shall be held and conducted in the same manner as prescribed by law for holding elections for the members of the board of aldermen of the city of Wilmington, or for the election of such other governing board as may be authorized by law at the time of holding said election, and the said board of aldermen, or other governing board, shall appoint the registrars and judges of election, and other election officers, and shall conduct the said election under the regulations that may exist at the time of election of city officers; but may order an entirely new registration for said election, if in their opinion it is advisable. The vote shall be counted at the close of the polls and returned to said board of aldermen, or other governing board of the said city of Wilmington, on the next day but one after said election, and said board shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board, and no other recording shall be necessary.

Election officers.

New registration.

Count and return of vote.

Tabulation, declaration and record of result.

Ballots.

Sec. 3. That at the said election the ballots tendered and cast by the qualified voters of the city of Wilmington shall have written on them "For terminal bonds" or "Against terminal bonds." All qualified voters voting in favor of bonds shall vote "For terminal bonds," and all qualified voters voting aginst bonds shall vote "Against terminal bonds."

Bond issue authorized.

Sec. 4. In the event that a majority of the qualified electors of said city shall vote for terminal bonds at said election and the result shall be declared and recorded as aforesaid, the said board of aldermen, or other governing board, shall have prepared and issued bonds in denominations not exceeding one thousand dollars and not less

Denominations.

Amount. than one hundred dollars, to a total amount not exceeding two hundred thousand dollars, and said bonds shall bear a rate of interest Interest. not exceeding five per cent per annum, with interest coupons attached, payable semi-annually, on the first day of January and July of each year until their maturity, and the principal thereof Maturity. shall be payable or redeemable at any time or times not exceeding fifty years from the date of their issue, as the said board of aldermen or other governing board may determine. The said bonds and coupons shall be payable at such place as may be designated therein, Authentication. and shall be signed by the mayor of the city of Wilmington, and attested by the secretary of said board of aldermen or other governing board, and the corporate seal of the city of Wilmington thereto attached.

Recitals of bonds. Sec. 5. When the bonds shall be issued, they shall be numbered consecutively and the bonds and coupons shall state on their face when they are due and payable, and shall show by what authority they are issued, and none of the bonds issued under this act shall be Sales not below par. sold, exchanged or hypothecated for less than their face value. The said board of aldermen or other governing board shall have all their proceedings with respect to said bonds recorded in the minutes of their meetings, and when the bonds are issued, the number of the Records of bonds. bond, its denomination, date of issue, and to whom issued, and the number of coupons attached, must be recorded in the minutes of said board.

Sale of bonds. Sec. 6. That the said board of aldermen, or other governing board, are authorized and empowered to sell said bonds in such manner as they deem wise, subject to the above restrictions, and the proceeds from the sale thereof shall be turned over to the city clerk and treasurer, or such other officer as may have legal custody of the Proceeds left separate. funds of the city, which shall be kept separate from other funds, and separate accounts thereof shall be kept; but before receiving said Bond of treasurer. fund the said treasurer shall enter into a sufficient bond to be approved by the board of aldermen or other governing board of the city of Wilmington, conditioned as other bonds, for the faithful safe keeping of said fund, and all orders issued upon the treasurer for the Orders. payment of said money provided for under this act shall state on their face the purpose for which same is paid.

Special tax. Sec. 7. That in the event the result of said election shall be in favor of issuing bonds as aforesaid, the said board of aldermen or other governing board of said city shall levy annually on the first Rate. Monday in June of each year a special tax for said purpose, not exceeding ten cents on one hundred dollars worth of property, and thirty cents on the poll; the subject of taxation and levy of taxes are to be the same upon which the said board of aldermen or other governing board may now, or hereafter, be authorized to lay and Collection and application of tax. levy taxes upon for general purposes. The taxes so levied shall be colleted as other taxes, and the same shall be a separate fund, ap-

plied first to the payment of the interest on said bonds, and then to the creation of a sinking fund for the redemption of said bonds which shall be sufficient in the judgment of the said board of aldermen or other governing board of said city to redeem the same when they become due.

Expense of election.

Sec. 8. All expenses incurred by the said city of Wilmington on account of said election shall be paid out of the fund provided for under this act, and the account of the treasurer for the funds collected under this act, whether derived from the sale of the bonds or for the special tax provided, shall be audited by the proper authorities of the said city of Wilmington, as in case of other accounts.

Audit of accounts.

Purchase of wharf property and terminals.

Sec. 9. In order to prevent all available terminal property from being controlled by railroad companies, or other corporations, the said board of aldermen or other governing board of the city of Wilmington, in the event the said election may be carried for bonds, and the same are issued, shall use the said funds for the purpose of purchasing in the city of Wilmington, or within two miles of the boundaries thereof, wharf property and other terminals to be held, leased or otherwise used under the direction of the said city, as terminals in connection with the shipping of the port of Wilmington, and the said board of aldermen or other governing board of said city are authorized and empowered to purchase such property at such prices as in their judgment will be most advantageous to the port of Wilmington.

Exemption from tax.

Sec. 10. That so long as the property so purchased shall be held and used for the benefit of the city of Wilmington, it shall be exempt from taxation.

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

Ratified this the 28th day of February, 1911.

CHAPTER 185.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALEM, AS CONTAINED IN CHAPTER FORTY, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE, AND AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Section 1. That section fifty-two, chapter forty, Private Laws one thousand eight hundred and ninety-one, be amended by adding at the end thereof, as one of the sub-sections, the following:

Sale of drinks containing alcohol forbidden.

"That it shall be unlawful for any person, firm or corporation to sell within the limits of the town of Salem or anywhere within the police jurisdiction thereof, near beer or other drinks by whatever named called, containing any alcohol or alcoholic stimulant what-

Punishment.

soever, and for every such offense the person convicted shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days:

Proviso: license for sale of non-alcoholic drinks.

Provided, that every person, firm or corporation desiring to sell soda water and other drinks and beverages containing no alcohol, shall pay an annual license to be prescribed by the commissioners, not exceeding two hundred dollars for carrying on such business, and any person carrying on such business without having taken out and paid for such license, shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and every day on which such business shall be carried on without such license shall be deemed a separate offense."

Doing business without license misdemeanor.

Punishment.

Separate offenses.

Sec. 2. That section fifty-five of chapter forty, Private Laws of North Carolina, one thousand eight hundred and ninety-one, be and the same is hereby amended by adding at the end of said section the following:

Assessments due on completion of work.

"That all charges and assessments for making or repairing sidewalks by the said town along the property of abutting owners, shall be due and payable to the said town by the owners of said property at the completion of the work on such sidewalks, and the amount of such charges and assessments shall draw six per cent per annum thereafter until paid."

Interest.

Sec. 3. That section seventy-five, chapter forty, Private Laws of North Carolina, one thousand eight hundred and ninety-one, be amended by adding at the end of said section the following:

Proviso: fee of prosecuting attorney.

"*Provided, however*, that the mayor or trial justice may tax as a part of the fees and costs of every case of conviction, for the use of the prosecuting attorney appearing therein, upon the authority of the commissioners, a sum not exceeding two dollars against each defendant so convicted."

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

Ratified this the 28th day of February, 1911.

CHAPTER 186.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF SELMA, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the present town of Selma shall continue to be as heretofore a body politic and corporate, under the name and style of the Town of Selma, and under such name is hereby invested with all the property, and all rights, privileges, powers and authorities which now belong to or are possessed by the present town of Selma, and all powers heretofore granted by any

Corporate name.

Corporate rights and powers.

law now in force in reference to said town are hereby invested in said town of Selma as fully as if this act were not ratified; and in and by that name the town may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town as the proper authorities may deem necessary and expedient: *Provided, however*, that no law or ordinance, rule or regulation of the present corporation shall be affected by this act unless inconsistent with the provisions thereof; nor shall any duty, debt or obligation due or made by the present town to any person, firm or corporation be impaired by this act, but such debt or obligation shall remain in force, and its full, true and lawful performance is hereby imposed upon said town. Proviso: existing ordinances, contracts and rights.

Sec. 2. The corporate limits and boundaries of said town of Selma shall be and remain as now chartered, appointed and laid out, that is to say, one (1) mile square, making the present warehouse of the Southern Railway Company the geographical center. Corporate limits.

Sec. 3. That the territory comprised within said limits shall be composed of four (4) wards or voting precincts, to be known and designated as First, Second, Third and Fourth Wards. First Ward shall be embraced within the following lines: Beginning on the north side of the Southern Railroad where it intersects Webb street, and runs west with said railroad to the town limits; thence north with the town limits to the northwest corner of the town; thence east with the town limits to the extension of Webb street; thence south with the line of Webb street to the Southern Railroad. Second Ward shall be embraced within the following lines: Beginning at the same point where First Ward begins and runs west with said First Ward to the town limits; thence south with the town limits to the southwest corner of the town; thence east with the town limits to Webb street as extended; thence north with said Webb street to the beginning. Third Ward shall be embraced within the following lines: Beginning at the beginning corners of First and Second Wards on the Southern Railroad; thence east with said railroad to the town limits; thence north with the town limits to the northeast corner of the town; thence west with the corporate limits to First Ward; thence south with the line of First Ward to the beginning. Fourth Ward shall be comprised within the following lines: Beginning at the center of the town as with the first three named wards; thence east with the line of Third Ward along the Southern Railroad to the town limits; thence south with the town limits to the southeast corner of the town; thence west with the town limits to the line of Second Ward; thence north with the line of said Second Ward to the beginning. Division into wards. First ward. Second ward. Third ward. Fourth ward.

And the present board of commissioners shall provide a polling place, box and registration books for each of said wards; and all persons entitled to vote at any municipal election of said town shall vote in the ward of which they are residents under the provisions hereinafter made. Polling places, boxes and registration books. Voters in ward where resident.

Present officers continued.

Sec. 4. That until the election hereinafter provided for, and the qualification of the officers then elected, S. P. Wood shall continue in his office as mayor of said town, and W. H. Call, N. E. Ward, W. H. Etheredge and H. E. Earp shall continue to constitute the board of town commissioners and to exercise all the duties and functions pertaining to their several offices.

First town election.

Sec. 5. That the first election for mayor and commissioners of the town shall be held on Tuesday after the first Monday in May, in the year one thousand nine hundred and eleven, and all subsequent elections for mayor and town commissioners shall be held biennially thereafter on Tuesday after the first Monday in May, the term of each being for two years, or until their successors are duly elected aand qualified.

Subsequent elections.

Term of office.

Law governing elections.

Sec. 6. That the biennial elections herein provided for officers of said town shall be called, held, conducted and concluded under the direction of the mayor and board of commissioners by officers designated and appointed by them for that purpose, in manner and form in every respect and detail as near as may be under the same provisions of law and practice as elections for county officers and members of the General Assembly are held and conducted under the general law relating to such elections in force at the time of such elections, including all the penalties prescribed for the violation of election laws.

New registration.

Qualifications of voters.

Sec. 7. That for the election in May, one thousand nine hundred and eleven, there shall be a new registration of all persons who may be entitled to register in First, Second, Third and Fourth Wards, each respectively as defined by this act. 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 qualification and right of any person to vote in a general election of the State shall apply as far as possible to any election held under this charter, and the registrars and judges of election are hereby invested with full power to pass upon and decide such qualifications.

Registration on change of residence.

If any elector has been previously admitted to registration in any ward in said town, he shall not be permitted to register again in another ward of said town until he produces a certificate of the registrar in the former ward that his name has been erased from the registration book of the ward from which he has removed: *Provided*, that no person shall have the right to vote in any election held in the town of Selma unless he shall have been a *bona fide* resident of the ward in which he proposes to register and vote, according to the requirements and provisions of the general election law of North Carolina.

Proviso: residence.

Board to meet within four days.

Sec. 8. That the board of commissioners elected pursuant to the terms of this charter shall convene within four days next following the election, and before entering upon the duties of their office the mayor and other elective officers shall take and subscribe before

Mayor and officers to qualify.

some person qualified to administer oaths the oath usually required of such officers, and they shall thereupon meet for the transaction of business.

Vacancies filled by commissioners.

Sec. 9. In case the office of mayor or commissioner become vacant by death, resignation, removal or otherwise, such office shall be filled by the board of commissioners of said town until the next regular election, and the officer thus elected shall take and subscribe the usual oath of office: *Provided*, that if the office of commissioner shall become vacant from any cause as herein mentioned, his successor shall be appointed from the same ward from which the vacancy occurred.

Proviso: vacancy filled from ward.

Officers to be elected by commissioners.

Sec. 10. The board of commissioners of the town of Selma shall, at its first meeting after their election, or as soon thereafter as practicable, elect a town clerk and town treasurer, each of whom shall at the time of their election be a regular elector in said town, and also a chief of police, town constable and such other and further officers as to them may be deemed necessary or expedient, though the chief of police may or may not be an elector of said town. And said board of commissioners shall have the right to prescribe the powers and duties of all persons elected or appointed to positions by them, except in filling vacancies on their board or in the office of mayor, and they shall require suitable bonds by the town treasurer and police officers, in such penalties as they may prescribe, conditioned upon a faithful and diligent performance of their respective duties. Before entering upon the discharge of any duties, all persons elected or appointed to any office in the town shall take an oath to faithfully discharge the duties of his said office.

Commissioners to prescribe powers and duties.

Bonds.

Officers to qualify.

Mayor an inferior court.

Sec. 11. 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 execute the laws, ordinances and regulations made by the town commissioners. The mayor shall further be a special court within said town to cause to be arrested all persons who are charged with committing a misdemeanor provided against by State law, as well as the town ordinances, and if the accused be found guilty of the offense charged, he shall be fined or imprisoned, at the discretion of said court, subject to the limitations fixed in said ordinance violated, from which adjudgment the accused may appeal to the superior court in like cases and manner as is provided by law for appeals from justices of the peace: *Provided*, that no justice of the peace shall take jurisdiction, or assume to try, any case wherein the accused is charged with violating a town ordinance, the jurisdiction of all town ordinance violations being clothed exclusively upon the mayor of said town.

Jurisdiction.

Special court.

Jurisdiction.

Appeals.

Proviso: jurisdiction of town ordinances.

Precepts of mayor.

Sec. 12. That the mayor may issue his precept to the chief of police, or any member of the police force, or to any officer to whom a justice of the peace may issue his precept, and any officer to whom such process may be directed may execute the same anywhere in Johnston County, and the mayor may endorse on the precept the names of the witnesses to be subpœnaed, and such endorsement shall be authority and direction to the officer to execute the same anywhere in Johnston County. The mayor shall keep a record of all precepts issued by him and of all judicial proceedings.

Execution of process.

Witnesses.

Records kept by mayor.

Chain gang.

Sec. 13. That the town commissioners shall have authority to put and keep at work on the streets of the town any person who may fail to pay any cost, fine, penalty or forfeiture which may be imposed upon such person for violation of such ordinance or regulation of said town; and the said commissioners shall have authority by their ordinances and regulations to provide for the confinement, control and management of such persons, until said fine, penalty or forfeiture, together with any costs, shall be fully paid under such rates for labor and board as the town commissioners may adopt.

Duties of town treasurer.

Sec. 14. That the town treasurer shall call on all persons who may have in their hands money or securities belonging to the town, and collect and obtain the same, and shall safely keep all securities and funds of the town for the use of the town; to disburse the same only upon the orders duly drawn upon him in the manner hereinafter provided. He shall keep a record of all moneys received and disbursed by him, showing from what source received and on what account paid, and shall submit said report to the town commissioners whenever required to do so. When his term of office expires he shall deliver to his successor all moneys, securities and other property of the town entrusted to his keeping, together with the record kept by him, and shall in all respects faithfully perform all duties required of him.

Records kept by treasurer.

Reports.

Settlement with successor.

Orders on treasurer.

Sec. 15. That all orders drawn on the treasurer for money to be paid out shall be signed by the mayor and countersigned by the town clerk, and shall state the purpose for which the payment is applied: *Provided*, all claims against the town shall be audited by the town commissioners, or any special committee appointed for that purpose, before any order shall be issued for the same.

Proviso: audit of claims.

Officers to discharge duties.

Sec. 16. That the police officers, town constable, town clerk and all other officers, agents and appointees of the board of commissioners shall do and perform the duties pertaining to their several positions in a faithful and diligent manner. In times of exigency the mayor may appoint temporary additional policemen for such time as may appear necessary, who shall take the same oath and be subject to the same control as regular policemen. The mayor at any time upon charges preferred, or upon his finding that the chief of police, or any member of the police force, is guilty of misconduct, may suspend such member from service until the town commissioners

Additional policemen.

Power of mayor to suspend officers.

shall meet and take action in the matter, and said town commissioners, upon hearing proof of the charges, may discharge such member, or may restore him, and order that he be paid for the time during which he was suspended. Jurisdiction of commissioners.

Sec. 17. That in addition to its rights to appoint other and further necessary committees, the board of commissioners shall appoint a committee on finance composed of three members of the board, or two members of the board and the mayor, and the said committee shall be known as the finance committee, and the tax collector, who shall be elected by the board of commissioners, shall be clerk to said finance committee. It shall be the duty of the finance committee to audit and pass upon the validity of all claims and demands against the town, and no claim nor demand against the town shall be paid by the treasurer or any other person out of the funds of the town until the same has been duly audited by the said committee, and approved by the board of commissioners. And no claim shall be paid by the board of commissioners until and unless the same shall have been audited and adjudged correct prior to the meeting of the board of commissioners, which claim shall be itemized and signed by the party to whom the same is due, and be signed by at least two members of the committee on finance. The books of the committee on finance, together with those of the town clerk and town treasurer, shall be physically present at each monthly meeting of the board of commissioners, and open to the inspection of any taxpayer of the town of Selma. Finance committee. Tax collector. Audit of accounts and claims. Books at monthly meetings. Open for inspection.

Sec. 18. That the said committee on finance shall examine all sources of revenue of said town arising from regular, special and privilege taxes or from any other source, and report the same from time to time to the board of commissioners, and shall audit and examine the treasurer's books, his receipts and disbursements had and made by him every three months, and shall have supervision over all the finances of the town. And it shall make or cause to be made monthly reports of the collection of all taxes and other moneys due the town and to be collected by the tax collector, to the board of commissioners of the town. Further duties of committee. Quarterly examinations. Monthly reports.

Sec. 19. The corporate powers and authority granted to the town of Selma shall be vested in and exercised by the board of commissioners and mayor. The said board shall meet at a regular and stated time at least once a month, and special or called meetings of the board may be had at any time upon the call of the mayor or two of the commissioners. The mayor shall preside at all meetings of the board, but shall have no vote except in case of a tie. Powers vested in commissioners. Regular meetings. Called meetings. Mayor to preside.

Sec. 20. Said mayor and board of commissioners shall have the management and control of all affairs of the town and its property, real and personal; they shall provide a common seal for said town, and shall have power to alter or change the same, and all contracts or paper writings necessary to be executed by the said town shall be Powers of mayor and commissioners. Seal of town. Execution of contracts and writings.

executed in the name of the town of Selma by the mayor, attested by the town clerk, and the corporate seal of the town shall be thereunto affixed.

Power to enact ordinances.

Sec. 21. Said mayor and town commissioners shall have power to enact such rules, regulations and ordinances as they may deem necessary to secure the peace and good order of the town, and to enforce the same by imprisonment, fine or penalty, and the ordinances enacted by said board, with the pains and penalties pertaining thereto, may be enforced within the corporate limits of the town.

Additional powers to pass ordinances.

Sec. 22. That the mayor and board of commissioners, in addition to the powers which they possess by law and which are conferred upon them by this charter, shall particularly have power to enact ordinances and to enforce same by imprisonment, fine or penalty, as follows:

For suppression of vice and preservation of order.

(1) To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages and disorderly conduct.

Gaming and bawdy houses.

(2) To suppress gaming and bawdy houses, and to impose penalties by fine upon owners and agents knowingly leasing property to persons who conduct bawdy houses.

Sale of liquors.

(3) To prevent and forbid the sale or other disposition of intoxicating liquors in any store or other public place not duly licensed and to forbid the selling or giving to be drunk any intoxicating liquors to any minor without the consent of his or her parent or guardian.

Gift of liquor to minor.

Sports and shows.

(4) To prohibit, restrain and regulate all sports, theatrical exhibitions, circuses or any other public performances and exhibitions for money.

Slaughter houses and nuisances.

(5) To direct the location of all slaughter-houses; to abate and remove all nuisances of any kind, and to compel the owner or occupant of any grocery store, shop, stall, factory, tannery, stable, privy, hog pen, or other offensive, dangerous or unwholesome house or place, to cleanse, remove or abate the same whenever deemed necessary for the health, comfort, convenience or safety of the inhabitants of the town.

Fireworks and explosives.

(6) To direct the location of all buildings for storing gun-powder or other combustible substances, and to regulate the sale of gunpowder, firecrackers, fireworks or other combustible materials, as well as the exhibition of fireworks, the discharge of firearms, the use of candles, lamps or lights, heating apparatus in stables or other buildings, and regulate the making of fires in the streets, alleys or private yards.

Obstruction of and fast driving on streets.

(7) To prevent the obstruction of streets, walks, public alleys or bridges, and to compel all persons to keep sidewalks in front of their premises clear from sand, dirt, wood, boxes or other obstructions; fast or immoderate riding or driving on any street; to prevent railroads from obstructing streets by their engines, cars or coaches, except when such engines, cars or coaches shall be actually in transit.

(8) To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms and subscriptions. Drunkards, vagrants and beggars.

(9) To establish and regulate pounds, and restrain and regulate the running at large of dogs, horses, cattle and swine, and all other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred and for the costs of keeping same. Animals and fowls running at large.

(10) To prevent any person from bringing or depositing within said town any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction of the same, or of any putrid meats, fish, birds or skins, of any kind whatever, found in the public market or private places. Unwholesome and offensive substances.

(11) To require from the removal of the town all persons having any infectious or pestilential diseases, and probibit and prevent all persons recently from any place where any contagious or infectious disease exists, or has recently existed, from entering said town, and to prevent all goods and chattels from being brought to said town from said place; and generally by their ordinances or otherwise to adopt such precautionary measures to prevent the introduction of infectious or contagious diseases into said town as they may deem expedient, and to establish, maintain and raise quarantine consistent with the laws of the State. Quarantine.

(12) To regulate the vending of wood, meats, vegetables, fruits, fish, poultry and provisions of all kinds, and to prescribe the time and place for selling the same, and of ascertaining the weight and quality thereof. Markets.

(13) To provide for paving, repairing, cleaning and keeping in order the streets, bridges and public alleys, providing lights for the same and the safety and protection of the lights. Improvement and maintenance of streets. Lights.

(14) To protect and preserve shade trees in the streets, and regulate the planting of the same, and to cause such trees to be pruned and trimmed so that the same shall not obstruct or prevent the proper use and lighting of the streets. Shade trees.

(15) To require the abatement and removal of all nuisances and to pull down and remove any building in said town when the same may be considered dangerous to the safety of the persons or property: *Provided*, that before such removal the owner of such property shall be notified in writing by the clerk of the board of such action and allowed two weeks for the repairing or removal of same. Any damages arising to the owner under this section shall be paid by the town and the amount thereof shall be determined by arbitration or otherwise. Abatement of nuisances and destruction of dangerous buildings. Proviso: notice to owners. Payment of damages.

(16) To ascertain the location, increase, reduce and establish the width and grade, regulate the repairs and keep clear the streets, sidewalks and alleys of the town; extend, lay out, open, straighten and remove encroachments therefrom, at the expense of the owner General enumeration of powers as to streets and traffic.

of the same, establish and regulate the public grounds, regulate the speed of railroad locomotives, trains, electric cars, bicycles, automobiles, motor cars, the driving or riding of horses, and regulate the speed of all other vehicles on the streets of the town; to regulate the charge of carriage of persons, baggage and freight for hire, and with power to license or prevent the same.

Control and license tax of franchises.

(17) To regulate, control, tax and license all franchises, privileges, businesses, trades, professions, callings or occupations which are now or may hereafter be taxed by the State of North Carolina, by imposing a franchise, license or privilege tax upon each and every of the aforementioned subjects in such amount as the board of commissioners may deem proper.

Board of health.

(18) It may provide a board of health with prescribed powers and duties, whose jurisdiction shall extend in the corporate limits of the town only.

Fire companies.

(19) It may provide for the organization, establishment and equipment of fire companies, and shall provide rules and regulations for the government of the same.

Requirements on railroad companies.

(20) To require all railroad companies to light the streets over or across which their trains or cars are operated; 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.

(21) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary.

Construction of tracks.

(22) To regulate and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be laid out and constructed 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.

Automobiles.

(23) To regulate the use of automobiles, motor cars and motor cycles, and to require that the same be numbered.

Markets.

(24) To establish markets and market places, and provide for the government and regulation thereof.

Observance of Sunday and protection of churches and schools.

(25) To pass ordinances for the due observance of Sunday and for the maintenance of order in the vicinity of churches and schools.

Fire limits.

(26) To establish fire limits, and prohibit the erection, building, placing, removing or repairing of wooden buildings within said limits; and to have and enjoy all the rights now or which may hereafter be in force under the general laws of the State concerning fire districts.

Poles.

(27) To regulate and locate the erection of all poles in the town and to cause the same to be changed, if deemed necessary, whether telegraph, telephone, electric light or otherwise.

To define and abate nuisances.

(28) To define what is a nuisance in said town and to abate them by summary proceedings, and to punish the authors thereof.

(29) To require the owners of private drains, sinks and privies to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, and to impose penalties for failure to do so, and also to impose sanitary taxes. Drains, sinks and privies.

(30) To establish systems of sewerage and works for sewerage disposal and to extend and build the same beyond the corporate limits when deemed necessary. Sewerage.

(31) It may provide and furnish for the use of the town and its citizens an adequate water and electric light supply and service. Water and light services.

Sec. 23. That for the violation of any ordinances made by the board of commissioners, it may prescribe penalties not exceeding fifty dollars fine, or imprisonment not exceeding thirty days, 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 penalty, the party may, unless the penalty and costs be paid, be immediately committed to jail, or required to work upon the roads of the county, or streets of the town, until the fine and costs are paid. Penalties for violation of ordinances. Road or street work.

Sec. 24. That it shall be unlawful for any mayor, commissioner, or other officer of the 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 the town; and any such person so offending shall be guilty of a misdemeanor. Interest of officers in contract with city forbidden. Misdemeanor.

Sec. 25. That the town commissioners shall cause to be made out annually a true statement of all receipts and disbursements on account of the town for the inspection of any taxpayer of the town, and shall cause the same to be posted in one or more conspicuous places in said town on the first Monday in May of each year. Annual statements of receipts and disbursements.

Sec. 26. The commissioners shall have the power to lay out and open new streets within the corporate limits whenever they deem the same necessary, and also to widen, change, extend or discontinue any street or sidewalk within the town, and shall have full power and authority to appropriate, use and condemn any land necessary for any purpose mentioned in this section, the established laws pertaining to arbitration and condemnation to be applicable to said town. Powers as to streets. Condemnation of land.

Sec. 27. That in order to raise a fund for the expenses incident to the proper government of the town, the board of commissioners may annually levy and collect the following taxes: On all real and personal property within the corporate limits and on all personal property owned by residents of said town, including money on hand and solvent credits, stocks, bonds, and upon all other subjects taxed by the General Assembly *ad valorem* a tax not exceeding fifty (50) cents on every one hundred dollars worth of property, and not exceeding one dollar and fifty ($1.50) cents on the poll, the property Taxing power. Rate.

in said town being construed to include all railroad and public service corporation property as well as private property and polls.

Advertisement for tax listing.

Sec. 28. That the town clerk on the third Monday of May of each and every year shall make advertisement in two or more public places in said town, notifying all persons who own or have control of property subject or liable to taxation by the town on the first day of July, a list of their taxable property, and the list of taxes so returned shall be sworn to before him in every instance, as a just and correct account and list of all property, and appraisal of same, subject to taxation in said town.

Clerk to make list.

Sec. 29. That from the returns so made the clerk shall, within thirty days after the expiration of the term for taking the tax list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made out their returns, in the same manner as tax lists are made out by law for the collection of State taxes. And the clerk shall copy in said book the assessments made by the board of township assessors of all property within the town limits, which assessment may be revised, corrected or amended by the board of commissioners; and the said board of commissioners shall have full power to fix penalties for failure to list taxable property or polls.

Assessments.

Penalties for failure to list.

Levy of tax.

Sec. 30. That as soon as the clerk shall have furnished the assessment roll as provided, the board of commissioners shall thereupon proceed to levy the taxes on such subjects of taxation as it may choose, and shall place the tax lists in the hands of the tax collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before January first next following, and he shall pay the moneys as they are collected to the town treasurer, and for his compensation shall receive such commissions as the board may fix not exceeding two per cent on the amount collected.

Collection.

Commissions.

License taxes.

Sec. 31. That in addition to subjects listed for taxation the commissioners may levy a tax on the following subjects: Upon all itinerant merchants or peddlers selling or offering to sell in the town, a tax not exceeding fifty dollars per year, except such only as sell books, charts and maps, goods, wares and merchandise, and productions of the growth or manufacture in this State; but not excepting vendors of medicine by whomsoever manufactured.

Peddlers.

Gaming tables.

On every bowling alley, and every billiard table, 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 also to remove it or them at any time as a nuisance.

Eating houses.

On all keepers of eating houses or restaurants, fish or meat, or vegetables or bread stands or fruiterers, a tax not exceeding one hundred dollars a year.

Circuses.

Upon every company or circus rider who shall exhibit within the town or within one mile thereof, a tax not exceeding three hundred

dollars a day, the tax to be paid in advance, and if not, to be double.

Stage plays and other shows.

Upon every person or company exhibiting in the town or within one mile thereof stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menagerie, a tax not exceeding one hundred dollars for each and every day.

Other shows.

Upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not exceeding twenty dollars.

Animals at large.

Upon every goat or hog running at large in the town there may be levied a tax not exceeding ten dollars, and every such goat or hog or other cattle may be seized or impounded.

Drays.

Upon every public dray or express wagon drawn by two horses, not exceeding twenty-five dollars per year; single drays or public wagons for hire, not exceeding fifteen dollars per year.

Vehicles for hire.

On all carriages, buggies or other vehicles used in said town for the carriage of persons for hire, a tax not exceeding fifteen dollars.

Dogs.

On every dog, a tax not exceeding two dollars per year: *Provided*, that a discrimination may be made within this limit of the different species or sexes of dogs.

Graduation of tax.

That the board of commissioners shall have the power to graduate any of the license taxes levied on trades or businesses by dividing the business into classes according to size, patronage or income.

Doing business without license a misdemeanor.

Sec. 32. That any person, firm or corporation carrying on or practicing any business, profession, trade or avocation of any kind in said town, upon which a license tax has been levied by said board, without first having secured a license therefor, shall be guilty of a misdemeanor.

Board of assessors.

Sec. 33. That said board of commissioners may, at its discretion, annually, appoint a board of assessors or equalization for said town, with power to administer oaths, consisting of not less than three nor more than five resident freeholders, whose duty it shall be to carefully review and justly revise the tax lists hereinbefore mentioned, and correct any inequalities or errors 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 just and proper manner; 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 purposes, and State purposes also, without change, except as provided by the State revenue acts: *Provided*, that before the assessment of any taxpayer in said town shall be raised, notice of five days shall be given such taxpayer, who shall have an opportunity to be heard before the final decision of such matter.

Duty of board.

Proviso: notice to taxpayer.

Property escaping taxation.

Sec. 34. That whenever it shall appear to the board of commissioners of said town that real or personal property has escaped taxation for town purposes on account of the failure of the owner of the property to list the same for taxation, or for any other cause,

Notice to owner. it shall be the duty of said board to notify said person, firm or corporation to appear before the board 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, for the year or years during Hearing. which it escaped taxation. At the time and place mentioned in said notice the board of commissioners shall hear and determine the matter, and if it find that said property was liable for taxation and not listed, it shall direct the clerk of said town to enter upon the tax books against the owner of said property, who should have listed it, the taxes due for years it escaped taxation, and the tax thus listed shall be collected as other taxes.

Policemen to serve civil papers. Sec. 35. That it shall be lawful for the town policemen to serve all civil papers or notices that may be directed to them by the mayor or any court, under the same regulations and penalties as are or may be prescribed by law for constables.

Assessment on property for street improvement. Sec. 36. That the board of commissioners may from time to time, for the purpose of paving or otherwise improving the sidewalks, require every owner of real estate abutting the streets to pay for one-half of the costs of paving and grading said sidewalks with brick, stone or other material that may be decided on by said board of commissioners. And said town shall pay the other half of said costs.

Tax on surface privies. Sec. 30. Said board of commissioners shall have a right to levy a license tax not exceeding two dollars ($2) per year upon each and every surface privy within the corporate limits of said town and force the payment thereof by the occupant of the lot or premises, or its owner, by proper fines and penalties.

Encroachments on streets. Sec. 37. That the board of commissioners shall have power under proper ordinances to prevent encroachments on the streets or sidewalks by porches, piazzas, stairways, passages or other projections or excavations and cause the same to be removed.

Tax on corporations. Sec. 38. The board may levy upon every express company, or telegraph or telephone company in said town, a tax not exceeding one per centum of its gross receipts in the town to be given in upon oath of the managing agent of such company annually at the time other taxes are listed and under the same penalties as that prescribed by law for failure to give in.

Fines to use of town. Sec. 39. That all fines collected under this act for violation of the ordinances of the town, except when otherwise prescribed by general law, shall go to the use of the town.

Mayor to preside at meetings. Sec. 30. 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 officers by the board, Vote. he shall determine the matter by vote. He shall vote in no other cases, and if he be absent the board may appoint one of its number Mayor pro tem. mayor *pro tempore*.

Penalty for failure to attend meeting.

Sec. 31. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or any special meeting of which he shall have received notice, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay to the use of the town the sum of four dollars, and shall not be allowed compensation for such meeting without valid excuse to the board.

Pay of commissioners. Limit.

Sec. 32. That the board of commissioners shall each receive a reasonable compensation for their services upon each meeting of the board actually attended by them, and no other, which compensation shall not exceed thirty dollars annually per member, and the mayor of the town and all other officers and appointees of the board shall receive such compensation as the board of commissioners may from time to time allow and order drawn from the town treasury.

Compensation of mayor and other officers.

Powers under general law.

Sec. 33. That in addition to the rights, powers and duties herein granted and conferred on said board of commissioners, all further and additional functions, rights, powers and duties set forth in chapter 73, Revisal 1905, are hereby specifically conferred upon said board of commissioners and made applicable to said town of Selma.

Control and supervision of cemetery.

Sec. 34. That in the exercise of their control and supervision of all public property in said town of Selma their supervision shall extend to the town cemetery, over which they shall have general control and domination, subject to their right to delegate the immediate oversight and management to a board of three men to be known as cemetery commissioners, to be annually appointed by said board of commissioners. Until their successors are appointed on the first Tuesday in May, 1911, N. E. Edgerton, J. A. Spiers and F. M. Hood are hereby appointed cemetery commissioners, and subject to the approval of the board of commissioners of the town, they are clothed with power to care for and maintain the town cemetery in a suitable, respectable and proper manner at the expense of the town treasury.

Cemetery commissioners.

Assessments on farm lands.

Sec. 35. That in making assessments for town taxes the board of commissioners and tax appraisers shall include all personal and real property in said town of whatever kind, character or description, including farm lands lying within the corporate limits of the town, which, however, shall be taxable as undeveloped town property or farm property and not as municipal property until the same is actually subdivided and platted into town lots for sale as such.

Repealing clause.

Sec. 36. That any and all acts of the General Assembly heretofore enacted, relating particularly to the town of Selma, which are inconsistent or in conflict with the provisions of this act, be and the same are hereby repealed: *Provided*, that no offense committed and no penalties, fines or ordinances repealed by this act and before the time such repeal shall take effect, shall be affected by this repeal, except when any such punishment, penalty or fine shall have been mitigated by the provisions of this act, such provisions may be extended and applied to any judgment to be pronounced after the

Proviso: offenses heretofore committed.

Proviso: ordinances continued in force.

repeal: *Provided, further,* that no ordinance or regulation now in force not inconsistent with the provisions of this act shall be repealed, but the same are declared to be in full force and effect, in so far as the same are consistent with the provisions of this act.

Sec. 37. That this act shall be in force from and after its ratification.

Ratified this the 28th day of February, 1911.

CHAPTER 187.

AN ACT TO AMEND THE CHARTER OF THE CITY OF BURLINGTON, CHAPTER TWO HUNDRED AND FOUR, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND THREE.

The General Assembly of North Carolina do enact:

Condemnation of land for streets.

Section 1. That in addition to the power contained in chapter two hundred and four, Private Laws of one thousand nine hundred and three, the city of Burlington shall have full and ample power in the manner prescribed in said chapter two hundred and four, Private Laws of one thousand nine hundred and three, to condemn rights-of-way for street purposes anywhere within the corporate limits of said city and for the accommodation and convenience of its citizens may extend any street over any railroad tracks or lands of any railroad or electric car line in said city, and may lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, purchase, sell, pave, supervise, maintain, improve, embellish and ornament any street, alley, highway, sidewalk, square, park, public ground or place, and to vacate and close the same as it may deem wise and for the best interest of said city: to put drains and sewers therein, provide for and regulate the lighting thereof by any private person or corporation, or the digging therein, the interference therewith or the placing thereon of any tower or towers for transmitting of power, or of the laying of pipes, poles, wires and fixtures and appliances of any kind, whether on or above or below the surface thereof, by any and all persons; and to regulate and control the use thereof by any and all persons, animals and vehicles in whatever way it may be necessary; to prevent and remove encroachments in or upon any street; and generally to open new streets, highways, crossings when necessary and to make and enforce any and all regulations or ordinances in respect to the streets of the said city, which in the sound judgment of the board of aldermen may be wise, requisite and proper and expedient to promote and insure the safety, comfort and convenience of the inhabitants of the said city: *Provided,* that when it is sought to condemn a right-of-way for any street, or to open any street across any

General powers as to streets and public grounds.

Proviso: appeals to corporation commission.

railroad track, the railroad company whose track is to be crossed or the city of Burlington, may at any time before or after condemnation apply to the corporation commission, to require said streets to be put under or over the said railroad track, or a grade crossing made. Upon such application being made, the corporation commission shall cause the parties to appear before it, and shall hear such evidence as may be offered by either party, and if upon such hearing the corporation commission shall find it practicable to construct a crossing, at either grade, overhead or under such railroad tracks, the corporation commission shall order the crossing to be at grade, under or over said tracks as may be most wise and expedient, and may fix the width and clearance of said crossing, and shall apportion the cost of said crossing between the city and the railroad company, in a fair and just manner. If upon such hearing the corporation commission shall order the crossing constructed at either grade, overhead or under said railroad track, it shall be unlawful to construct and maintain said crossing except as ordered by the corporation commission. Either party may appeal from the order of the corporation commission in the manner now provided by law for appeals from the corporation commission.

Proceedings before commission.

Appeal from corporation commission.

Sec. 2. *To regulate steam railroad companies.* The city of Burlington shall have the power, by ordinance or otherwise, to regulate the speed of engines, locomotives, and street cars within the limits of said city, subject to the right of any steam railroad company to apply to the corporation commission to modify said ordinance or regulation as is now or may hereafter be provided by the general law of the State on that subject. The city of Burlington shall have the power to require steam railway companies to keep in good repair any grade crossings over the tracks of such steam railroad, and to require steam railroads and electric railway companies to construct and keep in repair from curb to curb railroad bridges and crossings over all ditches running under any grade crossings; and to make reasonable rules regulating the laying and construction of railroad tracks, turnouts and switches over the streets at grade crossings, so that said tracks, turnouts and switches shall interfere as little as may reasonably be, with travel over said streets at such grade crossings; and to regulate the grade of all the streets of said city as they may hereafter be or are now established, except as herein otherwise provided.

Power to regulate railroads.

Grade crossings.

Construction of tracks.

Sec. 3. *To collect taxes upon street railways.* The city of Burlington shall have the power to assess and collect the ordinary municipal taxes upon street or city railways, and to compel such railway company in said city to keep their said railway in repair, and to restrain the rate of travel upon such railway as not to exceed seven miles per hour and to compel all electric railway companies in said city to supply ample accommodations for safe and convenient travel of the people in any street where such cars may run.

Taxes on street railways.

Repair of tracks.

Rate of travel.

Accomodations.

Duty of railways in improvement of streets.

The board of aldermen may enforce these regulations by proper ordinances. Whenever the board of aldermen shall determine to fill, grade, pave or otherwise improve any street or avenue and over and upon which or any portion thereof there may be any grade crossings or upon which there may be any track of any street railway or electric company, the said railway company, street railway or electric company shall, upon notice, fill, grade or otherwise improve the portion of said street or avenue so occupied by it between the rails of said track and for one foot on each side of said rails, with such material and in such manner as has been or may be provided by said aldermen for the improvement of the other portion of such street or avenue. Upon failure to do so after thirty days notice the said aldermen may improve such streets or avenue between the rails and one foot on each side thereof for account of said railway company, and for all sums so expended and legal interest thereon the city of Burlington shall have a first lien on the roadbed so improved, and if not paid for on demand suit may be brought by said city to recover said indebtedness and for the foreclosure of said lien. Any railway company or street railway proposing with the permission of the aldermen to occupy any street or streets already occupied by another such company shall besides paving and paying as may be required by the city aldermen or the provisions of this act, be required also to pay for paving between the tracks of the said two roads to within twelve inches of the track of such other roads, and such cost shall become a lien upon the property and franchise of the company. Should any railroad or street railway company propose to lay a track upon any street or portion of street which shall have been improved under the provisions of this act, it shall become liable for the portion of cost of such improvement as the board of aldermen may direct or is fixed by this act. No railroad or street railway company shall be permitted to occupy any street or portion of a street, improved or otherwise, not previously occupied by it except by permission of the board of aldermen, but this shall not be construed to prevent any railroad company from constructing such additional tracks upon the right-of-way as may be advisable or proper in the conduct of its business.

Work done by city at expense of railways.

Lien for cost.

Suit for recovery.

Use of streets for additional tracks.

Tracks on improved streets.

Permit for use of streets.

Existing suits not affected.

Sec. 4. That this act shall in no wise affect any action, suit or proceeding now pending in any court wherein the city of Burlington, the Southern Railway Company or the North Carolina Railroad Company are parties.

Sec. 5. That all laws and clauses of laws in so far as they are 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 28th day of February, 1911.

CHAPTER 188.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE CHARTER OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. That section fifty-five of chapter two hundred and ninety of the Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out the word "annually" in lines six and seven, on page six hundred and fifteen, after the word "payable," and inserting in lieu thereof the word "semi-annually." Also striking out the word "twenty," in line eight, on page six hundred and fifteen of said section, and inserting the word "thirty" in lieu thereof. Interest payable semi-annually. Maturity.

Sec. 2. That section fifty-nine of chapter two hundred and ninety, Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out the words "and principal" in line four of said section. Also by adding to said section and at the end thereof the following: "And also on or before the time when the principal of said bonds shall become due to levy and collect a further special tax for payment of same or to provide for payment thereof." Tax for payment of principal.

Sec. 3. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed.

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

Ratified this the 28th day of February, 1911.

CHAPTER 189.

AN ACT EXTENDING THE TIME FOR CONSTRUCTION BY THE SALISBURY RAILWAY COMPANY, AND AMENDING ITS CHARTER.

The General Assembly of North Carolina do enact:

Section 1. That the Salisbury Railway Company, a corporation created by chapter two hundred and ninety-nine, Private Laws of North Carolina, session one thousand nine hundred and nine, 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. Time for beginning of construction.

Power to borrow money, issue bonds and make mortgages.

Sec. 2. That section eight (8) of chapter two hundred and ninety-nine, Private Laws of one thousand nine hundred and nine of North Carolina, entitled "An act to incorporate the Salisbury Railway Company," be and the same is hereby repealed and the following enacted in lieu thereof: That the Salisbury Railway Company shall have the power to borrow such sums of money as its board of directors may direct, for completing or furnishing or operating its railroad, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage the whole or any part of its corporate property and franchises and to secure the payment of any debt contracted by the company.

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

Ratified this the 28th day of February, 1911.

CHAPTER 190.

AN ACT TO INCORPORATE THE HAWKINS SCHOOL.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Lucy W. Hawkins, Mary D. Hawkins, Lizzie W. Hawkins, Annie B. Hawkins, and their successors in office, who may be elected from time to time, are hereby created a body politic and

Corporate name.

corporate, by the name and style of the Hawkins School, and by that name they shall have perpetual succession and a common seal,

Corporate powers.

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 any other acts pertaining to similar corporations, not inconsistent with the constitution and the laws of the State of North Carolina or of the United States. The persons herein mentioned shall be and remain the

Trustees.

trustees of said corporation until their successors are elected as herein provided.

Powers of trustees.

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 the 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 the funds and finances of the same. It may provide for and elect a chairman and such other officers of its body, also a president, professors, teachers and any other officers for the management of said school as it may deem 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 said officers if they so deem it proper. It may fix and change the time and place of its meetings, adjourn from day to day, in its discretion. A majority of the board shall constitute a quorum. 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 a term of ten years. In case of death, disqualification or removal from office on the part of either of its members, such vacancy shall be filled by the remaining trustees. Term. Vacancies.

Sec. 5. That the land and property, upon which is situated the school buildings, and upon which the trustees reside, and being only one lot of land, situated partly in the corporate limits of the town of Warrenton, North Carolina, belonging to said trustees, and used for said school purposes, and benefits, shall be and the same are hereby exempt from all kinds of municipal and State taxation. Exemption from taxation.

Sec. 6. 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 of the said school, not inconsistent with the laws of North Carolina. General rights and priviliges.

Sec. 7. That this corporation shall have duration for ten years from and after the passage of this act. Term of corporation.

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

Ratified this the 28th day of February, 1911.

CHAPTER 191.

AN ACT TO ABATE A NUISANCE IN THE CITY OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the stream running through the eastern section of the city of Wilmington, in a northwardly direction, known as McComber's ditch, beginning at a point near the intersection of Fifteenth street and Queen street, and running thence in a northwestwardly direction along and across numberous streets in said city to Thirteenth street, where it empties into Burnt Mill Creek, is a menace to the health of the people of the city, and is a public nuisance. Nuisance declared.

Sec. 2. That the proper authorities of the city of Wilmington shall and hereby are authorized, empowered, ordered and directed, to take such steps and do such work as may be necessary to abate the nuisance created by this ditch, and to convert the whole ditch into a closed drain, and to lay out, establish and maintain the streets Abatement ordered.

along and across which it runs in such a manner as may appear to them to be most efficient and for the best interest of those living in the neighborhood of said ditch and the other residents of the city.

Beginning and completion of work.

Sec. 3. That it shall be the duty of the proper authorities of the said city of Wilmington to begin the work directed to be done in section two of this act within three months from the ratification of this act and push the same to a speedy completion.

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 28th day of February, 1911.

CHAPTER 192.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, TO CHANGE THE NAME OF THE TOWN OF CRONLY TO ACME.

The General Assembly of North Carolina do enact:

Name changed.

Section 1. That chapter two hundred and eighty-two of Private Laws of one thousand nine hundred and five be amended, and that the word Acme be substituted for the word Cronly in the third line of the first section of said act.

Incorporation continued.

Sec. 2. That henceforth the name of the said town of Cronly shall be Acme. And that the said town shall be and continue to be a municipal corporation under the said name Acme, with all the powers, rights and privileges given it under the chapter two hundred and eighty-two of Private Laws of one thousand nine hundred and five, and under the general law relating to municipal corporations.

Officers continued.

Municipal rights and privileges.

Sec. 3. That the mayor, town commissioners and all other officers of the said corporation shall be and remain the officers of the said town until its next regular election. And that the said municipal corporation shall retain all its rights and privileges to same extent and same effect as if its name had been unchanged.

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

Ratified this the 28th day of February, 1911.

CHAPTER 193.

AN ACT TO INCORPORATE THE TOWN OF PROCTOR, SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Section 1. That the town of Proctor, in Swain County, is hereby incorporated under the name of the "Town of Proctor."

Sec. 2. That the said town of Proctor shall, in addition to the powers hereby specifically conferred, have all the powers and privileges of other corporations of a like character, which are or may hereafter be conferred by the Public Laws of North Carolina. Corporate powers.

Sec. 3. That the municipal powers and privileges of the said corporation shall be vested in the mayor and board of commissioners of the said town, and their successors in office, perpetually. Powers vested in mayor and commissioners.

Sec. 4. That the mayor of the said town of Proctor shall be elected biennially, on the first Tuesday after the first Monday in May, one thousand nine hundred and twelve; and at the same time there shall be elected a board of commissioners, all of whom shall be *bona fide* residents of said town, including the mayor. They shall be elected by the legally qualified voters of the said town. Election of mayor. Election of commissioners.

Sec. 5. The mayor shall be the executive officer of the town, and shall preside at the meetings of the board of commissioners, but shall have no vote except in case of a tie, when he shall cast the deciding vote. As a peace officer, he shall have all the criminal jurisdiction of a justice of the peace, and his warrant shall run anywhere in Swain County for offenses committed against the criminal law of the State, or for violation of the ordinances of the said town. Mayor executive officer. To preside at meetings. Jurisdiction.

Sec. 6. Every election for mayor and commissioners shall be held under the inspection of such persons, not exceeding three, as the board of town commissioners may appoint, who shall advertise the election at three public places in the said town for twenty days immediately preceding such election. Said inspectors shall make out two statements of the election so held and return one to the register of deeds of Swain County, and return the other to the secretary of the town board of commissioners; and the return of every such election shall be recorded by the said register and secretary. Inspectors of elections. Advertisement of elections. Returns. Records of returns.

Sec. 7. The inspectors of election shall be sworn by some justice of the peace, or by the mayor of said town, or any 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 polls they shall declare elected such persons as may 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 thereafter, qualify by taking the oath of office. Inspectors to be sworn. Law governing election. Persons declared elected. Notification. Qualification.

Sec. 8. Im among the persons 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 the election between them. Settlement of ties.

Sec. 9. The mayor and commissioners shall serve for two years, or until their successors are duly qualified: and if no election be held as provided for, the mayor and old board of commissioners shall hold over. Term of office.

Sec. 10. In case of a vacancy in the office of mayor or commissioners, the commissioners shall fill the same, and in the absence or Vacancies.

sickness of the mayor, the commissioners may appoint a mayor *pro tempore.*

Mayor pro tem.

Mayor to qualify.

Sec. 11. The mayor shall, before some justice of the peace or other officer authorized to administer oaths generally, before entering upon the duties of his office, take an oath to obey the constitution and laws of the United States, and the constitution and laws of the State of North Carolina, and to faithfully administer the duties of his office. The commissioners shall likewise take a similar oath, before some officer authorized to administer oaths generally, or before the mayor after he shall have been sworn in.

Commissioners to qualify.

Mayor to enforce ordinances.

Sec. 12. The mayor shall have the power to enforce the ordinances of the town as passed by the commissioners, and shall have power to appoint special policemen to preserve the peace. The mayor is hereby constituted an inferior court, to be called "municipal court." The rules of law regulating proceedings before a magistrate's court shall be applicable to the proceedings before the mayor, and he shall be entitled to the same fees as a justice of the peace. At such court the mayor shall have authority to hear and determine all cases arising upon the ordinances of the town, and to enforce penalties for any violation thereof by issuing execution; but any person dissatisfied with the judgment of the mayor may appeal to the superior court.

Special policemen.

Municipal court.

Proceedings and fees.

Jurisdiction.

Appeals.

Street work for fines and penalties.

Sec. 13. In all cases where judgments may be entered up against any person for fines or penalties according to the ordinances of the town, and the person against whom the same is adjudged, refuses, or is unable to pay such fine or 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 shall have worked out the amount of such judgment and the cost of prosecution.

Tax listing.

Sec. 14. 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 times as the commissioners may prescribe. If any person shall fail to list his taxes within the time prescribed by the commissioners, he shall be liable to a double tax.

Double tax for failure to list.

Registration of voters.

Sec. 15. 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 may apply, and erase the names of such as are no longer qualified voters in the said town.

Power to discharge officers and fill vacancies.

Sec. 16. The mayor may at any time discharge the town marshal or other police officers for omission or neglect of duty, and appoint others in their places, until the board of commissioners shall elect to fill the vacancy so created.

Ordinances.

Sec. 17. The commissioners shall have power to make such ordinances 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 more than fifty cents on the hundred dollars worth; on all polls taxed by the General Assembly for public purposes; on all such shows, exhibitions and concerts given for reward as are taxed by the General Assembly, and on all persons, property, privileges and subjects within the corporate limits; and on itinerant or resident persons plying any trade, profession or calling which is liable for taxation for State or county purposes. They may appoint a town marshal, and such other officers or agents as may be necessary to enforce their ordinances, may determine the amount of their compensation, and also the compensation of the mayor and other officers, and may impose oaths of office upon them, and require bonds for the faithful performance of their duties. Enumeration of powers. Tax limits. Appointive officers. Compensation. Oaths and bonds.

Sec. 18. The board of commissioners may establish and regulate their markets, and prescribe within what place within the corporation may 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. They may pass ordinances for the abatement of nuisances, whether public or private, and for preserving the health of the citizens. They shall also have power to buy land for a cemetery, and make such rules and regulations for the care of and control of such cemetery as they may deem best. They shall have power to cause to be kept in repair the streets and sidewalks of the town, and to this end may levy a tax, or cause all persons of road age to work on the streets and sidewalks for a period not to exceed six days in any one year; and persons residing in the corporate limits of the town shall not be liable for road duty on the public roads of the county. Markets. Abatement of nuisances. Cemeteries. Streets and sidewalks. Road duty.

Sec. 19. The commissioners may enforce their ordinances by imposing fines on such as violate them, and compel the performance of duties they impose upon others, by proper penalties. Enforcement of ordinances.

Sec. 20. 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 marshal, and subject to his orders, and shall have the same power to arrest as are granted to the town marshal. Policemen.

Sec. 21. The town marshal shall, before some justice of the peace, or the mayor, take an oath to obey 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 or ordinances of the town committed in his presence; shall execute all process issued by the Marshal to qualify. Powers as peace officer.

mayor, and shall enforce the ordinances, by-laws 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 and tax collector to collect county taxes. 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 serve all civil or criminal process anywhere in Swain County, directed to him by any justice of the peace of Swain County, or the mayor of the town, and shall be entitled to the same fees therefor as a constable.

Powers as tax collector.

Bond.

Service of process.

Fees.

Salary.

Sec. 22. The commissioners may, in addition to the fees of the marshal's office, allow him such monthly compensation for his services as they may deem reasonable.

Settlement of taxes.

Sec. 23. The marshal, 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 misdemeanor.

Failure a misdemeanor.

Failure to turn over property a misdemeanor.

Punishment.

Sec. 24. All municipal officers, mayor, commissioners or tax collector of the town, who shall, on demand, fail to turn over to their successors, upon demand, the property, books, moneys, seals, or other effects of the town, shall be guilty of a misdemeanor, and imprisoned not more than six months, or fined not exceeding two hundred dollars, at the discretion of the court.

Town tax lists.

Sec. 25. The town tax lists shall at all times be under the control of the board of commissioners, and shall be subject to correction by them, and shall be open to public inspection.

Powers as to streets.

Sec. 26. The board of commissioners may open such streets as they may deem necessary, and discontinue such as may not be required for the public conveniences.

Publication of ordinances.

Ordinances in force.

Sec. 27. The commissioners shall cause their ordinances to be printed and posted in four or more public places in the said town, but all ordinances shall be in force from the time of their adoption by the board of commissioners, unless otherwise expressed therein.

Corporate limits.

Sec. 28. The corporate limits of the town shall be a circle two miles in diameter, with the present post-office as a center.

Violation of ordinance a misdemeanor.

Punishment.

Sec. 29. The violation of any ordinance of the said town shall be a misdemeanor, and punishable by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.

Prohibition.

Agent of seller.

Sec. 30. No spirituous, vinous or malt liquors shall be sold in the corporate limits of said town, or within one mile of the boundaries thereof, and any person violating this section shall be triable in the superior court, and punished within the discretion of the court, and for the purpose of this section, any person, firm or corporation delivering such liquors within the corporate limits of such town, or within one mile of its outside boundaries, shall be deemed and taken as the agent of the seller, and punished accordingly.

Sec. 31. Until the election of town officers on the first Tuesday after the first Monday in May, one thousand nine hundred and twelve, the following mayor and board of commissioners are appointed: Mayor, W. F. Dupre; commissioners, L. T. Winston, Dr. J. G. Storie, S. T. Jackson. First officers named.

Sec. 32. This act shall be in force from and after its ratification.

Ratified this the 1st day of February, 1911.

CHAPTER 194.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE PRIVATE LAWS OF NORTH CAROLINA OF NINETEEN HUNDRED AND NINE, ESTABLISHING A SPECIAL TAX SCHOOL DISTRICT IN WAKE AND CHATHAM COUNTIES, KNOWN AS SCHOOL DISTRICT NUMBER FOUR.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter one hundred and three of the Private Laws of North Carolina of nineteen hundred and nine, be amended as follows:

Strike out the words commencing with the word "beginning," in line three, down to and including the word "line," in line eight, and insert in lieu thereof the following:

Beginning at a point in the line of Wake and Chatham counties at the southeast corner of J. D. Richardson's land, running thence with said Richardson's line west to the southwest of said J. D. Richardson's land; thence with J. D. Richardson's line to W. T. Burt's line; thence with W. T. Burt's line west to his southwest corner; thence with Burt's line to J. D. Richardson's line; thence with said Richardson's west line running north to the western side of the D. B. C. R. R. right-of-way; thence with said right-of-way south to the Wake County line; thence with said Wake County line to the east side of D. B. C. R. R. right-of-way; thence north with east side of said right-of-way to the Merry Oaks district line; thence west with Merry Oaks district line to A. J. Segrove's northeast corner; thence south with Segrove's east line to C. J. Bright's and Segrove's corner; thence with Segrove's south line west to the old Merry Oaks district line; thence west with Merry Oaks district line to A. L. Wilson's west line. Also strike out in line twenty-six of said section and chapter from and including the semicolon in said line down to and including the word "beginning" in line thirty-one and insert in lieu thereof the following: Boundary.

"To the county line; thence down the county line to Lonnie Mimms' corner; thence east to the southeast corner of the original Ennis tract with the Thomas Wyndham land; thence straight to J. J. Boundary.

Reynolds' corner; thence south with Wyndham's and Reynolds' line to their corner; thence nearly west with their line to the said county line, so as to place said Reynolds' home tract and Lonnie Mimms' tract and a portion of Thomas Wyndham's place in the Merry Oaks Chatham County school district.

Ratified this the 28th day of February, 1911.

CHAPTER 195.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-FOUR, SECTION TWENTY, OF THE PRIVATE ACTS OF ONE THOUSAND NINE HUNDRED AND ONE, REDUCING THE COMMISSIONS PAID THE TAX COLLECTOR OF THE TOWN OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. That section twenty of chapter one hundred and ninety-four of Private Laws of one thousand nine hundred and one be and the same is hereby amended as follows: That all of said section between the words "taxes" in line twenty-five and the word "and" in line twenty-eight of said section be stricken out and the following inserted in lieu thereof: "a salary or commission to be fixed by the board of aldermen, neither of which shall exceed three per centum of the taxes actually collected by him, to be retained by him when making his final settlement thereof with said board of aldermen."

Salary or commission. Limit.

Sec. 2. That this act shall be in full force and effect from and after the thirty-first day of August, A. D. one thousand nine hundred and eleven.

When act effective.

Ratified this the 1st day of March, 1911.

CHAPTER 196.

AN ACT TO PROVIDE FOR THE APPORTIONMENT OF THE GENERAL SCHOOL FUND TO DISTRICT NUMBER TEN, GREENVILLE TOWNSHIP, PITT COUNTY.

The General Assembly of North Carolina do enact:

Apportionment.

Section 1. That after the general school fund has been apportioned to Greenville Township, in Pitt County, as is required by the public school law, then it shall be the duty of the board of education of Pitt County to apportion to District Number Ten of Greenville Township, as its portion of the general school fund of said township, the same per capita that was used in making the apportionment to the township.

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

Ratified this the 1st day of March, 1911.

CHAPTER 197.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and twenty-nine of the Private Laws of one thousand nine hundred and nine be and the same is hereby repealed. Specific repeal.

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

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

Ratified this the 1st day of March, 1911.

CHAPTER 198.

AN ACT FOR THE RELIEF OF ALICE N. LEA, PUBLIC SCHOOL TEACHER OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the board of education of Caswell County be and they are hereby authorized to pay to Miss Alice N. Lea the sum of six dollars, due her as balance on salary as a public school teacher in District Number Sixteen, Leasburgh Township, Caswell County. Payment authorized.

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

Ratified this the 1st day of March, 1911.

CHAPTER 199.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON, BEING CHAPTER SEVENTY-TWO, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-two, Private Laws of one thousand nine hundred and nine, entitled "an act to consolidate and revise the charter of the city of Winston," be amended as follows:

(*a*) That, in section forty-three, after the word "aldermen," in

Use of public money.

line three thereof, insert the following: "And devoted as directed in this charter, for payment of necessary expenses of the government of the city, and for such other purposes as the board of aldermen may provide, in the interest of the general welfare."

Hospitals.

(*b*) That, in section forty-six, after the words "public schools," in line four thereof, insert the words "hospital or hospitals."

Proviso: contracts for public expenses.

(*c*) That, in section forty-six, after the last word thereof, insert the following: "*Provided*, that said board of aldermen shall have power and authority, out of the general taxation, to contract and pay for all necessary expenses, whether in the subjects enumerated in this section or not, and that the right to issue bonds as herein proided is an additional power and authority, to provide funds for the objects aforesaid, and shall in no wise contravene or supersede the power of the board of aldermen to contract and pay for all such matters as may be necessary expenses of the city."

Power to issue bonds.

Municipal court.

(*d*) That the words "the recorder's court," in section sixty-one, line two, and in section seventy-seven, lines one and two thereof, be stricken out, and insert therein the words "municipal court" in lieu thereof; and wherever in said act the said words "recorder's court" are used in designating the name of said court, said words are stricken out, and in lieu thereof are inserted the words "municipal court," so that the name by which said court is designated and known shall be the "municipal court of the city of Winston."

Judge of municipal court.

(*e*) In section sixty-two, line two thereof, strike out the word "recorder," and insert the word "judge" in lieu thereof; and wherever in said act the word "recorder" is used to designate the name of the presiding officer of said court, said word is stricken out, and the word "judge" inserted in lieu thereof, so that the name of the presiding officer of said court shall be "judge of the municipal court of the city of Winston."

Jurisdiction of court.

(*f*) In section sixty-five, line thirteen, strike out the word "ten" and insert in lieu thereof the word "twenty"; and in line thirty-three thereof strike out the word "two" and insert the word "five"; and in line thirty-four thereof strike out the word "one" and insert the word "two" in lieu thereof.

Warrants and other process.

(*g*) In section sixty-seven, line one, after the word "warrants," insert the words "or other process." In line one of said section, after the word "court," insert the words "or clerk of said court."

(*h*) That section fifty-nine thereof be amended as follows: Strike out all from and including the word "that" in line one thereof, to and including the word "done" in line eight thereof, and insert the following: "That whenever the board of aldermen shall desire to construct, pave or repave any sidewalk of any street in said city, it shall, through the city treasurer, notify the owner or owners of the land fronting on said street of the time and place when said desired improvement will be considered, and if said board shall deter-

Sidewalk improvements.

mine by resolution to make said improvement, according to certain specifications as to material and character of said paving or repaving adopted by it, the said owner or owners shall begin the construction thereof within ten days after notice of said resolution, and complete same in a reasonable time, in accordance with the plans and specifications adopted by the board, and if he shall fail to do so, the said board shall have authority to cause to be constructed, paved or repaved said sidewalk according to the plans and specifications as aforesaid.

Printed volume of ordinances evidence.

Sec. 2. That, at the end of section ninety-two thereof insert the following: "That the printed volume of the ordinances of the city of Winston shall be competent evidence in any court in this State, and is *prima facie* evidence of the regularity and validity of any ordinance contained therein.

Corporate limits.

Sec. 3. That section two thereof be amended as follows: Strike out all of the section from and including the word "beginning" in line two thereof and insert the following: "Beginning at a point at the center of Main street on the south property line of First street and in the boundary line of the town of Salem and running thence the following courses: north eighty-three degrees and forty-five minutes east with the said boundary line of the town of Salem, and with the south property line of said First street extended five thousand one hundred and forty feet to an iron pipe; thence north no degree and fifteen minutes east nine thousand five hundred and ninety-two and five-tenths feet to an iron pipe; thence north eighty degrees west two thousand one hundred and eighty and three-tenths feet to the center line of the siding of the Norfolk and Western Railway Company; thence north forty-nine degrees and fifty-one minutes 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 eighty-nine degrees and forty-four minutes 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 one degree and nineteen minutes 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 the 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 as it meanders to the point about three hundred feet above the old paper mill bridge where a branch empties into said Peter's Creek; thence in an easterly direction with said branch to the point where said branch intersects the west boundary line of the town of Salem; thence north six degrees and fifteen minutes east with the Salem boundary line about one thousand feet to the northwest corner of the

town of Salem; thence north eighty-three degrees and forty-five minutes east with the north boundary line of the town of Salem and with the south property line of First street three thousand nine hundred and sixty feet to the middle of Main street, the point of beginning.

Territory apportioned to wards.

All that territory which is hereby annexed to the city of Winston, lying to the south and west of the old boundary line of the city of Winston, shall be included in First Ward; that the new territory hereby annexed on the east shall be divided between the respective wards as follows: All that territory lying south of Fourth street extended eastwardly to the eastern boundary line of the city of Winston, shall be included in First Ward; all that territory lying north of Fourth street, extended eastwardly to the new boundary line and south of Seventh street extended eastwardly to the new boundary line, shall be included in Second Ward; that the remainder of said newly annexed territory shall be included in Third Ward.

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

Ratified this the 1st day of March, 1911.

CHAPTER 200.

AN ACT TO AMEND THE CHARTER OF THE ABERDEEN AND ROCKFISH RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That chapter twenty-two of the Private Laws of the General Assembly, passed at its session of one thousand eight hundred and ninety-three, amended by chapter forty-five of the Private Laws of one thousand nine hundred and one, and chapter four hundred and one of the Private Laws of one thousand nine hundred and seven, be, and the same is hereby further amended by adding to said act as a part of the charter of the said Aberdeen and Rockfish Railroad Company, the following: "The said Aberdeen and Rockfish Railroad Company is hereby authorized and empowered, under the provisions of its charter, to build branch lines of railroad from its main line in any direction not exceeding thirty miles in length, and it may take up and remove any branch line of its said road when ordered by a majority of its directors."

Branch lines.

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 1st day of February, 1911.

CHAPTER 201.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-EIGHT OF THE PRIVATE LAWS OF NORTH CAROLINA, PASSED AT ITS SESSION IN ONE THOUSAND NINE HUNDRED AND NINE, ENTITLED AN ACT TO INCORPORATE A WARSAW HIGH SCHOOL AND GRADED SCHOOL IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section three of said act be and the same is hereby stricken out and the following inserted in lieu thereof: "It shall be the duty of the sheriff of Duplin County to collect all taxes levied in pursuance of the election held in said district on the sixth day of March, one thousand nine hundred and six, and turn over the same to the treasurer of the Warsaw High School and Graded School, 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 High School and Graded School, and shall be paid out by the treasurer of the Warsaw High School and Graded School, upon the warrant or order signed by the chairman and secretary of said board of trustees: *Provided,* 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 also to the State Superintendent of Public Instruction, showing the amount of money drawn and apportioned to said district and set apart for the use of said schools and for what it was spent.

Sheriff to collect school tax.

Treasurer of school.

Apportionment from general school fund.

Warrants.

Proviso: treasurer and secretary to report annually.

A treasurer of the Warsaw High School and Graded School shall be elected either from one of its members or other person, and he shall give bond in the sum of two thousand dollars, payable to the State of North Carolina for the faithful discharge of his duties as such treasurer, and for the payment of all moneys which shall go into his hands as treasurer.

Election and bond of treasurer.

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 1st day of March, 1911.

CHAPTER 202.

AN ACT TO DISSOLVE THE ASHEVILLE AUDITORIUM COMPANY.

Whereas, the Asheville Auditorium Company has heretofore been duly incorporated by special act of the General Assembly of North

Preamble.

Carolina, ratified on the twenty-seventh day of February, one thousand nine hundred and five (chapter two hundred and ten, Private Laws of one thousand nine hundred and five)"; and,

Preamble. Whereas, said corporation has sold all its property and has ceased carrying on the business for which it was organized, and desires now to be dissolved; and,

Preamble. Whereas, the directors of said corporation have heretofore adopted a resolution declaring that, in the judgment of said board, it is deemed advisable and most for the benefit of the corporation that it be dissolved; and,

Preamble. Whereas, the stockholders of said corporation are so numerous and their residences so widely scattered that it is practically impossible to obtain their consent to such dissolution as provided by statute; therefore,

The General Assembly of North Carolina do enact:

Company dissolved. Section 1. That said Asheville Auditorium Company be and the same is hereby dissolved.

Directors made trustees. Sec. 2. That the present board of directors of the said Asheville Auditorium Company be and they are hereby constituted trustees of said corporation's assets, with power to distribute same and wind up the affairs of said corporation as fully and to the same extent as they would be were said corporation dissolved in the manner provided by the statutes of North Carolina.

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

Ratified this the 1st day of March, 1911.

CHAPTER 203.

AN ACT TO ESTABLISH THE RELATION OF PARENT AND CHILD BETWEEN BENJAMIN GASTON COVINGTON, SON OF LEMUEL H. COVINGTON AND WIFE, MOLLIE COVINGTON, AND E. A. COVINGTON AND WIFE, HATTIE R. COVINGTON.

Preamble. Whereas, children have never been born to E. A. Covington and wife, Hattie R. Covington, of Anson County; and, whereas, they have sustained the relation of *loco parentis* to Benjamin Gaston Covington, son of Lemuel H. Covington and wife, Mollie Covington, from his infancy; and, whereas, the said parties are mutually desirous that the legal relation of parent and child be established between them; now, therefore,

The General Assembly of North Carolina do enact:

Relationship established. Section 1. That the relationship of parent and child is hereby established between E. A. Covington and wife, Hattie R. Covington,

and Benjamin Gaston Covington, and said relationship shall be to the same extent and with the same legal rights as if the actual relation of parent and child subsisted between them.

Sec. 2. That the further effect of this act shall be to enable the said Benjamin Gaston Covington to inherit the real estate and entitle him to the personal estate of the said E. A. Covington and wife, Hattie R. Covington, to the same extent that he would be entitled to if he should be their actual child. Right of inheritance.

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

Ratified this the 1st day of March, 1911.

CHAPTER 204.

AN ACT TO RATIFY A CONTRACT MADE BY THE CITY OF GREENSBORO FOR LIGHTING ITS STREETS AND TO AUTHORIZE SAID CITY TO SELL ITS LIGHTING PLANT.

Whereas, on the twenty-first day of November, one thousand nine hundred and ten, the board of aldermen of the city of Greensboro entered into a contract with the North Carolina Public Service Company, a corporation organized and existing under and by virtue of the laws of the State of North Carolina, under which the latter named company agreed to light the streets of the city of Greensboro for a period of ten years from and after the fifteenth day of December, one thousand nine hundred and ten, upon the terms and conditions fully set out in said contract; and, Preamble.

Whereas, it is doubtful whether said board was authorized to make said contract and for this reason did so subject to the approval and ratification of the General Assembly of North Carolina; and, Preamble.

Whereas, it is deemed advisable to approve and ratify said contract; and, Preamble.

Whereas, it is deemed advisable for said city of Greensboro to sell its present lighting plant; and, Preamble.

Whereas, it is powerless to do so without first submitting the question to a vote of the people; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the contract hereinbefore referred to, entered into by the city of Greensboro with the North Carolina Public Service Company on the twenty-first day of November, one thousand nine hundred and ten, under which the said North Carolina Public Service Company has agreed, upon the terms and conditions in said contract fully set out, to light the streets of the city of Greensboro for a period of ten years from and after the fifteenth day of December, Contract approved and ratified.

one thousand nine hundred and ten, be and the same is hereby in all respects approved and ratified.

Sale of light plant authorized.

Sec. 2. That the board of aldermen of said city of Greensboro be and it is hereby authorized and empowered to sell all of the present lighting plant of said city at such price and upon such terms as to said board may seem right and proper without submitting the question of such sale to a vote of the people of said city.

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 1st day of March, 1911.

CHAPTER 205.

AN ACT TO AMEND SECTION FOUR OF CHAPTER THREE HUNDRED AND THIRTY-EIGHT OF THE PRIVATE LAWS OF NORTH CAROLINA OF ONE THOUSAND EIGHT HUNDRED AND NINETY-THREE, RELATIVE TO THE SUPREME LODGE OF THE KNIGHTS OF HARMONY.

The General Assembly of North Carolina do enact:

Location.

Section 1. That section four of chapter three hundred and thirty-eight of the Private Laws of North Carolina of one thousand eight hundred and ninety-three, be and the same is hereby amended, by striking out in said section the words "in the city of New Bern" and inserting in lieu thereof the words "at any place in."

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 1st day of March, 1911.

CHAPTER 206.

AN ACT TO AUTHORIZE THE CITY OF ROCKY MOUNT TO ISSUE BONDS FOR STREET IMPROVEMENT, AND INCIDENTAL WORK.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Section 1. That for the purpose of surveying, draining, grading, paving, building, repairing and generally improving the streets of the city of Rocky Mount, and of doing all things requisite, necessary or incidental to the proper and effective character of such

work, and for no other purpose, the board of aldermen of the city of Rocky Mount are hereby authorized, empowered and directed to issue bonds of the city of Rocky Mount in an amount not to exceed in the aggregate the sum of fifty thousand dollars, payable at such time or times and place or places as the said board of aldermen may prescribe: *Provided, however,* that the time of payament of such bonds shall not be less than thirty years nor more than fifty years after the date of their issue.

Bond issue authorized.
Amount.
Proviso: maturity.

Sec. 2. That the said bonds shall bear interest at a rate not to exceed six per centum per annum, and the interest thereon shall be made payable annually or semi-annually, as the board of aldermen may determine and prescribe, and the said bonds shall not be sold, exchanged or hypothecated or otherwise disposed of for less than their 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 Rocky Mount and attested by the clerk of said city, and shall have the corporate seal of the said city affixed thereto. The coupons thereto attached shall bear the lithographed facsimile of the signatures of said mayor and city clerk of the city of Rocky Mount. A record shall be kept of said bonds, showing the numbers and denominations thereof, to whom sold, the date of issue of the same, when the same shall mature, the amount received from the sale of the same, the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the said board of aldermen may direct to be kept.

Authentication.
Record.

Sec. 4. That said bonds shall be in denominations of not less than one hundred dollars, and shall be issued in classes and mature at such times as may be prescribed in the discretion of the said board of aldermen, subject, however, to the provision of section one hereof.

Denominations and classes.

Sec. 5. That in order to pay the interest on said bonds as it shall become due, or the coupons on said bonds as they shall become due, the board of aldermen are required and directed to levy and collect, in addition to the other taxes in said city assessed, a tax sufficient to pay said interest or coupons; and also, on or before the time when the principal of said bonds shall become due, to levy and collect a further special tax to provide for the discharge of the principal of said bonds; and the tax so levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and property shall be in the proportion required by the constitution of North Carolina, the constitutional equation being observed. The said special tax shall be levied and collected at the same time and in the same manner as other taxes of the city, and shall be turned over to the city treasurer: *Provided,* that the tax collected under this act shall be kept separate and apart from the other taxes, and shall be used for no purpose other than those prescribed herein. It shall be the duty of the treasurer of the city of Rocky Mount, as said coupons are paid off and taken up, to cancel the same and to report to the board of aldermen the number and amounts of the coupons so canceled.

Tax for payment of interest and bonds.
Constitutional equation.
Levy and collection of tax.
Proviso: tax kept separate.
Specific appropriation.
Cancellation of coupons.

Sale of bonds.

Sec. 6. That the said bonds shall be sold at private or public sale, after due notice, as the board of aldermen of said city may determine, and the proceeds of sale of said bonds shall be turned over to the treasurer of the city of Rocky Mount, who shall be required to give bond for the safe keeping and proper disbursement of said fund, in such amount as may be required of him by the board of aldermen of said city, and his compensation, both for receiving and disbursing the said fund, shall be nothing in addition to what is now paid him for regularly discharging his duties as said treasurer.

Proceeds turned over to treasurer.

Bond of treasurer.

Compensation.

Use of proceeds of bonds.

Sec. 7. That the aforesaid bonds shall be issued for the purposes set forth in this act, and the proceeds arising from the sale of said bonds shall be used as declared in section one hereof, for surveying, draining, grading, paving, building, repairing and generally improving such of the streets of the city of Rocky Mount as the board of aldermen of the city of Rocky Mount may deem proper, and of doing all things requisite, necessary or incidental to the proper and effective character of such work. The said funds shall be expended under the supervision and direction of the board of aldermen, and shall be paid out by the treasurer of the city of Rocky Mount upon vouchers drawn by the city clerk upon the city treasurer and approved by the mayor of the said city of Rocky Mount: *Provided, however*, that in no case shall the purchaser of said bonds be required to see to the application of the purchase money paid by him therefor.

Expenditure of funds.

Vouchers.

Proviso: liability of purchasers.

Bond issue subject to election.

Sec. 8. That the board of aldermen of the city of Rocky Mount shall not issue the aforesaid bonds nor any part of them, nor levy nor collect the aforesaid tax, until it shall have been authorized and empowered to do so by the vote of a majority of the qualified voters of the said city of Rocky Mount, at an election which the said board of aldermen are hereby directed to hold at such time and place as the said board may designate and appoint. Said election shall be held not later than the first day of June, one thousand nine hundred and eleven, and notice of the same shall be given by published advertisement for thirty days prior to the day of election, in some newspaper published in the city of Rocky Mount, and also at the court-house doors in the counties of Edgecombe and Nash. At said election, those electors favoring the issue of said bonds and the levy and collection of said tax for the payment of the interest or coupons on said bonds and of the principal of said bonds, shall vote a ballot upon which shall be written or printed the words "For street improvement bonds," and those electors opposing the issue of said bonds and the levying and collection of said taxes as herein set out, shall vote a ballot upon which shall be written or printed the words "Against street improvement bonds." Said election shall be held as nearly as is practicable in the manner prescribed for the election of the mayor and aldermen of the city of Rocky Mount, as is provided by the charter of said city and the acts of the General Assembly of North Carolina relative thereto.

Time and notice of election.

Ballots.

Law governing election.

Sec. 9. That 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 the said city of Rocky Mount shall cast ballots upon which are written or printed the words "For street improvement bonds," then the bonds herein provided for shall be issued and sold according to the provisions herein contained. Returns of election. Canvass of returns. Effect of election.

Sec. 10. If at the election aforesaid a majority of the qualified voters of the said city of Rocky Mount shall fail to vote "For street improvement bonds," then the board of aldermen of the said city may at any time and as often thereafter as it may be deemed 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 provided for, after advertisement as herein prescribed, and at each of the said elections the ballot shall be as herein directed; and if at any such election a majority of the qualified voters of said city of Rocky Mount shall cast ballots upon which are written or printed the words "For street improvement bonds," then the said bonds shall be issued as is provided for under the terms of this act, and the proceeds of sale of the same shall be applied to the purposes and upon the terms and conditions hereinbefore stated. Further elections.

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

Ratified this the 1st day of March, 1911.

CHAPTER 207.

AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO REFUND A PART OF ITS BONDED INDEBTEDNESS AND TO ISSUE BONDS TO FUND ITS CURRENT INDEBTEDNESS INCURRED FOR NECESSARY EXPENSES.

Whereas, on the first day of June, one thousand eight hundred and ninety-one, the city of Salisbury issued its bonds to the amount of fifteen thousand dollars, bearing interest at the rate of 5 per cent per annum, payable June, one thousand nine hundred and eleven, which said bonds were issued under the provisions of an act of the General Assembly, passed fourteenth day of February, one thousand eight hundred and ninety-one, for the purpose of macadamizing the streets of said city; and, whereas, the city of Salisbury, with the approval of its board of aldermen, has from time to time, under and Preamble. Preamble.

by virtue of an act of the General Assembly, ratified the first day of March, one thousand nine hundred and five, borrowed amounts of money for the current and necessaray expenses and obligations, which amounts are now outstanding and due, and on which the city

Preamble.

is paying interest at the rate of six per cent; and, whereas, the board of aldermen of the city of Salisbury desire to refund said indebtedness at a lower rate of interest, on the greater part of said indebtedness:

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Section 1. That for the purpose of refunding, at a lower rate of interest, the greater part of the indebtedness of the said city of Salisbury, incurred partly on account of a former bond issue of fifteen thousand dollars, bearing date of June first, one thousand eight hundred and ninety-one, and partly for the necessary current expenses of said city, evidenced by various notes and obligations held by the Salisbury and Spencer Railway Company, the First National Bank, the Peoples National Bank of Salisbury and other corporations, firms and individuals, the board of aldermen of the city

Bond issue authorized.

of Salisbury be, and it is hereby, authorized and empowered to issue bonds in the name of the city of Salisbury, in such denominations

Amount.

and forms as it may determine, to the amount of fifty thousand dollars, payable at such times and places as the board of aldermen may

Proviso: maturity.

prescribe: *Provided*, that the time of payment of such bonds shall not be less than twenty nor more than fifty years from date.

Date of of bonds.

Sec. 2. That the said bonds shall be dated the first day of May, one thousand nine hundred and eleven, and shall bear interest at the

Interest.

rate of 5 per cent per annum, payable semi-annually on the first days of June and December in each year, and the said bonds shall,

Bonds not to be sold below par.

in no case, be sold, hypothecated, exchanged or otherwise disposed of for less than the par value thereof.

Authentication.

Sec. 3. That the said bonds shall be signed by the mayor, attested by the treasurer of the city, and sealed with the corporate seal thereof, and shall have interest coupons attached thereto; which said bonds and their coupons shall be exempt from city taxation

Coupons receivable for taxes.

until after they become due, and the coupons shall be receivable in payment of city taxes. That for the purpose of paying said bonds

Tax for bonds and interest.

at maturity and the said 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 city, and in the manner and at the same time as other taxes are collected under

Proviso: specific appropriation.

said charter: *Provided*, that the taxes collected under this act for the payment of said bonds and the interest coupons as aforesaid

Cancellation of coupons.

shall be used for no other purpose; and it shall be the duty of the city treasurer, as said coupons are paid off and taken up, to cancel

the same and report not less than once a year to the board of aldermen the number and amount of coupons canceled.

Sec. 4. That said bonds shall be sold at public or private sale (or so much thereof as are not taken by the present holders of said amount of fifteen thousand dollars of bonds due June, one thousand nine hundred and eleven), with or without notice, as the board of aldermen may determine, and the proceeds of said bonds, including any premium received upon this sale, shall be applied to the payment of the indebtedness mentioned and described, incurred as aforesaid for bonds becoming due and for the necessary current expenses of said city, as evidenced by the bonds and notes and other obligations on account of necessary current expenses hereinbefore described and now outstanding and due and to become due, and, after paying said necessary expenses as aforesaid, any surplus shall be turned into the general treasury, and the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money. Sale of bonds. Application of proceeds. Surplus to general fund. Liability of purchasers.

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

Ratified this the 1st day of March, 1911.

CHAPTER 208.

AN ACT TO AMEND RUFFIN GRADED SCHOOL DISTRICT IN ROCKINGHAM COUNTY, CHAPTER SEVEN HUNDRED AND SIXTY-THREE, OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE.

The General Assembly of North Carolina do enact:

Section 1. That chapter seven hundred and sixty-three of the Public Laws of one thousand nine hundred and five be and the same is hereby amended as follows: By inserting after the words "Chandler's Mill" and before the word "thence" in line fifteen, section one, the following: "Leaving Wolf Island Creek at F. M. Alcorn's line, running in a westerly direction to the corner of J. A. Benton and F. M. Alcorn; thence south with J. A. Benton's line to J. H. Glass's corner; thence with J. H. Glass's to the Danville and Wentworth road; thence with said road to J. H. King's corner; thence with King's line back to Wolf Island Creek, including all the lands of F. M. Alcorn, Jr., F. M. Alcorn, Sr., and J. H. King." Boundary.

Sec. 2. That section three of said chapter be amended as follows: By striking out all of said section after the word "*Provided*" in line twenty-four and inserting in lieu thereof the following: "That any party owning real estate to the amount of three hundred dollars in said school district may patronize said school free of tuition." Free tuition.

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

Ratified this the 1st day of March, 1911.

CHAPTER 209.

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF LINCOLNTON.

Preamble. Whereas, the General Assembly of North Carolina at its regular session, held during the year one thousand nine hundred and seven, passed an act entitled "An act to allow the town of Lincolnton to issue bonds," which was ratified on the sixth day of March, one thousand nine hundred and seven (the same being chapter three hundred and fifty-five of the Private Laws of one thousand nine hun-
Preamble. dred and seven); and, whereas, the board of aldermen of the said town of Lincolnton, pursuant to said act, issued and sold bonds of the said town to the amount of thirty-five thousand ($35,000) dol-
Preamble. lars; and, whereas, the purchasers of the said bonds represented to the said board of aldermen that they were brokers or dealers in bonds, and the said board of aldermen paid said purchasers the sum of about thirty-five hundred ($3,500) dollars commissions; and, whereas, a doubt has arisen as to the validity of said transaction; now, therefore,

The General Assembly of North Carolina do enact:

Acts of aldermen validated. Section 1. That the acts and doings of the said board of aldermen of the town of Lincolnton, in respect to the sale of said bonds and allowances of said commissions to the purchasers, be and the same are hereby validated, ratified and approved so as to render the same as valid in all respects as if the act of the General Assembly above referred to had expressly authorized the said board of aldermen to make the sale upon the terms upon which same was actually made.

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

Ratified this the 1st day of March, 1911.

CHAPTER 210.

AN ACT TO PROVIDE A COMMISSION FORM OF GOVERNMENT FOR THE CITY OF WINSTON.

The General Assembly of North Carolina do enact:

Charter amended. Section 1. That for the purpose of providing a commission form of government for the city of Winston, the charter of the said city as set forth in chapter seventy-two of the Private Laws of one thousand nine hundred and nine, as the same may be changed by acts amendatory thereof, be and the same are hereby amended as follows:

Sec. 2. That the name "board of aldermen" of the city of Winston is hereby changed to "city council," and the name of each member thereof is councilman, and the said office shall be so designated and named wherever same occurs in the charter of said city or acts amendatory thereof. That on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven, and on the first Tuesday after the first Monday in May biennially thereafter there shall be elected a city council, three of whom shall be elected from the First Ward, three from the Second Ward, and three from the Third Ward by the qualified voters of each respective ward as said wards are now or may hereafter by amendments to the charter of the city, be defined, making a total of nine members, who shall hold their office for a term of two years and until their successors are elected and qualified. The members of said city council shall serve without salary.

City council.

City elections.

Representation of wards.

Term of office.

Members to serve without salary.

At the first meeting of the said city council, which shall be not later than one week after their election, they shall proceed as follows:

(*a*) Elect from the citizens of Winston, outside of their own number, a mayor, who shall preside over their meetings and perform such other services as said council may designate not inconsistent with the provisions hereinafter set forth. The mayor so elected shall serve without salary, but shall be allowed an expense account of one hundred dollars per annum for performing the duties of his office.

Election and duties of mayor.

Mayor to serve without salary.

Expense account.

(*b*) Elect a board of school commissioners, which shall have charge of the public school system of the city. This board shall consist of five members, two of whom shall be citizens of the city, not members of the city council, two shall be members of the city council, and one shall be from the commission hereinafter provided. The members of the board of school commissioners, except the commission member, shall serve without salary.

Election of board of school commissioners.

Constitution of board.

Members to serve without salary.

(*c*) Elect a corporation counsel and fix the salary and prescribe the duties of such officer.

Corporation counsel.

(*d*) Elect, not of their own number, three commissioners, who shall give their entire time to the service of the city as its executive board, one to be known as the commissioner of public works, one as the commissioner of accounts and finance, and one as the commissioner of public safety; the three commissioners so elected to constitute a board which shall be known and designated as the commission of the city of Winston. One member shall be elected for a term of one year, one for a term of two years, and one for a term of three years, and thereafter annually, to fill the expired terms, there shall be elected one commissioner for a term of three years.

Commissioners as executive board.

Commissioner of public works.

Commissioner of accounts and finance.

Commissioner of public safety.

Commission of the city of Winston.

Term of office.

Election of successors.

At the first meeting in September of said city council they shall elect—

Officers of municipal court.

(c) A judge of the municipal court of the city of Winston, and a solicitor and clerk of said court, and provide such salaries for these officials as the council may deem proper within the limitations of the charter.

Salaries of commissioners.

Sec. 3. The salaries of the individual members of the commission herein provided shall be fixed by the city council and shall not be less than eighteen hundred dollars per annum, and for three commissioners collectively, not more than seven thousand five hundred dollars per annum.

Duties of city council legislative.

Sec. 4. The duties of the city council, in addition to those hereinbefore prescribed, shall be to exercise all the powers, functions, and duties of legislative nature or character, that are conferred upon the city, its mayor and board of aldermen, through its charter, except as may be herein or otherwise provided.

Levy of taxes and licenses.

The city council shall, within the constitution of the State and charter of the city, levy all taxes and fix the amount of each license, but this power shall be exercised only upon the requirement of the city as expressed in report to be submitted to them, to wit: by the commission, and said commission shall have the power and authority

Collection of taxes.

to collect all taxes, including license taxes, and enforce the collection thereof in such manner and with such means as now or may be hereafter provided in the charter and ordinances of the city for the collection thereof.

Reports to council from commission.

The city council shall hear and receive reports from the commission at such intervals as it may prescribe and give said reports to the public with its observations and views thereon.

Publication of reports.

Audit of books and accounts.

The city council shall appoint from its number an auditing committee, or it may employ a licensed auditing person, company or corporation to audit the books and accounts of the commission at such intervals as it may deem expedient and prepare and present the result of such audit to the public.

Bonds of commission.

The city council shall fix and prescribe such bonds for each of the members of the commission and for the faithful accounting and performance of his duties as, in its judgment, it may deem expedient,

Vacancies.

and in case of vacancy by death or otherwise of any of said commission, the city council shall fill said vacancy for the unexpired term.

City council may suspend commissioners.

The city council shall also have the power of suspending any one or more of the commission for incompetency, neglect of duty, or malfeasance in office, whenever, upon notice to the member charged with

Hearing and adjudication.

such incompetency, neglect or malfeasance he shall have a hearing, and it shall be adjudicated against him that he is incompetent or

Right of appeal.

has been guilty of malfeasance, with the right of the party charged to appeal to the superior court, and thence to the supreme court of North Carolina, where the same shall be tried in the ordinary course,

Re-instatement on acquittal.

and if upon said appeal he shall be acquitted of the charges preferred against him, he shall be reinstated in office, with full salary to which he is otherwise entitled.

Sec. 5. The commission shall have in charge all of the affairs and business of the city not herein expressly given to others, including all administrative and executive functions of the city's affairs, the control of its property and public works, appointment of officers and employees, with full and ample powers and authority to do, under the charter and by-laws, all acts and things necessary for the good government of the city. Powers of commission.

The commission shall have the power to make all orders for the doing of work or the making or construction of any public works; it shall apportion and appropriate all funds and audit and allow all bills, accounts, pay rolls and claims, and order payment thereof; it shall make all assessments for the cost of such improvements, sidewalks, sewers and other work, improvements or repairs which may be specially assessed under the provisions of the city charter; shall make, or authorize the making of, all contracts for public improvements, supplies, and salaries of city officials and employees, and no contract shall be binding or obligatory upon the city unless so made, except as herein provided. The commission shall have supervision over all public service utilities and all persons or corporations rendering service in the city under any franchise, contract or grant made or granted by the city or State, and shall report to the city council any failure of such persons or corporations to render service and to observe the requirements or conditions of the franchise, contract or grant, under which such public service utilities are operated, with its recommendations to the city council in regard to the same. Orders for work. Apportionment and appropriation of funds. Payment of accounts and claims. Assessments for improvements. Contracts. Public service utilities. Reports to city council.

Sec. 6. The commissioner of public works shall have general supervision and oversight of all departments and offices pertaining to public improvements and of the building or extension of public utilities. He shall direct and supervise all public work, cleaning of streets and public places, and the erection, making and reconstruction of all street improvements, sidewalks, sewers, bridges, waterworks extension, viaducts, public buildings, and other improvements or repairs thereto. He shall audit and approve all estimates and accounts which may be made from time to time of the cost of such work, as the same progresses, before the same is submitted to the commissioner of accounts and finance. He shall inspect and accept any building erected, work done, or improvements made when completed according to contract. He shall direct and control the engineering department and all officers and employees in connection with the department, including the inspectors and supervisors of all street work or other public improvements. Commissioner of public works. Enumeration of powers and duties.

Sec. 7. The commissioner of accounts and finance shall perform all the duties usually pertaining to the office of treasurer of a city. He shall have charge of and supervision over all accounts and records of the city, and all officers, boards or departments required to keep or make accounts, records or reports. He shall inspect all records Commissioner of accounts and finance. Enumeration of powers and duties.

or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept and proper reports to be made. He shall audit or cause to be audited at frequent intervals the accounts of every officer or employee who does or may receive or disburse money for and on account of the city, or any of its departments. He shall have charge of the purchase, care and distribution of all supplies and other articles used by the departments of the public works of the city. He shall examine, or cause to be examined, all reports to the commission, all bills, accounts, all pay rolls, and claims, before they are acted upon by the commission, and payment allowed. He shall have control and direction of the tax assessor, city clerk, auditor, license and other tax collector, market master, and all other responsible officers or employees of these several departments. He shall collect, or cause to be collected, all taxes, license fees, franchise taxes, rentals, or other moneys which may be due or become due to the city, with such recommendations for action by the commission in relation thereto as he may deem proper. He shall negotiate all temporary loans that may be required to conduct the affairs of the city, but no such loans shall be executed without the formal assent of the commission.

Temporary loans.

Commissioner of public safety.

Enumeration of powers and duties.

Sec. 8. The commissioner of public safety shall have the control and direction of the police department and of policemen, officers and employees therein and of all police stations, property and apparatus used in police departments. He shall control and direct the operation of the fire department and all the firemen, officers and employees therein, and all fire stations and property and apparatus used in the city fire department, the fire and police alarm systems, and all property and apparatus belonging thereto. He shall have charge of the operation of the waterworks plant and sewerage system, with supervision and direction over all officers and employees of these functions, and over all buildings, property and apparatus used therein. He shall organize and direct the operation of an efficient health department for the city to be administered by a city health officer, who shall be chosen and elected by the commission.

Apportionment of duties not specified.

Sec. 9. Any duty herein given to the commission not before specially assigned to any one shall be apportioned to the several commissioners as the commission as a body may direct.

Responsibility of commission as a body.

Each commissioner, as hereinbefore named, is particularly interested in the duties and obligations of his respective office, but the commission as a body is responsible for the proper administration of the business and affairs of the city.

Rearrangement and reapportionment of duties by city council.

Sec. 10. The city council may, by a three-fourths vote of all its members, rearrange and reapportion all the duties hereinbefore mentioned and provided for among the several commissioners, whenever such reapportionment or redistribution of duties, in its judgment, is expedient for the best interest of the proper administration of the affairs of the city.

The commission shall make to the city council quarterly reports of the financial condition of the city with a statement of such work as may be done and the general condition of the city's affairs. Quarterly reports.

Sec. 11. Each member of the commission, upon his election and before assuming the duties of his office, shall take an oath, administered by some competent authority, to obey the constitution and laws of the United States, of the State of North Carolina, and the laws and ordinances of the city of Winston; and, further, that he will honestly and faithfully perform the duties of his office to the best of his ability. Commissioners to qualify.

Sec. 12. Each member of the city council, upon his election, shall take an oath, administered by some competent authority, to obey the constitution and laws of the United States, of the State of North Carolina, and of the municipality of which he is elected a councilman, and, in addition thereto, that he has not promised, directly or indirectly, to vote for any one as a member of the commission herein provided, and that he is free and unbiased to select any person or persons for said office, who, in his judgment, would make the most efficient officer. Members of city council to qualify.

Sec. 13. The charter of the city of Winston in force at the time of the ratification of this act at an election as herein provided, shall be and remain in full force and effect, save as the same may be changed by the enactment of these provisions, constituting a commission form of government. All ordinances in force in the city of Winston at the time of the ratification aforesaid shall be and remain in full force until repealed, modified or changed, as provided by law: *Provided,* Charter continued in force. Ordinances to remain in force.

Sec. 14. That this act shall have no force and effect unless the same shall be ratified by the voters of the city of Winston as herein provided, to wit: by a majority of the votes cast at an election held in the city of Winston on the tenth of April, one thousand nine hundred and eleven, at which will be submitted the adoption or rejection of the plan of commission form of government herein set forth; that said election shall be held and conducted in accordance with the charter provisions of the said city of Winston now in force and as may be amended; that notice of said election shall be given in some newspaper published in Winston stating the time, place and purpose of the said election thirty days prior thereto. In case a new registration is not ordered therefor. then the registration books used in the next preceding election for the board of aldermen, with such new registration or elimination as may be made under existing law, shall constitute the registration roll; that the ballots for said election shall contain the words "For commission form of government," or "Against commission form of government"; and if a majority of said ballots cast at said election shall be "For commission form of government," then this act shall be in full force and effect, and the next regular election in May shall be held Act not effective until ratified by voters. Date for election. Law governing election. Notice of election. Registration. Ballots. Effect of election.

and conducted in accordance with its provisions as the same is amendatory of the charter of said city then existing.

Subsequent election.

Sec. 15. That in the event that at said election a majority of the votes cast shall be against the adoption of the commission form of government as herein set forth, it is provided that at any time before January first, one thousand nine hundred and thirteen, one other election may be had on petition of twenty (20) per cent of the qualified voters of said city, for the purpose of rejecting or approving said commission form of government as herein provided; that said election shall be called and held, as herein provided, for the election held on April the tenth, one thousand nine hundred and eleven; and if at the said election so called and held a majority of the votes cast shall be in favor of the commission form of government, then this act shall be in full force and effect, and within thirty days thereafter the board of aldermen, as then existing, shall have all authority and power as if elected under this act, and shall inaugurate and put into effect all the provisions of this act. That the term of office of each member of the commission chosen by said board shall begin as if he were chosen under an election held on the first Tuesday after the first Monday of May, one thousand nine hundred and eleven.

Petition.

Effect of election.

Terms of commissioners.

Commission. defined.

Sec. 16. Wherever in this act the words or term "The commission" are used, it shall be held to mean the commission of the city of Winston as provided for in section two (*d*) of this act.

Sec. 17. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 18. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

CHAPTER 211.

AN ACT TO PROVIDE FOR THE PAYMENT OF CERTAIN MONEY DERIVED FROM LICENSE TAXES IN THE TOWN OF SCOTLAND NECK, INTO THE GRADED SCHOOL FUND OF SAID TOWN.

The General Assembly of North Carolina do enact:

Payment to graded school fund authorized.

Section 1. That the town commissioners of the town of Scotland Neck shall have the right, and are hereby authorized and empowered to pay into the fund for the support of the graded school of said town, to be expended for the use of said school, in such manner as the trustees of said school may direct, all money derived by said town for licenses to do business in said town, and all money derived from tax on dogs in said town, commencing with the said

dog and license taxes for the year one thousand nine hundred and ten, and including all such taxes levied and collected annually thereafter.

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

Ratified this the 1st day of March, 1911.

CHAPTER 212.

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

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter two hundred and fifty-eight of the Private Laws of North Carolina, passed by the General Assembly of one thousand nine hundred and one, be and the same is hereby amended by striking out after the words "amount of" the words "fifty thousand dollars ($50,000)." and substituting therefor the words "one hundred thousand dollars ($100,000)." Limit of bond issue.

Sec. 2. That section one of chapter twenty-eight of the Private Laws of North Carolina, passed by the General Assembly of one thousand nine hundred and five, be and the same is hereby amended, by striking out the words "fifty thousand dollars ($50,000)" in lines eight and nine, and substituting therefor the words "one hundred thousand dollars ($100,000)." Limit of bond issue.

Sec. 3. That section six of chapter two hundred and fifty-eight of the Private Laws of North Carolina, passed by the General Assembly of one thousand nine hundred and one, be amended so as to read as follows: "If bonds shall be issued under the authority of this act, it shall be the duty of the board of commissioners to levy and collect annually a tax sufficient to pay the interest and provide a sinking fund for the payment of the principal: *Provided,* the total tax rate of the town for all purposes may be seventy-five cents on every one hundred dollars worth of property and one dollar on every poll, and shall not exceed this rate: *Provided, further,* that the tax rate shall not exceed the present rate until additional bonds have been issued. Tax for interest and sinking fund. Proviso: tax rate. Proviso: present tax rate until further bond issues.

Sec. 4. That the mayor and board of commissioners of the town of Mooresville, out of any funds available from bonds sold by virtue of chapter two hundred and fifty-eight, Private Laws of one thousand nine hundred and one, or the amendments thereto, or from other available funds, shall have power and authority to grade, pave, macadamize and otherwise improve for travel and drainage the streets of said town, and to construct sidewalks and pave the same, and put down crossings, curbings, cross drains and otherwise properly improve them. Powers in improving streets and sidewalks.

Assessments on abutting lots for dewalks.

Sec. 5. In order to more effectually carry out the authority now existing, and delegated by this act to improve the streets and sidewalks of said town, the mayor and board of commissioners shall have the right to assess not exceeding one-half of the cost of grading, paving and otherwise improving the sidewalks of said town, including the necessary curbing for 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 frontage.

Assessments for street improvements.

Sec. 6. In order to more effectually carry out the authority now existing, and delegated by this act to improve the streets and sidewalks of said town, the mayor and board of commissioners shall have the right to assess, not exceeding one-half of the cost of the grading, paving, macadamizing or otherwise improving the roadway or street proper, on the real estate abutting on each side of the street so improved or repaired, and each lot shall be charged with its ratable proportion of assessment according to its frontage.

Assessments a lien on property.

Sec. 7. The amount of the assessment of such street improvement and for sidewalks as authorized in the two preceding sections, on each piece of real estate or lot, shall be a lien on such real estate, and the amount of said lien and of said assessment against all property as aforesaid shall become due as follows: in three equal installments, due and payable in three, six and nine months from the date of the assessment, and in case of failure to pay either of said installments within thirty days after its maturity, then all shall become due at once, and enforceable against the property on which a lien is authorized at the instance of the town of Mooresville, by suit instituted in the superior court of Iredell 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, or any part relied upon, to question the legality of 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.

Assessments due in installments.

Enforcement of payment.

Answer.

Town officers.

Sec. 8. That section three of chapter seventy-one of the Private Laws of North Carolina, passed by the General Assembly of one thousand eight hundred and seventy-two and seventy-three, be amended so as to read as follows: "The administration and government of said town of Mooresville shall be vested in one principal officer, to be styled the mayor, a board of nine commissioners, a town clerk, and such other officers as are hereinafter provided for. That said town shall be divided into three wards. Ward one shall be all that portion of the town lying east of the line of the Southern Railroad and south of Center avenue. Ward two, all that portion of the town west of the Southern Railroad. Ward three, all that portion of the town east of the Southern Railroad and north of Center avenue. That each of said wards shall elect three commis-

Division into wards.

Ward one.

Ward two.

Ward three.

Election and term of commissioners.

sioners, who shall hold their office for two years and until their successors are elected and qualified, said commissioners shall be residents of the ward for which they are chosen and shall be elected by the qualified voters of such ward. The mayor and town clerk shall be elected by the qualified voters of the town for the term of two years and until their successors are elected and qualified. The first election under this section shall be held on Tuesday after the first Monday in May, one thousand nine hundred and eleven, and biennially thereafter. The board of commissioners shall designate the polling places, appoint a registrar and judges of election in each of said wards, and such other things as may be necessary to carry out the provisions of this act, and as required by the provisions of chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina, and the general laws governing elections."

Election and term of mayor and clerk.

Town elections.

Polling places.

Election officers.

Sec. 9. That at the first meeting of the board of commissioners following their election, or as soon thereafter as procticable, they shall elect a tax collector, who shall hold office during the term of the board electing him, and until his successor is elected and qualified, subject, however, to be removed at any time and another appointed in his stead for misbeheavior or neglect of the duties of his office. Before said tax collector shall enter upon his duties he shall take an oath before the mayor, to faithfully discharge the duties required of him by the board of commissioners, and he shall execute a bond in such amount as the board may require, with security approved by the board. The bond required of the tax collector shall be renewed every year. 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 shall be subject to the same fines and penalties for failure or neglect of duty. He shall at all times be under the authority of the board of commissioners and subject to the rules and regulations prescribed by said board.

Election and term of tax collector.

Tax collector to qualify.

Bond.

Power and liability.

Subject to board of commissioners.

Sec. 10. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

CHAPTER 213.

AN ACT TO AUTHORIZE THE ELECTION OFFICERS OF THE CITY OF ASHEVILLE TO USE THE COUNTY REGISTRATION BOOKS IN CITY ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That hereafter it shall be the duty of the register of deeds of Buncombe County, and of all other officers of said county

Books to be delivered to city for use in city elections.

having in their custody the county registration books for the several precincts in the city of Asheville, at least three days prior to the day for the opening of the registration books for registration of voters at any election hereafter held in the city of Asheville for any municipal purpose, to deliver said registration books to the city clerk or mayor of the city of Asheville, to be used in such city election by the election officers holding such municipal election in said city, as the registration books for such election.

Legal registration.

Sec. 2. That all electors now or hereafter registered on said county registration books by the registrars appointed by the board of elections or other proper officers of said county, shall be taken and deemed to be properly and legally registered for any such city election, and all electors hereafter duly registered on said registration books by any of of the registrars appointed by the city of Asheville or the governing body thereof according to law, shall be taken and deemed to be legally registered for any and all elections hereafter held in said city in any city election, and in any election held by the duly constituted authorities in said county: *Provided, however*, nothing herein contained shall be construed to modify or alter the qualification of any person to register or vote as now prescribed by law, when he shall have duly registered as prescribed by law.

Proviso: existing laws not affected.

Return of books.

Sec. 3. That when any such city election shall have been concluded and the result thereof duly ascertained and declared, the officers holding said city election shall immediately return said registration books to the register of deeds of Buncombe County, who shall preserve the same as now prescribed by law.

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

Ratified this the 1st day of March, 1911.

CHAPTER 214.

AN ACT TO AMEND AND REVISE THE CHARTER OF THE TOWN OF ROBBINSVILLE.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the town of Robbinsville shall be and continue as they have heretofore been, a body politic and corporate, and henceforth said corporation shall bear the name and style of town of Robbinsville, and under that name is hereby vested with all the property and rights of property which now belong to the present corporation of the town of Robbinsville, and by the corporate name of town of Robbinsville said corporation may purchase and hold all such property and estate, real and personal, within or without the corporate limits of said town as may be deemed necessary or convenient, or as shall be deemed advisable by the proper authorities of said corporation.

Property and rights vested.

Corporate name.

Corporate powers.

Sec. 2. That the corporate limits of said town of Robbinsville shall be as follows: Corporate limits.

Beginning at Cheowah River, at the mouth of Long Creek, running up said river with its meanders to the mouth of Sweetwater Creek; then up Tulula Creek to the ford east of town; then southward with the top of a ridge southeast of said town as it meanders to the southeast corner of the Junaluska Farm; then south to the Moose Branch; then down said branch with its meanders to Long Creek; then down Long Creek as it meanders to the beginning.

Sec. 3. That the officers of said town shall consist of a mayor and three commissioners and a treasurer and such other officers as the said mayor and three commissioners shall from time to time elect or appoint. Town officers.

Sec. 4. That there shall be an election held for the officers mentioned in this act on the first Monday in May, one thousand nine hundred and eleven, and each succeeding year thereafter, and all such elections shall be held under the rules and regulations prescribed by chapter seventy-three of The Revisal of one thousand nine hundred and five and the amendments thereto. Town elections. Law governing elections.

Sec. 5. That should any vacancy occur in any of the offices above named the mayor and commissioners or a majority of them shall fill such vacancies. Vacancies.

Sec. 6. That the mayor and board of commissioners of such corporation shall have all of the powers conferred by chapter seventy-three of The Revisal of one thousand nine hundred and five and amendments thereto, and in addition shall have the following powers, to wit: Powers conferred by general law.

To provide a sufficient supply of pure water for said town, fix the charges and rates therefor, and prescribe rules and regulations governing the use of the same. Water supply.

To make suitable regulations for the due observance of Sunday in said town and to provide for the enforcement of the same. Observance of Sunday.

To prevent, suppress and remove nuisances in said town and make proper provision and take all necessary measures to preserve said town from contagious diseases or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein. Nuisances. Quarantine.

To appoint for said town such number of policemen as they shall deem advisable or necessary and elect such other officers as in the opinion of said mayor and board of commissioners shall be necessary for the government of said town and the proper transaction of its business, and to prescribe the duties and provide for the pay of the policemen and officers so appointed or elected. Policemen. Other officers.

To take all proper measures and to pass all proper ordinances to preserve the peace and order of said town, and to execute all the laws and ordinances thereof. Preservation of peace and order.

To enact and pass such ordinances and regulations as the said mayor and board of commissioners may deem necessary to preserve Preservation of health and enforcement of law.

the health of said town and provide for the due enforcement of said ordinances and regulations.

Powers as to streets.

To determine, when necessary, the boundaries of all the streets, lots and alleys of said town and establish new streets therein, and to open, improve, grade and re-grade, pave and re-pave any and all streets in said town when in the opinion of said mayor and board of commissioners it shall be necessary or advisable so to do.

Levy and collection of taxes.

To levy and provide for the collection of all taxes authorized by law to be allowed, levied or collected by said town and to enforce the collection of the same.

Power to pass ordinances.

To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this act, providing such laws, ordinances and regulations are not in conflict with the constitution of this State or the constitution of the United States.

Eligibility for office.

Sec. 7. No person who is not a qualified elector of said town shall be eligible to hold any office therein, and any duly qualified elector of said town shall be eligible to be elected to and hold any office of said town.

Power to condemn land for streets.

Sec. 8. That the board of commissioners of said town shall have the power to open, change, widen or straighten any of the streets of said town, and for that purpose may condemn all land which they may deem necessary or advisable to obtain, and in the event that the said board of commissioners and the owner or owners of such land can not agree as to the amount of damages as well as the special advantages which may result to the owner or owners, by reason of the opening, widening or straightening of said street, the said commissioners shall select three freeholders in said town, each of whom shall be disinterested parties, and the three so elected shall comprise a board of appraisers; that said board of appraisers shall give to the owner or owners and to all other persons supposed to be interested in said land or to be affected by the proposed improvement, ten days notice of the time and place of the meeting of said board of appraisers, notifying said owners of persons interested to appear before said appraisers and contest the matter of condemnation if they so desire, and said board of appraisers shall proceed to view the land and shall assess the damages and benefits consequent upon such improvement at whatever sum they deem just and proper, which said damages shall then and there be paid by the town to said owner or owners, and the benefits so assessed shall be assessed against and become a lien upon the property designated by said board of appraisers, which lien shall be enforced in the same manner as the lien for taxes is enforced; the said board of appraisers shall make to the board of commissioners at its next meeting after the assessment of said damages and benefits a full report of their proceedings, and said board of commissioners shall have power to adopt or reject said report or any portion thereof, and all persons affected by said report may within ten days after the adoption of the same

Procedure for condemnation.

Benefits a lien on land.

Appeals.

by the board of commissioners, appeal to the superior court of Graham County from any assessment of damages or benefits so made by said appraisers.

Landowners to improve sidewalks.

Sec. 9. That said board of commissioners shall, whenever in their opinion it is necessary, require the owner or owners of any land along any of the streets of said town to pave, re-pave or repair the sidewalks along said street, but if any such owner or owners shall fail for fifteen days after notice to comply with the order of said board, then said board of commissioners may cause said sidewalk to be built, re-paved or repaired and charge the cost thereof against said lands respectively, and the cost of the same shall be and become a lien against said lands.

Work done by town.

Cost a lien on lands.

Power to improve streets.

Sec. 10. That the mayor and board of commissioners 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 and alleys of said town, and put down crossings, curbings and cross drains and otherwise properly improve said streets, and shall assess two-thirds of the cost of the grading, paving, macadamizing, constructing cross drains and side drains or otherwise improving said roadways or streets on the real estate abutting on the street, alley or roadway or portion thereof, so improved or repaired, assessing one-third of the cost of such improvement of the real estate abutting on each side of said street or part thereof so improved or repaired and the nature or kind of material to be used in such improvement so made shall be left in all cases to the discretion of said mayor and board of commissioners.

Assessment on abutting real estate.

Equalization of assessment.

Sec. 11. That in order to equalize the assessment on real estate made for the purpose described in section ten of this act, the mayor and board of commissioners shall estimate the total cost of such improvement and then shall pro rate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or the portion of the street so improved and charge to and assess upon the real estate upon each side of the street on which said work is done, its pro rata share of one-third of the cost of such improvement made under the provisions of this act.

Assessment a lien on real estate.

That the amount of the assessments for said street improvements after having been 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 commissioners shall cause a survey to be made and a report of the amount of work done and the cost thereof filed, showing the name of each abutting owner thereon, the number of front feet of each lot and the pro rata shares of the cost of such improvement to be assessed against such real estate, and upon the adoption and approval of said report the liens authorized by this act shall become complete and operative and shall be paramount to all other liens except the liens for taxes thereon, and said report shall be transcribed upon the minutes of said board of commissioners

Apportionment.

Lien paramount.

and the amount of said liens and of said assessments against all property abutting on said street as aforesaid, shall become due and payable as follows: one-fifth thirty days after the adoption of said report and the balance in four equal annual installments, the deferred payments to bear interest at the rate of six per cent per annum from the date of the approval of said report until paid, and upon the filing of said report said mayor and board of commissioners shall cause notice to be served on the owners of the property abutting on the street so improved, stating that such report has been filed in the office of the treasurer of the town and that at the first regular meeting of the board of commissioners to be held after the expiration of said ten days notice, said board will consider said report, and if no valid objection be made thereto the same will be adopted and approved by said board. Any owner of land affected by said lien or liens for assessments shall have the right to be heard before said mayor and board of commissioners upon filing objections to said report in writing at least two days prior to the meeting of the mayor and board of commissioners, at which said report may be considered and not thereafter, and said board of commissioners shall hear said objections and shall thereafter approve and confirm said report, or modify or correct the same in such manner as to make it correspond with the true intent and meaning of this act, and 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, but not after such time, to appeal to the next term of the superior court of Graham County by serving upon said town in writing a notice of his intention so to do, specifying in such 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 Graham County a written undertaking in at least the sum of two hundred dollars, with sufficient sureties to be justified and approved by said clerk, 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. In case of any appeal as aforesaid the treasurer of the town shall make and certify to the said superior court a copy of said report in so far as it affects the property of the appellant, together with a copy of the objections of the appellant thereto and of the notice of appeal, which papers duly certified shall constitute the record of appeal, and when filed shall be docketed by the clerk of the superior court of Graham County on the civil issue docket in the name of the person taking such appeal, and the cause shall then be deemed to be at issue without any further plea on the part of said town, but the said town shall have the right to file any further answer or defense thereto as it may be advised: *Provided,* that if said appeal is not docketed and said bond is not filed by the appellant within ten days after

Payment by installments.

Notice to owners of property.

Hearing.

Right of appeal.

Bond on appeal.

Proceedings on appeal.

the confirmation of said report, all right to prosecute such appeal shall be forfeited.

Collection of assessments.

Sec. 12. That all liens provided for in this act shall be collected by the town treasurer and the payment of the same shall be enforced in the same manner as liens for taxes are enforced, and if any annual installments of such assessments or any part thereof, or the interest thereon is not paid as the same becomes due, the whole amount of said assessment shall immediately become due and payable and so much of the lot against which said lien for said assessment is charged as may be sufficient to pay the amount due with interest and cost, shall be advertised and sold under the same rules and regulations and with the same rights of redemption and in the same manner as are prescribed for the sale of real estate for unpaid taxes.

Transfer of liens.

Sec. 13. That the said mayor and board of commissioners are hereby authorized and empowered to assign, sell and transfer any and all of the liens created by this act and all sums owing thereon, either absolutely or upon condition, to any person or persons, in order to enable the said mayor and board of commissioners to raise the funds necessary to carry into effect the provisions of this act, and if any such liens shall be transferred as aforesaid they shall be collected by the treasurer of said town in the same manner as other assessments are collected, and the amount when collected shall be paid by the said treasurer to the owner or owners of said liens less two per centum of the amount actually collected by him to cover the cost of such collection.

Collection of transferred liens.

Sec. 14. That all laws and parts of laws inconsistent or in conflict with any of the provisions of this act are hereby repealed.

Sec. 15. That this act shall be in force and effect from and after the date of its ratification.

Ratified this the 1st day of March, 1911.

CHAPTER 215.

AN ACT TO PROTECT THE WATER SUPPLY OF THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Deposit of deleterious substances on watershed a misdemeanor.

Section 1. That any person who shall willfully place or deposit in the two branches furnishing the water supply for the town of Mount Airy, or any of the tributaries to these branches, or upon the ground drained by them, or any of them, above the pumping station of the Mount Airy waterworks on and below said branches, in Surry County, any dead carcass of any animal, or any filthy or poisonous substance, sawdust or thing by which the water of said branches or tributaries above said pumping station shall be ren-

dered, or may become liable to be rendered unwholesome, contaminated or otherwise unfit for domestic use and purposes, shall be guilty of misdemeanor.

Establishments declared nuisances.

Sec. 2. That it shall be unlawful for any person to erect, establish or maintain upon the watershed of such branches or tributaries thereof, above the pumping station of the Mount Airy waterworks, any establishment, contrivance or work, the effect of which in its operation or use shall be deleterious to the waters of said branches or their tributaries above the points named, and any such establishment, contrivance or works, is hereby declared to be a public nuisance.

Surveillance of watershed and abatement of nuisances.

Sec. 3. That it shall be the duty of the town physician of Mount Airy to exercise due surveillance over the watershed mentioned in the preceding section, and abate the nuisance therein forbidden, in the manner provided by the present laws.

Acts injurious to water supply declared misdemeanors.

Sec. 4. That any person who shall willfully injure any of the property of the town of Mount Airy, used in connection with the waterworks system of the said town, or in any manner willfully and maliciously interfere with or obstruct the operation of its works, or shall case, throw, place or deposit any deleterious substances in any of the filters, mains, tanks, pipes, reservoirs or other receptacles used in supplying the town with water, shall be guilty of misdemeanor.

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

Ratified this the 1st day of March, 1911.

CHAPTER 216.

AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX, NASH COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Sec. 1. That the charter of the town of Middlesex, Nash County, North Carolina, be amended as follows: The following fees shall be allowed and collected by the mayor from the person or persons adjudged to pay the costs, or a fine and the costs, in his court for violations of the ordinances of the town, to wit:

Fees of officers.

Issuing warrant for the arrest of person, each one dollar ($1) and judgment, each person found guilty two dollars ($2); issuing subpœnas, each witness, thirty cents; taking bond, each person, fifty cents; each continuance, for each person, fifty cents; transcript of appeal, each person, fifty cents; each witness appearing in the mayor's court, who is duly sworn and examined before the mayor, shall receive and be allowed, for each day he is in attendance, one dollar ($1). All the above fees, when collected, except for persons

Fees to use of town.

not in the employ or service of the town, shall be, when collected, paid into the town treasury for the benefit of the town.

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

Ratified this the 1st day of March, 1911.

CHAPTER 217.

AN ACT TO AUTHORIZE THE TOWN OF BRYSON CITY TO ESTABLISH A SEWERAGE SYSTEM, AN ELECTRIC LIGHT PLANT, AND REPAIR THE STREETS AND SIDEWALKS.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Bryson City shall have power to lay, build and construct a system of sewerage and sewerage pipes for said town, to erect, build and construct an electric light plant, and to repair the streets and sidewalks in said town, and to protect and regulate the same by adequate ordinances; and if in the construction, extension or maintenance of said sewer system, electric light plant, or repair work, 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. Enumeration of powers granted. Power to condemn land.

Sec. 2. That said board of commissioners of Bryson City shall have power to charge and collect sewer and electrical rentals in such reasonable amounts and collectible at such periods as said board may prescribe for the use of said sewer or electric lights and power, rental for said sewer to be based on the number of sinks and closets and charge for connection of the same and the electrical rental to be based on the voltage or amount of power used and charged for connection and both of said rentals for sewer and connection, and electric light, or power and 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. Rentals. Basis of charges. Rentals a lien on property.

Sec. 3. That in order to provide funds for the construction, building and equipping said sewerage system, electric light plant and repair work, the board of commissioners of Bryson City are hereby authorized and empowered to issue coupon bonds, bearing interest payable annually or semi-annually, at a rate not exceeding six per centum per annum, to an amount not exceeding twenty thousand dollars, in denominations of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), payable not more than thirty years from the date of issue; and said bonds shall be signed by the mayor of the town and countersigned by the Bond issue authorized. Interest. Amount. Denominations. Maturity. Authentication.

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 constructing and equipping said sewer system, electric plant, and repair work, and may be issued from time to time as the work may 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: *Provided*, that the provisions of this act, in relation to the issuance of said bonds, shall not become operative and effective until approved by a majority of the qualified voters of said town.

Sale of bonds.

Specific appropriation.

Proviso: bond issue to be approved by voters.

Date for election.

Sec. 4. That there shall be held in the town of Bryson City on Tuesday after the first Monday in May, one thousand nine hundred and eleven (1911) an election wherein those who favor the adoption of the provision of this act shall vote ballots with the words "For sewerage, electric lights and street repair" written or printed thereon, and those opposed thereto shall vote ballots with the words "Against sewerage, electric lights and repair" 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, electric lights and repair" written or printed thereon, then the provisions of this act shall become operative and effective.

Ballots.

Effect of election.

Law governing election.

Sec. 5. That said election shall be held in accordance with the provisions of law relating to elections in towns and cities.

Tax for interest and sinking fund.

Sec. 6. That if the provisions of this act shall become operative as herein provided, the board of commissioners of Bryson City is hereby authorized and directed to levy and collect a tax on all taxable property and polls in the town of Bryson City sufficient to pay the interest on said bonds as the same may 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.

Levy and collection of tax.

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

Ratified this the 1st day of March, 1911.

CHAPTER 218.

AN ACT TO AMEND CHAPTER THIRTY-SIX OF THE PRIVATE LAWS, EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND EIGHT, RELATING TO THE INCORPORATE LIMITS OF THE TOWN OF BAILY'S, IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty-six of the Private Laws of one thousand nine hundred and eight, entitled "An act to incorporate the town of Baily's, in Nash County," be and the same is hereby amended by striking out all of section two (2) of said act and inserting in lieu thereof the following: "That the corporate limits of said town shall be as follows, to wit: Beginning at Albert Farmer's corner in J. E. Bragg's line; thence with said Bragg's line, Exum O'Neal's line, Mrs. J. C. O'Neal's line and A. R. Beard's line, to Noel Eatman's corner; thence with said Eatman's line and H. G. Stott's line and N. W. Williams' line to the Camp Branch; thence down the Camp Branch to the ford in the road; thence up the road to Albert Farmer's line; thence with Albert Farmer's line to the beginning." Corporate limits.

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 1st day of March, 1911.

CHAPTER 219.

AN ACT TO CONSOLIDATE, REVISE AND AMEND THE CHARTER OF THE TOWN OF SMITHFIELD.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Smithfield shall be, and continue as they have heretofore been, a body politic and corporate, and in the name of the town of Smithfield shall have perpetual succession, may use a common seal, shall have the right to sue 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 town, 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 town of Smithfield, and shall also be liable for all debts, claims, obligations and duties which now exist against the corporation of the said town of Smithfield. Incorporation. Corporate name. Corporate powers. Property, rights and liabilities.

Corporate limits.

Sec. 2. That the corporate limits of the town of Smithfield shall be as follows: Beginning on Neuse River at the mouth of Buffaloe Creek, and runs up said creek to pointers, corners of the colored cemetery; thence along the line of said cemetery and along the line of the north side of North street sixty and one-half east forty-one and fifty one-hundredths chains to a stake; thence south twenty-nine and one-half west to a stake on the south side of the Goldsboro road; thence along the south side of the said road, crossing the Wilson and Florence Railroad south sixty-nine east eighteen and sixty-three one-hundredths chains to a stake on the line of the right-of-way of said road, sixty-five feet from the center of track; thence along the right-of-way of said railroad on the southeast side fifty-nine and seventy-one one-hundredths chains to a stake on said right-of-way; thence north sixty and one-half west twenty-four and sixteen one-hundredths chains, crossing said railroad to a stake on the Smithfield and Goldsboro road (known as the river road) where a ditch crosses said road; thence along the southwest side of said road eighteen and sixty one-hundredths chains to a stake opposite the corner of the J. G. Rose land and the Turlington graded school land; thence crossing the road and running as the J. G. Rose line north sixty-seven west thirty and ninety one-hundredths chains to a poplar in the Rose Mill Branch; thence down said branch to Neuse River; thence up said river to the beginning.

Division into wards.

Sec. 3. That the town of Smithfield is hereby divided into four wards, denominated the first, second, third and fourth wards. The

First ward.

First ward is bounded as follows: Beginning at the north side of North street where it is intersected by Second street, and runs south with Second street and with a line beyond Second street to the J. G. Rose line, the same being the southern extension of the town limits; thence with the town line to Neuse River; thence up Neuse River to the mouth of Buffalo Creek; thence up Buffalo Creek to where North street runs to Buffalo Creek; thence with North street east-

Second ward.

wardly to the beginning. The Second ward is bounded as follows: Beginning at the north side of North street where it is intersected by Second street, and runs south with Second street and beyond Second street to the Rose line, the southern extension of the town limits; thence east with the Rose line and town line to Third street; thence north with Third street to Fourth street; thence west

Third ward.

with North street to the beginning. The Third ward is bounded as follows: Beginning at the north side of North street where it is intersected by Third street and runs south with Third street to the southern extension of the town line to a ditch; thence east with said town line to a stake in a line of Fourth street; thence with Fourth street north to North street; thence west with North street to the

Fourth ward.

beginning. The Fourth ward is bounded as follows: Beginning at the north side of North street where it is intersected by Fourth street and runs south with Fourth street to the southern extension of the

town limits; thence with the town line to the eastern boundary line of said town to the Smithfield and Goldsboro road; thence west with said road to a stake on said road, the same being a corner in said line; thence north as the town line runs to the extension of North street; thence with North street west to the beginning.

Mayor and commissioners to complete terms.

Sec. 4. That the present mayor of Smithfield shall hold office until his successor is elected and qualified, and the present members of the board of commissioners shall be and constitute the board of commissioners of the town of Smithfield 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 commissioners of the town of Smithfield by this act.

Bonds declared valid.

Sec. 5. That all bonds or other indebtedness, however evidenced, of the town of Smithfield, and all bonds the issue of which has been heretofore authorized by a vote of the citizens of the town of Smithfield, and which may hereafter be issued, are hereby declared to be valid indebtedness of the town of Smithfield, 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.

Election and number of commissioners.

Sec. 6. There shall be an election on Tuesday after the first Monday in May in the year one thousand nine hundred and eleven; and biennially thereafter, for seven commissioners for said town, who shall hold their office for two years or until their successors are qualified. The first ward shall have one commissioner, the second, third and four wards shall have two commissioners each. The said commissioners shall be residents of the wards from which they are chosen, and shall be elected by the qualified voters of each ward.

Term of office.

Apportionment.

Qualification and election.

Appointment of registrar.

Notice of registration.

Vacancy.

Sec. 7. The board of commissioners of the town of Smithfield shall appoint at or before its meeting in March, one thousand nine hundred and eleven, and biennially thereafter, a registrar of voters of said town. Said registrar shall give thirty days notice at the courthouse and two other public places in said town of a registration of voters in and for said town, specifying time and place. In case of vacancy in the position of registrar for any cause, the mayor of the town shall fill such vacancy by appointment.

Registration books.

Registration.

Book for each ward.

Races designated.

Sec. 8. Said registrar shall be furnished by said town commissioners with registration books at the expense of the town, and it shall be the duty of said registrar to open his books at the time and place designated by said town commissioners in said town, at least thirty days before the day of election herein provided for, 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 registrar to keep one book for each ward and to keep the names of the white voters separate and apart from those of colored voters, and

he shall designate on the registration books opposite the name of each person registering the ward in which he resides and his place of residence in such ward, and if any applicant for registration shall not disclose his place of residence in his ward, his willful failure so to do shall be *prima facie* evidence that he is not entitled to registration in such ward.

Residence.

Judges of election.

Sec. 9. The board of commissioners of the town of Smithfield, at or before its meeting in April, one thousand nine hundred and eleven, and biennially thereafter, shall appoint four judges or inspectors of election for said town, who, with the registrar, shall open the polls and superintend the same on the day of election herein specified, and the polls shall be opened at the court-house in said town. The registrar and judges of election whose appointments are herein provided for shall have authority to administer oaths, and shall have all the power of such officers under the general laws regulating elections.

Polling place.

Authority of election officers.

Electors.

Sec. 10. All the electors who shall have resided in the State twelve months and in the town of Smithfield ninety days next preceding the election shall be entitled to register.

Commissioners to elect mayor.

Sec. 11. That the commissioners of the said town, after being duly qualified, shall, on Thursday succeeding the day of their election, elect by ballot a mayor for the said town of Smithfield, and the mayor shall preside at all meetings of the board of commissioners, and have all the rights and powers and perform all the duties heretofore prescribed by law for said office.

Duty, rights and powers.

Chief of police to attend polls.

Sec. 12. That at all elections held by virtue of this act, the chief of police of said town shall attend the polls, and by himself and his assistants preserve order.

Terms of mayor and commissioners.

Sec. 13. That the mayor and commissioners shall hold their offices respectively until the next succeeding election and until their respective successors are qualified.

Mayor to take oath.

Sec. 14. That the mayor, immediately after his election, and before entering upon the duties of office, shall take before a justice of the peace the following oath: "I, A. B., 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 Smithfield 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 Smithfield, and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

Form of oath.

Commissioners to qualify.

Sec. 15. That on Thursday succeeding the day of election, the commissioners elected thereat shall qualify by taking oath of office before the mayor or justice of the peace, as prescribed for commissioners of incorporated towns.

Vacancy in office of mayor or commissioner.

Sec. 16. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the commissioners shall choose some qualified person mayor

for the term or unexpired portion of the term, as the case may be; and on all like occasions and in like manner the commissioners shall choose other commissioners to supply the place of such commissioners as shall refuse to act, and fill all vacancies which may occur, and such persons only shall be chosen as are hereinbefore declared to be eligible.

Election on failure to hold regular election.

Sec. 17. That in any case of failure to elect municipal officers on any Tuesday after the first Monday in May, as is herein provided, the electors residing within said town of Smithfield may, after ten days notice, signed by any three of said electors and posted up at three public places within the corporate limits of said town, proceed to hold an election of municipal officers in the way and manner provided for in The Revisal of one thousand nine hundred and five, chapter seventy-three.

Mayor an inferior court.

Jurisdiction.

Sec. 18. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town of Smithfield, have all the power, jurisdiction and authority of justices of the peace in criminal cases to issue process, 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 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 ordinances of the town, and if the accused be found guilty, he shall be fined at the discretion of the court not exceeding the amount specified in the ordinance or ordinances so violated; or in the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the town lock-up or in the common jail of the county, and that in all cases where a defendant may be adjudged to be imprisoned by the said special court, it shall be competent for said court to adjudge also that the same defendant work during the period of his confinement on the public streets or other public works of said town.

Mayor a special court.

Jurisdiction.

Limit of punishment.

Sentence to labor.

Precepts of mayor.

Sec. 19. That the mayor may issue his precepts to the chief of police or any policeman of the town, and to such other officers to whom a justice of the peace may direct his precepts.

Minute of precepts.

Force of judgments.

Sec. 20. 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 a single justice of the peace, and may be executed and enforced against the parties in the courts of Johnston 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 Johnston.

Violation of ordinance a misdemeanor. Punishment.

Sec. 21. That any violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or 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.

Mayor to preside at meetings of commissioners. Vote. Mayor pro tem.

Sec. 22. 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 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 town commissioners may appoint one of their number 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 number mayor *pro tempore* to exercise his duties.

Commissioners one board. Quorum. Regular meetings. Special meetings.

Sec. 23. 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 commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

Power to enact ordinances. Power of delegation.

Sec. 24. That the board of commissioners shall have power to enact all ordinances, by-laws, rules and regulations for the government of the town of Smithfield as the board of commissioners may deem necessary and as may be allowed by law and the provision 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 commissioners shall have the right and authority to delegate to or confer upon committees of the board to act on behalf of the town 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 commissioners and whom the said board of commissioners may employ in the service of the town, 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.

Powers as to streets. Condemnation of land.

Sec. 25. That the board of commissioners shall have power to lay out and open any streets within the corporate limits of the town whenever by it deemed necessary, and have power at any time to widen, enlarge, change or 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 a reasonable compensation to the owner or owners thereof; but in case the owners of the land and the commissioners can not agree as to the damages, the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator, then the sheriff of the county shall in his stead select one for him, and in case the two chosen as aforesaid can not 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 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 purpose 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: *Provided*, that either party may appeal to the superior court as now provided by law.

Arbitration of damages.

Payment of damages.

Proviso: right of appeal.

Sec. 26. That the board of commissioners shall have authority to put to and keep at work upon the streets or public grounds of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may have been imposed on such person or persons by the mayor of the town, and the said commissioners shall have authority by the ordinances and by-laws of the town to confine, control and manage such person or persons until the said fines, penalties or forfeitures, together with the costs thereof, shall be fully paid and satisfied; under such rates for labor and board as the commissioners may establish.

Street work in payment of fines and penalties.

Sec. 27. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, viz: On all real estate and personal property within the corporate limits of the town; upon all money on hand, solvent credits; upon all polls and other subjects of taxation taxed by the General Assembly for public purposes.

Taxing power.

Sec. 28. That the annual tax on property enumerated in the preceding section shall not exceed one hundred and fifty cents on the hundred dollars valuation thereof, nor shall the poll tax annually exceed four and one-half dollars.

Limit of tax rate.

Sec. 29. The board of commissioners may levy a tax equal to the 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 commissioners of Smithfield, North Carolina, shall have power to levy and collect each year a specified or license tax on the following subjects, to wit:

Further taxing power.

License tax.

1. On all organ grinders, a tax not to exceed ten dollars per annum.

Organ grinders.

2. On any person, firm or corporation who posts bills, circulars, cards, advertising, printed or written matter of any kind, or who

Bill posters and advertising agents.

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 town advertising their own merchandise, wares, etc., for their own benefit.

Peddlers.

3. On all agents selling pictures, maps, books or other merchandise, from house to house or from person to person, a tax not to exceed twenty-five dollars per annum.

Itinerant opticians and doctors.

4. On all itinerant opticians, oculists or medical specialists, a tax not to exceed fifty dollars per annum.

Traveling tooth pullers.

5. On all traveling specialists who follow the business of extracting teeth, a tax not to exceed twenty-five dollars per annum.

Express companies.

6. On all express companies, a tax not to exceed one hundred dollars per annum.

Dealers in fireworks.

7. On all dealers or venders of fireworks of any kind, a tax not to exceed twenty-five dollars per annum.

Horse auctions

8. On all public auctions of horses, a tax not to exceed ten dollars per day.

Bootblacks.

9. On all bootblacks, a tax not to exceed ten dollars per annum.

Auctioneers.

10. On each auctioneer, a tax not to exceed ten dollars per 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.

Two-horse hacks.

11. On every two-horse carriage or hack running to the depot or elsewhere for reward, a tax not to exceed ten dollars per annum.

One-horse hacks.

12. 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.

13. On each one-horse public dray, cart or wagon, a tax not to exceed ten dollars per annum.

Two-horse drays.

14. On each two-horse public dray, cart or wagon, a tax not to exceed twenty dollars per annum.

Electric companies.

15. 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.

16. On each dealer in fish and oysters, a tax not to exceed twenty dollars per annum.

Gas companies.

17. On each gas company, a tax not to exceed two hundred dollars per annum.

Plumbers.

18. On each gasfitter and plumber, a tax not to exceed fifty dollars per annum.

Gift stores.

19. 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 shows.

20. On show houses where prizes are offered as an inducement to purchase tickets, a tax not to exceed twenty-five dollars on each exhibition.

21. On all dealers in hides, furs or bones, a tax not to exceed twenty dollars per annum. Junk dealers.

22. On all ice-cream dealers, a tax not to exceed five dollars per annum. Ice cream dealers.

23. 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. Lightning rod agents.

24. On every itinerant who deals in renovating feathers, a tax not to exceed ten dollars per month or for less time. Feather renovators.

25. On each fruit stand to sell lemonade, ice cream, watermelons, fruits or sandwiches on public occasions, a tax not to exceed ten dollars for the first day and one dollar for each day thereafter. Fruit and sandwich stands.

26. 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 more than five hundred dollars per annum. Loan offices.

27. On every agent for the selling of kerosene or other oils, a tax not to exceed two hundred dollars per annum. Oil dealers.

28. On lubricating oil agents, an annual tax of not to exceed fifty dollars per annum. Lubricating oil agents.

29. On every omnibus carrying passengers for hire, a tax not to exceed ten dollars per annum. Omnibus.

30. On every exhibitor of photographs, kinetographs, moving pictures or other like exhibitions, a tax not to exceed five dollars per week. Moving picture shows.

31. On every taker of likenesses, by whatever art, a tax not to exceed ten dollars per annum. Photograph takers.

32. On every civil engineer or surveyor, real estate agent or broker, a tax not to exceed fifteen dollars per annum. Civil engineers and real estate agents.

33. On every itinerant vendor of specifics, or itinerants making prescriptions or applications or administering medicine or drugs for diseases, a tax not to exceed fifty dollars per annum. Drug peddlers.

34. On all manufacturers of soda water, or bottlers, a tax not to exceed fifteen dollars per annum. Soda water manufacturers and bottlers.

35. On every soda and mineral water fountain, a tax not to exceed ten dollars per annum. Soda fountains.

36. On all undertakers, a tax not to exceed twenty-five dollars per annum. Undertakers.

37. On all veterinary surgeons, a tax not to exceed five dollars per annum. Veterinary surgeons.

38. On every person, firm or corporation who sells or issues to 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. Trading stamp companies.

39. On every billiard, pool or bagatelle table, a tax not to exceed fifty dollars per annum. Billiard, pool and bagatelle table.

40. On all tenpin alleys or bowling alleys, a tax not to exceed fifty dollars per annum. Bowling alleys.

Animal shows.

41. On every exhibition of animals for a reward, a tax not to exceed twenty-five dollars per annum.

Soap and other peddlers.

42. On all peddlers of patent soap, medicine, ink, varnish or 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.

Lectures for reward.

43. On all lecturers for a reward, unless the reward is wholly devoted to some literary or charitable purpose, a tax not to exceed five dollars per lecture.

Waxwork shows.

44. On all museums or waxworks or curiosities of any kind exhibited for reward, a tax not to exceed five dollars per annum.

Itinerant physicians, dentists and chiropodists.

45. On every itinerant physician, dentist or chiropodist, a tax not to exceed ten dollars per week.

Theaters and opera houses.

46. On each room or hall used as a theater or opera house where public exhibitions or performances are given for profit, a tax not to exceed one hundred and fifty dollars per annum.

Traveling theatrical companies.

47. On every traveling theatrical company giving exhibitions 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.

Circus and menagerie.

48. 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.

Circus and menagerie.

49. On every exhibition of a show or a 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.

Circus and menagerie.

50. 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.

Circus.

51. Circuses charging not to exceed twenty-five cents admission, including reserved seats, a tax not to exceed twenty-five dollars for each day or part of a day.

Side shows.

52. On each side show to any circus or other show, whether attached to a 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 tent shows.

53. 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 collectors.

54. 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.

55. 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.

Collecting agencies.

56. On 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.

Dealers in bicycles and automobiles.

57. On every person, firm or corporation engaged in the business of buying and selling or repairing bicycles or automobiles, or buying or selling bicycle or automobile 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.

Livery stables.

58. 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.

Horse dealers.

59. 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.

Merchandise brokers.

60. On every commission merchant, broker or dealer buying or selling goods or merchandise on commission, a tax not to exceed fifteen dollars per annum.

Sewing machine agents.

61. On any person acting as the agent of another in selling sewing machines, or any manufacturer selling sewing machines within the town, a tax not to exceed twenty-five dollars per annum.

Peddlers defined.

62. 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 barters 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.

Graduated license tax.

Gypsies.

63. 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.

Hotels. 64. On each hotel charging not more than one dollar per day, a license tax of not to exceed ten dollars per annum.

Hotels. 65. On each hotel charging more than one dollar per day, a license tax not to exceed twenty-five dollars per annum.

Slot machines selling merchandise. 66. On each slot machine wherein is kept any article to be purchased by depositing therein any coin or other thing of value, a tax not to exceed five dollars for each machine per annum.

Other slot machines. 67. 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.

Merry-go-rounds and other amusements. 68. 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.

Dealers in weapons. 69. 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, slingshot, loaded cane, or brass, iron or metallic knuckles, a tax not to exceed ten dollars per annum.

Dealers in pianos or organs. 70. On any person, firm or corporation selling pianos or organs, a tax not to exceed twenty-five dollars per annum.

Cigarette dealers. 71. On every dealer or merchant selling cigarettes, a tax not to exceed five dollars per annum.

Telegraph companies. 72. On each telegraph company, a tax not to exceed twenty-five dollars per annum.

Telephone companies. 73. On every telephone company, a license tax not to exceed one dollar for each phone in use per annum.

Pawnbrokers. 74. On all pawnbrokers, a license tax not to exceed fifteen dollars per annum.

Laundries. 75. On each Chinese or steam laundry, a license tax not to exceed ten dollars per annum.

Laundry agents. 76. On any agent of any out-of-town laundry, a tax not to exceed twenty-five dollars per annum.

Skating rinks. 77. On each skating rink, a tax not to exceed ten dollars per annum.

Butchers. 78. On each butcher, a tax not to exceed one hundred dollars per annum.

Male dogs. 79. On each male dog, a tax not to exceed five dollars per annum.

Female dogs. 80. On each female dog, a tax not to exceed ten dollars per annum.

Dealers in fresh meats. 81. On each dealer in fresh meats, a tax not to exceed one hundred dollars per annum.

Restaurants. 82. On each restaurant or eating saloon, a tax not to exceed twenty-five dollars per annum.

Electricians. 83. On each electrician, a tax not to exceed twenty-five dollars per annum.

84. On each plumber and pipefitter, a tax not to exceed twenty-five dollars per annum. Plumbers.

85. On every pressing club or other place for the cleaning or dyeing of clothes, a tax not to exceed ten dollars per annum. Pressing clubs.

86. On every stallion or jack serving mares within the corporate limits, a tax not to exceed twenty-five dollars per annum. Stallions and jacks.

87. On each piano or organ repairer or tuner, a tax not to exceed ten dollars per annum. Piano tuners.

88. 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. 30. That the license tax provided for in this act shall be collected by the chief of police; 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 town ordinances. Collection of license tax.

Sec. 31. The board of town commissioners shall have the power to enact ordinances, in such form as they may deem advisable, as follows: For the protection of the waterworks and water supply of the town of Smithfield; 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 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 town of Smithfield, with the right to declare the same nuisance or unsafe; and cause its demolishment 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 town; to prevent the keeping of hog pens within the town limits; to define and establish fire limits and prevent the location of wooden or other buildings within said fire

Power to enact ordinances.

Enumeration of subjects.

Protection of waterworks and water supply.

Grants and regulation of franchises.

To prevent vagrancy.

Definition of vagrant.

Conduct of elections.

Government of police officers.

Nuisances.

Regulation of buildings.

Drainage.

Live stock regulations.

Fire limits.

limits and in any part of the town 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 town 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: *Provided,* 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, to prohibit the burial of any person within the corporate limits of the said town 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 systems, 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, firecrackers, torpedoes or other explosive materials, and to govern 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 town; 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, styes 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 police-

Regulation and control of markets.

Proviso: exceptions.

License of itinerant merchants and peddlers.

Regulation and control of cemeteries.

Fire companies and fire alarms.

Electric wires.

Firearms and explosives.

Traffic regulations.

Stovepipes, flues and electric wires.

Storage of explosives and fertilizers.

Sanitary regulations.

men 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 town 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 within the town or within three miles thereof; and may cause any person in the town suspected to be infected with such disease, and whose stay in the town may endanger public health, to be removed to the hospital or other place that the mayor may select; to prevent from coming into the town any second-hand clothing, bedding or furniture, to remove from the town 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 the 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 town or to carry them to hospitals or other places selected by the mayor or board of commissioners 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 said premises and make arrest of any person or persons violating the ordinances of the town in reference thereto. On behalf of the general welfare of the town of Smithfield, and for the good order and government thereof, the board of commissioners 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.

Observance of Sunday.

Quarantine.

Disorderly houses.

Ordinances for general welfare.

Sec. 32. That for the purpose of improving streets and sidewalks, purchasing, establishing, equipping, extending or maintaining waterworks, sewerage, gas plant, electric light or power plant, 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 town commissioners 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

Purposes for which debt may be incurred.

Passage of ordinance.

amount thereof, the time when the 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 of the said town of Smithfield, with such regulations and rules governing such voting as the board of town commissioners 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 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 town. All bonds and interest bearing obligations of the town shall bear interest at a rate not greater than six per cent per annum and be payable annually or semi-annually, 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 town taxes.

Approval of voters.

New registration.

Limit of debt.

Interest.

Bonds not to be sold below par.

Coupons receivable for tax.

Sec. 33. That the board of commissioners shall provide a sinking fund for the payment of the principal of all outstanding bonds or other special indebtedness of the town of Smithfield 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 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 town commissioners shall, at its first regular meeting in May, one thousand nine hundred and eleven, elect three persons as sinking fund 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 vacancy the board of commissioners 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 persons 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 town, and shall have power to use said fund to purchase outstanding bonds of the town; that the board of town

Sinking fund.

Tax rate.

Sinking fund commission.

Election of commissioners.

Terms.

Vacancies.

Commissioners to qualify.

Charge and control of sinking fund.

Investments.

commissioners may, annually or oftener, call on said sinking fund 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 town commissioners shall have the right and power to take such action, by suit in the name of the town or otherwise, as they may deem to the interest of the town. Accounts. Action on failure to account.

Sec. 34. That for the purpose of paying off, taking up and canceling the coupons and bonds issued by said town as the same shall become due, and to provide a sinking fund, it shall be the duty of said board of town commissioners 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. Tax for interest and sinking fund. Separate funds.

Sec. 35. That the town of Smithfield shall have entire and exclusive ownership and control over the streets, sidewalks, drainways, 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 for the purposes of construction, maintenance, repair and operation thereof, the town, through any of its officers, shall have the right to enter upon any and all private premises with or without the consent of the owner. The said board of town commissioners shall have the power to compel all owners of property abutting on streets wherein are laid a sewer or water system to connect such property therewith, under rules and specifications as to the character of the connections as the board may adopt, and if 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 town commissioners shall have power to forbid any obstruction or stopping of any natural drainway within said town, 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 the said land, he shall lay said pipe or construct said culvert or aqueduct according to the plans and specifications provided by the board of town commissioners, and not otherwise. Ownership and control of streets, sidewalks, sewers and drains. Power of entry on lands. Power to compel water and sewer connections. Connections made at cost of land-owner. Cost a lien on land. Collected as taxes. Obstruction of natural drains. Control of private drainways.

Sec. 36. That the said board of town commissioners shall have power to construct a system of sewerage for the town and protect and regulate the same by adequate ordinance, and for the purposes shall have power to condemn lands or private owners in the same way that lands are condemned for streets; and if it shall be neces- Construction, protection and regulation of sewerage system. Condemnation of land. Power to compel connections.

sary, 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 commissioners shall have power and authority to compel 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 town 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 town, 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 commissioners 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.

Power to compel connections.

Connection at cost of owner.

Cost a lien on property.

Waterworks or contracts for water supply.

Other public improvements.

Ordinances for connections.

Fines and penalties for failure.

Water supplies.

Sec. 37. That the board of commissioners may acquire, by gift or grant, lands or easements thereon, or right-of-way over the same, or the right or use of springs, branches or watercourses for the purpose of erecting or working waterworks or conducting the water to the town.

Rights-of-way.

Sec. 38. The board of town commissioners are authorized to obtain land or a right-of-way over, through or under land in the town of Smithfield for the purpose of opening, establishing or changing streets, culverts, waterways, drainways, sewer plant, water system or for any other public purpose; and if the town 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 town shall issue a writ to the chief of police to summon five freeholders of the said town unconnected by blood or marriage with any of the persons affected by said improvement. Said writ shall contain a description of the improvements 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 mayor's 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 can not be found in the town the notice can be posted at the court-house door for ten days, which shall be 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 prem-

Procedure for assessment of damages.

ises, 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 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 town commissioners 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 Johnston 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 town commissioners 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 to abandon improvement.

Right of appeal.

Question on appeal.

Proviso: appeal not to delay action.

Sec. 39. That whenever any street in said town shall have been graded and curbed, and the board of town commissioners shall have ordered the paving or repaving the sidewalks thereon, it shall, through the town 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 town 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 town tax collector of said town 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 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 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 town 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.

Landowners to pave sidewalks.

Charge against lots.

Collection.

Charges a lien on lots.

Payment in installments.

Sec. 40. That said board of commissioners 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.

Recovery of penalties.

Sec. 41. That all penalties imposed by law relating to the town of Smithfield, or by this act by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Smithfield before the mayor or any tribunal having jurisdiction thereof.

Officers to be elected by commissioners.

Sec. 42. That the commissioners at their first meeting after their 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 Smithfield, in such sum as the commissioners shall determine.

Officers to qualify and give bond.

Salary of clerk.

Duty.

Sec. 43. 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, 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 prescribed by the board of commissioners.

Records open to inspection.

Sec. 44. That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk.

Salary and duty of treasurer.

Sec. 45. 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 which ought to be paid or 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 imposed on him as town treasurer.

Settlement with successor.

Orders on treasurer.

Sec. 46. That the 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. 47. The tax collector shall proceed forthwith to collect the taxes laid upon such subjects of taxation as the board of commissioners may direct within five days after the list shall have been placed in his hands, and shall complete the same on or before the first day of April next ensuing, and shall pay the moneys, certificates, vouchers, and so forth, as they are collected, to the treasurer, taking his receipt for the same; and for this purpose he is hereby invested with all the powers which are now or may hereafter be invested in a sheriff or collector of State taxes; he shall rent out the market stalls and vegetable stands, prosecute all persons who retail without having paid the tax imposed or sell without a license, also at every monthly meeting of the board of commissioners, he shall produce an abstract showing the sums received by him upon each subject of taxation and the amount still due thereon; he shall further specify in said abstract the amount of cash received, and the amount of certificates or other vouchers received in payment of taxes, which abstract shall be placed in the hands of the committee of finance to be filed with its chairman, and all books and documents belonging to or used in the office of the collector shall be and are hereby declared to be the property and records of the town, and shall be at all times subject to the inspection and examination of the mayor and board of commissioners. The collector shall receive for his compensation such fees and commissions as may be allowed by the board of commissioners, and he shall, on or before the fifteenth day of April in each year, settle his accounts in full for the entire amount of taxes levied by the board, under the supervision of the committee on finance, and if the 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 other good reasons, he shall on oath deliver a list of all such insolvents, delinquents and all other tax returns uncollected to the committee on finance, to be laid before the board of commissioners, and if approved he shall be credited with the amount thereof or so much as may be approved; he and his sureties on his bond shall be answerable for the remainder and for all other taxes or levies not collected and paid over by him which he is or may be required by law to collect, and his bond shall be put in suit by the chairman of the finance committee and the town attorney.

Completion of collection.

Powers.

Further enumeration o duties.

Monthly reports.

Records open to inspection.

Compensation.

Annual settlemen ts

Liability on bond.

Annual publication of receipts and disbursements.

Sec. 48. 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 the citizens, and cause the same to be posted up at the court-house door in said town ten days before the day of the annual election of commissioners.

Duties of police.

Sec. 49. That it shall be the duty of the police to see that the laws, ordinances and orders of the board of commissioners are en-

forced, 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; they shall execute all precepts lawfully directed to them by the mayor and other judicial officers, and in the execution thereof shall have the same powers which the sheriff and constables of the county have, and they shall have the same fees on all process and precepts, executed or returned to them which may be allowed to the sheriff of the county on like process and precepts, and also such other compensation as the board of commissioners may allow.

Power and authority.

Execution of precepts.

Fees.

Other compensation.

Service of process.

Sec. 50. That policemen of the town of Smithfield shall be lawful officers to serve, in Johnston County, all civil and criminal processes that may be directed to them from any court.

Action on bond of officers.

Sec. 51. That for any 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 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.

Commissioners to fix salaries.

Sec. 52. That the board of commissioners shall have power to fix the salary of the mayor, treasurer, clerk, tax collector and any other officer of the town, or increase or diminish the same from time to time as it may elect.

Sec. 53. That all laws and clauses of law coming in conflict with this act be and are hereby repealed.

Sec. 54. That this act shall be in force from and after its ratification.

Ratified this 1st day of March, 1911.

CHAPTER 220.

AN ACT TO INCORPORATE GOLDSBORO TITLE, LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Henry Weil, G. A. Norwood, George E. Royal, B. H. Griffin, E. B. Borden, Charles Dewey, Joe Rosenthal, J. K. Borden, Sol Weil, Nathan O'Berry, T. B. Edgerton, and their associates, successors and assigns, are hereby constituted a body corporate by the name of "The Goldsboro Title, Loan and Trust Company," by which name said corporation shall have all franchises, rights and privileges incident to a corporation.

Corporate name.

Corporate powers.

Books of subscription.

Sec. 2. The corporators above named or any three of them may open books of subscription, and after five hundred shares of one hundred dollars each shall have been subscribed, upon ten days notice, issued by said corporators or any three of them, the subscribers may meet and organize by the election of a board of five or more directors, who shall manage the affairs of the company for one year, or until their successors are elected and qualified, and who shall elect all necessary officers and agents. The company shall have authority to transact business whenever one thousand shares of one hundred dollars each have been subscribed to the capital stock and ten per centum paid thereon. Further assessments shall be paid in as called for by the directors. The capital stock may be increased from time to time to an amount not to exceed one hundred and twenty-five thousand dollars, either by additional subscriptions of stock or by application of the surplus earnings of the corporation, and not more than one hundred thousand dollars of the same to be invested in real estate; and if such increase shall be from the earnings of the corporation, the directors shall have the power to declare stock dividends to the shareholders, pro rata. At all stockholders meetings each share of stock shall be entitled to one vote, either in person or by proxy.

Meeting for organization.

Directors.

Term of office.

Officers and agents.

Capital stock.

Assessments.

Increase of capital.

Limit of real estate investments.

Stock dividends.

Stock vote.

Enumeration of powers.

Sec. 3. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued, complain and defend in any court as fully as natural persons; to buy, hold, possess and convey real and personal property; to make by-laws for the regulation and management of the business of the company; to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.

Power to borrow money.

Interest.

Evidences of debt.

Deposits.

Deposits for safe keeping.

Guarantee titles.

Subscription to other companies.

Sec. 4. That said company shall have power to borrow money in such amounts and at such rate of interest and payable at such times or places as the board of directors may determine, and issue its notes, certificates or registered or coupon bonds under its corporate seal. It may receive money on deposit, on open account or on certificate of deposit and pay interest thereon or not. It may receive on deposit for safe keeping gold, silver, paper money, bullion, precious metals, jewels, plate, certificates of stock, evidences of indebtedness, deed or muniments of title, or other valuables of any kind, and charge commission or compensation therefor, and for such compensation as may be agreed upon may guarantee titles to real estate or other property. It may subscribe to the capital stock of other joint stock companies and hold and vote the same.

Power to loan money.

Deal in property.

Sec. 5. The said company may loan money on mortgages or deeds of trust conveying real or personal property, or on other securities; may buy and sell real estate, stocks, bonds and other securities; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable papers. In case any borrower from said company fails to meet his obligations, it may exact and collect such

amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges and expenses, and in case of sale of either real or personal security, make title to the purchaser.

Fiscal agent.

Sec. 6. The said company may act as the fiscal or transfer agent of or trustee for any State, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money, and negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

Power to accept and discharge trusts.

Sec. 7. The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed on. In lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful, and before assuming any such trust under order of any court, the said company shall file in the office of the clerk of the superior court of Wayne County an undertaking with sufficient security, with either personal sureties or bonds of the State of North Carolina, or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the court, and to be approved by the said clerk, and the said undertaking so secured may be accepted by the said clerk and held as such security in the sum of five thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said company by order of any court of North Carolina, as aforesaid. In case of willful default in the performance of any trust so committed to said company, as aforesaid, the said undertaking may be sued upon by the party injured, or his personal representative in the superior court of any county of North Carolina where such default may have been made (and the superior court of Wayne County, whenever it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all of said trust, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same). A copy of such undertaking duly certified by the seal of the superior court of Wayne County, and if secured by the bonds of the State or of the United States or of any county or city or other security, as aforesaid, a statement thereof, so certified, shall be evidence in all the courts of North Carolina. And the superior court wherein the said

Bond as fiduciary.

Suit on bond.

Copy of undertaking evidence.

Jurisdiction of court.

company shall have been appointed guardian, executor, administrator, receiver, trustee or depository shall have the power to make orders respecting such trusts, and to require the said company to render all accounts which said court might lawfully make or require if such trustees were a natural person. And in accepting any of the trusts or powers hereunder, the said corporation may qualify by one of its executive officers. That in all applications for the appointment of the said company as executor, administrator, guardian, trustee, receiver or depository, or any other fiduciary relation, and in making any and all returns, reports and settlements, the said loan and trust company may act through and by its president, its vice-president, its secretary or treasurer; and any of such officers are authorized in all such cases to make oath to any and all papers necessary, before any and all courts and before any and all persons authorized to administer oaths. That in all cases of letters testamentary, or of administration, guardianship, and in all cases where said loan and trust company shall be appointed trustee, or to any other fiduciary relation, the court having jurisdiction over such estates is authorized to allow the said loan and trust company, as such executor, administrator, guardian, trustee or receiver, to take and receive such fees and commissions from time to time as are allowed by law, without waiting for the filing of the final settlement by said loan and trust company or the final closing up of the estate committed to its care.

Representation by officers.

Fees and commissions.

Sec. 8. The said company shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or of any State, or in the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real and personal securities; but all such investments shall be at the sole risk of the company, and for any losses by reason of such investments, the capital stock, property and effects of said corporation shall be absolutely liable. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands; but shall not be held liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investment.

Investments of trust funds.

Liability of company.

Liability for income.

Sec. 9. That said company may conduct warehouses and depots for the storage of personal property, and the certificates or receipts issued therefor shall be negotiable by delivery, entitling the holder to the property mentioned in said certificates or receipts without regard to the depositor of the property, and the said company shall exercise ordinary care in the custody and protection of property stored with it.

Powers as warehouse company.

Sec. 10. That no stockholder in the corporation shall be liable for any debt or default of the corporation for a greater amount than the par value of the stock held by him in the corporation.

Liabilities of stockholders.

Offices and agencies.

Principal office.

Sec. 11. The said company may establish offices and agencies or transact business at such places as it may deem proper, but the principal office shall be in Goldsboro, in Wayne County, North Carolina.

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

Ratified this 1st day of March, 1911.

CHAPTER 221.

AN ACT TO CREATE A FREE SCHOOL DISTRICT IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Free school district established.

Boundaries.

Section 1. That a free school district be and the same is hereby established in Lilesville Township, Anson County, with the following boundaries: Beginning at the mouth of Savannah Creek on Pee Dee River, and running thence up Savannah Creek to T. A. Horne's lower ford on said creek; thence a straight line to Jesse J. Lindsay's upper corner of the Smith tract of land on a branch; thence down said branch to Smith's Creek; thence down Smith's Creek to the Pee Dee River; thence up said river to the beginning.

Appointment of school committee.

Sec. 2. That the county board of education of Anson County shall appoint a school committee for said public school district as prescribed by the general school law of this State.

Apportionment.

Sec. 3. That the board of education of Anson County shall apportion to said district its proper share of the public school funds of said county, as is now or may hereafter be prescribed by the public school laws of the State.

Election ordered.

Date.

Polling place.

Law governing election.

School tax to be voted on.

Rate.

4. That an election is hereby called and ordered to be held in said public school district on the sixth day of May, one thousand nine hundred and eleven, at some point in said school district, said place of holding election to be designated by the board of education of Anson County, and said election to be held in accordance with the law governing such elections, as to whether a special school tax not exceeding thirty cents on the one hundred dollars worth of property and ninety cents on the poll shall be levied to supplement the school fund in said district, and to be used for that purpose alone.

Tickets.

All persons qualified to vote in said district who favor the levy of said special tax, shall vote a ticket with the words "For special tax" printed or written upon it; and all persons qualified to vote in said district who oppose the levy of said tax, shall vote a ticket with the words "Against special tax" printed or written upon it.

Effect of election.

If a majority of the qualified voters in said district at such election shall vote for special tax, then said tax shall be levied annually by

the board of county commissioners of Anson County, and the same shall be collected as other taxes and paid over to the treasurer of the school fund of said county for the benefit of said school district.

Election officers. Sec. 5. That the following named persons are hereby appointed to conduct and hold the election: Registrar, Marshall Maness; judges, Gideon Sinclair, James Clark.

Registration. Sec. 6. The registration books shall be opened and kept open in the manner and for the time prescribed by the general election laws of this State, and the election shall be held and conducted in accordance with such general laws as nearly as is practicable, and the returns thereof made and canvassed and the result declared in the manner provided by law for elections of like kind.

Law governing election and returns.

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

Ratified this 2d day of March, 1911.

CHAPTER 222.

AN ACT TO AMEND CHAPTER EIGHTY-NINE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-nine of the Private Laws of one thousand nine hundred and seven, and all amendments thereto, be amended as follows:

Call of election authorized. Sec. 2. That the board of trustees of the Wadesboro graded school may, and they are hereby authorized to call an election at any time within two years from the ratification of this act, for the purpose of submitting to the qualified voters of the Wadesboro graded school district the question of increasing the tax for school purposes five cents (5) on the one hundred dollars worth of property and fifteen (15) cents on the poll. If at such election a majority of the registered voters of said district shall vote "For school tax" then the board of county commissioners shall levy the same, at the same time and in the same manner as other taxes are levied.

Question to be voted on.

Effect of election.

Appointment of registrar. Sec. 3. That the said board of trustees of the Wadesboro graded school district shall appoint a registrar, and order a new registration for said election, and shall appoint two qualified voters residing in said district as pollholders and judges of said election, who, together with said registrar, shall hold said election at the time specified at the county court-house, in the town of Wadesboro, and shall canvass and judicially determine the result and certify the same to the board of trustees of the Wadesboro graded school, and to the board of county commissioners of the county of Anson, and the board of county commissioners shall have said returns duly re-

New registration.

Judges of election.

Canvass and certificate of result.

Record of returns.

Law governing election.

corded in the office of register of deeds of Anson County. The said election shall be held in all other respects in accordance with the

Proviso: notice of registration.

general provisions of the election law of the State: *Provided,* that no notice of registration shall be required except such as the said board of trustees may order.

Ballots.

Sec. 4. At such election the voters in favor of levying and collection of said tax, shall vote a ballot on which shall be written or printed "For school tax," and those opposed shall vote a ballot on

Effect of election.

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 shall annually levy and cause to be collected the tax herein provided for.

Appointment of trustees.

Sec. 5. That in the appointment of trustees for the Wadesboro graded school district, the county board of education shall at all times leave a majority of the experienced members, who have served at least one term, on the board.

Sec. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 2d day of March, 1911.

CHAPTER 223.

AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO REBOND CERTAIN BONDED INDEBTEDNESS.

Preamble.

Whereas, the city of Statesville, in the year one thousand eight hundred and ninety-two, issued ten thousand dollars of coupon bonds for the purpose of buying sites and putting up the necessary buildings for the graded school for said city after the question of issuing same had been submitted under authority of law to the qualified voters of said city at an election held on the twentieth day of July, in the year one thousand eight hundred and ninety-

Preamble.

one; and, whereas, at said election a majority of the qualified voters of said city voted in favor of the issue of said bonds for said pur-

Preamble.

pose; and, whereas, said bonds will become due and payable on the fifteenth day of February, in the year one thousand nine hundred and twelve; now, therefore, in order to give further time and to prevent oppressive taxation:

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of aldermen of the city of Statesville are hereby authorized and empowered to issue coupon bonds to the

Amount.

amount of ten thousand dollars in denominations of five hundred

dollars, bearing interest at a rate not to exceed six per cent per annum, payable semi-annually, said bonds to be due and payable twenty years from the date of their issuance. The said bonds and coupons shall be signed by the mayor of the city and countersigned by the clerk and treasurer, and shall be made payable at such place as the board may determine. Denominations. Interest. Maturity. Authentication.

Sec. 2. That said bonds shall be sold by the board of aldermen of the city of Statesville, at not less than par and the proceeds from said sale shall be used exclusively for the purpose of paying off and discharging the bonded indebtedness above referred to. Sale of bonds. At not less than par. Exclusive appropriation.

Sec. 3. That it shall be the duty of the mayor, a member of the board of aldermen to be appointed by the board, and the clerk and treasurer to destroy all bonds paid off and discharged as herein provided for, and the clerk and treasurer shall make a record of the bonds so destroyed and of all the bonds issued under this act. Destruction of paid bonds. Record.

Sec. 4. That the board of aldermen of said city of Statesville shall have the power and authority to levy and collect on the property and polls in said city a special tax not exceeding ten cents on each one hundred dollars valuation of property and thirty cents on each poll for the purpose of paying the interest on all bonds issued under the provisions of this act and to provide a sinking fund for their payment at maturity. Tax for interest and sinking fund.

Sec. 5. That the mayor and board of aldermen of the city of Statesville are hereby generally authorized and empowered to refund and rebond any of the bonded indebtedness of said city which may fall due within two years from the ratification of this act, by issuing coupon bonds and selling the same in the manner and way hereinbefore provided for. Power to refund bonds.

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 2d day of March, 1911.

CHAPTER 224.

AN ACT TO INCORPORATE THE NORTH STATE CENTRAL RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That Guy I. Buell, G. L. Hume, M. S. Tremaine, Walter C. Witherbee, John R. Myers and F. S. Spruill, their associates, successors and assigns, be and they are hereby created and declared a body politic and corporate, under the name and style of "North State Central Railway Company," and by that name they shall Corporators. Corporate name.

Term. Corporate powers.

have succession for a period of one hundred 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 all 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 the State of North Carolina.

Capital stock.

Sec. 2. That the capital stock of said company shall be one hundred thousand dollars, to be divided into one thousand shares of the value of one hundred dollars each; and the directors, with the approval of the stockholders, may receive in payment of stock subscriptions cash, labor, material, bonds, sections of graded railroad track already constructed, whether the same have track laid upon it or not; stocks, contracts, accounts, and real and personal property of any sort; any of the above items to be payable for said subscriptions in such manner and amounts and at such times as may be agreed upon between the directors and subscribers. Whenever as much as two hundred and fifty shares of stock shall have been subscribed for, the subscribers, under the direction of a majority of the incorporators herein above named, who themselves shall be subscribers, may organize the said company, by electing a board of directors, and may provide 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 this charter and the laws of the State 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 further.

Payment of subscriptions. Organization. Directors. Other officers. Liability of stockholders.

Power to deal in stocks and bonds.

Sec. 3. It shall be lawful for the said company 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 corporations organized under the laws of any of the United States; and it shall be lawful, further, for said corporation to borrow money, 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 to be thereafter acquired, and upon its franchises in whole or in part, as they may deem necessary or expedient.

Power to borrow money. Bonds and mortgages.

Power to locate and build railroad.

Sec. 4. That said company shall have power to survey, locate, build and operate a railroad from Spring Hope, in the county of Nash, to run in a generally westwardly direction, through the county of Franklin, by or near to the village of Bunn, in said county, and to continue in said westwardly direction to some terminus, here-

Termini and route.

after to be specifically chosen, which shall be situate on the line of the Seaboard Air Line Railway or of the Southern Railway Company, in the county of Wake or Durham or Franklin, with like power, however, hereafter to continue or extend the same in the said generally westwardly direction through the intervening counties to the city of Charlotte, in the county of Mecklenburg, or to the city of Winston, in the county of Forsyth. And the said company is hereby further authorized and empowered, instead of surveying, locating and building an entirely new line of railroad from Spring Hope, in the county of Nash, to Bunn, in the county of Franklin, to negotiate for, purchase, maintain and operate the unincorporated line of railroad already constructed which begins at Spring Hope, in the county of Nash, and runs to the village of Bunn, in the county of Franklin, a distance of about ten miles.

Extension.

Power to purchase road.

Sec. 5. That said company is authorized and empowered to make, manufacture, produce, generate, purchase, lease or otherwise acquire, and to own, hold, collect, improve and store electricity, steam, water, water-power and water privileges, watersheds, fuel, and 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 and all such purposes, or to sell, lease, dispose of, deal in and make a business of dealing in; to conduct, transmit, distribute, furnish, supply 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 and collect and receive payment therefor. To such ends and for such purposes the said company may build, construct, erect, locate, acquire, equip, maintain and operate the necessary buildings, structures, plants, machinery, boilers, engines, dynamos, motors and attachments, dams, bridges, gates, sluices, tunnels, ditches, canals, poles, wires, conduits, pipes, flumes and all other appliances necessary or convenient for any of the above purposes.

Rights as power company.

Erection of plants.

Sec. 6. To build, own, hold, maintain and operate 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, 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 de-

Railroads, motor lines and tramways.

Freight and passengers.

Tolls and fares.

Powers of purchase, consolidation and lease.

Telegraph and telephone lines.

Further powers as to leases and purchases.

sirable or expedient: to lease any part or all of its railroads, motor lines 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

Traffic agreements.

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 part of the road

Franchises from municipalities.

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, 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, 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

Subscriptions to other companies.

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 with the 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

Ownership of real estate.

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, equipping and operating rail, tram, turnpike, and other roads, or any other plant or works that may be deemed necessary 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

Proviso: regulation and control of corporation commission.

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.

Entry on land for surveys and construction.

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.

Payment.

Entry on land for material.

Payment.

Procedure for condemnation of 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 can not be purchased from the owner, the same may be taken as 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.

Right of appeal.

Municipalities may subscribe to stock.

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 the proper authorities of said township, city or town in which said petitioners shall reside, requesting them to submit to the qualified voters of such county, township, city or town 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

Petition for election.

Order for election.

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 a ballot on which shall be 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 general election laws of this State for the election of county, township, city or town officers. Such elections shall be held after thirty days notice thereof, specifying the amount of the proposed subscription, shall have been posted at the court-house 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 the proper authorities of said city or town. If a majority of the qualified voters shall vote "For subscription," then the board of commissioners of said county or the proper authorities 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 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.

Ballots.

Law governing election.

Notice of election.

Returns.

Effect of election.

Bond issue.

Denominations.

Maturity.

Interest.

Authentication.

Special tax for interest and sinking fund.

Sec. 10. The county authorities of 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, 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

Collection and settlement.

Taxes kept separate.

be used for the purpose for which they shall be 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: *Provided*, that whenever the sinking fund shall be invested in the purchase of the identical bonds issued under this act, such investment shall be 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 they are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

Specific appropriation.
Investment of sinking fund.
Proviso: investment in bonds.
Transfer of subscriptions.

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 its company, which may vote to subscribe to the capital stock of the company, as provided by this act, shall be and they are hereby declared to be respectively bodies politic and corporate and vested with full power to subscribe, as provided by this act, and to assume the contract of indebtedness for the payment of such 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 of any rights or causes of action growing out of the provisions of this act. The boards of commissioners of the respective counties in which any such township is located are declared to be corporate agents of said townships 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.

Townships incorporated.
Corporate powers.
Corporate agents.

Sec. 12. Any part of the 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; and the said company, if it shall negotiate for the purchase of and acquire the unincorporated line of railroad already constructed from Spring Hope, in the county of Nash, in the county of Franklin, may operate and maintain the same for public use in carrying persons and property, notwithstanding the entire railroad or other works herein authorized shall not have been completed.

Construction in sections.
Operation of purchased road.

By-laws, rules and regulations.

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.

Board of directors.

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.

Election and term.

President.

Other officers.

Vacancies.

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

Ratified this the 2d day of March, 1911.

CHAPTER 225.

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

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the mayor and board of aldermen of the city of Asheville at any time after the ratification of this act, be and they are hereby authorized and empowered to issue coupon bonds in the name of the city of Asheville, in such denomination and form as the said mayor and board of aldermen may determine, to an amount not exceeding the present total bonded indebtedness of said city of Asheville, and for the purposes hereinafter specified, which bonds are to bear interest from their date at a rate not exceeding five (5) per centum per annum, payable semi-annually, and be payable at such time or times and place or places as the said mayor and board of aldermen may determine: *Provided*, that the time of payment of said bonds shall not be fixed at less than twenty nor more than fifty years from their date; that the said bonds shall be signed by the mayor of said city, attested by the city clerk, and shall be under the corporate seal of said city, and the interest upon said bonds shall be evidenced by interest coupons thereto attached in the usual form; and said bonds when issued and the interest accumulating thereon shall be fully binding upon said city and its property.

Amount.

Interest.

Proviso: maturity.

Authentication.

Payment or exchange of outstanding bonds.

Sec. 2. That said mayor and board of aldermen are hereby authorized and directed to arrange with the owners and holders of the outstanding bonds of said city, so far as it can be done, either at

once or as said bonds may mature, or from time to time as may be expedient, 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 due thereon in money, or to exchange or surrender the said bonds held by them, or any portion thereof, for like amounts of the bonds authorized by this act, and upon perfecting such arrangement or agreement with said bondholders or any of them, said mayor and board of aldermen are directed to carry the same into effect by exchanging said bonds or any portion of them, 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 city, and the amount of said bonds necessary to pay off the said outstanding bonds of said city shall be used 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 whenever any of the present bonds of said city 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 mayor and board of aldermen.

Redeemed bonds to be canceled and destroyed.

Sec. 3. That the mayor and board of aldermen of the city of Asheville, upon the issuing of said bonds, or any portion thereof, 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 city 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 city, and paid into the hands of the treasurer thereof for the purposes aforesaid.

Tax for interest and bonds.

Sec. 4. That the mayor and board of aldermen of said city of Asheville shall establish a sinking fund for the purpose of retiring any bonds of said city, and to that end shall pay into such fund during each and every fiscal year commencing June first, one thousand nine hundred and eleven, such amount as the finances of said city will justify, which amount shall not be less than one-thirtieth of one per cent of the total assessed value of all taxable property in said city, and said sinking fund shall be preserved intact, shall be deposited at interest in such bank or banks as said mayor and board of aldermen may designate, and shall be applied exclusively to the retirement of bonds of said city: *Provided, always,* that said mayor and board of aldermen shall have authority to use said fund in the purchase of outstanding bonds of said city at any time, giving pref-

Sinking fund.

Payments into sinking fund.

Deposit of sinking fund.

Exclusive application.

Proviso: purchase of outstanding bonds.

Bonds to be destroyed.

erence to bonds maturing first. When any such bonds are purchased and retired as herein provided they shall not again be issued or sold but shall become null and void and shall be destroyed by said mayor and board of aldermen.

Limit of indebtedness.

Sec. 5. That the provisions of section twenty-nine hundred and seventy-seven (2977) of The Revisal of one thousand nine hundred and five, of North Carolina, shall not apply to the city of Asheville, but the power to borrow money and the limitations upon such power shall be only such as are contained in chapter one hundred of the Private Laws of North Carolina of the legislative session of one thousand nine hundred and one and amendments thereto.

Street improvements.

Sec. 6. That section one of chapter two hundred and eighty-three, Private Laws of one thousand nine hundred and five, be and the same is hereby amended by striking out the word "three" in line four and inserting in lieu thereof the word "six."

Sec. 7. That section seventy of chapter one hundred, Private Laws of one thousand nine hundred and one, and section three of chapter nine, Private Laws of one thousand nine hundred and three, be and the same are hereby repealed and the following enacted in lieu thereof: "Whenever in the opinion of the board of aldermen it may be necessary it shall be incumbent on the owner or owners of the land along any street in said city, or part of any street, to build, construct, pave, repave and repair the sidewalk on their own side, respectively, the full width across their front, with such material and in such manner as the board of aldermen of said city shall direct. When such land corners on two or more streets, the owner or owners thereof shall build, construct, pave, repave and repair the sidewalks on such streets along the front and side thereof, but the city of Asheville shall pay one-half the cost of building, constructing, paving, repaving and repairing such sidewalk for a frontage of fifty feet and depth or side of one hundred feet and no more, the said board of aldermen being hereby invested with the power of determining in any case, upon what street any such corner lot fronts.

Owners to improve sidewalks.

Apportionment to city.

Notice to owners.

Whenever the said board of aldermen shall determine that any sidewalk shall be built, constructed, paved, repaved or repaired, said board shall, through the city clerk, notify the owner or owners of the land fronting or cornering thereon to at once build, construct, pave, repave or repair, as may be required, the sidewalks thereof as hereinbefore provided, and should such owner or owners fail for fifteen days after such notice to comply therewith, said board of aldermen, unless it shall extend the time therefor, shall cause said sidewalk to be so built, constructed, paved, repaved or repaired and charge the cost thereof against such lots respectively, and cause the same to be entered by the city clerk or the city comptroller as the board may determine, in a book to be kept by him for that purpose; and the said clerk shall place in the hands of the tax collector of said city, immediately, copies of such charges, and said

Work done by city at expense of owner.

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 the charter of said city for the sale of real estate for unpaid taxes; but said board of aldermen may, in its discretion, divide any such charge in such manner that the same may be paid in three 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.

Collection.

Charges a lien on property.

Collection by sale of property.

Payment in installments.

Sec. 8. That all laws and clauses of laws inconsistent or in conflict with any of the provisions of this act are hereby repealed, except chapter six, Private Laws of one thousand nine hundred and three, which act shall remain in full force and virtue.

Repealing clause.

Sec. 9. That this act shall be in force and effect from and after the date of its ratification.

Ratified this the 2d day of March, 1911.

CHAPTER 226.

AN ACT TO PROVIDE FOR THE ISSUE OF BONDS BY THE TOWN OF LOUISBURG.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Louisburg shall, at the regular biennial election of officers for the town of Louisburg in May, 1911, submit to the qualified electors of the town of Louisburg the proposition to issue not more than fifteen thousand dollars in coupon bonds, and the registrar and pollholders appointed for the regular biennial election shall hold such election and shall canvass and declare the result. Said election shall be advertised for the time required by law and such advertisement shall state the purpose for which said bonds are to be issued, the amount of the bonds and the tax rate to be levied for the payment of the same; and said election shall be held in accordance with the law regulating the holding of elections in said town of Louisburg. Those voting for the issue of said bonds shall have written or printed upon their ballots the words "For bonds"; those voting against the same

Proposition to be submitted to electors.

Election.

Advertisement of election.

Law regulating election.

Ballots.

shall have written or printed thereon the words "Against bonds." If a majority of the qualified electors of said town of Louisburg shall vote in favor of the issue of said bonds, then there shall be levied annually by the board of commissioners for said town on all persons and property within the limits of said town liable for taxation a special tax of not more than ten cents on the one hundred dollars worth of property and not more than thirty cents on the poll, said tax to be collected by the tax collector for said town and turned over to the treasurer of said town, and the proceeds thereof to be used for providing for the payment of interest upon said bonds and providing a sinking fund for the retirement of the same; also the said commissioners of the town of Louisburg shall issue the bonds of the said town of Louisburg not to exceed the said amount so authorized by said election, of such denominations as they may deem advisable, bearing interest from the date of issue at a rate not exceeding six per cent 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; 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 such place or places as the said board of commissioners may determine. Said bonds shall be signed by the mayor and countersigned by the treasurer of said town, and shall not be sold or otherwise disposed of for less than their par value. The proceeds arising from the sale of said bonds shall be expended by said board of town commissioners for the payment and discharge of the floating indebtedness of said town. An election resulting unfavorably to the levying of said tax shall not exhaust the power of said board of commissioners to submit the question of said tax and issuing said bonds at another and subsequent election, to be held as hereinbefore provided for, at any time within six years from and after the holding of said election.

Special tax.

Tax rate.

Bond issue.

Denominations.

Interest.

Maturity.

Authentication.

Appropriation of proceeds.

Further election.

Exemption from town tax.

Sec. 2. That the bonds authorized to be issued under this act and the 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 board of 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 tax.

Delivery to purchasers.

Sec. 3. 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 deliver the same to the purchaser or purchasers thereof, upon their compliance with such terms as may be designated by the said com-

missioners by special order entered of record in their proceedings; and the said treasurer shall make out and return to the said commissioners an accurate account of the number and denominations of 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 for the custody 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 shall fix the amount of the compensation which he shall receive therefor.

Accounts.

Proceeds of bonds.

Additional bond from treasurer.

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

Ratified this the 2d day of March, 1911.

CHAPTER 227.

AN ACT TO REDUCE THE SALARIES OF THE MEMBERS OF THE BOARD OF LIGHT AND WATER COMMISSIONERS OF THE CITY OF CONCORD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the chairman and members of the board of light and water commissioners of the city of Concord shall receive an annual salary each in the sum of fifty dollars.

Amount of salary.

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

Repealing clause.

Sec. 3. That this act shall be in force and effect from and after the first day of January, 1912.

When act effective.

Ratified this the 1st day of March, 1911.

CHAPTER 228.

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ISSUE SCHOOL BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the city of Durham be and the same is hereby authorized to issue coupon bonds not to exceed in amount the sum of fifty thousand dollars, and in denominations of not less than twenty-five dollars nor more than one thousand dollars, bearing in-

Bond issue authorized.

Amount.

Denominations.

Interest.

terest from date of bonds at a rate not to exceed five per centum per annum, and payable semi-annually until the said bonds are paid:

Maturity.

that the said bonds shall be made payable to bearer at a time to be fixed by the board of aldermen of said city and named therein, not to be less than five nor more than thirty years from date thereof:

Proviso: bonds issued in classes.

Provided, however, that the said board of aldermen of the city of Durham may divide said bonds into classes, as they may determine best, and have them mature at different convenient dates between

Authentication.

the limits aforesaid. That said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of the city of Durham and countersigned by the clerk of the board of aldermen of said city, and have the corporate seal of said city affixed thereto; and the coupons thereto attached shall bear the facsimile signature

Record.

of the mayor of the said city, engraved or lithographed thereon; that a record shall be kept of the said bonds showing the numbers and the denominations thereof, and to whom sold, the dates of the issuing thereof, and when the same will mature, and the interest bearing rate thereof, the amount received from the sale of same, and the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the board of aldermen may direct to be kept.

Bonds not to be sold below par.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of said city shall

Delivery.

not deliver said bonds, or any of them, to the purchaser thereof until the purchase money thereof shall be paid to the treasurer of said city and his receipt to the purchaser produced before the mayor

Treasurer to receive proceeds.

as evidence of such payment; and the treasurer of the city shall receive all such moneys paid in the purchase of the bonds in his

Treasurer liable on bond.

official capacity as treasurer of said city, he and the sureties on his official bond shall be liable to account for, and pay over, the same as is provided in this act, or as may be otherwise provided by the laws relating to the treasurer of said the city of Durham; and it shall be the duty of the board of aldermen of said the city of Durham to see to it that the bond of said treasurer shall at all times be sufficient in amount, and with satisfactory sureties as they may require, and in default thereof remove him from his office as treasurer.

Money kept separate.

Sec. 3. That the treasurer of the city shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended

Expenditure of proceeds.

by the body corporate created by and existing under chapter eighty-six, laws of one thousand eight hundred and eighty-seven, entitled "An act in relation to the public schools in the town of Durham,"

Specific appropriation.

and the amendments thereto; and said money shall be expended in the acquisition by said school corporation by purchase or condemnation of lands in the city of Durham and the erection thereon of suitable buildings or additions to already existing buildings (either, or

both of these, as the said school corporation may deem best), and in furnishing the same with necessary equipment and furniture for the accommodation of the public schools of the city of Durham and for such other public school purposes of said city as the said school corporation may order: *Provided, however,* this act shall be submitted to the qualified voters of said the city of Durham for their ratification or rejection at an election to be held in said city at a time to be appointed by said board of aldermen within two years from the ratification of this act; the date of such election to be determined upon the request of said school corporation, said election shall be advertised by the said board of aldermen of said the city of Durham for thirty days prior to the day of election in one or more newspapers published in said city, and the said election shall be held under the supervision of inspectors and pollholders, or judges of election, appointed by the said board of aldermen, and the returns of the result of said election be made and certified in like manner as all other elections in said city, and in like manner the returns of said elections and the result thereof be canvassed by the said board of aldermen and the result declared. At the said election those who are in favor of issuing said bonds shall vote "For school bonds," and those who are opposed shall vote "No school bonds," on written or printed ballot: that the number of ballots cast for and against the said bonds and deposited in the ballot boxes provided for that purpose shall be counted and the result of the said election certified and returned to the said board of aldermen of the city of Durham, and the same, when canvassed and declared as aforesaid, shall be certified under the hands of the mayor of the said city and the said clerk of the said board of aldermen, and the corporate seal of the said the city of Durham to the Secretary of State, which said certificate of result of said election shall be filed by the Secretary of State in his office. If at said election a majority of the qualified voters of the city of Durham shall not vote "For school bonds," then this act shall be thereafter of no force and effect; but if at said election the ballots cast "For school bonds" shall be a majority of all the votes cast and also a majority of all the qualified voters of the said city of Durham, then the said board of aldermen shall proceed at once to issue and sell said bonds, or so many thereof as shall be necessary in the judgment and discretion of said school corporation for purposes aforesaid.

Proviso: act to be submitted to voters.

Appointment of date.

Advertisement.

Election officers.

Returns.

Canvass of returns.

Ballots.

Count and certificate of result.

Effect of election.

Sec. 4. In order to pay the interest on said bonds, and to create a sinking fund to pay the principal of said bonds at maturity, the board of aldermen of the city of Durham shall levy and collect a special tax of not exceeding five cents on every hundred dollars worth of taxable property in the said city or such other special tax as may be necessary for that purpose: and the money paid into the said city treasury, received from the taxes levied under this act, shall be appropriated for the payment of said bonds and coupons,

Tax for interest and sinking fund.

Tax rate.

Specific appropriation.

Surplus.

and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may then be transferred by order of said body corporate to the general fund of said city of Durham.

Trustee of sinking fund.

Sec. 5. The board of aldermen of the city of Durham may, if in their opinion at any time it become necessary or advisable, appoint a trustee, whose duty it shall be to receive from the tax collector of the city of Durham all taxes collected under this act for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity; and the said board of aldermen may prescribe the duty 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 the said trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund, in safe securities and upon real estate situated in the city of Durham: *Provided, however*, that no such investment or loan shall be made without the consent and approval of said school corporation hereinbefore referred to.

Duty, compensation and bond.

Investment of sinking fund.

Proviso; approval of school corporation.

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

Ratified this 2d day of March, 1911.

CHAPTER 229.

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

The General Assembly of North Carolina do enact:

Section 1. That section eighty-nine, chapter forty, Private Laws of North Carolina, session of one thousand eight hundred and ninety-one, in line four thereof, the following: "including one or more hospitals to be located in or near the town of Salem."

Hospitals.

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

Ratified this the 2d day of March, 1911.

CHAPTER 230.

AN ACT TO AUTHORIZE THE TOWN OF ENFIELD TO ISSUE BONDS FOR THE ESTABLISHMENT OF AN ELECTRIC LIGHT PLANT.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of commissioners of the town of Enfield is hereby authorized and empowered to issue, to an amount not ex-

ceeding ten thousand dollars, bonds in the name of said town, in such denominations and in such form as said board of commissioners may determine, with which to establish, construct, purchase or otherwise secure and maintain a system of electric lights in and for said town. Amount. Denomination. Purpose.

Sec. 2. That said bonds shall be made payable or redeemable at such place or places, and at such time or times, as may be determined on by said board of commissioners not exceeding twenty years from the date thereof. Maturity.

Sec. 3. That said bonds shall bear interest at a rate not exceeding six per cent per annum from the date thereof, with interest coupons attached, payable semi-annually, at such place or places as may be deemed advisable by said board of commissioners. Interest.

Sec. 4. That none of the bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their par value, nor shall said bonds or their proceeds be used for any other purpose than those declared in section one of this act. Bonds not to be sold below par. Specific appropriation.

Sec. 5. That said bonds shall not be issued until authorized by a majority of the qualified voters of said town of Enfield at an election to be held on a date to be designated by the board of commissioners of said town of Enfield at any time after the ratification of this act, at which election those favoring the issuing of said bonds and the establishment of said electric light plant shall vote a written or printed ballot containing the words "For electric lights," and those opposing it a like ballot containing the words "Against electric lights," and it shall be the duty of the said board of commissioners to give notice of the time, place and purpose of such election for thirty days prior thereto in some newspaper published in the town of Enfield; that said election shall otherwise be held in like manner and under the same rules and regulations as far as the same are pertinent and applicable as the elections are held in said town for the election of municipal officers. Election on bond issue. Ballots. Notice of election. Law governing election.

Sec. 6. That if the powers hereby conferred and hereinbefore provided shall be exercised, and a majority of the qualified voters of said town shall vote "For electric lights," then said board of commissioners shall issue said bonds, not exceeding said amount of ten thousand dollars, which said bonds shall be signed by the mayor, attested by the town clerk and sealed with the corporate seal of said town. And the signature of the mayor and town clerk may be printed or lithographed on the coupons attached to said bonds, and the said bonds and their coupons shall become exempt from town taxation until they shall become due and tender of payment shall have been made; and the said coupons shall be receivable in payment of town taxes or any other debt due to said town. Issue of bonds. Amount. Authentication. Exemption from town tax. Coupons receivable for town tax.

Sec. 7. That, for the purpose of providing for the payment of said principal and coupons as the same shall become due, the said board Tax for bonds and interest.

of commissioners of said town is hereby authorized and empowered to levy and cause to be collected, annually, as other municipal taxes are collected, a tax not exceeding fifteen cents on the one hundred dollars valuation of real and personal property, and not exceeding forty-five cents on all taxable polls in said town. And, also, before the maturity of the principal of said bonds, and for a sufficient length of time prior thereto, it shall be the duty of the board of commissioners of said town to set apart such a portion of the foregoing levy each year as may be necessary to pay off said principal at its maturity. And under said levy constitutional equality between poll and principal shall always be preserved, and the taxes so collected and levied shall be kept separate from all other taxes and shall be used for no other purpose than for the establishment, construction, purchase and maintenance of an electric light plant for said town.

Tax rate.

Sinking fund.

Constitutional equation.

Taxes kept separate.

Specific appropriation.

Power to obtain and maintain electric light plant.

Sec. 8. That the board of commissioners of said town shall have power and authority to establish, construct or purchase and equip, and at all times to maintain an electric light plant in or near the said town, including all machinery and appliances necessary and pertinent to same; and it shall have full power to purchase and hold such real estate and personal property and to acquire all such rights and privileges as may be deemed necessary to enable them to build, erect, equip and maintain such electric light and power plant in such a manner as to secure the full benefit thereof to said town and to its customers within or near said town.

Power to purchase and hold property rights and privileges.

Further elections.

Sec. 9. That if, at the first election held under the provisions of this act, a majority of the qualified voters of said town shall not vote "For electric lights," then and in that event the board of commissioners of said town, at any time thereafter, not oftener than once in each twelve months, as they may deem fit, and by their own motion, may, or upon petition of one-fifth of the qualified voters of said town, shall, again submit the same question to the qualified voters of said town, on the same notice and terms as required for said first election: and, if a majority of the qualified voters of said town shall at any of said elections so called vote "For electric lights," then this act and all these provisions shall be and remain in full force and effect, and shall have the same force and effect as if no previous election had been held.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, 1911.

CHAPTER 231.

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF THE TOWN OF SNOW HILL TO ISSUE RAILROAD BONDS.

The General Assembly of North Carolina do enact:

Purpose of election.

Section 1. That the board of commissioners of the town of Snow Hill, North Carolina, in order to encourage, aid, assist and induce the construction of a railroad into the said town of Snow Hill, be and they are hereby empowered and authorized to submit to a vote of the qualified voters of the said town of Snow Hill, on such a day as may be fixed by the said board of town commissioners, after thirty days notice, during the year one thousand nine hundred and eleven or the year one thousand nine hundred and twelve, as they may elect, the question, "Shall the town of Snow Hill, North Carolina, issue its bonds in an amount not to exceed ten thousand dollars, with interest coupons attached, to aid, assist, encourage and induce the construction of a railroad into the said town of Snow Hill?" Said board of town commissioners shall for at least thirty days preceding said election, give public notice of said election and the purpose thereof, in at least one newspaper published in Greene County, North Carolina.

Election authorized.

Question.

Notice of election.

Law governing election.

Sec. 2. That the said election shall be held and conducted in the same manner as prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said board of town commissioners shall appoint a registrar of election and the judges and inspectors of elections, and any other election officers, and the registration and challenge of voters shall be conducted in like manner as is provided for in the election of members of the General Assembly; and the said commissioners may or may not, as they may determine, order a new registration for said election. The votes shall be counted at the close of the polls and returned to the said board of commissioners on Thursday next following the election, and said board of commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of commissioners, and no other recording and declaring the result of the election shall be necessary or required.

Proviso: election officers.

Registration and challenge of voters.

New registration.

Count and return of votes.

Tabulation and declaration of result.

Record.

Ballots.

Sec. 3. That at said election the ballots tendered and cast by the qualified electors of the town of Snow Hill shall have written or printed upon the "For railroads," or "Against railroads." All qualified electors who favor the issue of said bonds shall vote "For railroads." All qualified electors who are opposed to the issue of said bonds shall vote "Against railroads."

Bond issue authorized.

Sec. 4. In the event that the requisite majority of the qualified electors of said town of Snow Hill shall vote "For railroads" at said election, and the result shall be declared and recorded as aforesaid,

Denominations. Amount. Interest. Maturity. Authentication. Style.

the said board of commissioners shall have prepared and issued bonds in the denomination of not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed ten thousand dollars, and said bonds shall bear a rate of interest not to exceed five per centum per annum, with interest coupons attached, payable on the first day of January, during their running, and the principal thereof shall be payable or redeemable at said time, not exceeding thirty years from the date of their issue, as the said board of town commissioners may determine; said bonds and coupons shall be payable at the Snow Hill Banking and Trust Company, in the town of Snow Hill, North Carolina; said bonds and coupons shall be signed by the mayor of the town of Snow Hill and countersigned by the clerk of the board of commissioners, and the said bonds shall have upon them the seal of the said town of Snow Hill, and shall be styled "Snow Hill railroad bonds," and issued as such.

Bonds not to be sold below par. Specific appropriation. Record.

Sec. 5. That none of the bonds issued under and by virtue of this act shall be disposed of by sale, or otherwise, for a less price than their face value, nor shall said bonds nor their proceeds be used for any other purpose or purposes than that declared in this act. When said bonds shall be issued they shall be numbered consecutively and the coupons attached. The bonds and coupons shall state on their face when they are due and payable, and said bonds shall show by what authority they are issued. The said board of town commissioners shall have all their proceedings in respect of said bonds recorded in the minutes of their meetings, and, when any of the same are issued, the number of the bond, its denomination, date of issue, to whom issued and the number of the coupons attached must be recorded in said minutes.

Proceeds paid into treasury. Separate funds and accounts. Bond of treasurer.

Sec. 6. When any of said bonds are sold the proceeds of such sale shall be turned over to the treasurer of the town of Snow Hill, who shall keep said funds separate and apart from all other funds that may come into his hands as said town treasurer, and shall keep separate accounts of the same; and the said town treasurer, before any funds provided for by this act shall be paid over to him, shall execute an official bond, payable in the usual manner, in a sum at least fifty per cent greater than the sum that may come into his hands by reason of the provisions of this act, conditioned for his faithful safe keeping of the same and the doing of all things in respect to the same as is required by law, the said bonds to be received by the board of commissioners of the said town of Snow Hill in like manner as they pass upon and accept other like bonds.

Special tax for interest and sinking fund.

Sec. 7. That in the event the requisite majority of the qualified voters of the town of Snow Hill shall vote for the issuing of bonds as aforesaid, the said board of commissioners of the town of Snow Hill shall levy annually on the first Monday in June of each year, a special railroad tax for said town of Snow Hill sufficient in amount to pay the interest due on said bonds, and to create a sinking fund;

and the subjects of taxation and the levy of taxes shall be the same on which the said board of town commissioners now or may hereafter be authorized to lay and levy taxes upon for general town purposes; the taxes so levied shall be collected as other taxes are paid and shall be a separate fund, to be applied first to the payment of the interest due on said bonds and then to the creation of a sinking fund for the redemption of said bonds. Separate fund.

Sec. 8. That the said board of town commissioners shall use the funds derived from the sale of said bonds for the purpose of encouraging, aiding, assisting and inducing the construction of a railroad or railroads into the said town of Snow Hill in such manner as to them may appear most efficient, and shall use the same for no other purpose. Use of proceeds of bonds.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this 2d day of March, 1911.

CHAPTER 232.

AN ACT TO AUTHORIZE THE TOWN OF JONESBORO, IN LEE COUNTY, TO ISSUE BONDS TO ESTABLISH AND MAINTAIN A SYSTEM OF WATERWORKS IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of establishing, equipping and maintaining a system of waterworks in the town of Jonesboro, and of securing and preserving a sufficient supply of water for the use of the citizens and persons to whom the same may be supplied, the commissioners of the said town of Jonesboro are hereby authorized to issue coupon bonds of the town of Jonesboro, to an amount of twenty thousand dollars, in denominations of not less than one hundred dollars and not more than five hundred dollars, to suit the purchaser or purchasers thereof; which said bonds shall be payable not less than twenty nor more than thirty years after date of issue, and shall bear interest at not less than five nor more than six per cent per annum, payable semi-annually on the first day of January and the first day of July of each and every year, at the office of the town treasurer, in the town of Jonesboro, or at such other place in the United States of America as may be agreed on by the purchaser or purchasers of said bonds and the commissioners of the said town, and fixed at the time of the sale of the said bonds. The time the said bonds are to run, and the interest they shall bear, within the limits herein set out, shall be fixed by the commissioners of the town at the time of the sale of the bonds. The said bonds shall have coupons attached, representing the interest thereon; and shall be signed Bond issue for waterworks authorized. Amount. Denominations. Maturity. Interest. Authentication.

by the mayor of the said town, countersigned by the clerk of the board of commissioners thereof, and attested by the official seal of the town.

Tax for interest and sinking fund.

Sec. 2. That for the purpose of paying the accrued interest on said bonds, and provide a sinking fund for the payment of the principal when due, the board of commissioners of the town of Jonesboro shall levy and cause to be collected annually, as other taxes are collected, a tax upon all real and personal property, rights and credits, now or hereafter subject to taxation for general purposes, not exceeding fifty cents on each one hundred dollars worth of property, and upon each taxable poll a tax not exceeding one dollar and fifty cents.

Limit of tax.

Bonds not to be sold below par.

Sec. 3. No bond issued under the provisions of this act shall be sold or disposed of otherwise for less than par and accrued interest.

Sale of bonds.

Said board of commissioners are hereby authorized to sell or dispose of the said bonds either at public or private sale, as to them may seem best, and in case they sell the same at public sale, they shall give notice thereof at the court-house door of Lee County, and in one or more newspapers for thirty days.

Specific appropriation.

Sec. 4. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the establishment, installing and equipping of a system of waterworks for the town of Jonesboro, the purchase of materials, tools and machinery therefor, and paying all costs and expenses connected therewith, and maintaining the same; and the commissioners of the town of Jonesboro shall cause the treasurer of said town to keep separate account of the said funds, so that the condition of the same may at all times be shown, and it shall be the duty of the said treasurer to keep said account: *Provided, however,* that the purchaser or holder of any part of said bonds shall not be required to see to the application of the proceeds of the same.

Separate accounts.

Proviso: duty of purchasers.

Commission of treasurer.

Sec. 5. The treasurer of the town of Jonesboro shall be allowed for the disbursements of the proceeds arising from the sale of said bonds an amount not to exceed a per cent to be fixed by the commissioners and by them allowed.

Record of bonds.

Sec. 6. That the clerk of the board of commissioners shall keep a record in his office, in which shall be entered and kept the names of every purchaser 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 shall be destroyed by fire, in the presence of the board of commissioners, and a record of such destruction shall be made and dated, and filed with the clerk of the board.

Redeemed bonds and coupons destroyed.

Collection of tax.

Sec. 7. That the taxes hereunder shall be collected by the tax collector of the said town, or other officer charged with the collection of the town taxes, and the said officer shall in respect thereto be liable,

officially as well as personally, to all the requirements of law now or hereafter prescribed for the faithful collection and payment of other town taxes, and the bonds given by the said officer for the collection of town taxes shall include the taxes levied hereunder. The treasurer of said town shall be liable on his official bond for the proceeds of the said bonds received by him, as well as the taxes received by him under this act. The bonds of the tax collector and the treasurer shall be fixed in such a sum as the commissioners of said town shall deem sufficient to protect the said funds.

Liability of collecting officer.

Liability of treasurer.

Bond of collector and treasurer.

Sec. 8. That in order to provide for the safekeeping and investment of the funds arising from the taxes levied under this act over and above the amount necessary to pay the interest upon the said bonds, the treasurer of the town of Jonesboro shall open upon his books an account to be designated "water bonds sinking fund," and all amounts received by 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 "water bonds sinking fund" account, and there kept separate and distinct from all other town funds for the purpose of paying the principal of said bonds at maturity; and the said treasurer, when thereto authorized and instructed by resolution of the board of commissioners of said town, shall invest the said amount belonging to the said sinking fund, from time to time, in such safe interest bearing securities as may be designated by said commissioners, payable to said treasurer for the use and benefit of said sinking fund: *Provided*, that no investment of said funds shall be made until the said investment and security therefor are approved by the said commissioners.

Sinking fund account.

Amounts credited to sinking fund.

Investment of sinking fund.

Proviso: approval of investments.

Sec. 9. This act shall be in force from and after its ratification.

Ratified this 2d day of March, 1911.

CHAPTER 233.

AN ACT TO RE-CHARTER THE TOWN OF STANLEY, GASTON COUNTY, NORTH CAROLINA, AND TO REPEAL THE FORMER CHARTER OF THE TOWN OF STANLEY CREEK.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Stanley Creek and all amendments thereof be and the same are hereby repealed.

Charter repealed.

Sec. 2. That the present mayor, board of aldermen, and all other officers of said town, either elective or appointive, except such as may be removed for cause or otherwise, shall hold their respective offices until their term shall expire or their successors are elected and qualified.

Officers to hold over.

Corporation.

Sec. 3. That the inhabitants of the town of Stanley Creek shall be and remain, and continue, as they have been a body politic and

Corporate name.

corporate, and the corporation shall bear the name of the Town of Stanley, in lieu of the name of Stanley Creek, and shall have per-

Corporate powers.

petual succession; and under such name shall have all the franchises, powers, property and rights of property, which now belong to the corporation under the name of the town of Stanley Creek or 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 necessary or 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, sue and be sued, and shall have all the powers, franchises and immunities necessary to or usually appertaining to municipal corporations; and the town of Stanley shall have and possess all the rights and privileges prescribed by chapter seventy-three of The Revisal of one thousand nine hundred and five: *Provided*, nothing shall be construed as to deprive said town of any of the powers and privileges vested in it by the provisions of this charter.

Rights and privileges under general law.

Proviso: special powers and privileges.

Corporate limits.

Sec. 4. That the corporate limits of said town of Stanley shall be bounded by the following boundaries, to wit: Beginning at a stake on west side of street one hundred and twenty-three poles from the main line of the Seaboard Air Line Railroad, said street running from southeast of the depot of said railroad, and from said point on said street north twenty-eight west two hundred and thirty-eight poles to a stake on Jake Rhyne's land; thence north sixty-two east crossing railroad two hundred and sixty poles to a stake and pointers on P. L. McLurd's land; thence south twenty-eight east four hundred and fifty-one poles to a stake on land formerly owned by Malachi Smith; thence south sixty-two west crossing railroad two hundred and sixty poles to a stake on G. G. Derr's land, and near the Dallas road; thence north twenty-eight west two hundred and thirteen poles to the beginning.

Division into wards.

Sec. 5. That the territory comprised within the corporate limits of said town shall be and is hereby laid off into four wards. Ward

Ward Number One.

Number One shall be comprised of the territory within that section of the said town that lies on the western side of the main line of the Seaboard Air Line Railroad, and on the northern side of street which runs from east to west; and which street crosses the main line of said railroad on the northern side of the depot of said railroad;

Ward Number Two.

Ward Number Two shall be comprised of the territory within that section of said town which lies on the eastern side of the main line of said railroad, and on the northern side of said street; Ward Num-

Ward Number Three.

ber Three shall be comprised of the territory within that section of the said town which lies on the southern side of said street and on

the eastern side of the main line of the said railroad; Ward Number Four shall be comprised of that territory that lies on the western side of the main line of the said railroad, and on the southern side of the said street. Ward Number Four.

Sec. 6. That on the first Monday in May, one thousand nine hundred and eleven, and on the first Monday in May biennially thereafter, there shall be elected a board of aldermen, a mayor, by the qualified voters of said town; and the said officers so elected shall hold office for a period of two years, or until their successors are duly elected and qualified, except such as may be removed for cause or otherwise. Election of aldermen and mayor.

Sec. 7. That the biennial election herein provided, and any and all elections herein authorized, or as may be deemed necessary for said town purposes, shall be called, held, conducted and concluded under the direction of the mayor and board of aldermen of said town, by officers so designated and appointed by them for the purpose, in manner and form in every respect and detail as near as may be, and under the same provisions of law and practice as near as may be as elections for county officers are held and conducted, like county officials, under the general election law relating to such elections in North Carolina, in force at the time of such election, including all the penalties and forfeitures prescribed for the violation of such law. That the board of aldermen and mayor are hereby authorized to call an election for any municipal purpose upon the presentation of a petition of one-fourth of the freeholders of said town, such elections to be held in the same manner as is prescribed for holding elections of town officers. All elections for all town officers and for all town purposes shall be held at the mayor's office in said town. Law governing elections. Elections on petition of freeholders. Polling place.

Sec. 8. That the board of aldermen shall consist of four aldermen, one from each ward, each alderman so elected shall be a qualified elector, and shall be a resident of the ward from which he is elected, and must have lived in the ward from which he is elected for a period of four months next preceding his election, and if any such aldermen shall after election move out of the limits of said town or ward from which he was elected, his office shall be vacated thereby, and the same shall be filled as hereinafter provided, and the aldermen so elected shall constitute the board of aldermen of said town. Board of aldermen. Qualifications for office. Change of residence to vacate office.

Sec. 9. That on the second Monday in May, one thousand nine hundred and eleven, and biennially thereafter, the board of aldermen, after having taken an oath before some justice of the peace of Gaston County to support the constitution of the United States and the constitution of the State of North Carolina, and to well, faithfully and truly perform the duties of the office of an alderman of the town of Stanley, to the best of their ability, which oath shall be subscribed to and entered upon the minutes of the corporation, and attested to by the justice of the peace administering the oath, shall take their Aldermen to qualify and convene.

Term of office.

Organization.

Elections to fill vacancies.

Quorum.

Regular meetings.

Called meetings.

Election of chief of police and policemen.

Tax collector and chief of fire department.

Town clerk.

Sanitary officer.

City attorney and other officers.

Term of office.

seats and remain in office for a period of two years and until their successors are elected and qualified, except such as may be removed for cause or otherwise. They shall organize by electing one of their members chairman, who shall act as mayor *pro tempore*, in case of a vacancy, absence or illness of the mayor. They shall proceed to elect members to fill such vacancies as may arise by death, or failure to elect in the town, whether by virtue of a tie or on certificate of fraud, and shall fill any and all vacancies as may occur from time to time during their term of office, either elective or appointive offices. A majority of the aldermen shall constitute a quorum for the transaction of business. Said board of aldermen shall meet for the transaction of business at least once a month, and shall meet on the call of the mayor, or a majority of the aldermen, as often as may be necessary. Said board of aldermen at its first meeting after having been qualified, shall proceed to elect a chief of police for said town, and as many assistant policemen as may be deemed necessary from time to time. The chief of police shall also act as tax collector, and as chief of the fire department, until the board of aldermen shall deem it best to elect separate officers for these offices. The board of aldermen shall also elect at this meeting a town clerk, who shall also fill the office of town secretary and treasurer, until the board of aldermen shall deem it best to elect separate officers to fill these offices. They shall also elect a sanitary officer for said town, and when deemed necessary a city attorney, and any and all other officers which may be deemed necessary to promote the general welfare of the people and for the good government of the town. Said officers so elected shall hold their respective offices for a period of two years, or until their successors have been elected and qualified, except such as may be removed for cause or otherwise.

Power to make ordinances.

Subjects of ordinances.

Sec. 10. That the board of aldermen of the town of Stanley shall have power to make and provide such ordinances for the government of the town as it may deem necessary and expedient, not inconsistent with the laws of the State of North Carolina, and it shall have power to make and provide all needful ordinances to secure health, order, quiet and safety within the town limits and for one mile beyond; to take all necessary means to prevent and extinguish fires, to make ordinances and regulations for the observance of the Sabbath; to suppress and remove nuisances; to regulate the speed of riding and driving on the public streets; to keep and require to be kept the streets and sidewalks clear of all obstructions; to cut and remove all limbs, branches, parts of trees and shrubbery, trees and shrubbery, extending upon or overhanging the sidewalks or streets, or in sidewalks or streets, at the expense of the owners of the adjacent lots who may refuse to do the same on five days notice from the mayor of the said town; and shall regulate buildings and building material within any specified limits; it shall also have the power to regulate the charge for the carriage of persons, baggage or freight, and issue license for same.

Sec. 11. That the aldermen shall have power to make such ordinances as may be necessary, declaring all domestic animals or fowls running at large within the corporate limits of the said town a nuisance, and shall have power to sell same; and the aldermen may at their option impose a fine not to exceed ten dollars upon the owner or owners of such animals or fowls running at large, or may treat the same as a nuisance and have it abolished in such a way as seems best in their discretion. Animals and fowls running at large. Limit of fine. Nuisance.

Sec. 12. That the board of aldermen shall have power to require and compel the abatement and removal of all nuisances within the town at the expense of the person causing same or the owner or tenant of the ground wherever the same may be. Said board of aldermen shall have power to require the removal of all unsafe and dangerous buildings, which may be within the corporate limits of said town, at the expense of the owner of the same. They shall have power to prevent the establishment of, and regulate if allowed to be established, the building of any and all livery stables, slaughter houses, or any and all other buildings, which they may deem necessary to so do, or the exercise of any offensive or unhealthy trade, business or employment, within said town. Abatement of nuisances. Condemnation of buildings. Regulation of livery stables, slaughter houses and like buildings.

Sec. 13. That the board of aldermen may take such means as may be effectual to prevent the entrance into the town of any infectious or contagious disease; may stop, detain and examine for the purpose every train, conveyance or vehicle coming from places believed to be infected with such diseases; may establish and regulate hospitals within three miles of or within the limits of the town; may cause any person or persons in the town suspected to be infected with such diseases, and whose stay may endanger the health of the citizens of the town, to be removed to such hospital or hospitals; may remove from the town or destroy any furniture or other articles which may be suspected of being tainted with or infected with contagious disease, or where there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease; and with the view of preserving the health of the town a city physician may be appointed when deemed necessary. Qurantine powers. Hospitals. Removal of infected persons and property. City physician.

Sec. 14. That in case any person be removed to the hospital, the board of aldermen may obtain a judgment before any justice of the peace, against such person for the expense of his or her removal, support, nursing, medicine and medical attention, and in case of death against his or her personal representative, and for his or her burial expenses, if the town shall incur such expense. Expenses of hospitals.

Sec. 15. That the board of aldermen shall have power to lay out and open streets, within the limits of said town, whenever it may be deemed necessary, and shall have power at any time to widen, change, extend or discontinue any streets or any part or parts thereof, within the limits of said town; and shall have full power and authority to condemn, appropriate or use any land necessary for Powers of aldermen as to streets. Power to condemn land.

Proviso: compensation for damages.

Assessment of damages.

Right of appeal.

Pavements.

any of the purposes named in this section: *Provided*, such town shall make a reasonable compensation for any damages done, and allotted to the owner or owners thereof, upon the recommendation of a jury to so allot the same. In each and every case of the kind there shall be summoned a jury of five disinterested men, who shall assess the amount of damages, and report the same to the board of aldermen. If the board of aldermen shall accept the report made, it shall pay or tender to the said landowner the amount in legal tender, and thereupon the title shall become vested in the said town. If the landowner shall think the amount assessed below the value of such land taken, nothing herein shall be construed as to deprive him of his right of appeal and to bring suit for damages against the corporation. That the board of aldermen shall have the right to take proper means to pave all sidewalks and streets they may deem necessary.

Vagrancy and street begging.

Sec. 16. That the board of aldermen shall have power to pass such ordinances as may be necessary to prevent vagrancy on the streets, and street begging, to impose punishment or penalties on such persons who habitually refuse to follow some useful trade or profession, without adequate means of support, whether male or female, over fourteen years of age.

Sale of liquors by drug stores.

Sec. 17. That the board of aldermen shall have power to regulate, control, tax, license or prevent the sale of spirituous liquors by drug stores, in the said town.

Franchise or license taxes.

Sec. 18. That the board of aldermen shall have power to regulate, control, tax and license all franchises, privileges, trades, business, professions, callings or occupations, which are now, or which may hereafter be taxed by the laws of the State of North Carolina, by imposing a franchise or license tax upon each and every of the aforesaid mentioned subjects in such amount as the board of aldermen may deem necessary and proper.

Water, sewerage and electric lights.

Sec. 19. That the board of aldermen shall have power and may, in its discretion, provide for a sufficient water supply for said town and a sufficient and adequate system of waterworks and sewerage and electric lights or other lights for lighting the streets, public buildings or houses of private individuals, and service by granting a franchise and making contracts with independent corporations furnishing such utilities, or by purchasing or erecting a water plant or electric light plant to be owned by the town, with power to supply, furnish or sell water and electric lights and power to the citizens of the town of Stanley. And should the board of aldermen determine to buy, build or construct a water and electric light plant, to be owned by the town, they shall have full power and authority to issue bonds of the town of Stanley in such amount and to run for a period not to exceed thirty years, as the board of aldermen may determine, and negotiate and sell the same in order to raise sufficient funds for carrying into effect the provisions of this section.

Bond issue authorized.

Maturity.

That it is provided, however, that the board of aldermen shall have power to use the money collected by the means of revenue of the said town for said purposes, if said funds are sufficient to carry into effect the provisions of this section, or so much of the said funds so derived as they may deem deem sufficient and proper. Use of regular town funds.

Sec. 20. That the board of aldermen shall have poyer to, and may, construct or contract for the construction of a system of sewerage for the town and protect and regulate the same by adequate ordinances, and if it shall be necessary in order to obtain a proper outlet for said sewerage, to extend same beyond the corporate limits of the town, then in such case the board of aldermen shall have power to so extend it, and both within and without the corporate limits of the town to condemn land for the purpose of right-of-way or other requirements of the system. Sewerage system.

Sec. 21. That the board of aldermen shall have power to appoint a fire chief, when it may become necessary, and until such officer is appointed, the chief of police of the town shall act as such. They may also provide for the establishment, organization and equipment of fire companies, and shall provide rules and regulations for the government of the same. Fire chief. Fire companies.

Sec. 22. That all ordinances passed by the board of aldermen shall be entered on the minutes at which session they are passed and recorded in a book for that purpose, which record shall state the number of the ordinance and the date of its passage; and that all ordinances so passed shall be in effect from the date of its passage. Record of ordinances. When effective.

Sec. 23. That the board of aldermen shall have power to increase the number of aldermen as it may be deemed necessary, from time to time. That the board of aldermen shall regulate the salary of all elective or appointive officers, and shall decide the amount of salary each officer is to get. Increase of number of aldermen. Salaries of officers.

Sec. 24. That the board of aldermen shall have power to annually lay, levy and impose and collect the following taxes, to be used for the proper government of the town, or for any and all municipal purposes: on all 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, *ad valorem*, except income taxes, a tax not exceeding sixty-six and two-third cents on every one hundred dollars value; on all taxable polls resident in the town on the first day of June of each year, a tax not exceeding two dollars on the poll. Taxing power. Property tax. Poll tax.

Sec. 25. That in the collection of all town taxes upon property or polls, the general law of the State regulating attachment and garnishment shall be applicable, and the mayor, chief of police and assistant policemen 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. 26. That the citizens of the town of Stanley and all others liable to be taxed under this charter shall, on the day prescribed for Tax listing.

listing county and State 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 aldermen, a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties as are prescribed by the general law or by the provisions of this charter.

Double tax for failure to list.

Sec. 27. That if any person or company shall fail to render to the clerk the list of property or other taxables required to be rendered by this charter within the time prescribed for listing State and county taxes, such person or company shall pay double the tax assessed on any subject for which such person or company is liable to be taxed.

Tax books.

Sec. 28. That from the returns and lists made as is provided by this charter the clerk shall within thirty days after the time for listing said taxes make out in a book kept or provided for that purpose an alphabetical list of the persons, companies or 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 said clerk shall copy in the said book the assessments on file in the register of deeds office in Gaston County of all property in the corporate limits of the town.

Assessments.

Collection by distress.

Sec. 29. 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 to forthwith collect the same by distress and sale, all sales to be made after public advertisement for the space of ten days by posting a notice in four public places in the town, or if the same be realty by posting notices in four public places in the town to be advertised for the space of twenty days. And the said collector shall have the right to levy and sell any personal property situated outside the limits of the town, situated within the limits of Gaston County, belonging to a delinquent taxpayer of the town, in order to enforce the payment of taxes due the town by said delinquent.

Notice of sales.

Levy on outside property.

License taxes.

Sec. 30. That in addition to the subjects listed for taxation, the aldermen shall have power to and may levy a tax on the following subjects, the amount of which tax when fixed shall be collected by the town clerk instantly, and if the same be 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 forthwith be distrained and sold to satify the same, viz: Upon all itinerant merchants or peddlers offering to vend in the city, and not more than one person may peddle under a single license, a tax not to exceed ten dollars a year; upon all pool tables, bowling alleys, or any other game of play, wheels of fortune or other games of chance, a tax of not more than ten dollars per year for each table or game; upon every permission by the board of aldermen to sell liquors, a tax not to exceed one hundred dollars a year; upon all

Subjects of license taxes.

circuses, company of performers by whatever name called, a tax not to exceed fifty dollars per exhibition; upon all theatrical companies, or sleight-of-hand performances, a tax not to exceed fifty dollars per exhibition; upon all other shows or performances of any nature, a tax not to exceed twenty-five dollars per exhibition; upon every dog which may be kept or brought into the town after the first day of June of each year, a tax not to exceed two dollars a year; upon all and every other occupation, profession or business not herein specially named, a tax not to exceed twenty-five dollars per year; upon all telephone companies, telegraph companies, and all and every other company of the like nature, a franchise tax not to exceed fifty dollars per year.

Moneys paid into treasury.

Sec. 31. That all moneys arising from taxes, penalties, forfeitures or any other sources whatsoever shall be paid into town treasury, for the town's use, and be its property, where they shall remain until lawfully appropriated by a majority of the board of aldermen in specific terms for the exclusive use and benefit of the town and the people resident therein unless expressly provided for by this act. That all fines or penalties collected under the provisions of this charter or under any ordinance of the said town for any violation of a town ordinance shall go to the use of the town of Stanley.

Appropriations.

Fines and penalties to use of town.

No compensation to aldermen.

Sec. 32. That the board of aldermen shall not receive any compensation whatever for their services.

Violation of ordinance a misdemeanor.

Sec. 33. That the violation of any ordinance of the town of Stanley passed by the board of aldermen, or passed hitherto by the board of aldermen of the town of Stanley Creek in pursuance of its charter, shall be deemed a misdemeanor, and shall be punishable by a fine of not more than fifty dollars or imprisonment for a period not exceeding thirty days.

Punishment.

Impeachment of officers.

Sec. 34. That the right to impeach any officer of the said town for malfeasance, misfeasance, or nonfeasance of any office, for any offense that would disqualify any officer, shall rest with the board of aldermen, and any officer shall not be impeached without a majority of the board of aldermen so vote.

Mayor, chief executive.

To preside at meetings of aldermen.

No vote.

Special policemen.

Statements and recommendations.

Sec. 34 *a*. That the mayor shall be the chief executive of the town; he shall preside at all meetings of the board of aldermen, but shall have no vote except in case of a tie; he shall be active in enforcing the laws and ordinances of the town; he shall have the power and authority to appoint special policemen for any occasion. He shall, when it may be deemed expedient, issue a general statement of the conditions of the town relative to its government and improvement, and shall from time to time recommend to the board of aldermen the adoption of all such measures connected with the police, security, health and cleanliness of the town, as he may deem expedient; he shall recommend all needed apparatus and improvements to the board of aldermen; he shall countersign all orders of the town; he shall have full power and authority to administer oaths and affir-

Compensation.

mations; that the mayor shall receive as his compensation only such amount as the board of aldermen shall allow: that he shall

Term of office.

hold office for a period of two years, unless removed for cause or

Office.

otherwise; that he shall keep his office in some building located in the business portion of the town.

Mayor constituted inferior court.

Jurisdiction.

Sec. 35. That the mayor of the town of Stanley is hereby constituted an inferior court with jurisdiction over all offenses arising from the violation of the provisions of this act, or of all violations of ordinances, by-laws, rules and regulations of the board of aldermen, made in pursuance of this act within the corporate limits of the said town; with jurisdiction, power and authority which is now or may be given to justices of the peace for the trial and determination of civil and criminal cases, arising within the limits

Process.

of the said town: and to this end he may issue his summons, warrant or other process, and if criminal issue a warrant for the arrest of the defendant, or defendants, and have the party brought before him; hear, determine and give judgment thereon; issue execution, impose fines and imprisonment, and impose penalties and forfeitures, as the case may be; and direct the enforcement thereof, subject to the limitations of this act, as to the amount of such penalties or

Right of appeal.

punishment; with right to appeal from the judgment or sentence of the mayor's court to the superior court of Gaston County, under the same provisions of law as govern an appeal from justices of the

Issue and execution of precepts.

peace; that the mayor shall issue his precepts to the chief of police, assistant policemen, sheriff or other lawful officer of the county of

Records.

Gaston, and who shall have power to execute the same anywhere in Gaston County. That he shall well and faithfully keep a record of all of his precepts and judicial proceedings.

Costs.

Sec. 36. That the mayor shall be allowed such costs as are allowed by law in similar proceedings before justices of the peace, as near

Proviso: costs to use of town.

as may be: *Provided, however*, that all costs recovered and collected in said mayor's court shall belong to the town of Stanley, and shall be turned over by the officer collecting the same within ten days after said collection to the town treasurer.

Payments of fines penalties and costs.

Sec. 37. That all fines and penalties which are or may be imposed by the ordinances of the town of Stanley or the laws of the State, when recovered before the mayor, shall be paid by the mayor into

Itemized statements.

the town treasury accompanied by an itemized statement showing

Record.

when and from whom received, and whether imposed or collected by way of fines, cost or otherwise; and it shall be the duty of the town treasurer to enter upon a book kept for the purpose by him a full and detailed statement of all moneys received by him on such accounts.

Duties of town clerk.

Sec. 38. That it shall be the duty of the clerk of the town to be present at all meetings of the board of aldermen; to keep and record in a book to be provided therefor regular and fair minutes of the proceedings of the board of aldermen, and when thereto re-

quired of the mayor's court; to issue all licenses and collect all license taxes; to preserve all the books, records, documents, papers and other articles committed to his use, care or custody during his term of office, and deliver them in good order and condition to his successor, and generally to perform all such other duties as may be prescribed by this charter, or by the board of aldermen. He shall receive as compensation such amount as the board of aldermen shall decide that his salary should be. Compensation.

Sec. 39. That it shall be the duty of the treasurer of the town to call on all persons who may have in their hands any moneys or securities belonging to the town of Stanley, which ought to be paid or delivered into the treasury, to receive and safely keep the same for the use of the town, and to disburse funds upon the appropriation of the board of aldermen according to such orders as may be duly drawn on him, when countersigned by the mayor; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, together with the sources from which they came, and the purposes for which they were appropriated. During his continuance therein he shall perform all duties faithfully, which are lawfully imposed upon him as town treasurer, and at the expiration of his term he shall deliver to his successor all the moneys, securities, books of record and other property entrusted to him for use, safe keeping, disbursement, or otherwise. He shall monthly render a statement of the financial condition of the town, and shall annually publish by advertising the same at four public places in the town, a statement of the receipts and disbursements, together with an account of all moneys on hand, belonging to the town. That all warrants drawn on the treasurer shall only be issued on vouchers given therefor, by the board of aldermen, and shall be signed by the mayor, and shall state the purpose for which the money was appropriated, and the fund out of which the same is to be paid. That no claim against the town shall be paid until it is approved by the board of aldermen, and a voucher as provided in this section is issued. That the town treasurer shall receive as his compensation the amount such as the board of aldermen shall decide that his salary should be.

Duties of treasurer. Accounts. Monthly statements. Publication of annual statements. Vouchers. Compensation.

Sec. 40. That it shall be the duty of the chief of police and the assistant policemen to preserve the peace of the town, by suppressing disturbances and apprehending all offenders; he shall serve and execute the precepts of the mayor when so directed; he shall have the power to summon as many persons as may be necessary to assist in the performance of his duties; he shall pay over to the town treasurer all the money that he may collect to and for the use of the town at least once every month. He shall act as supervisor of the streets of the town; and he shall be vested with the rights as are allowed constables, within the corporate limits of the town, and with such other duties as are prescribed by the provisions of this

Duties of chief of police and policemen. Monthly settlements. Supervision of streets.

charter, or by law otherwise prescribed not inconsistent with this act. He shall receive as compensation for his services the amount such as the board of aldermen may allow as his salary.

Compensation.

Tax collector.

Sec. 41. That the tax collector of said town shall be under the control and direction of the board of aldermen; he shall give a bond as specified in this act for the diligent and faithful collection of the taxes due the town of Stanley, and for the proper accounting for and paying over to the town treasurer of all moneys that come into his hands, or that lawfully should come into his hands as tax collector of the town of Stanley; he shall obey all lawful orders and directions of the board of aldermen of the said town. His compensation shall be the amount such as the board of aldermen may allow as his salary.

Bond of tax collector.

Orders of aldermen.

Compensation of tax collector.

Duties and powers of fire chief.

Sec. 42. That it shall be the duty of the fire chief or his deputy to be present at each fire, and if he shall deem it necessary to check the progress of any fire, he may cause any house or building to be pulled or torn down or blown up, and neither he nor the town of Stanley shall be liable to any person thereby for damages caused. In addition to this he is authorized to see that all fire apparatus is kept in first-class condition for immediate service at all times. It shall also be the duty of such officer to communicate to the board of aldermen when a building occupied or unoccupied, store, or dwelling, stable, or warehouse, within the corporate limits of the town, is a menace to property, or in a dangerous or unsafe condition, and the said board of aldermen shall have the power and right to summon the owner, or agent of said building, to appear before said board and show cause why the same should not be removed, and should the said agent or owner fail to appear, or fail to repair or remove said building as ordered to do by the board of aldermen, then the board of aldermen shall have the power and authority to declare such building a nuisance and order it removed at the expense of the owner. He shall receive as compensation for his services such amount as the board of aldermen shall allow.

Report of dangerous buildings.

Summons to owner.

Declaration and suppression of nuisance.

Compensation of fire chief.

Duty of sanitary officer.

Sec. 43. That it shall be the duty of the sanitary officer to inspect all public places in the said town, and all places which might endanger the health of the people of the town, and to monthly report to the board of aldermen and recommend all measures for the health of the people of the town. Said sanitary officer shall receive as his compensation for services such amount as the board of aldermen shall allow.

Monthly reports.

Compensation.

Duties and salaries of other officers.

Sec. 44. All other offices created by the board of aldermen shall be governed by them as to duties and salaries of such offices so created.

Bonded officers.

Sec. 45. That each of the following officers shall give a bond in such sums as the board of aldermen shall deem sufficient for such officers; chief of police, town clerk, town treasurer, town tax collector and the mayor.

Sec. 46. That the board of aldermen shall have power to take such methods for the enforcement of all ordinances of the town, all by-laws, rules and regulations of the board of aldermen, and of all the laws provided for in this act, and shall have the power to put to work and keep to work on the streets of said town any person or persons, who may fail to pay any tax or fine, penalty or forfeiture which may be imposed upon said person or persons for the violation of any ordinance, by-law, rule or regulation of said town, and the said board of aldermen shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties, together with the costs thereof, are fully paid and satisfied, under such rates for labor and board as the aldermen may adopt: *Provided*, such rates for labor and board shall be reasonable and just. Enforcement of ordinances. Chain gang.

Sec. 47. That all questions arising in the administration of the government of the town of Stanley and not provided for in this act shall be governed by the laws of the State in such cases made and provided. Application of general laws.

Sec. 48. That in addition to the other modes of collecting taxes, in this act provided, due the said town, whether general or special, 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 town shall have the equal right to become the purchaser at all sales of property for taxes or assessment due it under judgment or otherwise. Actions for recovery of taxes. Assessment rolls evidence. Power of purchase.

Sec. 49. That no levy shall be made on the property belonging to the town. No levy on town property.

Sec. 50. That any officer of the town of Stanley who shall on demand fail to turn over to his successor in office the property, books, moneys or other effects of such town shall be deemed guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court. Failure of officer to settle a misdemeanor. Punishment.

Sec. 51. That all books, records and proceedings of the said town shall be open to the citizens of the said town at all times for their inspection. Books and records open to inspection.

Sec. 52. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, 1911.

CHAPTER 234.

AN ACT TO RATIFY AND APPROVE BONDS ISSUED UNDER CHAPTER THREE HUNDRED AND FORTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ONE, IN THE TOWN OF ALBEMARLE.

The General Assembly of North Carolina do enact:

Bonds ratified and approved.

Section 1. That all bonds heretofore issued by the board of commissioners of the town of Albemarle, Stanly County, under chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and one, are hereby ratified and approved, and said board of commissioners is hereby authorized and empowered to issue fourteen thousand dollars in bonds of said town under chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and one, as voted on and ratified by an election held in said town of the twenty-seventh day of July, one thousand nine hundred and nine, for the purpose of establishing such a water system for said town as the commissioners thereof deem necessary.

Bond issue authorized.

Amount.

Purpose of issue.

Interest.

Date and maturity.

Denominations.

Authentication.

Sale of bonds.

Sec. 2. Said bonds shall bear interest at a rate not exceeding six per centum per annum; said bonds shall bear such date as said board deem advisable and shall mature thirty years from the date thereof; said bonds shall be in such denominations and payable at such place or places as said board shall deem necessary; the interest on said bonds shall be payable semi-annually; said bonds shall be signed by the mayor of said town and countersigned by the clerk of the board of commissioners and shall have the corporate seal of said town affixed thereto. It shall be sufficient for the coupons attached to said bonds to bear the facsimile, lithographed or engraved signatures of said mayor and said clerk. Said bonds shall be sold at either public or private sale as said board of commissioners may deem advisable.

Tax for interest and sinking fund.

Sec. 3. The board of commissioners of said town of Albemarle are hereby authorized and empowered to levy and collect annually a special tax upon all the taxable property within said town sufficient to pay the interest on said bonds as it becomes due, and to create a sinking fund to pay said bonds when they mature.

Issue and sale of bonds authorized.

Sec. 4. The board of commissioners of said town of Albemarle are hereby authorized and empowered to issue and sell all the bonds authorized by chapter seventy-one of the Private Laws of one thousand nine hundred and seven, and by chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and one, except so much of said bonds as have been previously issued and sold. Said bonds to be issued under the provisions of said chapters.

Sec. 5. That all laws in conflict with the provisions of this act be and they are hereby repealed.

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

Ratified this the 2d day of March, 1911.

CHAPTER 235.

AN ACT TO AUTHORIZE THE TOWN OF DUNN TO ISSUE BONDS FOR THE CONSTRUCTION OF A SEWERAGE SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. That the commissioners of the town of Dunn be and they are hereby authorized to issue coupons not to exceed in amount the sum of twenty-five thousand dollars ($2,500) and in denominations of not less than one hundred dollars ($100), nor more than one thousand dollars ($1,000), bearing interest from date of bonds at a rate not to exceed six per centum per annum and payable semi-annually on the first day of January and the first day of July of each year until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said commissioners and named therein, said date of payment not to be more than thirty years from the date of said bonds: *Provided, however,* that the said commissioners of the town of Dunn may divide said bonds into classes as they may determine best and have them mature at different convenient dates between the date of issue of said bonds and the limit of thirty years, before mentioned. It is further enacted that said bonds and their coupons shall be numbered consecutively and the bonds shall be signed by the mayor of the town of Dunn and countersigned by the clerk of said town and have the corporate seal of said town affixed thereto; and the coupons attached thereto shall bear facsimile signature of the mayor of said town engraved or lithographed thereon, and said coupons shall be receivable in payment of any taxes due or to become due said town; that a record shall be kept of the said bonds showing the numbers and denominations, thereof, to whom sold, the dates of issuing thereof, when the same will mature, the interest bearing rate thereof, the amount received from the sale of the same, the date of paying the proceeds into the treasury of said city and such other data in relation to the same as the board of commissioners may direct to be kept.

Bond issue authorized. Amount. Denominations. Interest. Maturity. Proviso: classification of bonds. Authentication. Coupons receivable for town tax. Record of bonds.

Sec. 2. That the bonds hereby authorized to be issued shall not be sold or hypothecated for less than their face value, and the treasurer of the town shall receive all moneys paid on account of the purchase of the bonds in his official capacity as treasurer of said town, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act, or as may be otherwise provided by the laws relating to the treasurer of said town; and it shall be the duty of the board of commissioners of said town of Dunn to see to it 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 said

Bonds not to be sold below par. Liability of treasurer. Bond of treasurer.

bonds, and to that end they may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof may remove him from his office as treasurer.

Money kept separate.

Sec. 3. That the treasurer of the town of Dunn shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds and the same shall be expended under the direction of the board of commissioners of the town of Dunn for the exclusive purpose of constructing and erecting a general sewerage system and sewerage disposal plant for said town of Dunn.

Specific appropriation.

Engineers, agents and servants.

Sec. 4. That for the purpose of erecting, constructing and equipping a sewerage system for said town the commissioners of said town shall have authority to employ all such engineers, agents and servants as they may deem necessary or expedient, and whenever necessary the board of commissioners, in the name of the town of Dunn, may acquire rights-of-way, easements and such lands as may be necessary for the location of said sewerage system and disposal plant either within or without the corporate limits of the town of Dunn by condemnation, as is now or may hereafter be provided by law for condemnation of lands and rights-of-way by railroad companies: *Provided*, that this shall not prevent condemnation by any other method now authorized by the charter or by the general laws relating to said town of Dunn.

Condemnation of rights-of-way and easements.

Proviso: method of condemnation.

Tax for interest and sinking fund.

Sec. 5. In order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the board of commissioners of the town of Dunn shall levy and collect a special tax of not exceeding twenty cents on every one hundred dollars ($100) worth of taxable property in said town, and not exceeding sixty cents on every taxable poll in said town, or such other special taxes as may be necessary for that purpose; and the money paid into the city treasury received from the taxes upon this act shall be appropriated for the payment of said bonds and coupons and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may then be transferred by order of said board of commissioners to the general funds of said town of Dunn.

Tax rate.

Specific appropriation.

Proviso: transfer to general fund.

Sec. 6. That all laws and clauses of laws in conflict with 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 2d day of March, 1911.

CHAPTER 236.

AN ACT RELATIVE TO SCHOOL BONDS IN HIGH POINT, GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Election to be ordered at request of school commissioners.

Section 1. That the board of commissioners of the city of High Point, Guilford County, shall, upon request of a majority of the board of school commissioners of the city of High Point, submit to the qualified voters of the said city the question of issuing bonds for a sum not exceeding twenty thousand dollars, or any part thereof, the same to be voted on during the year one thousand nine hundred and eleven or one thousand nine hundred and twelve. Of the said twenty thousand dollars the same shall be used for additional buildings, or the funding of floating indebtedness, or any other necessary expense for the proper maintenance of the public schools of the city of High Point. The said board of city commissioners shall give twenty days notice of said election in the High Point *Enterprise*, a daily newspaper in said city.

Amount of bond issue.

Time of election.

Appropriation of bonds.

Notice of election.

Law governing election.

Sec. 2. That the board of commissioners of said city must give the proper notice and observe the general election laws of the State and the qualified voters of said city shall vote at said election tickets on which shall be written or printed the words "For bonds," or "Against bonds," and a result of said election shall be ascertained and declared under the same rules and regulations as govern and determine the results of election under the general laws of the State. A rejection by the voters of any proposition submitted to them under this act shall not prevent the same, or other propositions being submitted to the said voters at any time that the said board of commissioners upon request by a majority of the board of school commissioners of the city of High Point may appoint; and the said board may continue to call elections under this act until the said election shall carry during the said two years: *Provided*, the said board of commissioners may, in its discretion, order a new registration.

Tickets.

Ascertainment and declaration of result.

Further elections.

Proviso: new registration.

Special tax.

Sec. 3. That if a majority of the qualified voters of said city shall vote at said election in favor of bonds, it shall be the duty of the board of school commissioners of the city of High Point and their successors in office to levy annually a special tax not exceeding thirty-three and one-third cents (33 1-3) on the one hundred dollar valuation of all the taxable property of said city, and upon the poll not exceeding one dollar ($1), as heretofore provided. And the said tax shall be collected annually by the tax collector as other taxes are collected.

Tax rate.

Collection of tax.

Bond issue authorized.

Sec. 4. That it shall be the duty of the board of commissioners of said city and the said board of commissioners is hereby authorized

Amount. Denominations. Interest. Maturity. Authentication. Record.

and fully empowered to issue coupon bonds of the city of High Point not to exceed in amount the sum of twenty thousand dollars ($20,000) and in denominations of not less than five hundred dollars ($500) and not more than ($1,000) one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per cent (5%) interest per annum, payable semi-annually on the first day of March and the first day of September of each year until the said bonds are paid; and the said bonds shall be made payable at a time to be fixed by the said board of commissioners and named therein, not to be less than thirty years from the date thereof. It is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the city of High Point and countersigned by the treasurer of said city and have the corporate seal of said city affixed thereto and the coupons thereto attached shall be signed by mayor of said city, and that a full record of said bonds shall be kept by the secretary of said board of commissioners.

Bonds not to be sold below par. Not delivered until paid for. Liability of treasurer. Moneys kept separate. Specific appropriation.

Sec. 5. That the said bonds shall not be sold for less than their face value; and that when issued said bonds shall be deposited with the treasurer of the board of school commissioners of the city of High Point and shall not be delivered to any purchaser until the purchase money is paid in full, and that the said treasurer and the sureties on his official bond shall be liable to account for and pay over the same as provided in this act. It is further enacted that the said treasurer shall keep separate from all public moneys coming into his hands the moneys arising from the sale of said bonds and the moneys thus arising from the sale of said bonds shall be expended and exclusively applied by the board of school commissioners of the city of High Point to the purpose set forth in the call of the board of commissioners for the election, which must be in conformity with the purpose specified in section one of this act.

Settlement of tax collector. Specific appropriation. Warrants.

Sec. 6. That the special tax mentioned in section three of this act shall be paid over by the tax collector after deducting such commission as the board of school commissioners of said city shall allow him, to the treasurer of board of school commissioners, who shall be one of their number, and the said treasurer shall keep the moneys thus arising from special taxes which may come into his hands and shall pay out the same for the exclusive use and benefit of said graded schools only upon a warrant or order signed by the chairman of said board of school commissioners, and the treasurer shall pay out the moneys arising from the sale of said bonds only upon a warrant or order duly signed by the chairman of the said board of school commissioners.

Vesture of property.

Sec. 7. That the property purchased for the purposes of this act, both real and personal, shall become the property of the said graded schools and shall be vested in the board of school commissioners in the city of High Point in trust for said graded schools; and the said

board of school commissioners for said city be and they are hereby authorized and empowered to sell the same, either publicly or privately, and apply the proceeds to the graded schools when in their judgment it is necessary. Power of sale.

Sec. 8. That the board of school commissioners of High Point as constituted and established under the Public Laws of one thousand eight hundred and ninety-seven, chapter three hundred and ninety-two, and Public Laws of North Carolina of the session of one thousand nine hundred and three, chapter one hundred and twenty-six, shall have entire and exclusive control of the said school property obtained under this act, and shall employ and fix compensation of officers and teachers and shall do all of the acts that may be necessary, just and lawful for the successful management of the said graded schools. Control of school property. Compensation of officers and teachers.

Sec. 9. That the provisions of chapter three hundred and ninety-two of the Public Laws of one thousand eight hundred and ninety-seven as amended by chapter two hundred and seventy-nine of Public Laws of one thousand nine hundred and one, and chapter one hundred and twenty-six of the Public Laws of one thousand nine hundred and three, shall be considered a part of this act except in so far as the same have been changed by this act. Application of former laws.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, 1911.

CHAPTER 237.

AN ACT TO AUTHORIZE THE TOWN OF JONESVILLE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Jonesville, in Yadkin County, is hereby authorized and empowered to issue bonds in the name of "The Town of Jonesville" in such denomination and form as it may determine, to an amount not exceeding five thousand dollars, and bearing no greater rate of interest than six per cent per annum, which shall be paid annually, and said bonds shall be made payable at such time and place as shall be determined by said board of commissioners: *Provided,* that time of payment shall not be fixed at more than thirty years. Bond issue authorized. Denomination and form. Amount. Interest. Maturity. Proviso: limit of term.

Sec. 2. That 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 paving, macadamizing, grading and otherwise improving the sidewalks and public streets of the town of Jonesville. Bonds not to be sold below par. Appropriation of proceeds.

Bond issue subject to election.

Appointment of time and place.

Notice.

Votes.

Proviso: new registration.

Effect of election.

Authentication of bonds.

Exemption from town tax.

Coupons receivable for taxes.

Special tax.

Limit of rate.

Specific appropriation.

Cancellation of coupons.

Reports.

Sec. 3. That said bonds shall not be issued until authorized by the majority of the qualified voters of said town at a public election to be held at such time and place as said board shall appoint, of which notice for twenty days shall be given in some newspaper published in Yadkin County and at three public places in said town, and at said election those favoring the issue of said bonds shall vote "Issue," and those opposing it shall vote "No issue": *Provided*, that said board, in its discretion, may order a new registration of the voters of said town, and if a majority of the qualified voters of said town shall vote to issue said bonds, then the said board of commissioners shall issue the same, which shall be signed by the mayor and attested by the town treasurer, and shall have interest coupons attached thereto, and said bonds and their coupons shall be exempt from town taxation until after they become due, and the coupons shall be receivable in payment of town taxes.

Sec. 4. That for the purpose of paying said coupons as they become due and bonds at maturity, it shall be the duty of the board of commissioners, and they are hereby empowered to do so, should they find it necessary, to levy and collect a sufficient special tax each year upon all subjects of taxation which are now or may be hereafter embraced in the subjects of taxation under the charter of said town, said levy not at any time to exceed thirty cents on the poll and ten cents on the one hundred dollars valuation of property, which taxes, when collected, shall be used for no other purpose. It shall be the duty of the town treasurer, as said coupons are paid off and taken up, to cancel the same, and he shall report not less than once a year to the board of commissioners the number and amounts of the coupons so canceled.

Sec. 5. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Ratified this 2d day of March, 1911.

CHAPTER 238.

AN ACT TO AUTHORIZE THE TOWN OF JONESBORO, IN LEE COUNTY, TO ISSUE BONDS TO ESTABLISH AND MAINTAIN A SYSTEM OF WATERWORKS IN SAID TOWN.

The General Assembly of North Carolina do enact:

Bond issue for waterworks authorized.

Section 1. That for the purpose of establishing, equipping and maintaining a system of waterworks in the town of Jonesboro, and of securing and preserving a sufficient supply of water for the use of the citizens and persons to whom the same may be supplied, the

commissioners of the said town of Jonesboro are hereby authorized to issue coupon bonds of the town of Jonesboro to an amount of twenty thousand dollars, in denominations of not less than one hundred dollars, and not more than five hundred dollars, to suit the purchaser or purchasers thereof; which said bonds shall be payable not less than twenty nor more than thirty years after date of issue, and shall bear interest at not less than five nor more than six per cent per annum, payable semi-annually on the first day of January and the first day of July of each and every year, at the office of the town treasurer, in the town of Jonesboro, or at such other place in the United States of America as may be agreed on by the purchaser or purchasers of said bonds and the commissioners of the said town, and fixed at the time of the sale of the said bonds. The time the said bonds are to run, and the interest they shall bear, within the limits herein set out, shall be fixed by the commissioners of the town at the time of the sale of the bonds. The said bonds shall have coupons attached, representing the interest thereon; and shall be signed by the mayor of the said town, countersigned by the clerk of the board of commissioners thereof, and attested by the official seal of the town.

Amount.

Denominations.

Maturity.

Interest.

Authentication.

Sec. 2. That for the purpose of paying the accrued interest on said bonds, and provide a sinking fund for the payment of the principal when due, the board of commissioners of the town of Jonesboro shall levy and cause to be collected annually, as other taxes are collected, a tax upon all real and personal property, rights and credits, now or hereafter subject to taxation for general purposes, not exceeding fifty cents on each one hundred dollars worth of property, and upon each taxable poll a tax not exceeding one dollar and fifty cents.

Tax for interest and sinking fund.

Rate.

Sec. 3. No bond issued under the provisions of this act shall be sold or disposed of otherwise for less than par and accrued interest. Said board of commissioners are hereby authorized to sell or dispose of the said bonds, either at public or private sale, as to them may seem best, and in case they sell the same at public sale, they shall give notice thereof at the court-house door of Lee County, and in one or more newspapers for thirty days.

Bonds not to be sold below par.

Sale of bonds.

Sec. 4. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the establishment, installing and equipping of a system of waterworks for the town of Jonesboro, the purchase of materials, tools and machinery therefor, and paying all costs and expenses connected therewith, and maintaining the same; and the commissioners of the town of Jonesboro shall cause the treasurer of said town to keep separate account of the said funds, so that the condition of the same may at all times be shown, and it shall be the duty of the said treasurer to keep said account: *Provided, however,* that the purchaser or

Separate fund.

Specific appropriation.

Separate accounts.

Proviso: responsibility of purchaser.

holder of any part of said bonds shall not be required to see to the application of the proceeds of the same.

Pay of treasurer.

Sec. 5. The treasurer of the town of Jonesboro shall be allowed for the disbursement of the proceeds arising from the sale of said bonds an amount not to exceed a per cent to be fixed by the commissioners and by them allowed.

Record of bonds.

Sec. 6. That the clerk of the board of commissioners shall keep a record in his office, in which shall be entered and kept the names of every purchaser 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 shall be destroyed by fire, in the presence of the board of commissioners, and a record of such destruction shall be made and dated, and filed with the clerk of the board.

Redeemed bonds and coupons to be destroyed.

Record.

Collection of tax.

Sec. 7. That the taxes levied hereunder shall be collected by the tax collector of the said town, or other officer charged with the collection of the town taxes, and the said officer shall in respect thereto be liable, officially as well as personally, to all the requirements of law now or hereafter prescribed for the faithful collection and payment of other town taxes, and the bonds given by the said officer for the collection of town taxes shall include the taxes levied hereunder. The treasurer of said town shall be liable on his official bond for the proceeds of the said bonds received by him, as well as the taxes received by him under this act. The bonds of the tax collector and the treasurer shall be fixed in such sum as the commissioners of said town shall deem sufficient to protect the said fund.

Liability of officer.

Liability of treasurer.

Bonds of collector and treasurer.

Sinking fund account.

Sec. 8. That 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 the interest upon the said bonds, the treasurer of the town of Jonesboro shall open upon his books an account to be designated "water bonds sinking fund," and all amounts received by 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 "water bonds sinking fund" account, and there kept separate and distinct from all other town funds for the purpose of paying the principal of said bonds at maturity; and the said treasurer, when thereto authorized and instructed by resolution of the board of commissioners of said town, shall invest the amounts belonging to said sinking fund from time to time in such safe interest bearing securities as may be designated by said commissioners, payable to said treasurer for the use and benefit of said sinking fund: *Provided*, that no investment of said funds shall be made until said investment and security therefor are approved by the said commissioners.

Amounts credited to sinking fund.

Investment of sinking fund.

Proviso: approval of investments.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this 2d day of March, 1911.

CHAPTER 239.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF DUNN TO ISSUE FIRST MORTGAGE BONDS FOR THE PURPOSE OF ERECTING A MUNICIPAL BUILDING AND MARKET HOUSE.

The General Assembly of North Carolina do enact:

Bond issue for municipal building authorized.

Section 1. That for the purpose of erecting, equipping and furnishing a municipal building, including market house, auditorium, court room and offices for the officers of the town of Dunn, the board of commissioners of said town be and they are hereby authorized to issue bonds in the name of said town of Dunn in such denominations as they may prescribe for an amount not to exceed fifteen thousand dollars ($15,000), and payable at such time and place as the board of commissioners may prescribe, the date of payment of said bonds not to be more than twenty years from and after the date of their issue; that said bonds shall bear interest from date until payment at such rate as the board of commissioners may prescribe, not to exceed six per centum per annum, said interest to be payable annually or semi-annually, as the board of commissioners may determine, and shall be payable annually on the first day of January of each year, or semi-annually on the first day of January and the first day of July of each year, as the board of commissioners may determine; that said bonds shall be signed by the mayor and countersigned by the clerk of said town, and shall have the corporate seal of said town affixed thereto; that said bonds, if the board shall so determine, may have coupons attached calling for the payment of interest either annually or semi-annually, as the board may determine, in which case said interest coupons shall be signed by a facsimile of the signature of the mayor of said town, either engraved or lithographed thereon, and such coupons shall be receivable in payment of town taxes.

Denominations.

Amount.

Maturity.

Interest.

Authentication.

Coupons receivable for town tax.

Separate fund.

Sec. 2. That the proceeds received from the sale of said bonds shall be held by the treasurer of said town of Dunn as a distinct and separate fund and shall be used exclusively for the purpose of constructing, erecting, equipping and furnishing a municipal building, including market house, auditorium, court rooms and offices for the officers and agents of said town of Dunn, the same to be erected within said town upon lots now belonging to the town of Dunn, or which may hereafter be acquired by it for that purpose, and to that end the commissioners of the town of Dunn, in their discretion, shall have power to sell, either at public or private sale, any real estate now owned by said town and to reinvest the proceeds arising from said sale in the purchase of another site for said municipal building and in the construction and equipment as far as may be of such building.

Specific appropriation.

Power of sale and investment.

Mortgage for security of bonds.

Sec. 3. That for the purpose of securing the payment of said bonds when due and the interest on the same as it shall become due, the board of commissioners of said town of Dunn shall have authority to issue a first mortgage or deed of trust, conveying said building and the lands upon which the same is located to a trustee to be named therein, with full power of sale and foreclosure, in the event of default in the payment of said bonds or the interest on the same when due, with such further provisions for the protection of holders of said bonds as to said commissioners may seem meet and proper; said mortgage or deed of trust shall be executed in the name of the town of Dunn by the mayor, attested by the clerk of said town and sealed with its corporate seal, and same shall be probated as is now or may hereafter be provided by law for the probate of deeds of corporations, upon the oath of said clerk as secretary.

Execution and attestation of mortgage.

Probate.

Investment in bonds.

Sec. 4. That said board of commissioners of the town of Dunn are authorized to invest any special funds now in their hands or in the hands of the treasurer of said town, or which may come into their hands prior to the first day of January, one thousand nine hundred and thirteen, in the purchase of any of said bonds, and all bonds so purchased shall be held by the treasurer of said town as a separate and distinct investment, and the interest shall be regularly collected by said treasurer of said town as the same shall become due, and the interest and principal when paid shall be held and accounted for by the treasurer as the special funds which have been invested by the town in the purchase of said bonds.

Sec. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this 2d day of March, 1911.

CHAPTER 240.

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

The General Assembly of North Carolina do enact:

Boundary.

Section 1. That chapter thirty-nine, Private Laws of nineteen hundred and seven, be amended as follows: Insert between the words "the" and "point," in line nine of section two, the word "beginning"; between the words "policeman" and "for," in line two of section thirty-seven, insert the words "or other officer or employee," and between the words "force" and "if," in line six of said section,

Power to suspend officers.

insert the words "or other officer or employee," and at the end of section fifty-nine add the following: "*Provided*, the board of aldermen may elect the mayor or other person as manager of the light and water plants and confer upon such manager the powers and duties of said commission, and may make such manager the treasurer of the light and water funds, and fix the compensation of such manager to be paid out of said funds." Proviso: management of light and power plants.

Sec. 2. That section eighty-six of chapter thirty-nine, Private Laws of nineteen hundred and seven, be amended by inserting between the words "bonds" and "shall," in line one, the words "except as hereinafter provided," and that said section be further amended by adding at the end thereof the following: "*Provided*, that, after a majority of the qualified voters of the town of Newton have authorized the issue of bonds to the amount of seventy-five thousand dollars, the board of aldermen, upon petition from citizens of the town, and after a public meeting has been held for the consideration of such petition, by a unanimous vote of the board and the approval of the mayor, are hereby authorized and empowered to issue, from time to time, for the purpose of making necessary extensions or improvements to the light, water or sewer plants or for other purposes mentioned in section eighty-four of this chapter, bonds in a sum not exceeding twelve thousand dollars, without submitting the question of issuing the same to the qualified voters of the town of Newton." Bond issue. Proviso: power to issue additional bonds.

Sec. 3. That section eighty-eight of chapter thirty-nine, Private Laws of nineteen hundred and seven, be amended by adding at the end thereof, "and to provide a sinking fund sufficient to pay said bonds at maturity." Sinking fund.

Sec. 4. That section one hundred and six of chapter thirty-nine, of Private Laws of one thousand nine hundred and seven, by inserting in next to the last line of said section the word "fourteen" in lieu of the word "seven," and by inserting the word "seven" in lieu of the word "fourteen," and that section one hundred and seven of said chapter be amended by striking out the word "three" in line one and inserting in lieu thereof the words "one hundred and six." Correction of reference.

Sec. 5. That section one hundred and twenty-four of chapter thirty-nine, Private Laws of nineteen hundred and seven, be amended by striking out the word "any" in line ten and inserting in lieu thereof the words "a sufficient," and by striking out the word "may" in line eleven and inserting in lieu thereof the word "shall." Correction of reference.

Sec. 6. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

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

Ratified this the 2d day of March, 1911.

CHAPTER 241.

AN ACT TO INCORPORATE WINSTON LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That E. B. Jones, A. H. Eller, T. W. Huske, T. W. Watson, J. N. Davis, C. B. Eaton, H. L. Riggins, R. T. Holbrook, W. P. Hill, R. E. Transou, J. S. Scales, together with such other persons as they may associate with them, their successors and assigns, be and they are hereby declared a body corporate under the name of Winston Loan and Trust Company, for the term of sixty years, with the power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and to use a common seal, to make, alter and amend such by-laws as may be necessary or expedient for carrying out the purpose and design of the corporation: *Provided,* such by-laws are not in conflict with the powers herein granted, or with the laws of this State, or of the United States; and to do and perform every act necessary or expedient to carry on the business of said company as completely as the same could be done by an individual citizen of this State, and with all the rights, powers and franchises pertaining to a corporation.

Corporate name.

Term.

Corporate powers.

Proviso: by-laws subject to law.

Principal office.

Sec. 2. The principal office of said company shall be in the city of Winston, North Carolina, but the directors may establish branch offices at such other places in the State as may be deemed advisable by the board of directors.

Branch offices.

Capital stock.

Shares.

Sec. 3. That the capital stock of said corporation shall be fifty thousand ($50,000) dollars, divided into five hundred shares of one hundred dollars each, which said capital stock may be increased at any time, or from time to time, by a vote of a majority of the stockholders to any sum not exceeding five hundred thousand dollars: *Provided,* such taxes and fees for such increase be paid to the State Treasurer and Secretary of State as provided by law in such cases. When said fifty thousand dollars of said capital stock is subscribed, the incorporators above named, or any five of them, shall call a meeting of the subscribers to the stock for the purpose of organization, and at such meeting a board of directors shall be elected, to consist of not less than five nor more than fifteen persons, who shall serve for one year or until their successors are elected and qualified. The board of directors shall elect the officers of the company, consisting of a president, one or more vice-presidents as the board may determine, secretary, treasurer, and such other officers as the board may think necessary; but the same person may hold two or more of the said offices, if the board shall so determine. The officers shall hold, at the pleasure of the board of directors, who may require bonds from the said officers in such amount as it

Increase of capital.

Proviso: tax and fees on increase.

Meeting for organization.

Board of directors.

Term of office.

Officers to be elected by directors.

Term and bonds of officers.

may deem reasonable and necessary for the faithful performance of their duties.

Increase of capital.

Sec. 4. That the increase in capital stock of said corporation provided for in the preceding section shall be made either by individual subscription to stock or by application of the surplus earnings of the corporation, the directors shall have the power to declare stock dividends to the stockholders *pro rata*. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy. And the stockholders of the corporation shall be individually liable, equally and ratably, and not one for another, for all contracts and debts of the corporation to the extent of the amounts of their stock therein at the par value thereof, in addition to the amounts invested in such stock; but no person holding stock in said corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such corporation, but the person pledging such stock shall be liable as a stockholder, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable to the same extent as the testator or intestate, or the ward or the person interested in such fund would have been, had he been living or competent to hold the stock in his own name.

Stock dividends.

Stock votes.

Liability of stockholders.

Liability on stock held by fiduciaries and as collateral.

Capital for beginning business.

Assessments on stock.

Sec. 5. That said corporation shall have the authority to transact business whenever said five hundred shares of stock shall be fully subscribed and the sum of ten dollars per share shall be paid upon such subscription. Further assessments shall be paid in as called for by the directors until fifty thousand dollars shall be paid up in full.

Powers as banking company.

Sec. 6. That said company shall have the right to do a general banking business, to receive deposits, make loans and discounts, buy and sell, exchange, and to lend its own or its depositors' funds, and to do all other acts pertaining to the business of banking; to obtain loans and make loans for any person, partnership or corporation, either with or without guaranty, and to charge for such service such commission as may be agreed upon; to lend and borrow money on its own account, and to give and to receive such security as may be lawful or expedient, and to do all other acts as borrower or lender that a private individual may lawfully do; to loan money on mortgage or deed of trust on real or personal property or other security, and in case of default to sell such property or security and make title to the purchaser; to invest its own or the money of others in property, real or personal; to improve any real estate belonging to it by building or otherwise; and to buy, hold, sell, convey, rent, lease or deal in any real or personal property; to guarantee the title to any real estate or personal property; to purchase, acquire or lend upon any stock, shares, bonds, notes, debentures or other securities of any government, State, municipality, cor-

Powers as improvement company.

Powers as guaranty company.

poration, company, partnership, or individual, and to hold, deal in or sell the same; to receive upon deposit for safe keeping jewelry, stocks, bonds and valuable property of every description, upon such terms as may be agreed upon, any charge for safe keeping to be a lien upon such deposit until paid.

Deposits for safe keeping.

Powers in acting as fiduciary.

Sec. 7. That said company shall have power to accept and execute all trust that may be committed to it by any court, corporation, company or individual, and to accept any grant, assignment, transfer, devise or bequest, and to hold in trust any real or personal property, and to execute such trusts upon such terms as may be established by its board of directors, not in conflict with the laws of North Carolina or of the United States; that said company is authorized to receive on deposit funds in litigation in the courts of this State, and to pay therefor such interest as may be agreed upon; that said company may receive and accept appointments as executor, administrator, trustee, guardian, receiver or assignee, and the courts of this State are authorized to appoint said company as administrator, trustee, receiver or guardian, and to grant letters testamentary in case of its appointment as executor; and said company, having received such appointments, shall have power to act as such executor, administrator, guardian, trustee, receiver, assignee or depository, and to take, accept and execute any and all such trusts and powers of whatsoever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for its services shall have such commission or compensation as may be fixed by law, or as may be agreed upon. In lieu of the bonds required by law to be given by administrators, guardian, trustees, receivers or other fiduciaries, it shall be lawful for said company to file in the office of the clerk of the superior court of Forsyth County an undertaking in the sum of ten thousand dollars, with sufficient security, either personal or consisting of bonds of the State of North Carolina or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to and to be approved by the said clerk; and the said undertaking so filed shall be conditional for the faithful performance of any trust which may be committed to the said company by order of any court of North Carolina, or entrusted to it as aforesaid, and it shall be renewed every three years, and separate bonds shall not be required in each case of trust committed to said company, but the said bond of ten thousand dollars shall be sufficient in all such cases unless and until the same is increased as hereinafter provided. In case of default in the case of any trust committed to said company, the said undertaking may be sued upon by the party injured, or his per-

Deposit of funds in litigation.

Appointment in fiduciary capacities.

Undertaking as fiduciary.

Suit on undertaking.

sonal representative in the superior court of any county of North Carolina where such default may have been made; and the superior court of any county wherein any such trust shall have been committed to said company, whenever it shall be made to appear that it is necessary in order to secure the faithful performance of all such trusts, may require the said undertaking to be increased to such an amount as the court may deem sufficient to secure the faithful performance of the same. A copy of such undertaking, duly certified by the clerk of the superior court of Forsyth County and under his official seal, shall be evidence in all the courts of North Carolina; and the superior court of any county wherein any trust shall have been committed to said company shall have power to make orders respecting such trust, and to require the said company to render all accounts which said court might lawfully make or require if such trustee were a natural person. In accepting any of the trusts or powers hereunder, the said corporation may qualify by one of its executive officers. The said company shall have discretionary power to invest the funds received by it in trust in bonds of the United States or of any State, in the duly authorized bonds of any county or incorporated city or town or township of any county or in other good securities or in safe real and personal securities; and the said company shall be held responsible to the beneficiaries under any such trusts under the same rules of law that govern natural persons executing such trusts, and for any losses by reason of such investments, for which by law the said company is or may be held responsible, the capital stock, property and effects of said corporation shall be liable, together with the additional liability of the stockholders hereinbefore referred to: and the capital stock, property and effects of said corporation shall be liable, together with the additional liability of stockholders hereinbefore referred to, for all acts of negligence, maladministration and defaults of every kind in the administration of any trusts for which the said company may by law be held responsible. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents or profits than can be reasonably earned by safe and prudent investments; but whenever said company shall act as guardian it shall be held liable for the same income and same rate of interest as natural persons acting as guardians are held.

Increase of undertaking.

Copy of undertaking evidence.

Accounts.

Qualification of company.

Investment of trust funds.

Liability of company.

Liability for income.

Sec. 8. That said company shall be a legal depository for trust funds by other trustees and persons in position of trust.

Legal depository.

Sec. 9. That in the event any money should be deposited with said company by any married woman or any minor for investment or otherwise, such money may be withdrawn by said married woman or said minor without the consent of the husband, parent or guardian, and the check or receipt of said married woman or said minor shall be as binding on said married woman or said minor, or on

Deposits by married women and minors.

the husband or parent or guardian, as if she were a *feme sole*, or he or she were of full age.

Discounts.

Sec. 10. That said company, at the time of making loans or discounts, may take and receive in advance such interest as may be agreed upon, not exceeding the legal rate.

Interest on deposits.

Sec. 11. That said company may pay to its depositors such rates of interest on deposits, and under such regulations, as may be determined by the board of directors.

Savings bank business.

Sec. 12. That the said company is hereby authorized to organize, in connection with its general business, a department for savings, and to do a savings bank business, and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable said company to receive deposits in the savings department,

Certificates of deposit.

and to give certificates or other evidence of deposit, and to pay such

Interest on deposits.

interest as may be agreed on, not exceeding the legal rate of interest, and to regulate the time of payment and notice of demand.

Separate departments.

Such savings department, if so desired by the board of directors, may be kept separate and distinct from the other departments, and a treasurer may be chosen for its management; but the company shall be liable for the deposits in such department to the same extent as it is herein declared to be to its other creditors.

Fiscal agent

Sec. 13. That said company may be the agent of any person or of any private or public corporation to sell, buy, negotiate, transfer, register or countersign certificates of stock, bonds or other securities or evidences of indebtedness.

Power to purchase other banks.

Sec. 14. That the said company is authorized to purchase, to hold and to sell stock in any other banking institution or in any other corporation, and to buy the stock or the entire assets for the same in cash or in the stock of said company.

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

Ratified this the 2d day of March, 1911.

CHAPTER 242.

AN ACT TO INCORPORATE THE CITY OF RALEIGH, AND TO REPEAL ITS PRESENT CHARTER AND ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

ORGANIZATION.

Corporation continued.

Section 1. That the inhabitants of the city of Raleigh shall continue, as they have heretofore been, a body politic and corporate,

Corporate name.

under the name and style of "The City of Raleigh," and by that

Corporate powers.

name shall have perpetual succession, may sue and be sued, may

contract and be contracted with, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed to it, and may invest, sell or dispose of same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights and privileges necessary for its proper government or usually appertaining to municipal corporations.

Corporate limits.

Sec. 2. That the corporate limits of said city shall include all the territory bounded by and included within the following lines, as external boundaries, to wit: On the north by a line centered upon the center of Union Square and lying five thousand two hundred and eighty feet to the northward thereof parallel with the true center of Hillsboro street and New Bern avenue; south by a line centered as aforesaid and lying five thousand two hundred and eighty feet to the southward of said center, parallel with said first described line; and on the east and west by a line parallel with the true center of Fayetteville and Halifax streets lying five thousand two hundred and eighty feet to the eastward and westward thereof, respectively, thereby intersecting and enclosing the extremities of the first and second above described lines: *Provided*, that the tract of land conveyed to the city of Raleigh by R. S. Pullen, Esq., by deed dated March the twenty-second, one thousand eight hundred and eighty-seven, as recorded in book ninety-five, page four hundred and sixty-three, register of deeds office of Wake County, and known as "Pullen Park," and all other territory which may be acquired by the city of Raleigh by purchase or donation or otherwise for park purposes, and the cemetery for the burial of deceased white persons (located northeast of the city of Raleigh), known as "Oakwood Cemetery," and the cemetery for the burial of deceased colored persons (located southeast of the city of Raleigh), known as "Mount Hope Cemetery," and that the tract of land conveyed to the city by D. M. Carter and wife by deed registered in book one hundred and sixty-two, in the office of the register of deeds of Wake County, and the tract of land conveyed to the city by Laura Carter by deed dated ....., registered in book one hundred and sixty-one, at page four hundred and six, in said register of deeds office of Wake County, which tracts of land are owned by the city for the purposes of maintaining a garbage farm and as a site for the smallpox hospital, shall also be included in the corporate limits of the city of Raleigh, and all ordinances now in force or hereafter enacted by the board of aldermen of said city shall be applicable to the territory included in said Pullen Park or other parks and in said cemeteries and said tracts of land as fully as if the said territory was embraced within the limits of the city of Raleigh.

Proviso: outlying tracts included.

Property and property rights under former charters revested.

Sec. 3. That all property, real, personal and mixed, of whatsoever character or description, and wheresoever situate, now held, controlled or used by the city of Raleigh for any purpose, or which may

hereafter be held, controlled or used by said city, or which may have been vested in said city by virtue of any law of the State of North Carolina, and any and all judgments, liens, rights of liens, and causes of action of any and all kinds in favor of said city of Raleigh, shall vest in and remain and inure to the said city of Raleigh, its successors and assigns under this act.

Exercise of corporate powers.

Sec. 4. That the corporate powers of the city of Raleigh shall be exercised as hereinafter provided by the board of commissioners and such other officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed.

Distribution of executive and administrative powers.

Sec. 5. That the executive and administrative powers, authority and duties, in the city of Raleigh, are distributed into and among the several departments, and the powers and duties to be performed are assigned to the appropriate departments and officers, all as herein set forth.

BOARD OF COMMISSIONERS.

Board of commissioners.

Mayor.

Commissioner of public works.

Commissioner of public safety.

Commissioner of public finances.

Sec. 6. The board of commissioners shall consist of three members, one of whom shall be mayor, and all of whom shall be elected by vote of the people, as hereinafter provided. One of said commissioners shall be elected and known as the commissioner of public works, one of said commissioners shall be elected and known as the commissioner of public safety, and the mayor shall be known as the commissioner of public finances.

MAYOR.

Mayor chief executive officer.

Sec. 7. The mayor shall be the chief executive officer of the city of Raleigh, and subject to the supervision of the board of commissioners, shall perform all duties pertaining to such office. He shall do and perform all the duties provided or prescribed by law, or by the ordinances of the city of Raleigh expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the city government, and shall be the chief representative of the city, and shall report to the board any failures on the part of any of the officers of his or of any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the city, unless otherwise provided by law, or ordinance, or resolution of the board of commissioners; he shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the board of commissioners.

General supervision and oversight.

Chief representative of city.

Reports of failure in duty by officers.

To preside at meetings.

To sign contracts.

Charge of preparation and publication of statements and reports.

COMMISSIONER OF PUBLIC FINANCES.

Commissioner of public finances purchasing agent.

Purchase on orders of commissioners.

Sec. 8. The commissioner of public finances (who is also mayor) shall be the purchasing agent of the board of commissioners of the city of Raleigh, and all property, supplies and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased, the bills therefor

shall be submitted to and proved by the board of commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said commissioner and countersigned by some other person to be designated by the board of commissioners; he shall be collector of all taxes; he shall collect all rents; he shall issue all license or permits as provided by law, ordinance or resolution adopted by the board of commissioners, and in the absence or inability of any commissioner to act he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board to substitute some one else to temporarily perform any of such duties; he shall have control of all employees of his department, and of all and other officers and employees not by law, ordinance or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents and departments required by law or by the board of commissioners to be kept or made; he shall regularly at least once in three months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made; he shall recommend to the board methods of modern bookkeeping for all the departments, employees and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, quarterly, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause to be published quarterly statements showing the financial condition of the city; he shall examine or cause to be examined all accounts, pay rolls and claims before they are acted on or allowed, unless otherwise provided by law or by order of the board of commissioners; he shall procure from all persons, firms or corporations operating public service utilities in the city, and cause to be placed on file such reports as are by law or ordinance, or order of the board of commissioners, required to be made by said public service corporation to the city or any of its officers, and shall procure copies of such reports as are made to the State or any public department or office, and cause the same to be placed on file, and shall collect all license fees, franchise taxes, rentals and other moneys which may be due or become due to the city; he shall report the failure on the part of any person, firm or corporation to pay money due the city; he shall report to the board of commissioners any failure on the part of any person, firm or corporation to make such reports as are required by law, ordinance or order of the board of commissioners to be made and shall make such recommendations with reference thereto as he may deem proper; he shall, unless otherwise provided by the board of commissioners, cause to be examined the accounts and records of any person, firm or corporation

Approval of bills.
Warrants.
Collector.
Temporary supervision over other departments.
Control of employees and officers.
Supervision of accounts and records.
Inspection of records and accounts.
Methods of bookkeeping.
Audit of accounts.
Quarterly statements.
Examination of accounts, pay rolls and claims.
Reports from purveyors of public utilities.
License fees, franchise taxes and rentals.
Reports of failure to pay.
Reports of failure to make reports.
Recommendations.
Accounts and records of purveyors of public utilities.

operating a public service utility in the city whenever such person, firm or corporation is required to submit its accounts to the city for the examination, and shall report to the board of commissioners any refusal on the part of any such person, firm or corporation to submit to such examination; the assessor, auditor, city clerk, city attorney, and their respective offices or departments, and all employees therein, and all bookkeepers and accountants are apportioned and assigned to the department of public accounts and finances, and shall be under the direction and supervision of the commissioner thereof; he shall do and perform any and all other services ordered by the board, or may be ordered by the board not herein expressly conferred upon some other department.

Report of refusal.

Officers and employees apportioned to department.

Services ordered by board.

COMMISSIONER OF PUBLIC WORKS.

Commissioner of public works.

Sec. 9. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department, the construction, cleansing, sprinkling and repair of the streets and public places, the erection of buildings for the city, the making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the civil engineer, of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvements made, when completed according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance or order of the board of commissioners; he shall have control, management and direction of all public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law, and the ordinances relating to streets, public squares and places, cemeteries, and control of the placing of billboards and street waste paper receptacles; he shall have supervision over the public service utilities not otherwise assigned to some other department, and all persons, firms or corporations rendering services in the city under any franchises, contract or grant made by the city or State, not otherwise assigned to some other department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed by public service corporations in, along, under or over the streets, and shall report to the board of commissioners or city officers as may be appointed by them to receive his reports, any failure of such person or corporation to render proper service under a franchise granted by the city or by the State, and shall report any failure on the part of such person, firm or corporation to observe the requirements or conditions of such franchise, contract or grant.

Construction and care of streets, public places and buildings and other public improvements.

Estimates of civil engineer.

Acceptance of work.

Duties ordered by board.

Control, management and direction of public works.

Enforcement of law as to streets and public places.

Public service utilities.

Persons rendering service under franchise, contract or grant.

Location of street car tracks, telephone and telegraph wires.

Reports to board.

He shall have charge of the watersheds from which the city takes its supply of water, pumping stations, pipe lines, filtering appa-

Charge of watershed and waterworks.

ratus, and all other things connected with or incident to the proper supply of water for the city of Raleigh; it shall be his duty to act for the city, subject to the control of the board of commissioners, in securing all rights-of-way and easements connected with and necessary to the supply of water for the city; he shall have supervision and control of all buildings, grounds and apparatus connected therewith, and incident to the furnishing of water for the city; he shall superintend the erection of water tanks and laying of water lines and the operation thereof.

Rights-of-way and easements.

Supervision of buildings, grounds and apparatus of waterworks.

Water tanks and water lines.

The department of the civil engineer, and all employees therein, the departments of streets, parks, cemeteries, buildings and all employees in said department shall be under the supervision and control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets, cemeteries and public parks in the city of Raleigh, or belonging to said city, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board not herein expressly conferred upon some other department.

Employees assigned to department.

Supervision and control of streets, cemeteries and parks.

Other services ordered by board.

COMMISSIONER OF PUBLIC SAFETY.

Sec. 10. The commissioner of public safety shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and all employees in the police department, and his direction shall be binding upon all such officers, employees, subject only to the control of the board of commissioners; he shall have charge of the police stations, jails, and property and apparatus connected therewith, including city ambulance, and patrol wagons used in connection with his department; he shall have supervision and control, subject to the control of the board of commissioners, of the fire department, of all firemen, officers, and employees therein, or connected therewith, and of all fire stations, property and apparatus used in connection with the fire department; and of the fire alarm system, and all property and apparatus connected therewith; he shall have power to temporarily supersede the chief of the fire department, and his orders to said department, and all employees therein, shall be binding upon said department; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market house, and the employees connected therewith, and all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys and public ways, and on and across railway lines and through and over the cemetery

Commissioner of public safety.

Police force.

Power to supplant chief of police.

Direction of officers and employees of police department.

Police stations.

Supervision and control of fire department.

Fire stations, property and apparatus.

Fire alarm system.

Supervision of chief of fire department.

Inspectors and market house.

Traffic.

Public health and sanitation.

ways, public parks and other public places; he shall, subject to the supervision of the board of commissioners, have control of the laws, ordinances and orders relating to the public health and sanitation, and all health officers, employees of the city connected with and under his department, and it shall be the duty of the board of commissioners to pass such ordinances and prescribe such rules and regulations, and employ such persons as will be necessary to preserve and protect public health; he shall have control and supervision, through the health officer under his department, over public dumping grounds and dumps, and city scavenger; he shall be charged, through his department, with the enforcement of all quarantine regulations, of keeping clean all streets, alleys and public places, and with suppressing and removing conditions on private property within the city that are a menace to health or public safety; he shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and he shall cause to be abated all nuisances which may endanger or affect the health of the city, and generally do all things, subject to the control of the board of commissioners, that may be necessary and expedient for the promotion of the health and the suppression of disease.

Preservation of public health.

Dumping ground and dumps.

uarantine and eanliness.

Power of entrance on premises.

Abatement of nuisances.

Sewer system.

Sewer inspector.

Lighting system.

He shall have control and supervision over the sewer system in the city of Raleigh; he shall have charge of and control over the sewer inspector, and all other officers and employees connected with the department of lights and sewers; he shall have supervision and control over the lighting system of the city of Raleigh, and the management and direction of the lighting of the streets, alleys and all other public places and grounds, and all other places where city lights are placed; he shall be charged with the duty of seeing that all persons, firms, corporations charged with the duty of supplying lights or water-power, perform the obligations imposed upon them by law, ordinance or order of the board of commissioners; he shall have the direction of all employees of the city connected with and under his department; he shall perform all other services ordered by the board of commissioners, or that may be ordered by the board, not herein expressly conferred upon some other department.

Light companies.

Other services ordered by board.

POWERS AND DUTIES.

Recommendation for purchases.

Sec. 11. It shall be the duty of each commissioner to recommend to the city purchasing agent the purchase of goods, and the contracts of all bills necessary to be contracted for his department, and these recommendations shall be submitted to the board of commissioners for its orders with respect thereto.

Reports of public service business.

Sec. 12. The board of commissioners shall have the power to require all public service corporations, and all people doing a public service business in the city of Raleigh to make such reports, and have a right to the inspection of such books and papers, as the

Inspection of books and papers.

North Carolina Corporation Commission has the right to require and inspect under the laws now enacted, or which may be enacted, with reference to public service corporations doing business in the city of Raleigh. Inspections.

Sec. 13. The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the city or its officers. It shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay rolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the board of commissioners, or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts, shall be drawn by the city attorney, or submitted to such officer before the same is made or passed. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review, and to approval or revocation by the board of commissioners. Every head of department, superintendent, agent, employee or officer shall from time to time, as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners, in writing, respecting the business of his department, or office, or employment, all matters connected therewith. The board of commissioners may, by ordinance or resolution, assign to a head of a department a superintendent, officer, agent or employee, duties in respect to the business of any other department, office or employment, and such services shall be rendered without additional compensation. The board of commissioners shall elect and have authority over the city clerk, who shall be the clerk of the board of commissioners. Legislative powers. Orders for work. Levy of taxes. Apportionment of funds. Audit of accounts. Assessments for improvements. Contracts. Contracts and ordinances drawn by city attorney. Acts subject to review and approval or revocation. Reports from departments, employees and officers. Duties assigned by ordinances. City clerk.

Sec. 14. All officers and employees of each department shall be under the control and supervision of the commissioner of that department, subject to the ultimate control of the board. That for any reason satisfactory to himself, a commissioner of any department is hereby empowered to suspend, remove or discharge any subordinate officer or employee in his department: *Provided*, that any officer or employee suspended, removed or discharged by any commissioner shall have the right, at any time within three days from the time of such ruling, to appeal from the same to the board of commissioners, who shall hear the same at their first regular Control and supervision of employees and officers. Powers of commissioner of department to discharge subordinates. Right of appeal to board of commissioners. Hearing on appeal.

meeting after such appeal is taken, and may affirm or reverse such commissioners. If the ruling of the commissioner be reversed, said officer or employee shall at once be reinstated in his office or employment: *Provided, further,* the party so suspended, removed or discharged shall have no claim against the city for the time lost by reason of such ruling of the commissioner.

Proviso: time lost by suspension.

Accounts to be audited.

Sec. 15. The board of commissioners shall cause to be audited the books and accounts of all departments, and of all officers and employees who do, or may, receive or disburse money.

Public health.

Sec. 16. The board of commissioners shall have charge of all matters pertaining to the public health, and shall perform all duties belonging thereto.

HEALTH AND SANITATION.

Powers of board in preservation of health.

Sec. 17. The board of commissioners are hereby given, within the city limits, all the power and authority that is now or may hereafter be given by the law to the county superintendent of health or county physician, and such further powers and authority as will best preserve the health of the citizens. The board of commissioners is hereby given power to make such rules and regulations, not inconsistent with the constitution and laws of the State, for the preservation of the health of the inhabitants of the city, as to them may seem right and proper. Said board of commissioners may establish and maintain, or inspect, regulate or prohibit a hospital, or hospitals, or pest houses, slaughter houses, rendering plants, incineries, and crematories in the city of Raleigh, or within three miles thereof; may stop, detain, examine or keep, in a pest house or houses of detention, persons having, or suspected of having any infectious, contagious or other communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liabilities to the owner, remove, fumigate or destroy furniture, bedding, clothing or other property which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and to better preserve the health of the citizens; and all expenses incurred by the city in disinfecting or caring for any person or persons, by authority of this section, may be recovered by it from the person, persons or property cared for, and when expense is incurred in caring for property same shall become a lien on said property. That any person who shall attempt by force, or by threat of violence, to prevent his removal, or that of any other person, to the pest house, house of detention or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by the chapter, shall be guilty of a misdemeanor. Said board of commissioners may elect a health officer and create such other offices and employments as to them may seem right and proper, and fill the same and fix their compensation.

Health regulations.

Hospitals and other institutions.

Pest houses and houses of detention.

Quarantine.

Vaccination.

Expenses chargeable to persons cared for.

Resistance or interference with officer a misdemeanor.

Health officers.

Sec. 18. Said board are hereby empowered to make rules and regulations for the management and conduct of all hospitals and sanatoriums, and houses which may have any person afflicted with any infectious, contagious or other communicable disease, and prescribe penalties for any violation of the same. Regulation of hospitals, sanatoriums and infected houses.

Sec. 19. Any person violating any rule or regulation of said board of commissioners shall be guilty of a misdemeanor, and upon conviction, except as herein otherwise provided, shall be fined not more than fifty dollars, or imprisoned not more than thirty days. Violation of regulation a misdemeanor. Punishment.

Sec. 20. The board of commissioners are hereby empowered in their discretion to retain any boards or officers created by the charter of the city of Raleigh enacted by the General Assembly of one thousand nine hundred and seven, under the same powers as therein conferred and to provide for the election of the members of such boards or such officers, and are empowered to abolish such boards or offices when advisable in their discretion. Boards and officers created by charter of 1907.

Sec. 21. The mayor is hereby empowered to administer oaths or affirmations to the commissioners, and all officers of the city of Raleigh. Mayor may administer oaths.

Sec. 22. Each commissioner, as soon after the close of the fiscal year as practicable, and all officers required by the board of commissioners, shall make report to the board of commissioners and the same may be printed, in the discretion of the board. Annual reports.

Sec. 23. The board of commissioners are hereby empowered to declare nuisances within the city or within one mile of the city limits, and all necessary powers to summarily abate nuisances are conferred upon them, and the abatement of such nuisances shall be at the expense of the person causing the same, or the owner or tenant of the ground where the same shall be, and may be recovered in an action before the police justice of the city of Raleigh; and the mayor or the commissioner of public safety is hereby empowered to prevent and prohibit summarily any show or amusement from showing or exhibiting which, in his opinion, may be detrimental to good morals, or to stop and suppress such show during its performance. Power to declare and abate nuisances. Expense of abatement. Recovery. Shows detrimental to good morals.

Sec. 24. No individual, corporation, association or partnership shall open or lay out any new street or streets, or sell lots abutting on the same without first having had a plot of said proposed street or streets made and submitted to the board of commissioners of said city and approved and accepted by said board. The said board of commissioners may use all necessary ordinances to regulate and control the opening of streets and alleys in said city, and may name and rename any, or all, of the streets which may be opened. Approval and acceptance by board of plans for new streets. Power to regulate and control streets. May name or rename streets.

Sec. 35. All ordinances and resolutions carrying an appropriation when introduced before the board of commissioners shall not be acted upon until the next succeeding weekly meeting of the board of commissioners: *Provided*, that the board of commissioners, by Ordinances carrying appropriations to lie over. Proviso: immediate appropriation by unanimous vote.

a unanimous vote, may suspend the operation of this section and take action upon any ordinance or resolutions carrying an appropriation at the meeting at which the same is introduced.

Surface privies.

Sec. 26. That the board of commissioners may levy a license not exceeding one dollar upon each and every surface privy within the corporate limits of said city, and enforce the payment thereof by the owner or the occupant of the lot or premises upon which such surface privy is maintained and used by proper fines and penalties:

Proviso: occupant relieved from liability.

Provided, that such occupant shall be thereby relieved from any and all liabilities 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 city of Raleigh, under such ordinances, rules and regulations as may be prescribed by the board of commissioners.

Further enumeration of powers.

Sec. 27. The board of commissioners, in addition to the other powers herein given them, shall have full power by ordinance—

To declare forfeiture and termination of franchises.

(*a*) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, telegraph, gas, power, or other public service purposes, whenever the conditions upon which such franchise or franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered or forfeited.

Taxing powers.

(*b*) To assess, levy and collect taxes.

Powers as to streets.

(*c*) To ascertain the location, increase, reduce and establish the width and grade, regulate the repairs and keep clear the streets, sidewalks and alleys of the city; extend, lay out, open, straighten, remove encroachments therefrom at the expense of the owners of the same, establish the width and grade, keep clean and maintain such streets as are now laid out in the city or any others that the board may lay out; establish and regulate the public grounds, including Moore Square, Nash Square and Pullen Park; have charge of, improve, adorn and maintain the same; establish, maintain and govern athletic parks or other places of amusement therein; to provide for the planting and protection of shade trees in the city and to prevent any injury or defacement of the same by any person whomsoever; regulate railroad locomotives, trains, electric cars, bicycles, automobiles, motor cars, the driving or riding of horses, and to control and regulate all traffic and the speed of all vehicles on the streets of the city; regulate charge for the carriage of persons, baggage and freight for hire, with power to license or prevent the same.

Parks.

Athletic parks.

Shade trees.

Regulation of vehicles.

Traffic and speed.

Charges for transfer business.

Vagrancy and begging.

(*d*) Regulate or prohibit vagrancy or street begging.

Regulation and license of business and occupations.

(*f*) To regulate, control, tax and license all franchises, privileges, business, trades, professions, callings or occupations.

Trees.

Electric systems.

Safety of citizens and beautifying of city.

(*g*) To provide for the trimming or destruction of trees, to better safeguard the police and fire electrical systems, the safety of citizens, or the beautifying of the city.

(*h*) To erect, repair and alter public buildings. Public buildings.

(*i*) To accept any money or property for the purpose of any public or corporate use. Donations for public use.

(*j*) To provide for the proper observance of Sunday, and for the preservation of peace, order and tranquillity of the city on all days, and to prevent the following of regular business pursuits on the Sabbath day. Observance of Sunday.

(*k*) To buy, build and construct a water and electric light plant to be owned by the city and to issue bonds for such purpose after the bond issue has been submitted to the people and ratified by a majority of the qualified voters of the city. Water and light systems.

(*l*) To continue, donate or appropriate money to public schools, public hospitals, public libraries, military companies, public charities, and all objects of a public nature, whether of the kind above named or otherwise. Donations to public institutions.

(*m*) To construct or contract for the construction of and to maintain a system of sewerage for the city and protect and regulate the same by adequate ordinances. If necessary to obtain a proper outlet for said system to extend the same beyond the corporate limits of the city, then said board shall have the power to extend the same and to condemn land both within and without the corporate limits of the city for such purpose in the manner herein provided for the condemnation of land for streets. Sewerage system. Extension beyond city. Condemnation of lands.

(*n*) To provide for the establishment, organization and equipment of fire companies, and provide rules and regulations for the government of the same, and may disband any fire company when deemed advisable. That in case of fire, the mayor or the commissioner of public safety or the chief of the fire department may, if he deem it necessary to stop the progress of the fire, cause any house or building to be blown up or pulled down, or may cause the removal of other property, for which neither he nor the city of Raleigh shall be responsible to any one for damages. Fire companies. Powers of officers at fires.

(*o*) To offer rewards for the capture and conviction of criminals and to employ detectives for any work when deemed necessary. Rewards for capture and conviction of criminals.

(*p*) To license, tax, inspect and prescribe and adopt rules and regulations governing and controlling the production and marketing and sale of milk and dairy products, meats and all articles of food sold within the city, and adopt rules and regulations for the visitation, examination, inspection and condemnation of all premises, stables, cows, milk and other dairy products, utensils or other property and things situated in the city of Raleigh, or in Raleigh Township used in connection with the production or marketing or sale of any article of food in said city, and to designate, control and regulate the places of sales of any articles of food in the city of Raleigh, and to prescribe and fix fines and penalties for the violation of any of said rules or regulations. Market regulations. Inspection and sanitation.

Animals running at large.

(*q*) To regulate, restrain and prohibit the running or going at large of horses, mules, cattle, dogs, sheep, swine, goats, chickens and all other animals, and fowl of whatever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said board, and to prevent, regulate and control the driving of cattle, horses and all other animals into or through the streets of the city.

Plumbing and electrical work.

(*r*) To regulate and control plumbing and electrical work and to enforce efficiency in the same.

Combustibles and explosives.

(*s*) To license, tax, regulate, control, restrict and prohibit the keeping, storage, sale, use or explosion of any combustible or explosive material or article of any description whatsoever in the city of Raleigh.

Control of railways and railway traffic.

(*t*) To direct, control and prohibit the laying of railroad tracks, turnouts and switches in the streets, avenues and alleys of the city unless the same shall have been authorized by ordinance, and to require that all railroads, turnouts and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues and alleys in said city, and to construct and keep in repair suitable crossings at the intersection of streets, avenues, and alleys and ditches, sewer and culverts, where the board of commissioners shall deem it necessary, and to direct the use and regulate the speed of locomotive engines, trains and cars within said city.

Abuse of animals.

(*u*) To prohibit and punish the abuse of animals.

Cemeteries, burials and vital statistics.

(*v*) To establish and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages and births.

Prize, cock and dog fighting.

(*w*) To prohibit prize fighting, cock and dog fighting.

Theaters and shows.

(*x*) To license, tax, regulate, restrict and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen and shows of any kind and the exhibition of natural or artificial curiosities, caravans, menageries, musical and hypnotic exhibitions and performances.

Condemnation of property for public uses.

(*y*) To pass ordinances for the condemnation of property for the purpose of widening, altering, changing or extending any of the streets of the city and for opening new streets and for the construction and maintenance of drains, sewers and combination drains and sewers, and for any other public purposes provided for in this act.

Definition, prevention and abatement of nuisances.

(*z*) To define nuisances and prevent and abate the same, whether on public or private property.

Rates of public service corporations.

(*aa*) That upon any reasonable complaint from a responsible party that the rates charged by any public service corporation are unreasonable, the board of commissioners shall carefully investi-

gate the rates complained of, and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by directing the corporation to charge not exceeding such maximum rates as the board may deem proper, the board shall send a copy of such order to the said corporation and shall immediately transmit to the corporation commission of the State of North Carolina a complete certified copy of the record in the entire matter. As soon as practicable after its receipt the corporation commission of the State of North Carolina shall, and it is hereby fully authorized and empowered so to do, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing the corporation commission shall decide the question involved, either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the board of commissioners shall not become effective until approved by the corporation commission as aforesaid.

Order fixing charges.

Copy of order to corporation.

Transcript to corporation commission.

Day for hearing.

Order on hearing.

Right of appeal.

Order not effective until approved by corporation commission.

(*bb*) To appropriate annually, in the discretion of the board, not exceeding one thousand dollars to advertise the city to any association in the city organized for the purpose of advertising or promoting the public interests and general welfare of the city.

Appropriation for advertising.

(*cc*) To fix the location of hospitals in which contagious, infectious or other communicable diseases are to be treated.

Hospitals for contagious or infectious diseases.

(*dd*) To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health.

Business dangerous or detrimental to health.

(*ee*) To make and provide for the execution thereof of all other ordinances, rules and regulations not herein specified, as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better government or general welfare of the inhabitants of the city as are not inconsistent with the constitution and laws of the State.

Ordinances for the general good.

(*ff*) To elect all officers and select all employees of the various departments whose selection is not herein expressly provided for, and to create any office and elect an officer thereto or to abolish any office at any time if deemed advisable: *Provided, however,* that the selection of such officers and employees as are not expressly provided for herein may be delegated by the board of commissioners to the commissioners of the respective departments, subject to the right of the board to review the action of the respective commissioners: *Provided, further,* the compensation of all employees shall be fixed by the board of commissioners as a flat salary, and all fees shall be covered into the treasury.

Election of officers and selection of employees.

Proviso: delegation of selection to department commissioners.

Proviso: compensation of employees.

Fees covered into treasury.

(*gg*) To condemn and remove any and all buildings in the city limits, or cause them to be removed at the expense of the owner or owners, when dangerous to life, health, or other property, under

Condemnation and removal of buildings.

such rules and regulations as they may by ordinance establish, and likewise to suppress any and all other nuisances maintained in the city.

Ordinances to remain in force.

Sec. 28. That all ordinances now in force in the city of Raleigh shall remain in force until amended, altered or repealed by the board of commissioners.

NOMINATION OF CANDIDATES.

Candidates nominated by primary election.

Sec. 29. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioner, police justice, or any other elective officer are to be elected, under the provisions of this act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed. The

Date for primary election.

primary election for such nominations shall be held on the second Tuesday preceding all general municipal elections. The judges and

Officers of election.

other officers of election appointed for the general municipal election shall, whenever practical, be the judges of the primary elec-

Place of election.

tion, and it shall be held at the same place and in the same man-

Law governing election.

ner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same

Hours of election.

hours, as are required for said general election.

Statements of candidacy.

Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner of either of the other two departments, or police justice, or any other elective office, shall, at least five days prior to said primary election, file with the said clerk a statement of such candidacy, in substantially the following form:

Form of statement.

I. ....., being first duly sworn, say that I reside at .....street, city of Raleigh, county of Wake, State of North Carolina; that I am a candidate for nomination to the office of (mayor or commissioner of a particular department, or other office) to be voted upon at the primary election to be held on the ..... Monday of ....., 19.., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to (or affirmed) before me by....., on this ..... day of ....., 19...

(Signed).....

Assessment on candidates.

and shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five ($5) dollars.

Publication of names of candidates.

Immediately upon the expiration of the time for filing the petitions of candidates, the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to

appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments, respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words "Vote for one." Like provision shall be made for the names of candidates for each other elective office provided by law. Printing of ballots. Arrangement of ballots.

The ballots shall be printed upon plain, substantial, white paper, and shall be headed: Ballots on white paper.

"Candidates for nomination for mayor and commissioners of two other departments, and other offices (naming them) of city of Raleigh, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form: Heading of ballots.

"(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.) Form of ballots.

"Official primary ballot, candidates for nomination for mayor and commissioners and other offices (naming them) of city of Raleigh, North Carolina, at the primary election.

"For mayor (names of candidates), (vote for one).

"For commissioner of the department of public safety (names of candidates), (vote for one).

"For police justice (names of candidates), (vote for one).

"Official ballot. Attest: (Signature).....

City Clerk."

Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city of Raleigh under such rules as may be prescribed by the board of commissioners, and such challenge shall be passed upon by the judges of election and registrars: *Provided, however,* that the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots, and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk, upon blanks to be furnished by the said clerk, within six hours of Distribution of ballots. Qualified voters. Challenges. Proviso: law applicable to challenges. Count and return of votes.

Canvass of returns. the closing of the polls. On the day following the said primary election the city clerk, under the supervision and direction of the mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish in all daily newspapers of said city at least once the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for commissioners for each of the respective departments, the two candidates receiving the highest number of votes for a police justice, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates, and the only candidates whose names shall be placed upon the ballot for mayor, commissioners, police justice, and other elective officers, at the next succeeding general municipal election.

Publication of results.

Canvass made publicly.

Candidates at general election.

ELECTIONS.

Date for municipal election. Officers to be elected. Sec. 30. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven, and every four years thereafter, be elected a mayor (who shall also be commissioner of public finances), a commissioner of the department of public works, a commissioner of the department of public safety, who, together, shall constitute the board of commissioners of the city of Raleigh, and there shall also, at the same time, be elected a police justice, and such other elective officers as may be provided by law.

City clerk to have ballots printed. Arrangement of ballots. Sec. 31. The city clerk shall cause ballots to be printed for the municipal election as herein provided, authenticated with facsimile of his signature. Upon the said ballots the names of the said candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments, respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words, "Vote for one," and likewise, arranged in alphabetical order, shall appear the name of the candidates for police justice, with a square at the left of each name, and immediately below the words, "Vote for one," and likewise arranged in alphabetical order shall appear the names of the candidates for such other elective offices as may be provided by law.

Ballots on white paper. The ballots shall be printed upon plain, substantial, white paper, and shall be headed:

Heading of ballots. "Candidates for election for mayor, and commissioners of the two departments, and for police justice of the city of Raleigh, North Carolina, at the general municipal election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Form of ballots. (Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

"Official municipal ballot, candidates for mayor, and commissioners, and police justice of the city of Raleigh, North Carolina, at the municipal election.

"For mayor (names of candidates), (vote for one).

"For commissioner of the department of public safety (names of candidates), (vote for one).

"For commissioner of the department of public works (names of candidates), (vote for one).

"For police justice (names of candidates), (vote for one).

"Official ballot. Attest: (Signature) .....
City Clerk."

Qualified voters.

Sec. 32. That all persons entitled to vote for members of the General Assembly, if held at the time of the election provided for in the preceding section, and who have been residents of the city and precinct in which they offer to vote for four months next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor, two commissioners, police justice and other elective officers, and no one except a resident of the city shall be eligible to any office in the corporation.

Eligibility for office.

Law governing elections.

Sec. 33. That the provisions made, or hereafter made, by the General Assembly, which may be in force at the time of any city election, for testing the qualification 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 invested with full and ample judicial power to pass upon and decide said qualifications.

Precincts.

Sec. 34. That the board of commissioners shall divide the city into four (4) precincts, which number may be increased at any time the board may in its discretion deem necessary for the convenience of the voters of the city; and the said board shall fix the boundaries of the said precincts, and provide in each precinct a polling place as nearly centrally located in the precinct as possible.

Polling places.

Removal of voters.

If any registered voter shall remove from one precinct to another within the four months next preceding any election, he shall be entitled to vote in the said election in the precinct from which he shall have moved.

Officers of election.

Sec. 35. That the board of commissioners shall, on the first Monday in March, one thousand nine hundred and fifteen, and every four years thereafter, appoint a registrar and two judges of election for each precinct in the city, all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the court-house door, and notice to be served upon such appointees by the chief of police, and shall give ten days notice of a registration of voters for the said election at the court-house door, specifying the time, place and name of registrars for said election.

Publication and notice of appointment.

Notice of registration.

Registration book.

Sec. 36. That such registrar shall be furnished by said board of commissioners with registration books, and it shall be his duty,

Revision of books

Days for registration.

Registration on Saturday.

Distinction of races.

Persons offering to register may be sworn.

False swearing a misdemeanor.

Punishment.

New registration.

Close of registration.

Registration after closure.

Deposit, inspection and custody of books.

Failure to deposit books a misdemeanor.

Forfeit.

Election officers to be sworn.

Conduct of election.

after being qualified, to perform the functions of his office fairly, impartially and according to law, to revise the existing registration books of the precinct for which he is appointed in such manner that said books shall show an accurate list of electors previously registered in such precinct 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 exeepted), from and including the last Monday in March up to ten days previous to the election, keep open the books for the registration of any electors residing in such city 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 city. Each registrar shall be required to be at the polling place for his precinct on Saturdays from seven o'clock a. m. until sunset during the period for registration. He shall keep 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, in Wake County six months, and in the precinct in which he offers to register four months previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city. 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 commissioners on fifteen days notice, by publication in some newspaper of said city, before the opening of the books may order an entirely new registration of voters whenever they may deem it proper.

The registration books shall be closed at sundown on the second Saturday before the election, and after the same are closed no person shall be allowed to register, except those coming of age after the books close and before or on election day, who are otherwise qualified electors of the city, and the books shall then be placed in the office of the city 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.

Sec. 37. 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 registrars and the judges of 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 elec-

tion 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. The polls shall be open on the day of election from seven o'clock a. m. until sunset, and no longer. Hours of voting.

Sec. 38. The registrars and judges of the election shall receive for their services such compensation as shall be fixed by the board of commissioners, but the pay of the registrars shall not exceed two ($2) dollars each a day for the Saturdays they are required to be at the polls and the day of election and two cents additional for each new name registered, and the judges of election shall not be paid more than two ($2) dollars each a day for their services: *Provided*, the board of commissioners may allow the registrars and judges compensation, not exceeding one day's pay, as they may deem proper for attendance of the election officers upon the meeting of the board of canvassers. Pay of election officers. Limit. Proviso: attendance on board of canvassers.

Sec. 39. If any judge or 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 should occur in said office, for any reason, then the mayor shall appoint to fill the vacancy. Mayor to fill vacancies.

Sec. 40. That on the day following the day of election all of the registrars and pollholders of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman, and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and such person as shall receive the highest number of votes for mayor shall be declared elected mayor, and such person as shall receive the highest number of votes for each of the positions of commissioner shall be declared elected commissioner of the respective departments, and such person as shall receive the highest number of votes for police justice shall be declared elected police justice, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the result of said election, giving the names of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of the said board, one of which shall be given to the mayor, and the other filed in the archives of the city clerk, who the same day shall publish the result of the election at the door of the city hall. Canvassing board. Reception and tabulation of votes. Persons declared elected. Certificate of result. Filing and publication of certificates.

Sec. 41. If of the persons voted for as mayor, commissioner of the respective departments, police justice, or any other elective Municipal election for breaking ties.

office, there shall be an equal number of votes between any two candidates for like office in the municipal election in the city of Raleigh, in such case there shall be held on the following Tuesday an election, in accordance to the provisions herein provided for holding a municipal election for the city of Raleigh. If of the persons voted for as mayor, commissioners of any department, police justice, or any other elective officer, there shall be an equal number of votes for two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election for nomination of candidates, in accordance with the provisions for holding primaries for the nomination of candidates in the city of Raleigh, to break the tie.

Primary election for breaking ties.

Forfeit on commissioners failing to give notice of and hold election.

Sec. 42. That if the commissioners shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city, and of him who shall sue therefor, one hundred dollars.

Election by commissioners to fill vacancies.

Sec. 43. That if any person elected mayor, commissioner, police justice, or any other elective officer, shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor or any commissioner, police justice, or any other elective officer, be unable to discharge the duties of his office, the board of commissioners shall choose some person for the unexpired term, or during his disability, as the case may be, to act as mayor, commissioner, police justice, or other elective officers, and he shall be clothed with all the authority and powers given under this charter to such regular officer; but such officer or officers so elected shall be subject to recall as other officers.

Special elections.

Sec. 44. The board of commissioners shall have power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided for in this act. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city, or unless expressly provided to the contrary. That all special elections shall be held under the same rules and conditions as are herein provided in this act for general elections.

Notice of special election.

Law governing special elections.

Challenge of voters.

Sec. 45. Any registered voter of the said city may at any time before the election or on the day of election, object to the name of any person appearing upon the registration book of his precinct, and the book shall be kept open at the polling place on the second Saturday before every election for inspection by the voters of the precinct. 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 person so challenged shall not be al-

Day for inspection of registration books.

Entry of challenge.

Person challenged not allowed to vote until challenge determined.

lowed to vote until the cause of challenge shall be heard and determined, under the rules and regulations prescribed by the general law regulating the election for members of the General Assembly. As soon as any person is challenged the registrar shall give notice in person or by mail of the same to the person so challenged. All challenges shall be heard and determined on the day of election by the registrar and judges.

Notice to person challenged.

Hearing and determination of challenges.

Sec. 46. That the mayor, commissioner, police justice, and all other elective officers shall hold their offices respectively until the next annual ensuing election, and until their respective successors shall be elected and qualified.

Terms of officers.

Sec. 47. That all duties herein imposed upon the mayor and board of commissioners, with reference to primaries and elections, shall, prior to the election and qualification of mayor and commissioners in one thousand nine hundred and eleven, be performed by the mayor and board of aldermen of the city of Raleigh as now constituted.

Duties to be performed by present officers.

Sec. 48. In the case of the removal of the mayor, any commissioner, police justice, or any elective officer, from the territorial limits of said city, such removal shall, *ipso facto*, create a vacancy in his office.

Removal from city to create vacancy.

TO PROHIBIT BRIBERY.

Sec. 49. Any person giving or receiving, or any person promising to give or receive any money, property, or thing of value, to secure the vote or influence of any person in any primary or general election; and any person promising to give or secure, or promising to use his influence to secure any place or position under the city government of Raleigh, in consideration of any influence or effort or vote on behalf of any candidate or candidates for office under the city government of Raleigh, shall be guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court; and any person, a candidate for office, who shall be guilty of the offense above prescribed shall, upon conviction, be ineligible to hold any office under the government of the city of Raleigh.

Giving or receiving, promising to give or receive money, property, thing of value or influence in securing place or position to secure vote or influence of any person a misdemeanor.

Punishment.

Candidate guilty ineligible to office.

Sec. 50. Every candidate in the city election, a city primary, or both, shall, within ten days from the election, file with the city clerk an itemized statement, under oath, showing all expenditures of money or other things of value made by him, or by any one for him to his knowledge, in connection with, or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

Candidates to file statements of expenditures.

Sec. 51. The holder of any elective office, except police justice, may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of any incumbent of an elective office shall be as follows: A peti-

Removal by voters of elective officers.

Petition demanding election of successor.

tion signed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures of the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, city clerk shall examine, and from the voters' register ascertain, whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect, if the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of commissioners without delay. If the petition shall be found to be sufficient the board of commissioners shall order and fix a date for holding a primary, as provided for in cases preceding regular elections, the said primary to be held not less than ten days or more than twenty days from the date of the clerk's certificate to the board of commissioners that a sufficient petition is filed. If in the primary election any candidate receives a majority of all the votes cast he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election two candidates receiving the highest vote in the primary shall be voted for. Candidates named shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions and regulations as are prescribed for the primaries preceding regular election. The board of commissioners shall make, or cause to be made, publication for ten days of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the results thereof declared in all respects as other city elections. The suc-

Statement of grounds.

Signatures.

Petition to be sworn.

Examination of petition.

Amendment of petition.

Examination of amendment.

Insufficient petition returned to propounder.

Petition submitted to board.

Board to order primary election.

Time for primary.

Candidate receiving majority declared elected.

Election if no majority in primary.

Candidates at election.

Arrangement of ballots and canvass of result.

Notice of election.

Successor to fill unexpired term.

cessor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification within ten days after receiving notification of election, the office shall be deemed vacant, and in that event the unexpired term shall be filled by election of the board, but the commissioner removed shall not be eligible to election by the board, and the person so elected by the board shall be subject to recall as other commissioners. If the incumbent receives a majority of votes in the primary or the election he shall continue in office. The said method of removal shall be cumulative and additional to any other method provided by law. That in the event any officer is recalled and any person is elected as his successor, that the right of recall of such successor so elected shall be as in case of officer originally elected.

Candidacy of person whose removal is sought.

Incumbent deemed removed on election and qualification of successor.

Commissioner removed not eligible.

Person elected subject to recall.

Incumbent receiving majority continued in office.

Method of removal cumulative.

Successor subject to recall.

Sec. 52. That if the office of any commissioner or the police justice becomes vacant at any time from any cause, then an election shall be called by the remaining commissioners as prescribed in section fifty-one, for the election of a successor to fill such unexpired term.

Election by commissioners to fill vacancies.

SALARIES.

Sec. 53. The mayor and commissioners shall have offices at the city hall. The compensation of the mayor shall be twenty-six hundred ($2,600) dollars per annum, and that of each commissioner twenty-four hundred ($2,400) dollars per annum, and that of the police justice fifteen hundred ($1,500) dollars per annum, payable in equal monthly payments. Every other officer, agent, employee and assistant of the city government shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at other intervals.

Salaries.

Mayor.

Commissioners.

Police justice.

Other officers and employees.

Salaries paid monthly.

MEETINGS.

Sec. 54. Regular meetings of the board of commissioners shall be held weekly, or oftener, in their discretion, at such times as the board shall by ordinance provide, and special meetings may be called at any time by the mayor or two commissioners. All meetings of the board of commissioners, regular or special, shall be open to the public. Two members of the board of commissioners shall constitute a quorum, and the mayor shall be entitled to a vote as a commissioner, and shall not be entitled to another vote in case of a tie.

Regular meetings of commissioners.

Special meetings.

Meetings open to public.

Quorum.

Vote of mayor.

Sec. 55. At the first meeting of the board of commissioners, after the regular election of the members thereof, they shall elect a

Mayor pro tem.

mayor *pro tem.* from among their members, who shall, in the absence or inability of the mayor to serve, perform the duties of mayor.

Officers elected by ballot of commissioners.

City treasurer.

City attorney and city clerk.

Sec. 56. That at their first meeting after their election, or as soon thereafter as is practicable, the board of commissioners shall elect, by ballot, the following officers, to wit: A city treasurer, who shall be one of the commissioners other than the mayor, and who shall serve without further remuneration; a city attorney, and a city clerk, who shall hold their respective offices at the will of the board.

Forfeit for failure of commissioner to attend meeting.

Enforcement.

Sec. 57. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or a special meeting of which he shall have had notice, as prescribed in this act, he shall, unless excused by the board, forfeit and pay for the use of the city the sum of four dollars, which forfeiture may be enforced by the mayor.

Estimate of revenues.

Apportionment.

Reserve for emergencies.

Surplus of reserve fund.

Estimate in detail.

Estimates submitted by heads of departments.

Proviso: change of apportionment.

Proviso: surplus to general fund.

Itemized statements reported quarterly.

Sec. 58. The said board of commissioners shall, during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenues of the city, for the next fiscal year and apportion the same, together with any surplus left over to the general fund from the preceding year, as herein provided, to the several departments of the city government, reserving from said estimate not more than ten per cent of the total amount of the revenue estimated, as above provided, to be used in case of emergencies. Any unexpended portion of said reserved fund created for any fiscal year shall constitute a part of such reserve fund for the ensuing year. Such estimate or budget shall be prepared in such detail as the board shall deem advisable, and in order to enable the said board to properly make the apportionment hereinbefore required, the heads of each department of the city shall, at least ten days before said apportionment is made, furnish in writing to said board, estimates in detail of the amounts needed for their respective departments, which estimates shall be considered by the board of commissioners in determinng the amount apportioned to each department of the city: *Provided,* that any apportionment made by said board of commissioners to any department of the city may at any time be increased or reduced, or may be diverted from one department to another by a majority vote of all the members of the board: and *Provided, further,* that if at the end of the fiscal year any surplus remains to any department of the city for which an apportionment was made, the same shall be credited to the general funds for the next ensuing fiscal year. That at the end of each quarter during the fiscal year each of the heads of the various departments of the city shall file with the board of commissioners an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid.

Duties of city clerk.

Sec. 59. It shall be the duty of the city clerk to attend each meeting of the board of commissioners, and to keep the minutes and records of all the proceedings of said board in well bound books provided for that purpose, and to preserve all books, papers and writings of all kinds committed to his care during his continuance in office and deliver them to his successor, and to account for and pay over all moneys which may come into his hands by virtue of his office, to keep the corporate seal of the city and to affix same when lawfully directed so to do; to act as clerk of the municipal court, if so directed, and shall perform such other duties as may be required of him by this act or by the board of commissioners.

Bond of city treasurer.

Sec. 60. The city treasurer shall give bond, in some bonding company, in such sum and form, and with such conditions as may be required by the board of commissioners, the amount of said bond shall not be less than ten thousand dollars ($10,000), and the same to be approved by the board of commissioners, said bond to be paid for out of the regular expense funds of the city. It shall be his duty to call on all persons having in their hands any moneys or securities belonging to the city which ought to be paid and delivered into its treasury, to surrender the same to him, and to receive and safely keep and pay out the same only on warrants, signed by the mayor and countersigned by some other person to be designated by the board of commissioners. All moneys belonging to said city and received by any officer or agent thereof, from any source whatsoever, shall, unless otherwise herein directed, be by him turned over to said treasurer, as hereinafter provided, for which the treasurer shall give a receipt to the party so paying. Said treasurer shall keep, in books provided for that purpose, a full and correct account of all moneys received and disbursed by him and shall render a statement of his receipts and disbursements to the board of commissioners at the first of each month, and at such other time as may be required of him by said board. Said board of commissioners shall have the right to require of the treasurer 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 said bond be given and approved in the manner aforesaid. That said board of commissioners may, in their discretion, select one or more banks in the county of Wake as depository banks for the city of Raleigh, and should such bank or banks be so selected as above provided it shall then be the duty of said treasurer to make daily deposits of such sums and moneys as shall be received by him from all sources whatsoever to his credit as treasurer in one or more of said banks, and such depository bank or banks, before any such deposit is made therein, may be required to enter into an obligation with the said board of commissioners to pay into the treasury of said city interest at a rate to be fixed by said board of commissioners, which said interest shall be payable according to the terms of

Payment for bond.

Duty of treasurer.

Moneys to be turned over to treasurer.

Accounts and statements.

Renewal of bonds.

Depository banks.

Daily deposits.

Interest on deposits.

Proviso: rate of interest.
Guarantee of deposits.

the contract: *Provided*, the rate of interest to be paid by said bank may at any time be changed by the board of commissioners. The said bank or banks may, in the discretion of the board, be required also to execute a good and sufficient bond, with sureties to be approved by said board of commissioners, and conditioned that such bank or banks will safely keep and account for and pay over said money on demand and as ordered by the board of commissioners.

Interest credited to general fund.

All interest paid by any such bank upon such balance shall be collected by the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general funds of said city, subject to its use for any legitimate or municipal purpose.

Funds kept separate.

That whenever required by the charter by the board of commissioners said treasurer shall keep the funds and the accounts thereof of the different departments of the city separate.

Further duties required of treasurer.

Said treasurer shall do and perform such other acts as said board of commissioners may require of him, and on the expiration of his term of office, or upon the same being for any reason vacated, he shall deliver to his successor in office all the moneys, securities and other property which are, or ought to be, in his hands by virtue of his office.

Settlement with successor.

Powers and liability of commissioner of public finances.

Sec. 61. The commissioner of public finances of said city, in the collection of taxes shall be vested with the same power and authority as is given by the State to sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty.

Collection of tax.

It shall be his duty to collect all taxes levied by the board of commissioners,

Charges.

and he shall be charged with the sums appearing on the tax list as due for city taxes.

Penalty for retention of money.

He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per cent per month to be paid to the city upon all sums retained.

Credits.

In the settlement with the commissioners of public finances he shall be credited with all poll taxes and taxes of personal property which the board of commissioners shall declare to be insolvent and uncollectible, and with such amounts as may be involved in suit by appeal from the ruling of the board, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore provided.

Audit, settlement and report of accounts.

After the accounts of said commissioners shall be audited and settled, the same shall be reported to the board of commissioners and, when approved by them,

Record prima facie evidence of correctness.

the same shall be recorded in the minute book of said board, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.

Duties of city attorney.

Sec. 62. That it shall be the duty of the city attorney to prosecute and defend all suits for and against the city, and to prosecute all suits before the police justice, to advise the mayor, board of commissioners, and all other commissioners, officers, agents and departments of the city in regard to matters connected with the city's business, and it shall be his duty, when required so to do, to attend

the meetings of the board of commissioners, and to prepare such deeds, contracts, bonds and other legal papers as may be required for the city's business.

Chief of police.

Supervision and control of police force.

Duties of chief.

Reports to police justice.

Police powers.

Extension of powers.

Powers in execution of process.

Chief may take bail.

Fees to be turned over to city.

Fees.

Rules for government of police.

Temporary additional policemen.

Badges, arms and uniforms.

Proviso: plain clothes men.

Powers of police.

Sec. 63. The chief of police, acting under the commissioner of public safety, shall have the supervision and control of the police force, and it shall be his duty to report to the commissioner of public safety any failure of duty on the part of any member of the police force; that it shall be the duty of said chief of police to see that all laws and ordinances of the city are enforced and to do all such things as may be required of him by the board of commissioners or by the commissioner of public safety. He shall report any violation of law or the ordinances of the city to the judge of the municipal court. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city. Such power and authority to be exercised by them not only in the corporate limits but anywhere in Raleigh Township, or on any rights-of-way, easements or property of the city without the corporate limits thereof, and on the right-of-way of any street railway extension thereof, within and without the city limits, operating under a franchise granted by the city, for the purpose of enforcing ordinances and regulations of the city enacted for police and sanitary purposes, and for the further purpose of suppressing disturbances and apprehending offenders. They shall execute all process legally directed to them by any court within the county, and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and the chief of police may take bail for the appearance of defendants or other persons charged with violation of law or of city ordinances in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the city clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like service.

Sec. 64. The board of commissioners of the city of Raleigh shall make rules and regulations for the government and direction of the police of the city. In times of exigency the commissoner of public safety may appoint, temporarily, such additional policemen as shall be necessary, who shall take the same oath and be vested with the powers and subject to the same control as regular policemen. The board of commissioners of said city 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*, that the commissioner of public safety, when he deems it necessary, may authorize such officer to be on duty in plain clothes. The police of the city shall have power to do whatever may be necessary to preserve the good order and peace of the city, and secure the inhabitants from personal violence and their property from loss or injury.

Further enumeration of powers and duties of police force.

Sec. 65. It is hereby made the duty of the police department and force, at all times of day or night, and the members of such force are hereby thereunto 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, protect the rights of persons and property, guard the public health, preserve order at elections and all public meetings and assemblages, regulate the movement of teams and vehicles in streets, bridges, squares, parks and public places, and remove all nuisances in public streets, parks and highways; arrest all street mendicants and beggars, provide proper police attendance at fires, assist, advise and protect strangers and travelers in public streets and at railroad stations; carefully observe and inspect all places of public amusement, all places of business having license to carry on any business and to repress and restrain all unlawful, disorderly conduct or practices therein; enforce and prevent the violation of all laws and ordinances in force in said city, and for these purposes to arrest all persons with or without a warrant when such person is in Raleigh Township and when such person is reasonably suspected to be guilty of violating any law or ordinances for the suppression or punishment of crimes or offenses, whether felonies or misdemeanors; to prevent, as far as possible, all injury to the city property and buildings, streets and sidewalks; 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 commissioners or the mayor, the chief of police or the police justice.

Authority to summon assistance.

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 person so summoned shall refuse to assist, the policemen are hereby directed to report the names of such persons to the police justice, who is required to proceed against them as the law directs.

Power to enter enclosures and houses.

They shall have power to enter the enclosure and house of any person without warrant, when they have good reason to believe that 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, all persons so summoned shall have like authority of entry and arrest.

Jailer to receive prisoners.

Sec. 66. That upon demand by a city policeman the 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 in the night by the police force, and to keep such person safely until the morning, when the offender shall be taken before the police justice and be lawfully dealt with, and for such service the jailer shall be entitled to such fees as in other like cases.

Fees of jailer.

Exemption from military or jury duty.

Exemption from arrest.

Sec. 67. No person holding office under the police department shall be liable to military or jury duty, and no officer or patrolman while actually on duty shall be liable to arrest on civil process.

Sec. 68. That the chief of police and each member of the police force shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oaths shall be filed with the mayor and entered in the book with the oaths of the board of commissioners and other officers of the city. Chief and members of police force to be sworn.

REVENUE.

Sec. 69. That all moneys arising from taxes, fines, penalties, forfeitures or any other sources whatsoever shall be the property of the city and be paid into the city 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 city and the people resident therein, unless otherwise expressly provided in this act. Moneys, property of city. To be paid into city treasury. Appropriations in specific items.

Sec. 70. That in order to raise a fund for the expenses incident to the proper government of the city, the board of commissioners may annually levy and collect the following taxes, namely: Power to levy and collect taxes.

(1) On all real and personal property within the corporation limits, including money on hand, solvent credits, investments in bonds, stocks, and all other subjects taxed by the General Assembly *ad valorem*, except incomes, a tax not exceeding one dollar on every hundred dollars value. Ad valorem on property.

(2) Said board may also levy, and collect for general purposes, a poll tax not exceeding one dollar and eighty cents, and for the purpose of paying interest on the municipal bonds of said city a poll tax not exceeding one dollar and twenty cents, said poll tax to be levied on the taxable polls of all male persons who may be residents of the city on the first day of June of each year. Poll tax for general fund. Poll tax for interest on bonds.

(3) That in the collection of all city taxes upon property or polls the general law of the State regulating attachment and garnishment shall be applicable, and the police justice, chief of police and members of the police force shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such case. Attachment and garnishment in collection of taxes.

(4) Upon every omnibus used for the carriage of persons for hire, license tax not exceeding fifty dollars a year; and upon every hack, carriage or other vehicle, including express wagons used for the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding ten dollars a year; and a discrimination shall be made between one and two-horse vehicles. Tax on vehicles.

(5) Upon all male dogs kept in the city and which may be so kept on the first day of June, a tax not exceeding three dollars, and upon every bitch not exceeding ten dollars. Tax on dogs.

Tax on swine and goats.

(6) Upon all swine and goats not prohibited by the aldermen to remain in the city, when confined, a tax not exceeding five dollars a head.

Tax on encroachments on streets.

(7) Upon all encroachments on the streets or sidewalks by porches, piazzas, stairways, passages or other projections or excavations suffered or allowed by the aldermen, a tax not exceeding two dollars nor less than fifty cents per square foot.

Tax on stock in corporations.

(8) Upon all shares and certificates of stock issued by every bank, banking association or other incorporated institution located within the corporate limits, whether such institution or banking association has been organized under the laws of this State or of the United States, *ad valorem* a tax not exceeding one dollar on every hundred dollars value: *Provided*, that the owners of such shares or certificates of shares of stock are residents of the city, and that the assessment shall be with regard to the value of the stock on the first day of June annually: *Provided, further*, that the value of the property of such bank or association otherwise taxed by said city and its property exempt from taxation be deducted from the aggregate of such bank association's capital stock.

Proviso: owners resident of city.

Assessment.

Proviso: deductions.

Tax on males used for breeding.

(9) Upon every stud-horse, jackass or bull used for the purpose of breeding within the corporate limits of said city, a license tax not exceeding twenty-five dollars a year.

Tax lists under oath.

Sec. 71. That the citizens of Raleigh, 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 city, or to such other persons as the board of commissioners may select, who is hereby constituted a commissioner of affidavits for that purpose, on 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 under all the rules and penalties prescribed in this charter. The list shall state the age of the party with reference to his liablity to a poll tax, and shall also contain a verified statement of all the real and personal property of every kind, and such interest and estates therein as are taxable: moneys, credits, investments in bonds, stocks, joint stock companies, annuities, or otherwise, not herein excepted, and all other subjects taxed by this charter and by the General Assembly, in possession or under control or in charge of the person required to render said list, either as owner or holder thereof, or as a parent, husband, guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor or otherwise. The party listing shall also swear to the true value of all property, choses in action and other subjects listed, except land, which oath shall be in the following form, to wit: "I, ..., do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed by me is a true valuation of the same according to my best

Tax lister.

Blanks.

Contents of list.

Oath as to value.

Form of oath.

knowledge, information and belief; so help me, God." Any person making false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor or administrator, or in right of a *feme covert*, shall be returned on separate lists. Persons owning shares in incorporated companies within the city limits taxable by this charter are not required to deliver to the clerk a list thereof, but the president or other chief officer of such corporation shall deliver to the clerk a list of all shares of stock held therein, and the value thereof, and the tax assessed on shares of stock in such corporation shall be paid by the corporations respectively.

False swearing perjury.
Property held in trust.
Corporation taxes.

Sec. 72. That all the real and personal property of any railroad, or so much thereof as may be located within the corporate limits of said city, including roadbeds, rights-of-way, main and sidetracks, depot buildings and grounds, section and tool houses, machine and repair shops, general office buildings and storehouses, rolling stock and personal property necessary for the construction, maintenance and successful operation thereof, shall be listed for purposes of taxation by the principal officers or agents of such companies with the clerk or other person authorized to take said list in the manner provided by law for the listing and valuation of real and personal property under the rules, regulations and methods now or hereafter to be provided by the General Assembly of North Carolina for ascertaining and listing the value thereof.

Tax lists of railroads.

Sec. 73. That if any person or company 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, such person or company shall pay double the tax assessed on any subject for which said person is liable to be taxed.

Double tax for failure to list.

Sec. 74. That the clerk or other person taking said list shall be particular to examine each person as to whether he has other property than that stated in his return which he may claim is not liable to taxation. Such property, except bonds of the United States or the State, shall be entered and noted on the tax list.

Property for which exemption is claimed.

Sec. 75. That from the returns and lists made as provided by this charter, the clerk, or such other person as the board of commissioners shall select, shall, within thirty days after the expiration of the time for taking said lists, make out in a book kept or provided for that purpose an alphabetical list of the persons, companies and owners of the 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 said clerk or other person shall copy in the said book the assessments on file in the register of deeds office for Wake County of all property within the city limits.

Tax lists made out.
Assessments.

Sec. 76. That as soon as the tax list can be completed the board of commissioners shall place the same in the hands of the commissioner of public finances for collection, who shall proceed forthwith

Tax list delivered to collector.

Collection.

in the collection and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer. 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 same are paid.

Penalty for delay in payments.

Bank taxes payable thirty days after notice.

Sec. 77. The taxes imposed upon the shares or certificates of shares of stock in any bank or banking association (State or national) shall be paid by the cashier or other principal officer of such bank or banking association directly to the city tax collector within thirty days after notice from said tax collector of the amount of tax due, and upon the failure of said cashier or principal officer to pay the commissioner of public finances as aforesaid, he shall forthwith institute an action against the bank or banking association for the recovery of the same in the proper court in said county.

Action for recovery.

Collection by distress.

Sec. 78. 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 commissioner of public finances shall proceed forthwith to collect the same by distress and sale, and all sales to be made after public advertisement for the space of ten days in some newspaper published in the city if the property to be sold be personalty, and of twenty (20) days if the property be realty, or by posting a notice in four public places within the city. And the said commissioners shall have the right to levy upon and sell any personal property situated outside of the limits of the city, within the county of Wake, belonging to a delinquent taxpayer of the city, in order to enforce the payment of taxes due the city by said delinquent.

Advertisement of sale.

Levy upon property outside of city.

Lien on real estate for taxes.

Sec. 79. That the tax due on any lot or other sub-division 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 of the commissioner of public finances 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 commissioners, together with a description of the real estate, and thereupon the commissioners shall direct the same to be sold at the court-house door in the city of Raleigh by the commissioner of public finances. The said commissioner shall, before selling the same, make a full advertisement of the said real estate at the court-house door and at three or more public places in said city for twenty days, 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 city, or for any cause can not be served with notice, then the advertisement of real estate belonging to such owners shall be

Enforcement of collection.

Advertisement of sale.

Notice to owners.

made for one week in some newspaper published in the city of Raleigh, and the commissioner of public finances 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 thereof as may be required to pay said taxes and all expenses attendant thereon. If the same can not be conveniently divided, the said commissioner shall sell the whole; and if no person shall 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 city in fee, and the owner or occupant may be dispossessed and evicted from said premises by the city or its assignee at any time by an action of ejectment. No sale of real estate in said city for the nonpayment of taxes assessed against such real estate as appearing on 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 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 assessment and the proceeding for the sale, were paid at the time of the same. That the commissioner of public finances shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided and the 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 city treasury, subject to the demands of the owner.

Division of land.

Sale as whole.

Property struck off to city.

Proceedings not to be attacked until payment of taxes.

Report of commissioner.

Surplus to use of owner.

Sec. 80. 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 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.

Time for redemption.

Penalty on redemption.

Amount refunded.

Sec. 81. 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 commissioners, attested by the corporate seal; and the recital in such conveyances, 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.

Conveyance of property not redeemed.

Sec. 82. 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 according to the provisions of the general law relating thereto.

Real estate of persons under disability.

Remission of penalties.

Sec. 83. The board of commissioners may authorize and direct the commissioner of public finances to remit any part, or all, of the penalty imposed upon taxpayers for failure to pay their taxes within the time prescribed, whenever the board of commissioners shall deem such remission equitable and proper.

License taxes.

Collection.

Sec. 84. That in addition to the subjects listed for taxation, the commissioners may levy a tax in the following subjects, the amount of which tax, when fixed, shall be collected by the city clerk instantly, and if the same be 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, namely:

Peddlers.

(1) Upon all itinerant merchants or peddlers offering to vend in the city, a license tax not exceeding one hundred and fifty dollars a year, except such only as sell books, charts, maps, or wares of their own manufacture, but not exceeding venders of medicine by whomsoever manufactured, and not more than one person shall peddle under a single license: *Provided*, that such itinerant merchants or peddlers shall comply with such rules and regulations as the board of commissioners may make in respect to the time, place and manner of vending under such licenses.

Proviso: regulations.

Tables for gains.

(2) Upon every pool and billiard room, bowling alley or alley of like kind, bowling saloon, bagatelle table, billiard or pool table, or table, stand, or place for any other game or play, wheels of fortune or other games of chance, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with such a house, or used or connected with a hotel or restaurant, or contiguous or adjacent thereto, a license tax not exceeding one hundred dollars for each table or alley or other subject therein mentioned.

Liquor business.

(3) Upon every permission by the board of commissioners to retail spirituous, vinous or malt liquors, a tax of twelve hundred dollars; and for every permission to sell spirituous, vinous or malt liquors in quantities of one quart and less than five gallons a license tax of four hundred dollars, and in quantities of five gallons or more a license tax of four hundred dollars: *Provided*, that they may issue a single license for the sale of beer only and charge therefor not exceeding three hundred dollars a year.

Proviso: beer license.

Circus tax.

Side show.

Tax to be paid before exhibition.

(4) Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the city or within one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition, and upon every side show connected therewith a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not, to be doubled.

Stage plays and other shows.

(5) Upon every person or company exhibiting in the city or within one mile thereof any stage or theatrical plays, sleight-of-hand performers, rope dancing, tumbling, wire dancing or menag-

eries, a tax not exceeding fifty dollars for every three hours allowed for exhibiting, the tax to be paid before exhibiting or the same shall be doubled.

(6) Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the city or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition or the same shall be doubled. Artificial curiosities.

(7) Upon each show or exhibition of any kind, and on each concert for reward, in the city or within one mile thereof, and on every strolling musician, a tax not exceeding fifty dollars, to be paid before exhibition or the same shall be doubled. Shows, concerts and strolling musicians.

(8) Upon every cow, goat or hog running at large in the city there may be levied a tax not exceeding three dollars, and upon every horse, mule or bull going at large a tax not exceeding ten dollars; and every such animal shall be seized and impounded in an inclosure which shall be established and kept by the city thereof, and if the owner, on being notified, will not pay the tax, the animal shall be sold therefor at the pound after three days notice at the court-house. Animals running at large. Animals seized and impounded. Sale.

(9) Upon every dog which may be kept or brought into the city after the first day of June to be kept therein, a tax not exceeding two dollars for the permission to keep such dog in the city, which permission shall not extend further than the last day of May next ensuing. Dog tax.

(10) Upon every auctioneer or crier of goods at public auction, subject to the limitations provided in chapter six of The Revisal of one thousand nine hundred and five, a license tax not exceeding one hundred dollars a year. Auctioneers.

(11) Upon every stock and bond broker, junk dealer and pawnbroker, sewing machine or bicycle company or agent for such company, dealer in, or manufacturer's agent of musical instruments, keeper of sales or stables or stockyards doing business in the city, a license tax not exceeding two hundred dollars a year. Other occupations.

(12) Upon every lawyer, physician, dentist, cotton broker, bill poster, street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal or either, insurance company or insurance agency for every company represented, and every skating rink or shooting gallery, a license tax not exceeding fifty dollars a year. Other occupations.

(13) Upon every surface privy, as provided in this charter, a license tax not exceeding one dollar a year for each of said licenses. Surface privies.

(14) Upon every other occupation, profession or business not herein specially named, a license tax not exceeding one thousand dollars a year. Occupations not specially named.

Sec. 84. The license year shall begin on the first day of June of each and every year. License year.

Other subjects of taxation.

Sec. 85. That in addition to the subjects enumerated in the foregoing sections, the said board of commissioners shall, for the purpose of raising revenue, have the power to tax all persons, firms, or corporations, and all subjects of taxation which, under the constitution and laws of the State of North Carolina, are taxable by the General Assembly of North Carolina for State and county purposes.

Licenses posted.

Sec. 86. That the board of commissioners may provide that all licenses issued hereunder shall be kept posted in such place as they deem right and proper.

Revocation of license.

Sec. 87. That the board of commissioners shall have the power, in their discretion, to revoke any license after being issued.

Plumbers and electricians.

Sec. 87 *a*. Said board may regulate and license plumbers and those engaged in the electrical wiring of buildings for light, power or heat, and before issuing a license, may require the applicant to be examined and to give in such sum and upon such condition as the board of commissioners may determine, and with such sureties as it may approve, and said board may for incompetency on the part of such license or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder.

Examination of applicants.

Sureties.

Revocation of license.

License not to exceed one year.

Not transferable.

No license issued until paid for.

Proviso: license tax paid annually or semi-annually.

Sec. 88. No license shall be issued hereunder by said board for more than one year, and the said license shall not be transferable or assignable except by the permission of the said board, and no license shall be issued until the license tax shall have been paid: *Provided, however*, that the board of commissioners may require in their discretion that license tax shall be paid annually or semi-annually in advance.

Doing business without license a misdemeanor.

Sec. 89. Any person carrying on or practicing any business, profession, trade or vocation 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 not more than fifty dollars, or imprisoned not more than thirty days.

Punishment.

Books, records and documents open to inspection.

Sec. 90. That all the books, records, documents and papers of every name and nature belonging to the city 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 city at all times during the ordinary business hours.

Annual reports of receipts and disbursements.

Sec. 91. That on the first Monday of March in each year all of the officers of the city shall make out and file with the city clerk a fair transcript of all receipts and disbursements in the departments over which they preside; all of the officers of the city having any of the property of the city in their charge shall report an inventory of the same, and each commissioner shall submit annual reports, all of which the board of commissioners shall cause to be printed in book form for the general information of the citizens.

Inventories of property.

Reports of commissioners.

Blue book.

STREETS.

Condemnation of land for streets.

Sec. 92. That when any 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 the compensation therefor can not be agreed upon by the owner or owners and the board of commissioners, the same may be condemned and taken by the board of commissioners at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the board of commissioners 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 commissioners 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 agent notice, or giving ten days notice in a newspaper published in the city, in case such owner can not be found in the city, 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 of 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 commissioners, 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 city of Raleigh, and shall pass the title to the city of Raleigh, of the land so taken, and the land may at once be taken and used by the city for the purpose intended: *Provided*, that if either the owner or owners whose land is taken under this paragraph, or the board of commissioners, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the superior court: *Provided, however*, that such appeal shall not hinder or delay the board of commissioners in opening, widening or changing such street or making such improvement.

Valuation by arbitration.

Notice to owners.

Report to have effect of judgments.

Proviso: right of appeal.

Proviso: appeal not to delay action.

Powers of commissioners as to streets, sidewalks and parks.

Sec. 93. That the board of commissioners of the city of Raleigh shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of said city and make such improvements thereon as they may deem best for the public good, and may provide for and regulate the lighting of the public parks, and regulate, control, license, prohibit and prevent digging in said street and sidewalk, or placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above or below the surface thereof, and regulate and control the use thereof by persons, animals and vehicles. To prevent, abate and remove obstructions, encroachments, pollution or litter therein, and shall have

Parks and squares.

under their government, management and control all parks and squares, within or without the city limits, established by the board of commissioners for the use of the city.

Owner to pave or repair sidewalk.

Owner to improve one-fourth of street.

Supervision of commissioner of public works.

Work done at expense of delinquent.

Expense a lien on lot.

Enforcement of collection.

Proviso: work done by city.

Charges a lien on property.

Proviso: charges payable in installments.

Interest on installments.

Collection of installments.

Sec. 94. That every owner of a lot on a street, if so ordered by the board of commissioners, shall pave, or repair in such manner as the board of commissioners may direct, such sidewalk as far as it may extend along such lot; and shall also, if so directed by the board of commissioners, macadamize, pave or otherwise improve one-fourth of the street adjoining, with such materials and in such a manner as may be required by the board of commissioners, and all work done under this section shall be done under the strict supervision of the commissioner of public works, and on the failure to do as directed within twenty days after notice by the said commissioners, or of the chief of police 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 known to the board, or if personal notice can not be served upon the owner or agent, then after publication of a notice by the said commissioner, for ten days in some newspaper published in Raleigh, calling on the owner to make such repairs, the board of commissioners or the commissioner of public works may cause the same to be repaired or improved as directed by the board and the expense shall be paid by the person in default; said expense 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, by the commissioner of public accounts and finances of said city, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed for the sale of land for unpaid taxes: *Provided, however,* that the board of commissioners, 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 city 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 collectible, 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, in that event, all of said installment shall at once become due; said property shall be sold as hereinbefore provided and said installments, interest and cost be paid and surplus, if

any, paid to the owner: *Provided, further,* that whenever the city 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 commissioners within ten days aforesaid that he takes an appeal to the next term of the superior court of Wake County, and shall, within five days thereafter, serve 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 commissioners made or done under this section, but said appeal shall not delay or stop the said improvements.

Proviso: notice of amount charged.

Notice of appeal.

Trial on appeal.

Sec. 95. That the board of commissioners of the city of Raleigh shall have power to prohibit cellars or entrances to cellars under the sidewalks of said city, or any obstructions upon the streets or sidewalks thereof.

Cellars and obstructions.

CITY MARKET.

Sec. 96. The board of commissioners of the city of Raleigh have power to provide for the establishment, maintenance and regulation of markets and slaughter places, may prescribe the time and place of sale of fresh meats, fish and other marketable products; may rent the stalls in such manner and at such prices as it may deem best; may appoint a keeper of the market, or other persons, who may summarily condemn all unsound products offered for sale in the city for food, and cause the same to be removed at the expense of the person offering it for sale.

Regulation of markets and slaughter places.

Keeper of market.

Condemnation of unsound products.

Sec. 97. It is hereby declared a misdemeanor for any person to sell or offer for sale in the city any unsound articles for food, and any person convicted of any violation of this section shall be fined or imprisoned, in the discretion of the court.

Sale or offer of sale of unsound food a misdemeanor.

Punishment.

SEWERAGE.

Sec. 98. That the said board of commissioners shall have power to provide, construct, establish, maintain and operate a system of sewerage for the city, and protect and regulate the same by adequate rules and regulations, and if it shall be necessary in obtaining proper outlets to the said system to extend the same beyond the corporate limits, the board of commissioners may condemn a right-of-way or rights-of-way to and for such outlet or outlets, and the proceedings for such condemnation shall be as herein provided for opening new streets and other purposes.

Powers as to sewerage system.

Power to condemn rights-of-way.

Proceedings for condemnation.

Sec. 99. That the board of commissioners may require all owners of improved property which may be located upon or near any line of said system of sewerage, to connect with such sewerage all water closets, bath tubs, lavatories, sinks or drains upon their respective properties or premises, so that their contents may be made to empty into such sewer.

Enforcement of connections.

Garbage carts.

Sec. 100. That the board of commissioners may, by ordinance, provide for the removal, by wagons or carts, all garbage, slops and trash from the city, and when the same is not removed by the private indivdual in obedience to such ordinance, may require the wagons or carts to visit the houses used as residences, stores and other places of habitation in the city, and also may require all owners or occupants of such houses, who fail to remove such garbage or trash from their premises, to have the garbage, slops and trash ready and in convenient places and receptacles, and may charge for such removal the actual expense thereof.

Summary abatement of nuisances.

Sec. 101. That the board of commissioners, chief of police, commissioner of public safety, or other officer or officers, who may be designated for this purpose by said board, shall have power summarily to remove, abate or remedy, or cause to be removed, abated or remedied, everything in the city limits, or within a mile of said limits, which is dangerous or prejudiced to the public health; and the expense of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Expense a lien on land.

FIRES AND FIRE DEPARTMENT.

Fire companies and fire department.

Sec. 102. That the board of commissioners shall have power to provide for the organization, maintenance and government of fire companies and a fire department; and in its discretion may provide for a paid fire department, and for this purpose may create any offices and employments and fix their compensation as to the board may seem right and proper.

Paid fire department.

Officers, employments and compensation.

Fire limits.

Sec. 103. That the board may establish and maintain fire limits in the city, in which it shall be unlawful to erect, alter and repair wooden buildings or structures or additions thereto; it may also prohibit the removal of wooden buildings or structures of any kind into said limits, or from one place to another within the limits, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Removal of wooden buildings.

Building regulations.

Sec. 104. The board of commissioners may make rules and regulations governing the erection and construction of buildings in the city so as to make them as safe as possible from fire; and in case of fire the mayor, the commissioner of public safety, or any two members of the said board of commissioners, 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.

Powers in arresting fires.

Provisions of Revisal effective.

Sec. 105. That the provisions of sections two thousand nine hundred and eighty-two to section three thousand and ten, inclusive, of The Revisal of one thousand nine hundred and five of North Carolina, shall apply to the city of Raleigh, where not inconsistent with the provisions of this act.

COMMISSIONER OF THE SINKING FUND.

Commissioner of public finances commissioner of sinking fund.

Sec. 106. The commissioner of public finances shall do and perform all acts and things which under chapter one of the Private Laws of one thousand nine hundred and seven was conferred upon and incumbent upon a "commissioner of the sinking fund": *Provided, however*, that the board of commissioners may appoint some other person as "commissioner of the sinking fund," and such person shall have all the rights and powers conferred upon the commissioner of the sinking fund by said chapter one, Private Laws one thousand nine hundred and seven, and subject to the duties and obligations therein specified. And all powers or duties conferred by any special act upon the "commissioner of the sinking fund" of the city of Raleigh are hereby conferred upon and made the powers and duties of the commissioner of public finances or of the commissioner of the sinking fund if one is appointed by said board.

Proviso: commissioners may appoint commissioner of sinking fund.

Rights and powers.

Powers and duties.

GENERAL PROVISIONS.

Notice of proposed grant of franchise.

Sec. 107. No franchise shall be granted by said board of commissioners until a brief statement of the terms of such proposed franchise has been printed once a week for four weeks in a newspaper published in the city of Raleigh, and any franchise granted without such publication shall be null and void.

Franchise granted without publication void.

Transfer of duties.

Sec. 108. A majority of the board of commissioners is hereby authorized and empowered to transfer any of the duties or powers granted to any commissioner under this charter and confer such duties or powers upon another commissioner.

Police justice.

Sec. 109. That the police justice of the city of Raleigh shall continue as he has heretofore been, a special court with all the powers and jurisdiction conferred upon him by chapter one of the Private Laws, one thousand nine hundred and seven.

Powers and jurisdiction.

Willful failure to perform duty a misdemeanor.

Sec. 110. That if the mayor or any of the commissioners of the city of Raleigh shall willfully fail to perform any of the duties imposed upon them by this act, they and each of them so neglecting shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court, and shall also be liable to a penalty of one hundred dollars, one-half of which shall be payable to the county school fund, and one-half to the party who shall sue for the same.

Punishment.

Penalty.

Election on acceptance of charter.

Sec. 111. That on the third Monday in March there shall be held in the city of Raleigh an election at which all voters who are then registered and qualified to vote for the purpose of determining whether it is the will of such voters that the foregoing shall become the law applicable to the city of Raleigh. That the election shall be advertised by the board of aldermen for ten consecutive days prior to the holding of such election. Said advertisement shall be inserted in each daily paper published in the city of Raleigh. That such election shall be conducted in all things as are elections

Advertisement of election.

Law governing election.

for mayor and aldermen under the present law as nearly as may be: *Provided, however,* that the board of aldermen may in their discretion order a new registration of the voters in said city.

Proviso: aldermen may order new registration.

Ballot boxes.

Sec. 112. That at each voting place in said city, at such election, there shall be provided one box in which each person entitled to vote may deposit one ballot. That those wishing to vote that the foregoing provisions shall become law applicable to the city of Raleigh may vote a ballot upon which shall be printed or written the words "For commission charter," and each of those wishing to vote against the foregoing provisions becoming law applicable to the city of Raleigh may vote a ballot on which shall be written or printed the words "Against commission charter."

Ballots.

Count of ballots and certificate of result.

Sec. 113. That the election officers for each precinct shall, within six hours from the time the polls are closed in the election to determine the question as to whether the foregoing provisions shall become law, shall count the ballots and certify the results to the mayor and the board of aldermen. The mayor and board of aldermen shall, within twenty-four hours, examine such certificates and formally declare whether a majority of those voting have voted "For commission charter" or "Against commission charter," and spread upon their minutes the record of their determination, and if it shall appear therefrom that a majority of those voting at such election have voted "For commission charter," the foregoing section of the proposed charter shall at once become effective and the law applicable to the city of Raleigh, North Carolina, as if unconditionally passed by the General Assembly of North Carolina.

Examination of returns and declaration of result.

Effect of election.

Failure of mayor or aldermen to perform duty a misdemeanor.

Sec. 114. That if the mayor or any of the board of aldermen shall fail to perform the duties imposed upon them relative to holding elections provided for by this act, they and each of them so neglecting shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court, and shall also be liable to a penalty of one hundred dollars, one-half of which shall be payable to the county school fund, and one-half to the party who shall sue for the same.

Punishment.

Forfeit.

When act effective.

Sec. 115. That this act shall be in force and effect from the date of declaring carried the election "For commission charter" in the manner above set forth: *Provided, however,* that sections one hundred and eleven, one hundred and twelve, one hundred and thirteen and one hundred and fourteen of this act shall be in full force and effect from and after the ratification of this act.

Ratified this the 2d day of March, 1911.

CHAPTER 243.

AN ACT TO REVISE, AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the city of Statesville 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 Statesville," 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. Incorporation. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said "city of Statesville" shall be circumscribed by the following boundaries, to wit: Beginning at a stone on the north side of (the) Jonesville road, near where said road and the Mocksville road fork; thence south twenty-four degrees east one hundred and ninety-four poles to a stake; thence south sixty-nine degrees west one hundred and thirty-five poles to a stone; thence south twenty-four east one hundred and thirty poles to a stone; thence south sixty-six degrees west one hundred and twenty-five poles to the switch on the Atlantic, Tennessee and Ohio Railroad; thence along the north side of the Atlantic, Tennessee and Ohio Railroad one hundred and twenty-eight poles to a stake on the east side of said railroad, where Durham avenue of the Statesville Development Company intersects said railroad; thence with the north side of Durham avenue ninety-two poles to a stake on the north side of Fourth street of the Development Company's property; thence with the west side of said street to a stake on the north side of New Bern avenue, in (the) Statesville Development Company's property; thence with New Bern avenue eighty-five poles to Eighth street; thence with the east side of said street one hundred and forty poles to the north side of the Western North Carolina Railroad; thence along the west side of said Western North Carolina Road eighty-two and a half poles to the bridge crossing the Statesville Development Company's land; thence north eight poles to the south side of the Statesville and Western Railroad; thence with the south side of said railroad ninety- Corporate limits.

three poles to a stake; thence south sixty-six degrees west one hundred and three poles, passing an old stone corner to a stone, an original corner; thence north twenty-four degrees west, passing near the fork of the Taylorsville and Lewis Ferry road two hundred and twenty-two poles to a stone; thence north sixty-six degrees east five hundred and fifty-six poles to the beginning corner.

Division into wards.

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: Ward one: All that part of said territory lying north of Broad street and east of Center street in said city. Ward two: all that part of said territory lying south of Broad street and east of Center street. Ward three: All that part of said territory lying south of Broad street and west of Center street. Ward four: All that part of said territory lying north of Broad street and west of Center street: *Provided*, that the line between Ward three and Ward four shall be Broad street to its western terminus, and thence north around the female college westward in the same general direction of said street to the corporate limits.

Ward One.

Ward Two.

Ward Three.

Ward Four.

Proviso: line of Wards Three and Four.

Election of mayor and aldermen.

Sec. 4. That on Tuesday after the first Monday in May, one thousand nine hundred and eleven, there shall be elected a mayor and two aldermen from each ward, and every two years thereafter a mayor and two aldermen from each ward.

Application of general law.

Sec. 5. That the provisions of the general election law of the State, now existing or as hereafter amended, as to the qualifications of voters, residence of voters, the removal of voters from one voting precinct in the "city of Statesville" to another, and also the oath to be taken by each voter upon registration, shall apply, as far as practicable to any election held under this charter.

Law governing elections.

Sec. 6. That all elections for municipal officers of the "city of Statesville" shall be held under and be regulated by such general laws as now exist or which may hereafter be adopted for the election of municipal officers in the State of North Carolina.

Voting places.

Sec. 7. That at the election to be held in May, one thousand nine hundred and eleven, and at all subsequent elections there shall be a voting place in each ward, such as shall be prescribed from time to time by the authorities given that power in the general law now in force, or which may hereafter be adopted, governing the election of municipal officers in the State of North Carolina.

Board of aldermen.

Sec. 8. The board of aldermen of the "city of Statesville" shall be composed of eight members, two of whom shall be elected from each of the four wards of the city by the qualified voters thereof. Said aldermen shall be residents of the ward from which they are elected, and the term of office of each alderman from each ward shall be for two years, and until their successors are elected and qualified. The said aldermen so elected shall form one board and the majority of the board, duly assembled, shall be competent to perform all the duties prescribed in this act.

Residence and term.

One board.

Quorum.

Regular meetings.

Sec. 9. It shall be the duty of the board of aldermen to meet at the place where their predecessors met, Friday night following their election at eight o'clock p. m., and thereafter at such time and place as they may select, once each month, and continue in session until all business of the board shall be disposed of. All legislative business of the board shall be transacted in meeting and shall be open to the public. Each alderman shall receive two dollars for every meeting attended by said alderman, and no more.

Meetings open to public.

Pay of aldermen.

Mayor and aldermen to qualify.

Sec. 10. That at said first meeting the mayor and aldermen shall take an oath to support the constitution of the United States and the laws made pursuant thereto, to support the constitution of the State of North Carolina and the laws enacted by the General Assembly of said State not inconsistent with the constitution of the United States, and to discharge the duties imposed upon them by virtue of their said office to the best of their ability. The said oath shall be administered by a judge, a justice of the peace, retiring mayor or by the clerk of the superior court of Iredell County.

Officers to be elected by aldermen.

Sec. 11. That at the first meeting, or if a majority of the board shall determine, at a later meeting, the board of aldermen shall elect officers for the proper government of the city. They shall elect a tax collector, a clerk and treasurer, a chief of police, and such other officers, agents and employees as they deem advisable for the carrying out of the duties and powers imposed upon said board by this act. The said officers so elected shall hold their office during the pleasure of the board.

Term of officers.

Special meetings.

Sec. 12. Special meetings of the board of aldermen 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 and the mayor shall be notified.

Aldermen ineligible for other office or employment.

Sec. 13. No member of the board of aldermen or the mayor 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 of the city 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.

Rules of procedure.

Compulsion of attendance.

Ayes and noes.

Power to fill vacancies.

Sec. 14. The board of aldermen shall determine its own rules of procedure and shall compel the attendance of its members. 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. They shall have power to fill all vacancies occurring in their board and shall also have power to fill a vacancy in the office of mayor.

Ordinances and resolutions to lie over.

Sec. 15. No ordinance or resolution shall be passed upon the date of its introduction except the same be passed by a three-fourths majority of all the aldermen or unless it be a cause of

public emergency. All ordinances except in cases of public emergency shall be introduced at a regular meeting and shall stand for passage at the next regular meeting of the board: *Provided*, that no ordinance or resolution making a grant of any franchise or special privilege nor any ordinance amending or extending such grant made prior thereto shall ever be passed on the date of its introduction, and in no event until notice by advertisement in some newspaper published in the city of Statesville for four weeks shall have been given by the beneficiary of said ordinance or by the city to the public, that such ordinance has been introduced and that its passage will be asked for at the next regular meeting of the board. And any such ordinance passed in any other manner than is herein provided shall be null and void.

Proviso: ordinances granting franchises and special privileges.

Ordinances void.

Bonds of officers.

Sec. 16. The board of aldermen shall require all officers of the city, elected by said board to give bond in such sum as may be prescribed by ordinance, which sum shall always be in a sufficient amount to protect the city.

GENERAL POWERS OF THE BOARD OF ALDERMEN.

Exercise of powers.

Sec. 17. All of the corporate powers conferred upon the "city of Statesville" shall be exercised by the board of aldermen of 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:

Power to pass ordinances.

Payment of debts and appropriation of funds.

(1) To provide for the payment of any existing indebtedness and of any valid obligations that may be made from time to time by the city and to appropriate funds for that purpose.

Concerning streets and sidewalks.

(2) To establish, construct, open, grade and keep in repair streets, sidewalks, public alleys, bridges, culverts, drains in the city; to regulate the construction and use of the same; to abate any obstructions or encroachments thereon; and to provide for the punishment of any person, firm, corporation or indivdual obstructing or encroaching upon the same.

Excavations on streets, sidewalks and alleys.

(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.

Lights and power.

(4) To provide for the lighting of the streets, public grounds and public buildings, and for furnishing lights and power to the citizens of 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; to wire buildings and install the necessary fixtures, machinery and appliances in said buildings, and provide for the repayment of the cost thereof by the owner or owners of said buildings in regular installments, to be determined by the board, and said cost shall be and remain a lien upon said building and the lot the same is situated upon until said cost of work is repaid.

(5) To regulate the speed of all railroad trains, locomotives and street cars within the city and their stops at street crossings; to require the companies to keep the streets through or across which they may run in repair within and for a reasonable distance from their tracks, and to levy special taxes or assessments upon all such companies for street improvements in the same manner as against abutting property owners. Regulation of traffic of trains and street cars. Assessments for street improvements.

(6) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary by the board. Gates or watchmen at street crossings.

(7) To regulate and control the construction and laying of railroad tracks, turnouts and switches; to regulate and control the location and construction of street railway 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 and crossings as the board of aldermen may deem necessary. Construction of railroad and street railway tracks.

(8) To regulate the speed at which horses may be ridden or driven through the streets: *Provided*, the mayor of the "city of Statesville" shall have jurisdiction and authority to enforce the law of North Carolina as to the use and speed of automobiles, motor cars, motor cycles and other motor vehicles. Speed regulations. Proviso: automobiles.

(9) To provide for and regulate the inspection and quality of everything to eat or drink offered for sale in the city of Statesville. Inspection of foods.

(10) 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 the milk sold in the city. Inspection and license of dairies. Standard of milk.

(11) To regulate, license or prohibit the business of slaughtering animals in the city limits; to revoke such license for cause; to regulate and license the sale of fresh meats, and to license or regulate slaughter houses, located outside the city, which furnish meats to markets within the city. Regulation of licenses of butchers, fresh meat dealers and slaughter houses.

(12) To establish systems of sewerage and works for sewerage disposal and to extend and build the same beyond the corporate limits when deemed necessary. Sewer system.

(13) To require any owner or occupant of any dairy, grocery, blacksmith shop or slaughter house to cleanse, repair or abate the same as may be necessary for the health, commerce and comfort of the inhabitants. Regulation of dairies, groceries, blacksmith shops and slaughter houses.

(14) To establish markets and market places and provide for the regulation and government thereof. Regulation of markets.

(15) To regulate, restrain and prohibit the running at large of horses, cattle, sheep, swine, goats, dogs and other animals in the city. 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.

Fire department. (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 limits. (18) To establish fire limits and prohibit the erection, building, placing, removing or repairing of wooden buildings within said limits, and require all buildings within said limits to be constructed of fireproof material.

Building inspection and regulations. (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 and wires. poles in the city and the placing and maintaining of all cross-arms, wires and other material thereon; or cause all wires to be placed under ground, if the board of aldermen shall deem necessary.

Entry on premises for inspection. (20) To authorize its officers, agents or employees to enter in and upon all buildings and premises for the purposes of inspection.

Fire escapes. (21) To require the construction of suitable fire escapes on or in hotels, lodging houses, factories, colleges, schools and other buildings, whether now built or hereafter to be built, and to regulate the

Stove pipes and flues. arrangement of all stove pipes and flues in buildings.

Private nuisances. (22) To define what shall be private nuisances in the city, and to punish the author thereof by penalties, fines or imprisonment.

Exits of public buildings. (23) To regulate the size, number and manner of construction of doors and stairways of theaters, 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.

Private drains. (24) To require the owners of private drains, sinks and privies to fill up, cleanse, drain, alter, repair, fix, improve, discontinue or remove the same as may be ordered by ordinance, and impose penalties upon persons failing to do so.

Cemeteries. Vital statistics. (25) To establish one or more cemeteries and to regulate the burying of the dead, the registration of births and deaths and impose penalties on physicians, undertakers and others for any default in the premises; to provide for the purchase of land needed for the enlargement of an old cemetery or the establishment of a new one.

Supervision of transportation facilities. (26) That all transportation facilities in the city shall be under the supervision of the board of aldermen; that the board of alder-

Regulation of fares. men shall have power to regulate the fare for transportation of persons or baggage, either or both, by all licensed hacks and other vehicles in the streets of said city, and to regulate the fares charged by any street car company.

Telephone rates. (27) To regulate the rates charged by any telephone company doing business in the city, and no person, firm or corporation shall be allowed to maintain and operate any of its telephones without cost to the subscribers therefor or patrons thereof, except at the rates fixed by the city and in compliance with its regulations.

(28) To pass ordinances regulating the electrical wiring and plumbing in the town; and require all persons desiring to carry on said trades to pass such examinations and possess such qualifications as may seem proper to said board. Wiring and plumbing. Examination of electricians and plumbers.

(29) To make reasonable regulations as to the storage, sale and handling of oils, powder and dynamite, and all other inflammable, combustible or explosive substances; to prohibit or control the firing of firearms, firecrackers, torpedoes and other explosive materials, and to govern the sale thereof in the city: to prohibit the sending up of balloons of all kinds and descriptions unless in charge of a competent aeronaut, and to regulate the manner in which commercial fertilizers may be kept and sold. Combustibles and explosives. Firearms and fireworks. Balloons. Commercial fertilizers.

(30) To prescribe fines, forfeitures and penalties for the breach of any ordinance enforcing the powers granted in this charter or by the general laws of the State, and to provide for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties. Fines, forfeitures and penalties for breach of ordinances. Recovery, appropriation and enforcement.

(31) To do anything and everything needful or necessary and to pass any or all ordinances the board may deem necessary for the purpose of carrying into effect any or all of the provisions of this act. General powers.

Sec. 18. 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 in an action before the mayor; and 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 or guardian of such minor. Limit of penalties. Penalties by minors.

POWERS AND DUTIES OF THE MAYOR.

Sec. 19. The mayor of the "city of Statesville" shall hold office for two years from the date of his election and until his successor shall be elected and qualified. 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 when he is present, 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: he shall vote in no other case, and the board shall appoint one of their number mayor *pro tempore* to exercise the functions of mayor, whenever said officer is absent or unable for any cause to discharge the duties of his office. The mayor shall be allowed a reasonable salary, to be fixed by the board of aldermen, section thirteen of this act not to apply in this case. Term of mayor. To preside at meetings of aldermen. Vote. Mayor pro tem. Salary.

Sec. 20. The mayor of the "city of Statesville," while acting as such, is hereby constituted an official court, with all jurisdiction and powers in criminal offenses occurring within the limits of said city, which now or may hereafter be given by law to justices of the peace, and shall also have jurisdiction to hear and determine Mayor an official court. Jurisdiction.

Proceedings. all violations of the ordinances of said city. The proceedings in said court shall be the same as are now or hereafter may be prescribed for courts of justices of the peace, and in all cases there Right of appeal. shall be the right of appeal.

Precepts. Sec. 21. The mayor may issue his precepts to the chief of police or other lawful officer of the "city of Statesville" or of the county of Iredell.

Minutes of precepts. Sec. 22. The mayor shall keep a faithful minute of the precepts Force of judgments. issued by him and his action thereon. 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 the same manner and by the same means as Costs. if the same had been rendered by a justice of the peace. The costs in trial before the mayor shall be the same as now allowed or may Costs to use of city. hereafter be allowed in trials before justices of the peace, but all costs collected by said mayor shall be turned into the city treasury.

POLICE.

Election of chief of police and assistants. Sec. 23. The board of aldermen shall at their first meeting or as soon thereafter as practicable elect a chief of police and such number of assistants as they shall deem advisable, and regulate and Duties and powers. make rules for the police force of the city. The chief of police and his assistants shall preserve the peace by the suppression of all disturbances and the apprehension of all offenders, and they shall have the power to summon as many persons as they may deem necessary to assist in the performance of said duties.

Authority. Sec. 24. Any member of the police force of the "city of Statesville" acting as such shall have all the authority for the suppression of crime or the apprehension of criminals and be granted all immunities while so engaged as the State of North Carolina bestows upon the sheriffs of the various counties.

Bond of chief. Sec. 25. The chief of police shall give a bond with approved sureties, in a sum to be fixed by the board of aldermen and payable to the "city of Statesville," conditioned to diligently perform all duties imposed upon him by virtue of his office and to faithfully pay over all sums of money collected or received by him for the use of the city.

Compensation of police. Sec. 26. The compensation of said chief of police and his assistants shall be such sums as the board of aldermen may determine, Fees to use of city. and all fees collected by either of them for services rendered in any court shall be turned into the treasury of said city.

CLERK AND TREASURER.

Salary of clerk and treasurer. Sec. 27. That the clerk and treasurer shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes Duties as clerk. of the proceedings of the board and to preserve all books, papers, bonds and reports presented to the board and other articles com-

mitted 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 city, and disburse the same according to an ordinance given in obedience to the 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 money is received, and for what purpose paid out, and shall submit said accounts to said 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 city they shall be credited to the fund for which the tax is levied to raise revenue for the same. He shall pay to his successor all moneys in his hands belonging to said city and faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board, and for the faithful performance of said duties shall give bond payable to the city of Statesville in a sum to be fixed by the board of aldermen, with sureties, to be approved by said board: *Provided, however*, the penal sum of said bonds shall be at least equal to the amount of the city taxes for the previous year.

Duties as treasurer. Accounts. Accounts of separate funds. Settlements with successor. Bond. Proviso: amount of bond.

TAXATION.

Sec. 28. 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:

Taxing power.

(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.

Property tax.

(2) A poll tax not exceeding three dollars a poll on the taxable polls of all persons who may be residents of said city on the first day of June of each year.

Poll tax.

Sec. 29. That the clerk and treasurer shall, on the third Monday in May of each and every year, make advertisement in some newspaper notifying all persons residing in the city of Statesville, who own or have control of property liable to taxation by the city, on the first day of June, to return to him or to some person designated by the board as tax lister, on or before the last day of June, a list of their taxable property in said city; and 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 shall be sworn before said clerk and treasurer or person designated by the board as tax lister, as the case may be, and the following oath shall in all cases be administered:

Advertisement for listing tax. Lists sworn to.

Form of 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 in the city of Statesville, a full and accurate list of all personal property 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 the city of Statesville, according to my best knowledge, information and belief; so help me, God."

Tax books.

And from the returns so made the clerk and treasurer or person designated by the board as tax lister 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

Assessments of real property.

tax lists are made out by law for collection of State taxes. And the said clerk and treasurer or person designated by the board as tax lister shall copy in said books the assessments made by the board of township assessors of all real property within the city limits:

Proviso: assessments by city.

Provided, that if deemed advisable, the board of aldermen may each year, or any year at its regular meeting in June, appoint three competent freeholders for the purpose of assessing all real estate within the city limits, and the amounts determined upon by said persons so appointed shall constitute the value of said property for the purpose of city taxation, and said amounts shall not be used for the

Proviso: report of assessors.

purposes of any other taxation: *Provided, further*, that said persons appointed by the board of aldermen shall report their assessments to said board at the regular meeting in July, at which time objections may be made to said assessments and the board shall hear and determine all such complaints and shall make such orders as shall be just and right.

List of delinquents.

Sec. 30. That the clerk and treasurer or tax lister shall, within thirty days from the return of the tax list, make out to the best of his knowledge and belief by comparing his books with the returns made to the board of township assessors, and by diligent inquiry from other sources, 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 sepa-

Double tax.

rate part of his book and shall charge them up with double taxes.

Excuse from double tax.

No persons shall be excused from paying said double tax except on

Failure to list poll a misdemeanor.

application to the board of aldermen and for cause shown. And all persons who are liable for a poll tax and shall willfully fail to give themselves in, and all persons who own property and willfully fail to list it within the time allowed as aforesaid before the list taker, shall be deemed guilty of a misdemeanor, and on conviction thereof

Punishment.

shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Sec. 31. The board of aldermen shall annually at their regular meeting in July of each and every year, or at a later meeting to be determined by the board, levy the taxes on such subjects of taxation as above designated, and shall place the same in the hands of the tax collector for collection on or before the first day of September in each year. The mayor of the city shall endorse upon the tax books delivered to the tax collector an order to collect the taxes therein contained and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons, firms or corporations charged in said books, respectively. The said tax collector shall proceed with the collection of the taxes 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: *Provided*, that any person or persons, firm or corporation that shall pay the taxes due the city on or before the first day of November of the year for which they are due, shall be allowed to deduct two per cent therefrom.

Levy of tax.

Order for collection.

Completion of collection

Proviso: deduction for prompt payment.

Sec. 22. That if any person liable for taxes on the 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 be personal, and for thirty days if the property be realty.

Collection by distress.

Advertisement of sale.

Sec. 33. That when the tax due on any lot or other land (which is hereby declared to be a lien on same from the first day of June of the year for which the tax is levied and until said tax is paid) 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 tax collector, he shall sell same at the court-house door, after advertising for thirty days in some newspaper published in the city of Statesville. And the tax 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 thereof as may be required to pay said taxes and all expenses attendant thereon. If the same can not be conveniently divided, the collector shall sell the whole; and if no person will bid and pay the amount 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, and the tax collector shall execute and deliver a deed to the city for the same: *Provided*, that the board of aldermen shall have the power to provide for the reconveyance of said property to the former owner or owners thereof, at such price and on such terms as may seem to it just at any time before same shall be sold to some third person by said board.

Sale of real estate for taxes.

Land struck off to city.

Deed to city.

Proviso: reconveyance to owner.

Sec. 34. That the tax collector shall enter a record of his sales with the amount of taxes due, costs of sale, amount bid, and name

Record of sales.

Record open to public.

of purchaser in a book to be kept for that purpose in his office, which book shall at all convenient times be open to the public:

Proviso: costs.

Provided, that for the convenience of all parties the said tax collector shall charge against each piece of property sold the sum of twenty-five cents, which sum shall cover all costs. All moneys collected by the tax collector from said sales shall be paid over to the treasurer and the costs and expenses of said advertisement and

Proviso: cost of advertisement.

sale shall be paid by the board of aldermen: *Provided, further*, that all persons whose property is advertised for sale shall be liable for the charge of twenty-five cents, whether such property be sold or not.

Redemption of land.

Sec. 35. That 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 of the amount of the taxes and six per cent interest upon the amount paid, and the treasurer shall in all cases refund to the defaulting taxpayer upon demand without interest the proceeds of the sale, less the amount of the taxes, together with the costs of sale.

Deed for property not redeemed.

Sec. 36. That if the real estate sold as aforesaid shall not be redeemed within the time specified the tax collector for the city shall convey the same to the purchaser, or his assigns by deed signed by said tax collector and attested by the clerk and treasurer, and the recitals in such deed shall be *prima facie* evidence that the tax collector has complied with all the requirements of this charter necessary to make the sale valid, and the deed shall be *prima facie* evidence that the taxes for which the property was sold were due

Proviso: payment by purchaser.

and unpaid: *Provided*, that any purchaser at the sheriff's sale of any city real estate for taxes due the State and county shall be required to pay the taxes due the city before he shall acquire a good title to said property.

License taxes.

Sec. 37. That in addition to subjects listed for taxation, the board of 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 same be not paid on demand, any property of the owner may be forthwith levied upon and sold to satisfy same, viz:

Peddlers.

(1) Upon all itinerant merchants or peddlers selling or offering to sell their wares in the city, a tax not exceeding fifty dollars per year, except such as only sell books, charts or maps.

Play tables.

(2) On every bowling alley and every billiard table and every bagatelle table and every pool table, the object of which is gain, and for the use of which a charge is made, a tax not exceeding one hundred dollars per year, reserving the right to prohibit same, and in all cases shall have the right to remove it or them at any time, as said board may see fit.

Eating houses, restaurants and fish or meat stands.

(3) On all keepers of eating houses or restaurants, fish or meat stands, a tax not exceeding one hundred dollars a year.

(4) Upon every circus which shall exhibit in the city or within one mile thereof, a tax not exceeding three hundred dollars for each day. Circuses.

(5) Upon every person or company exhibiting in the city or within one mile thereof, stage or theatrical plays, trapeze performances, sleight-of-hand performances, rope dancing, tumbling, wire dancing, or a menagerie, a tax not exceeding two hundred dollars each day they exhibit, unless said performances shall be given within a regular licensed theater of the city. Stage plays and other shows.

(6) Upon every exhibition for reward of artificial curiosities in the city or within one mile thereof, a tax not exceeding fifty dollars per day. Artificial curiosities.

(7) Upon each show of any other kind and on each concert for reward or for advertising purposes, and on every strolling musician, a tax not exceeding twenty dollars per day. Other shows and strolling musicians.

(8) On every four-horse omnibus, a tax not exceeding seventy-five dollars per year, and on every two-horse omnibus, a tax not exceeding fifty dollars per year. Omnibus tax.

(9) On every dray or express wagon drawn by one horse, a tax not exceeding fifty dollars per year, and if drawn by more than one horse, a tax not exceeding one hundred dollars per year. Drays and express wagons.

(10) On all carriages, buggies, sulkies, automobiles and other vehicles used in the city for the carriage of persons for hire, a tax not exceeding fifty dollars per year, and said board shall have the power to graduate said tax by the number of horses used, or if in case of automobiles, by the number of passengers carried. Vehicles carrying passengers for hire.

Sec. 38. 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 the board of aldermen shall have the power to graduate any of the license taxes levied on trades or businesses by dividing the business into classes according to size, patronage or income: *Provided*, the said taxes must be uniform for all in a class. That any person carrying on or practicing any business, profession or trade 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: *Provided, further*, that the said board may provide for the issuance of any or all licenses by the day, week, month or year: *Provided*, no license shall be required where same is now or may hereafter be prohibited by the general law of the State of North Carolina. Tax on trades, professions, franchises, licenses and other subjects of taxation. Proviso: tax uniform as to class. Doing business without license a misdemeanor. Proviso: short term licenses. Proviso: licenses forbidden.

STREETS AND STREET IMPROVEMENTS.

Sec. 39. That the board of aldermen of the "city of Statesville" shall have full power and authority to grade, pave, macadamize, repave, remacadamize, repair and otherwise permanently improve for travel and drainage any street, sidewalk, and public alleyway Powers as to streets.

of said city; to put down curbing, cross-drains and crossings on the same; and to make such other improvements on said streets, sidewalks and public alleyways as, in the discretion of the said board of aldermen, the public convenience may require.

One-half cost of sidewalks assessed on abutting land.

Sec. 40. That whenever any sidewalk within the district known as the "fire limits," as they are now constituted, or may hereafter be created, shall have been paved or repaved by virtue of an ordinance duly passed by the board of aldermen, the "city of Statesville" shall have power to recover one-half of the costs of said work from the owners of the land abutting on said sidewalk, and the amount charged against each of said landowners shall be assessed on and shall constitute a lien on the lot or lots of said landowner abutting on said sidewalk: *Provided, however,* that the board of aldermen shall cause to be published in a paper published in the city of Statesville, at least ten days before such work shall be commenced, a notice that the board of aldermen has ordered said sidewalk to be paved, repaved or repaired, as the case may be, which notice shall be full and sufficient notice to all property owners abutting on said sidewalk: *Provided, also,* that the city shall, out of its general fund, pay the remainder of said cost.

Assessment a lien on land.

Proviso: publication of notice.

Proviso: payment by city.

Assessment on lands for street pavements.

Sec. 41. That when any street, or part thereof, within the district known as the "fire limits," as they are now constituted, or may hereafter be created, shall have been paved, repaved, macadamized or remacadamized by virtue of an ordinance duly passed by the board of aldermen, the "city of Statesville" shall have power to recover one-third of the cost of said work from the owners of the land abutting on one side of said street, and one-third of the cost of said work from the owners of the land abutting on the other side of said street, and the amount charged against each of said landowners shall be assessed on and shall constitute a lien on the lot or lots of said landowner abutting on said street: *Provided, however,* that the board of aldermen shall cause to be published in a paper published in the city of Statesville, at least ten days before such work shall be commenced, a notice that the board of aldermen has ordered said street to be paved, repaved, macadamized or remacadamized, as the case may be, which said notice shall be full and sufficient notice to all property owners abutting on said street: *Provided, also,* that the city shall, out of its general fund, pay the remainder of said cost; and for all street intersection so paved, repaved, macadamized or remacadamized, except that portion of such street and intersections occupied or used by any street railway, which must be assessed and paid as hereinafter provided by the owners and operators thereof.

Assessment a lien on land.

Proviso: publication of notice.

Proviso: payment by city.

Cost of paving assessed on street railways.

Sec. 42. That if any street railway company or corporation have tracks running through or across any street ordered to be paved, repaved, macadamized or remacadamized, then said street railway company or corporation shall be charged with, and shall pay the

cost of paving, repaving, macadamizing or remacadamizing the space lying between its rails and for twenty inches on each side of each line of track, as they may hereafter be constructed by said street railway company or corporation: *Provided, however,* that whatever of the cost of the street improvements, which may be paid by or assessed against the property of any street railroad or railway company as herein provided, shall be deducted from the proportion of the costs of such improvement for which the city of Statesville is liable, and the amount paid by or to be paid by said street railway company, shall not in any event be deducted from any sum assessed against the abutting landowners under the provisions of this act: *Provided, further,* that whenever any street railway company or corporation shall lay a track upon any street, then said railway company or corporation shall be chargeable with the cost of placing said street in the condition same was found when said track was laid.

Proviso: assessment deducted from apportionment to city.

Proviso: replacement of street by railway company.

Sec. 43. That said 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 beyond said "fire limits," and of equalizing assessments on real estate to pay the cost of such improvements as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this act for more permanent improvement of all streets beyond said "fire limits," and all sidewalks abutting thereon, said board of aldermen shall have the power to pass an ordinance assessing one-fourth of the cost of paving, repaving, macadamizing or remacadamizing any such street, and one-half of the cost of paving or repaving the said sidewalk adjoining on the real estate abutting on one side of the street, or portion thereof so laid out and improved, and one-fourth of the cost of paving, repaving, macadamizing or remacadamizing said street, together with one-half of the cost of paving or repaving the sidewalk adjoining on the real estate abutting on the other side of said street, or portion thereof so laid out and improved, and it shall be incumbent on the owners of the real estate abutting on each side of the street, or part thereof, so laid out and improved, to pay the amounts so assessed for such improvements: *Provided,* that the city shall, out of its general fund, pay for the remainder of said cost and for all street intersections so improved, except that portion of such streets and intersections occupied or used by any street railway, which must be assessed and paid as above provided by the owners and operators thereof.

Improvement districts.

Apportionment for streets.

Apportionment for sidewalks.

Owners to pay assessments.

Proviso: payments by city.

Sec. 44. That in order to equalize the assessments on real estate for the purpose of improving the streets and sidewalks as hereinbefore provided for, whether the same be within the district known as the "fire limits" or within that district or section laid out as provided in paragraph five hereof, the said board of aldermen shall

Equalization of assessments.

take the total cost of paving, repaving, macadamizing or remacadamizing throughout the entire length of such work within each district and shall then pro rate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or sidewalk or portion thereof so improved, and charge to and assess upon the real estate upon each side of the street upon which said work is done its pro rata share of the cost of such improvement made. Immediately upon the completion of the work upon any street or sidewalk ordered done by the board of aldermen under the provisions of this act, the street commissioner or person in charge of said work shall make a report in writing to the said board of aldermen showing the cost of paving, repaving, macadamizing or remacadamizing throughout the entire length of said work, with the number and description of the lots abutting on said street or sidewalk, or portion thereof so improved, together with the number of feet frontage of each of said lots. That the board of aldermen at its next regular meeting after said report shall have been made shall cause notice of the assessments against abutting property on any street or sidewalk in any improvement district or section to be given by advertisement at least once a week for two successive weeks, which notice shall be deemed to be full and sufficient notice to all property owners abutting on said street or sidewalk. Said notice shall state the time and place, when and where such assessments are to be made and determined, and shall notify all persons interested to appear and show cause, if any, why such assessment shall not be made. That at said time and place said board of aldermen shall proceed to pro rate the costs of said work and assess said property as above provided: *Provided, however*, that no assessment against any piece of property improved as herein allowed shall exceed in amount the enhancement in value of said property by reason of said improvement.

Reports of work.

Advertisement of assessment.

Apportionment of assessment.

Proviso: limit of assessment.

Assessments liens on lots.

Sec. 45. That the amount of the charges made against the landowners and assessed on the respective lots as hereinbefore provided for shall be and constitute from the commencement of the work for which they are charged and assessed, liens on the respective lots upon which they are charged and assessed; that the said amounts shall be placed in the hands of the tax collector for collection, and any property owner shall have the right to pay the charges made as hereinbefore prescribed in ten equal annual installments from and after the commencement of such work, with interest thereon at six per cent per annum from the date of such commencement, in which case the amounts due shall be and remain a lien on the lot or lots against which they are charged and assessed until fully paid: *Provided, also*, that any property owner may elect to pay said assessment in cash without interest, if same be done within thirty days from and after the date that said board of aldermen shall make said assessment: *Provided, further*, that in case there shall

Assessments payable in installments.

Proviso: payment in full.

Proviso: sale of lots for assessments.

be a default in the payment of any annual installment for thirty days after the same shall become due, then and in that event the installments remaining, if any, shall become due and the tax collector may proceed to sell said lot or lots for cash to the highest bidder at the court-house door of Iredell County, after advertisement for thirty days in some newspaper published in Statesville, and the said tax collector shall make a deed to the purchaser and out of the moneys arising from said sale pay off and discharge the amount charged and assessed on said lot or lots, together with the interest on the same and the cost of sale, and pay the surplus, if any, to the person or persons legally entitled to the same.

Deed to purchaser.

Sec. 46. That for the convenience of the public the tax collector shall keep in his office a lien book, in which shall be entered the location of the lots and street number, if known, upon which assessments have been made, the name or names of the reputed owners thereof, and the amount due on such assessments. This book shall be indexed and shall be open to the inspection of the public.

Lien book.

Book indexed and open to inspection.

Sec. 47. That any person who shall feel aggrieved by the assessments made by said board of aldermen as herein provided for, shall have the right within thirty days after the assessments are made, and not after that time, to file his objections to said assessments, and to appeal from the decision of the board of aldermen to the next term of the superior court of Iredell County, by serving upon the city of Statesville notice in writing of his intention to do so, and specifying in said notice the grounds of his objections to said findings and by filing within said time with the clerk of the superior court of Iredell County a written undertaking in 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 the case of an appeal from the decision of the board of aldermen, the ordinance laying out the improvement district, the action of the board in making or levying the assessment, and the objections of the property owner filed thereto, shall constitute the case on appeal. All of said papers shall 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. If all 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 Statesville to any amount, then judgment shall be rendered in favor of said city for such amount, and the amount so found, together with the costs of the appeal (which costs 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 commencement of said work or improvement. That upon such appeal from the de-

Appeals from assessments.

Bond on appeal.

Case on appeal.

Judgment on appeal.

Compliance with law presumed.

cision of the board of aldermen, all sections and provisions of this act shall be *prima facie* presumed to have been complied with.

Recovery by life tenant from remainderman.

Sec. 48. That when any life tenant shall be compelled to pay the assessment upon any lot or lots, then said life tenant shall have the right to recover from the remaindermen of such part of said assessment as shall be in the same proportion to the whole of said assessment as the present cash value of the remainder is to the value of the lot or lots, and when the remaindermen shall be compelled to pay said assessment, then said remaindermen shall have the right to recover from the life tenant such part of said assessment as shall in the same proportion to the whole of said assessment as the present cash value of the life estate is to the value of the lot or lots.

Recovery by remainderman from life tenant.

Definition of terms.

Sec. 49. That the words "cost of paving, repaving, macadamizing or remacadamizing," whenever the same shall appear in this act, shall be construed to mean the actual cost of the materials used in said work, together with all other cost incident to laying same, including the cost of preparing a bed in which to lay same, but shall not in any event be construed to mean and include the cost of grading the street or sidewalk, as the case may be, in preparation for said work. That any part of any lot in the city of Statesville, which abuts upon any street or sidewalk in said city, shall be construed to be "frontage" within the meaning of this act.

PUBLIC HEALTH.

Health ordinances and officers.

Sec. 50. Power is hereby given to the city of Statesville to pass such ordinances and do such acts and things and appoint such officers and employees as may be necessary, or desirable to safeguard

Sanitary measures.

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, or the introduction or spread of infectious,

Quarantine.

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, 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.

Houses of detention.

Sec. 51. That there may be established by said city houses of detention where persons suspected of having smallpox or any infectious or contagious diseases may be examined, stopped, detained or kept in said houses of detention; that the city or any part thereof may be quarantined and all persons in said city, by order of the

Compulsory vaccination.

board of aldermen, may be compulsorily vaccinated, and furniture,

Destruction of infected property.

bedding, clothing or other property infected or tainted with any infectious or contagious disease, or upon reasonable grounds of suspicion that the same is so tainted or infected may be fumigated or destroyed, and the cost of complying with this provision shall be

borne by the county of Iredell and the same shall be paid by the county commissioners, when certified to by the mayor. Cost borne by county.

Sec. 52. That said city shall have power, when deemed necessary to preserve the public health, to order the destruction of any meat or product offered for sale for the purposes of human food in said city, and the person acting under the orders of said city shall be free from civil or criminal liability by reason of such destruction or by reason of any act of his in carrying out said orders. Destruction of food.

FIRE DEPARTMENT.

Sec. 53. Authority is hereby conferred, subject to the provisions of this act, to make provision for the protection of the lives and property of the people against loss or damage by fire. In case 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. Fire protection. Powers in arresting fire.

Sec. 54. That any policemen, or the chief of the fire department or any person designated by him or by the mayor, shall have power and is hereby authorized to make arrests during fires for any interference with or obstruction of the operations of the firemen in the performance of their duties. Powers of policemen during fires.

Sec. 55. That in the event of an alarm of fire, the fire apparatus of the city shall have exclusive right-of-way in and upon the streets, alleys and squares in going to or operating at any fire, and any one interfering with the operations of the firemen in the discharge of their duty, or interfering with any of the apparatus, hose or equipment, shall be guilty of a misdemeanor, and subject to a penalty of fifty dollars, to be recovered before the mayor. Right-of-way to fire apparatus. Interference with apparatus or firemen a misdemeanor. Punishment.

WATER AND SEWERAGE.

Sec. 56. That the board of aldermen shall have the power and authority to locate, lay, establish and maintain public sewers and water mains in such of the streets or elsewhere as the board may deem necessary, and may require the owners of real property upon which residences or other buildings are located, abutting upon the streets in which said sewer or 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 as said board shall by ordinance fix and establish. Sewers and water mains. Enforcement of connections.

Sec. 57. That the board of aldermen shall have authority to extend, construct, maintain, change the location of, or discontinue the standpipes, reservoirs, water mains and water pipes connected with the city waterworks, and by ordinance shall have authority to regulate and control the introduction, distribution and use of water in Construction, maintenance and management of waterworks. Regulation and control of water supply.

said city and fix the rate at which same shall be furnished to consumers, and prescribe the time of payment and provide for the collection of all rents, rates, forfeitures or emoluments from the operations of the waterworks system, and may after five days notice cause the water to be shut off from any buildings, place or premises, on account of nonpayment of said rates or rent, and said premises 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 the payment of said arrears.

Collection of water rents.

Interference with waterworks.

Injuring or corrupting waterworks a misdemeanor.

Sec. 58. That if any person shall willfully or maliciously or wantonly direct the water of any portion thereof from the said waterworks, or shall corrupt or render the same impure or shall destroy or injure any pipe or other property used or required for procuring or distributing the water, said person shall be guilty of a misdemeanor.

Right-of-way for water and light systems.

Sec. 59. That said board of aldermen shall have the right to use the ground or soil within the right-of-way of any street or other railroad or highway for the purpose of maintaining, extending or improving the said system of waterworks, or maintaining, extending or improving the light, heating or power systems of said city, together with the right to cross and recross said right-of-way, whenever same may be deemed necessary, in any convenient and safe manner.

Protection of watershed.

Sec. 60. 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.

CONDEMNATION PROCEEDINGS.

Power to purchase land.

Sec. 61. 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, sewerage or water system of the "city of Statesville" or for the extension and maintenance of the light, heating or power system of said city, or for any other public purpose said city may purchase the same from the owner or owners thereof and pay such compensation therefor as be agreed upon; but if said city or said board shall be unable to agree with the owner or owners thereof upon the amount of compensation, condemnation of such land, right-of-way, privilege or easement therein for such public use, may be made in the manner hereinafter set forth. The said city shall file with the clerk of the superior court of Iredell 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

Power to condemn land.

Procedure for condemnation.

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 assessments to be made by the commissioners according to the value of the property, 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 may 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.

Summons to parties interested.

Sec. 62. That upon the filing of 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 court-house 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 provided by law in the case of special proceedings.

Order for assessment of damages.

Sec. 63. 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 Iredell 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 or owners thereof by said city. 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 or condemned for public use, determine by a majority vote the amount of damages to be paid for the same and make report of their findings in writing to the clerk of the superior court of Iredell County, within five days after they view the premises. Before making such report they may take the evidence of witnesses offered as to any values to be assessed; 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 said report with said clerk; and all issues of fact and law raised before the clerk in said proceedings and upon said exceptions shall be transferred to the superior court for trial in like manner as provided in the case of other special proceedings: and the trial of said issues shall have precedence over all other civil cases or matters on the docket of said court. From the judgment of the superior court

Notice to assessors.

Assessment of damages.

Report.

Exceptions to report.

Trial on exceptions.

Appeal to supreme court.

rendered in said proceedings any of the parties may appeal to the supreme court: *Provided, however*, that no appeal shall hinder or delay the said city in opening such streets, in constructing such lines or erecting such improvements.

Proviso: appeal not to delay work.

Considerations governing assessments.

Sec. 64. That in making the valuation and assessment aforesaid, the commissioners shall take into consideration the loss or damage that may accrue to the owner or owners by reason of the land, right-of-way, privilege or easement being surrendered, and also any benefit or advantage such owner may receive from the placing, maintaining, extending or constructing of the proposed improvements for which said land, right-of-way, privilege or easement shall be required, 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 placing, maintaining, extending or constructing of the proposed improvements accruing to said lot or other land may be assessed by said commissioners against the lot or land and shall be a lien thereon.

Powers of court.

Sec. 65. 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.

Order for condemnation.

Sec. 66. 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, rights, privileges or easements are required.

Change of ownership not to delay proceedings.

Sec. 67. 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 after the same has been instituted, but the same may be carried on and perfected as if no conveyance or transfer had been made or attempted to be made.

Case of defective titles.

Sec. 68. That if at any time after the attempt to acquire such property or rights by appraisal of damage or otherwise, it shall be found that the title to said property or rights proposed to be taken or condemned or which have been acquired and condemned, are defective, said city 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 posses-

Possession pending proceedings.

sion of the same, and if not in the possession to take possession and use such property or rights during the pending and until the final conclusion of such new proceedings, upon such petitioner paying into court a sufficient sum or giving security as the court may direct for damages, which may be finally assessed and recovered against it.

Recovery of payments on defective titles.

Sec. 69. That if the title to any property or rights, privileges or easements condemned in any proceeding instituted under this section shall prove 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.

Service of summons.

Sec. 70. The summons in the proceedings begun hereunder shall be served in the same manner and way as is provided for the service of summons in special proceedings.

Titles to vest in city.

Sec. 71. 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 same, the amount of compensation or damages recovered against it, together with the costs adjudged to be paid by it in said proceedings and upon its further compliance with the judgment of the court.

MISCELLANEOUS.

Matters governed by general law.

Sec. 72. 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, and nothing in this act shall be deemed as limiting any powers given to municipal corporations by the constitution and laws of North Carolina.

General powers not limited.

General law to extend to city.

Sec. 73. That if the General Assembly shall repeal the general law governing municipal elections in the State of North Carolina, then and in that event said general law shall be and become a special act for the city of Statesville, and the board of aldermen shall exercise the duties therein conferred upon the board of elections, and shall do all things whatsoever necessary to hold the elections of said city and declare the result of the same.

Employment of business agent.

Duties and powers.

Salary and term.

Sec. 74. That the board of aldermen of the city of Statesville shall have the right and power, if they deem it advisable, to employ some person to act as business agent for said city, and said person when so appointed and employed shall exercise such duties and powers as the board shall confer upon him in the administration of the business affairs of the city. Authority is hereby given said board to fix the salary and term of office of said business agent.

Present officers continued.

Sec. 75. The present mayor and board of aldermen of the city of Statesville shall be and continue as they have in the past the governing body of said city of Statesville, until their successors are elected and qualify under this act.

Policemen to serve civil process.

Sec. 76. That it shall be lawful for the policemen 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.

Pleading of ordinance.

Sec. 77. That in all judicial proceedings it shall be sufficient to plead any ordinance of said city by the caption thereof, or by the number of the section of the city code. 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.

Printed ordinances evidence.

No levy on city property or for city debts.

Sec. 78. 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 said city.

Sale of city real property.

Sec. 79. 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 plots in the cemetery, deeds for which shall be executed by the mayor.

Execution of deed.

Proviso: plots in cemetery.

Repealing clause.

Sec. 80. That from and after the ratification of this act, the same shall thenceforth be the charter of the "city of Statesville," and chapter forty of the Private Acts of the General Assembly, passed in the year one thousand eight hundred and eighty-five, and all amendments thereto, are hereby repealed, except in so far as such acts relate to bonds which have heretofore been issued by said city of Statesville: *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, estates, duty or obligation possessed by or due to the corporation by its present name, from any corporation or person whatsoever 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 city of Statesville.

Proviso: by-laws, rules and ordinances.

Accrued rights and pending suits.

Offenses committed and penalties incurred.

Sec. 81. 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: *Provided, further,* that no law heretofore repealed shall be revived by the repeal of any act repealing such law.

Proviso: repeal not to revive other laws.

Law continued in force.

Sec. 82. That nothing herein contained shall be considered as in any way affecting chapter three hundred and eighty-six of the Public Laws of 1891, or the amendments thereto, but said act and the amendments thereto shall be and continue in full force and effect.

Sec. 83. That nothing herein contained shall be considered as in any way repealing chapter two hundred and twenty-seven of the Private Laws of North Carolina, passed in the year one thousand eight hundred and ninety-three. Law continued in force

Sec. 84. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, 1911.

CHAPTER 244.

AN ACT TO PROTECT THE ALLEN GRAVEYARD, IN ROBESON COUNTY.

Whereas, G. F. Allen, Bill Mercer, Ben Parnell, N. M. Allen and Lewis Herring are the owners of a graveyard in Robeson County, bounded and described as follows, to wit: On the south side of Jackson Swamp and on the west side of the Mercer Mill road: Beginning at a stake with pine and post oak pointers by the edge of said road and runs along said road north two west two and one-half chains to a stake; thence south eighty-eight west four chains to a stake; thence south two each two and one-half chains to a stake; thence north eighty-eight east four chains to the beginning, containing one acre; and, Preamble.

Whereas, there was buried on said lands, on or about the .. day of ....., 1909, a woman by the name of Minnie McLean, who was not a white woman; and, Preamble.

Whereas, the said Minnie McLean was buried on said lands contrary to the wishes of said owners; and, Preamble.

Whereas, the said lands constitute the old family burying grounds of the said parties; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That G. F. Allen, Bill Mercer, Ben Parnell, N. M. Allen, or either of them, be and they are hereby authorized and empowered to take up the body of the said Minnie McLean and remove said body from the said graveyard and bury the same in some other suitable place. Removal and reinterment authorized.

Sec. 2. That it shall be unlawful in the future for any one to bury a corpse in the said graveyard without the consent of the owners of the same. Future burials without permission forbidden.

Sec. 3. That any person who shall violate section two of this act shall be fined not exceeding fifty ($50) dollars or imprisoned not exceeding thirty days. Punishment for forbidden burial.

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

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

Ratified this 3d day of March, 1911.

CHAPTER 245.

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO ISSUE BONDS FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Issue of school bonds.

Section 1. That in order to provide adequate school accommodations for all children in the city of Asheville within the school age as defined by law, the mayor and board of aldermen of said city are hereby fully authorized and empowered and, upon the ratification of this act at an election held for that purpose, it shall be their duty to issue coupon bonds in the name of the city of Asheville, in such denomination and form as said mayor and board of aldermen may determine, to the amount of fifty thousand ($50,000) dollars, for the purposes above mentioned, which bonds shall bear interest from their date at a rate not exceeding five per centum per annum, payable semi-annually, and be payable at thirty years from their date at such place or places as said mayor and board of aldermen may determine; that said bonds shall be signed by the mayor of said city and attested by the city clerk and issued under the corporate seal of said city, and shall show upon their face that they were issued for school purposes, and the interest upon said bonds shall be evidenced by interest coupons thereto attached in the usual form, and said bonds when issued and the interest accumulating thereon shall be fully binding upon said city and its property.

Amount.

Interest.

Maturity.

Authentication.

Sale of bonds.

Sec. 2. That said bonds, when issued, shall be delivered to the treasurer of said city, who is *ex officio* treasurer of the school committee of said city, to be by him sold and converted into money and the proceeds thereof disposed of under the direction of the school committee of the city of Asheville, for the purpose of purchasing school sites and grounds, and for building, enlarging, improving, equipping and furnishing public school buildings in the city of Asheville, at such places as the school committee may select or determine, and on property now owned by said city or which it may hereafter acquire for school purposes.

Use of proceeds.

Tax for interest and principal.

Sec. 3. That the mayor and board of aldermen of the city of Asheville, upon the issuing of said bonds, 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 city, sufficient to meet the interest on said bonds as the same shall become due and payable, and pay the principal thereof when the said principal shall become due and payable, and said taxes shall be collected in like manner as the other taxes of said city and paid into the hands of the treasurer thereof for the purpose aforesaid.

Collection of tax.

Election on bond issue.

Sec. 4. That said bonds shall be issued and said taxes levied only in the event that a majority of the qualified voters at an election

held for such purpose shall be in favor thereof, which proposition shall be submitted to the qualified voters of said city at the regular city election to be held in said city on the second day of May, one thousand nine hundred and eleven, or at any special election held at any time thereafter, which special election may be called at any time by the mayor and board of aldermen of said city, by posting notices thereof for thirty days at the front doors of the city hall and county court-house, and by publishing such notice once a week for four successive weeks in some newspaper published in the city of Asheville, at any of which said elections those voting in favor thereof shall cast ballots in a box provided for that purpose with the words, written or printed thereon, "For school bonds," and those opposed to said issue shall cast ballots with the words, written or printed thereon, "Against school bonds." Any special election held under the authority of this act shall be held under the same rules and regulations as regular elections for the election of a mayor and board of aldermen. The judges and registrars of election shall count all said ballots and make return thereof to the board of canvassers in the same manner as is provided in the case of regular city elections, which board shall canvass, judicially determine and declare the result.

Date of election.

Ballots.

Law governing special elections.

Count, return and canvass of votes.

Sec. 5. That the provisions of section twenty-nine hundred and seventy-seven (2977) of The Revisal of one thousand nine hundred and five, of North Carolina, shall not apply to the city of Asheville.

Revisal not to apply.

Sec. 6. That all laws inconsistent and in conflict with any of the provisions of this act are hereby repealed.

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

Ratified this the 3d day of March, 1911.

CHAPTER 246.

AN ACT TO ALLOW THE TOWN OF CLINTON TO ISSUE BONDS FOR THE PURPOSE OF INSTALLING A SYSTEM OF WATERWORKS AND SEWERAGE.

The General Assembly of North Carolina do enact:

Section 1. That the commissioners of the town of Clinton are hereby authorized and empowered to issue bonds to an amount not exceeding thirty thousand dollars, in the corporate name of said town, for the purpose of establishing, constructing, building and maintaining a system of waterworks and sewerage for said town and its inhabitants, first submitting the question of creating said indebtedness and the issuing of said bonds to the qualified voters of said town, as hereinafter provided.

Bond issue authorized.

Amount.

Purpose.

Question submitted to voters.

Denominations of of bonds.

Sec. 2. That the denominations of said bonds shall be not less than one hundred dollars, nor more than five hundred dollars, and

Interest.

shall bear 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, at such place or places as may be stated on the face thereof, said bonds to be of such form and tenor, and transferable in such manner, and the principal

Maturity.

thereof payable and 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 and designate in said

Authentication.

bonds. The bonds and coupons shall be numbered, and the bonds shall be signed by the mayor and countersigned by the treasurer of said town, and have the corporate seal of said town affixed thereto,

Record.

and a record shall be kept of all such bonds, showing the number

Bonds not to be sold below par.

and amount, and to whom issued. That none of said bonds shall be sold, hypothecated, or otherwise disposed of for less than their

Specific appropriation.

par value; nor shall the same or the proceeds thereof be used for any other purpose than contemplated by section one of this act.

Coupons receivable for tax.

Sec. 3. That the said interest coupons shall be receivable in payment of all taxes and other public dues of the said town for any fiscal year in which said coupons shall become due, or at any time thereafter; and if any holder of any such bonds or coupons shall fail to present the same for payment at the time or times or place or places therein named, he shall not be entitled to interest thereon for the time they shall be outstanding after maturity.

Special tax for interest.

Sec. 4. In order to pay the interest on said bonds the commissioners of said town are hereby authorized and it shall be their duty to annually assess and levy, at the time of levying other taxes of said town, a special tax on all persons and subjects of taxation, within the limits of said town, on which the said commissioners are now, or shall hereafter be authorized to lay and levy taxes for any

Limit of rate.

purpose whatsoever; and said special tax shall not be more than thirty-three and one-third cents on the one hundred dollars assessed valuation of property, and not more than one dollar on each taxable

Collection and settlement of tax.

poll, the constitutional equation being observed. The said tax shall be collected at the time the other taxes of the town are collected; and shall be paid over by the tax collector to the town treasurer.

Taxes kept separate.

That the taxes levied and collected, under this section of this act, shall be kept separate and distinct from all other taxes or moneys, and shall be used only for the purposes for which they are levied and collected.

Special tax for sinking fund.

Sec. 5. That for the purpose of creating a sinking fund, with which to pay the principal of said bonds at maturity, provided for in section one of this act, and issued under this act, it shall be the duty of said commissioners of said town, beginning ten years before the date on which said bonds shall be 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 be equal in amount to one-tenth of the amount of the 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 six of this act, shall be sufficient to pay off the principal of all outstanding bonds issued under this act, then the said commissioners shall cease to levy taxes for said sinking fund. Rate. Cessation of levy.

Sec. 6. That it shall be the duty of the commissioners of said town of Clinton to annually invest any and all money arising from said special tax, collected under section five of this act, in the purchase of any of said bonds, at a price deemed advantageous to said town by the commissioners thereof; but in case said bonds can not be purchased as herein provided, the said commissioners may lend said sinking fund, or any part thereof, in such sums as they may deem proper, for a length of time not exceeding beyond six months prior to the date of maturity of said bonds, taking as security for the payment thereof and for the payment of interest thereon first mortgages or deeds of trust on sufficient real estate; or bonds issued under this act may be taken as collateral security for such loans. The notes or other evidences of debt given for any loan under this section shall be executed to and in the corporate name of the said town of Clinton, and shall bear the legal rate of interest, payable annually; and in case the commissioners of said town 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 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 the mayor or any commissioner of said town who shall be personally interested, directly or indirectly, in any loan, shall be guilty of a misdemeanor. Investment of sinking fund in bonds. Alternative investments. Interest on sinking fund. Deposits. Interest reinvested. Personal interest by officers a misdemeanor.

Sec. 7. That the said bonds authorized by section one of this act shall not be issued until authorized by a majority of the qualified voters of said town of Clinton, at a public election to be called by the commissioners of said town, who shall give thirty days notice thereof in some newspaper published in the town of Clinton, at the court-house door of Sampson County, and at four other public places in said town. The commissioners shall appoint a registrar and two judges of election, and the election shall be held and conducted, as near as may be, in the manner prescribed for the election of the commissioners of said town under the laws existing at the time of holding said election. 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 the election. Those qualified voters who shall approve the issue of bonds, as provided in section one of the act, and the levy and collection of the special taxes Bond issue to be voted on. Notice of election. Election officers. Law governing election. New registration. Ballots.

provided for in sections four and five of this act, shall deposit in the ballot box a written or printed ballot, or partly written and partly printed ballot, with the words "For issue of bonds." Those opposed thereto shall deposit a like ballot with the words "Against issue of bonds." The result of said election shall be certified by the registrar and judges of election to the commissioners of said town and the mayor, within two days from and after the election, and the board of commissioners and mayor of said town shall verify the said returns, and cause the results to be recorded in their minutes: *Provided*, that should the commissioners of said town see fit, and call the election under this section to be held on the same date appointed by law for the holding of a regular municipal election for said town, the same registrar and judges of election appointed to conduct and hold said municipal election shall also be named and appointed to conduct and hold the election under this act: *Provided, further*, that if at the election aforesaid a majority of the voters, voting in said election, shall cast ballots "Against issue of bonds," then the commissioners of said town may, at any time, and as often thereafter as they may deem proper, not oftener, however, than once in any one year, order another election on said question, to be held as nearly as practicable under the rules and regulations as hereinbefore set out, and upon like advertisement as herein mentioned, and at each of said elections the ballots shall be as hereinbefore directed.

Certificate of result.

Verification and record.

Proviso: vote at municipal election.

Proviso: further elections.

Effect of election.

Sec. 8. That if at any election, held under the authority of this act, a majority of the voters, voting in any such election, shall cast ballots "For issue of bonds," it shall be deemed and held that a majority of the qualified voters of said town are in favor of issuing said bonds, and said bonds shall be issued and the said taxes levied and collected under the terms of this act: *Provided*, that nothing herein shall make the said 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 in gross: *Provided*, the total amount issued and sold shall not exceed thirty thousand dollars.

Proviso: issue of bonds by installments.

Proviso: limit of amount.

Power of condemnation.

Sec. 9. That for the purpose of establishing said waterworks and sewerage system the said town shall have the right and power to condemn rights-of-way for water mains, pipe lines, conduits, and lands, springs, watercourses, 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 in the same manner as is provided for the condemnation of lands for street purposes, whether said lands, rights-of-way, springs, watercourses or streams be within or without the corporate limits of said town.

Procedure for condemnation.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 247.

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

The General Assembly of North Carolina do enact:

Special election authorized.

Section 1. That the mayor and board of aldermen of the city of Raleigh are hereby authorized and directed to call and hold a special election in the city of Raleigh on some day after the first day of July, one thousand nine hundred and eleven, in their discretion, for the purpose of submitting to the voters of Raleigh the question of the sale, removal, or remodeling of the market house in the city of Raleigh, and said election shall be held under the same rules and regulations as near as may be to the regular municipal elections.

Date.

Purpose of election.

Law governing election.

Ballots.

Sec. 2. The mayor and board of aldermen shall prepare and have at each polling place in the city of Raleigh three ballots, on one of which shall be printed or written the words "For sale of market house"; on another ballot shall be written or printed the words "For remodeling of market house"; and on the third ballot shall be written or printed the words "For removal of market house."

Notice of election.

Sec. 3. Notice of said election shall be published in some newspaper published in the city of Raleigh once a week for four weeks preceding such election.

Effect of vote for sale.

Sec. 4. If at said election a majority of the votes cast shall be "For sale of market house," then and in that event the mayor and board of aldermen of the city of Raleigh are hereby authorized, empowered and directed to sell the market house of the city of Raleigh known as Metropolitan Hall, together with the land upon which the same is located, at public auction to the highest bidder, after advertising said sale once a week for four weeks in some newspaper published in said city of Raleigh. And the money received from the sale of said market house shall be placed in the sinking fund of the city of Raleigh: *Provided, however,* that the mayor and board of aldermen may advertise for offerings of any of the present securities, notes or bonds heretofore issued by the city of Raleigh, and if it is possible to secure any of the same at a price which is just and reasonable, then the mayor and board of aldermen shall purchase such securities, notes or bonds of the city of Raleigh.

Proceeds to sinking fund.

Proviso: purchase of outstanding debts.

Effect of vote for remodeling.

Sec. 5. If the majority of the voters at said election shall vote for "Remodeling of market house," then, and in that event, the mayor and board of aldermen of the city of Raleigh are hereby authorized, empowered and directed to advertise for plans and bids and accept such ones as may be best, in their discretion, and to contract for and to remodel the said market house at a cost not exceeding thirty-five thousand dollars, and for the purpose of remodeling the mayor

Advertisement for plans.

Limit of cost.

Notes or bonds. and board of aldermen of the said city are hereby authorized and empowered to issue the notes or bonds of the city of Raleigh for
Term and interest. a term not exceeding forty years and at a rate of interest not
Security. exceeding five per cent per annum, and to secure said notes or bonds and to provide a sinking fund for their redemption the said mayor and board of aldermen may pledge all revenues arising from the rents of stalls in said market house.

Effect of vote for removal. Sec. 6. If a majority of votes cast at said election for "Removal of market house," then, and in that event, the mayor and board of aldermen of the city of Raleigh are hereby authorized, empowered and directed to purchase a suitable location and to build thereon a convenient market with modern improvements and to
Proviso: location. properly equip the same: *Provided, however,* that said market shall be located on the block in the city of Raleigh bounded by Wilmington, Hargett, Blount and Martin streets, and if a suitable location on said block can not be secured at a just and reasonable price, in
Power to condemn property. their opinion, the mayor and board of aldermen shall have the right to condemn any of the property on said block for the purpose of securing a location in the same manner as property may now be condemned by the mayor and board of aldermen for the location
Proviso: sale of present site. and opening of new streets: and *Provided, further,* that the said city market shall be sold in the manner prescribed in section four
Appropriation of proceeds. and the money derived from said sale, or so much as may be necessary, shall be used and expended for such location, the erection of the market and its equipment.

Further election. Sec. 7. In the event that a majority of the votes cast shall not be for any or either of the three propositions, then, and in that event, the mayor and board of aldermen of the city of Raleigh shall
Time. call and hold another special election within sixty days of the preceding election under the same rules and regulations of the preceding election, and at said election the two propositions which have
Propositions at second election. received the highest number of votes shall be submitted to the voters of the city of Raleigh.

Effect of second election. Sec. 8. The proposition at such second election receiving the highest number of votes shall be carried out in the same manner hereinbefore specified as if it had received a majority of the votes cast at the first election herein provided.

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

Sec. 10. This act shall be in force from and after its ratification.

Ratified this 3d day of March, 1911.

CHAPTER 248.

AN ACT TO PROVIDE FOR THE AMENDMENT OF CHAPTER FORTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO INTEREST ON THE BONDS OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter four of the Private Laws of one thousand nine hundred and nine, entitled "An act to authorize the city of New Bern to levy special taxes to pay interest on its bonds," be amended by adding at the end thereof: "and for the payment of interest on any other legally issued bonds of the city of New Bern hereafter to be made, or made since February eleventh, one thousand nine hundred and nine." Fund for payment of interest.

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

Ratified this the 3d day of March, 1911.

CHAPTER 249.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND THIRTY-TWO, PRIVATE LAWS OF 1901, AND CHAPTER SIXTEEN, PRIVATE LAWS OF 1903, AND TO AUTHORIZE THE CITY OF CHARLOTTE TO LEVY A SPECIAL TAX FOR THE SUPPORT OF THE CHARLOTTE 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," in the city of Charlotte, the board of aldermen of said city shall annually, and at the time of levying other city taxes, levy a special tax on all persons and subjects of taxation on which said board now are or may be hereafter authorized to levy taxes for any purpose whatever, said special tax not to be more than two cents on the one hundred dollars assessed valuation on property, and not more than six 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 applied by said board of aldermen to the purpose for which they are levied and collected. Special tax for support of library. Rate. Collection of tax. Separate fund. Application.

Sec. 2. That before any of the taxes herein provided for shall be levied, the question of levying the same shall first be submitted to the qualified voters of said city, after thirty days notice in some Question submitted to voters. Notice. Date of election.

newspaper published in said city, at an election to be held under the same rules and regulations as are prescribed by law for election of the mayor and board of aldermen for said city, on the first Monday in June, 1911. At said election so 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 library tax" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot with the words "Against library tax" upon it.

Ballots.

Effect of election.

Sec. 3. That if a majority of the qualified voters shall vote at said election in favor of levying said special 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 then collected for the purpose aforesaid, in lieu of the fixed annual appropriation of twenty-five hundred dollars, now authorized by law for said purpose, which fixed appropriation in that event shall become of no effect.

Present appropriation rescinded.

Present appropriation continued.

Sec. 4. That if a majority of the qualified voters shall not vote at said election in favor of levying said special tax, it shall be the duty of the board of aldermen of said city to so declare as aforesaid, and in that event the fixed appropriation of twenty-five hundred dollars now authorized by law shall remain in full force.

Sec. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 3d day of March, 1911.

CHAPTER 250.

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF AYDEN TO ISSUE BONDS FOR THE PURPOSE OF ERECTING A SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Purpose.

Section 1. That the town of Ayden, in Pitt County, through its properly constituted authorities, is hereby authorized and empowered, if a majority of the qualified voters thereof shall so vote, to issue interest bearing coupon bonds to the amount of twelve thousand dollars for the purpose of purchasing a site in said town and erecting thereon a graded school building and for equipping the same.

Question to be voted on.

Date of election.

Sec. 2. That the question of issuing said bonds shall be submitted to the qualified voters of said town at an election to be held for that purpose on Tuesday, the eleventh day of April, nineteen

hundred and eleven (1911), which election shall be conducted in all respects as are elections for commissioners of said town, except as modified by this act. The board of commissioners of said town shall, at a meeting to be held on the fifteenth day of March, nineteen hundred and eleven (1911), appoint a registrar and two judges of election to hold and conduct such election. The mayor shall, at least twenty days before said election, issue a proclamation giving notice of said election and designating therein the persons chosen to hold and conduct the same and the exact place where it is to be held. In order to accurately ascertain the number of qualified voters in said town, an entirely new registration for said election is hereby ordered, and it shall be the duty of the registrar to register all persons entitled by law to register, and this he may do for convenience at his home or at any other place in said town, but it shall be the duty of the registrar to attend with the registration book at the voting place, designated by the mayor in his proclamation, on Thursday, Friday and Saturday next preceding the election from ten o'clock in the morning until sunset during said days for the purpose of registering all persons entitled to register who have not been registered. And it shall be the duty of the judges of election to attend with the register on Saturday preceding the day of election for the purpose of hearing and determining all contests and challenges. The registration book shall be open to inspection at all times and it shall be finally closed at sunset on the Saturday immediately preceding the election. If any vacancy shall occur in the position of the registrar or judges of election, the mayor shall immediately appoint some other person to fill the same. The polls shall be opened at eight o'clock a. m. on the said eleventh day of April, nineteen hundred and eleven (1911), and shall be closed at six o'clock p. m. on said day, and all persons whose names are found on the registration book shall be entitled to vote at said election for or against said bonds. Those desiring to vote for the issuance of such bonds shall vote a ticket upon which shall be written or printed the words "For bonds," and those desiring to vote against them shall vote a ticket upon which shall be written or printed the words "Against bonds." The registrar and judges of election shall immediately after closing the polls count the votes cast and shall make and sign duplicate returns thereof, which shall be sealed up and delivered as follows: one sealed copy shall be delivered to the clerk of the board of commissioners, together with the registration and poll books, and the other copy deliver to the mayor. The mayor and the board of commissioners shall meet at eight o'clock on Wednesday night immediately succeeding said election, at their usual place of meeting, and in the presence of such persons as choose to attend, shall proceed to open and count said returns, and they shall make and publish an official announcement of the result of said election, in which they shall certify to the

Law governing election.

Appointment of election officers.

Notice of election and election officers.

New registration.

Registration.

Challenge day.

Inspection of book.

Vacancies.

Hours of voting.

Tickets.

Count and return of votes.

Duplicate returns.

Canvass of returns.

Announcement of result.

Proclamation by mayor.

whole number of registered votes, the number cast for and the number cast against proposition. The mayor shall, after the result has been declared by the board of commissioners, issue his proclamation repeating said result.

Bond issue.

Sec. 3. That if a majority of the qualified voters of said town, as ascertained by said registration and election, shall have voted "For bonds," then the board of commissioners of said town are authorized and directed to cause to be prepared and issued interest bearing coupon bonds to the amount of twelve thousand dollars. Said bonds shall be of the denomination of five hundred dollars each, shall be signed by the mayor and countersigned by the clerk of the board of commissioners, shall run for thirty years and shall bear interest at the rate of five per cent per annum.

Amount.
Denomination.
Authentication.
Maturity.
Interest.

Interest payable.
Tax for interest.

Sec. 4. The interest on said bonds shall be payable at such time and place as may be designated in said bonds and coupons, and to provide for the regular payment of said interest it shall be the duty of the board of commissioners of said town, each and every year, at the same time that other taxes are levied, to levy a sufficient special tax upon the taxable polls, property and taxable subjects in said town to pay said interest as the same may become due and payable. The said board shall cause said special tax to be levied, collected and accounted for as other taxes are, and they shall cause the same to be laid aside for the special purpose of paying said interest, and it shall be used for no other purpose.

Specific appropriation.

Sale of bonds.

Sec. 5. That said bonds shall be sold in such manner as the board of commissioners may prescribe, and the sale shall be under their direction, but no bond shall be sold for less than its par value, and when sold they shall publish in some paper published in said town of Ayden, if there be one, if not, then in some paper published in Pitt County, a statement showing to whom and at what price said bonds were sold. That from time to time the said board of commissioners shall set apart from the revenues of the town such sums of money as in their opinion will provide a sinking fund with which to pay off and discharge the principal of said bonds when they shall become due.

Bonds not to be sold below par.

Publication of price.

Sinking fund.

Use of proceeds of bonds.

Sec. 6. That the money derived from the sale of said bonds shall be used solely for the purpose of purchasing a site, erecting and equipping the school building provided for in this act. The said moneys shall be paid to the town treasurer and shall be paid out by him only on the order of the board of trustees hereinafter named.

Payments from fund.

School building.

Sec. 7. That the school building to be erected under the provision of this act shall be for the use and benefit of the special school tax district in which the said town of Ayden is situate.

Trustees named.

Sec. 8. That C. V. Cannon, G. W. Prescott, J. W. Quinerly, E. L. Turnage, M. M. Sauls, W. H. Dixon, Jessie Camon, be and they are hereby appointed as a board of trustees for said special tax school

district, who shall hold said office for the terms following; that is to say: C. V. Camon, for the term of one year; G. W. Prescott, J. W. Quinerly, for the term of two years; and E. L. Turnage and M. M. Sauls, for the term of three years; Jessie Camon and W. H. Dixon, for the term of four years, which terms shall commence from the date of the ratification of this act. That at the first meeting of the board of commissioners of said town in the month of March, nineteen hundred and twelve, and annually thereafter, the said board of commissioners shall fill such vacancies as may have occurred on said board of trustees by reason of the expiration of the term of any trustees, and the person so appointed shall hold said office for the term of three years. Should any vacancy occur on said board of trustees by reason of death, resignation, removal or refusal to qualify, the said board of commissioners shall oppoint some other person, a resident of said town, to fill such vacancy.

Terms of office.

Election of successors.

Term.

Sec. 9. That the said board of trustees shall have the management, control and direction of the school to be taught in said district, and to that end they are authorized and empowered to employ and dismiss teachers, and to do such acts and things as may be necessary and proper for the promotion of education in said special school tax district, not inconsistent with the laws of North Carolina.

Management, control and direction of school.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 251.

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

The General Assembly of North Carolina do enact:

That chapter three hundred and forty-two of the Private Laws of nineteen 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, A. D. nineteen hundred and seven, be and the same is hereby amended as follows:

Act amended.

Section 1. That sections one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, and one hundred and forty-two *a*, be stricken out and the following inserted in lieu thereof:

Sections stricken out.

PUBLIC IMPROVEMENTS.

(1) Streets and sidewalks.

Street department. That the street department of said city shall be composed of a superintendent of streets, a city engineer and such other employees as the executive board may deem necessary to execute the duties

Officers to qualify. of the department. Before acting as such the superintendent of streets and the city engineer shall, each, take an oath for the faithful discharge of their duties. In the discretion of the board the city engineer may also hold the office of superintendent of streets.

Executive officer. Sec. 2. The superintendent of streets shall be the executive officer of the department, and shall have the direction of other officers

Direction of officers and employees. and employees in the department under rules and regulations prescribed by the executive board. He shall give bond in such sum

Bond. as may be fixed by the board of aldermen for the faithful discharge of his duties.

Power and authority of executive board. Sec. 3. That said executive board shall have full power and authority, under ordinances of the board of aldermen, to grade, pave, macadamize and otherwise permanently improve for travel and drainage any street, sidewalk and public alley of said city; to put down curbing, cross drains, and crossings on the same; to lay out and open new streets, or widen those already open, and make such improvements thereon as the public convenience may require.

Improvement districts. Sec. 4. 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

Assessment of total cost on abutting property. 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,

Assessment a lien on property. and such cost and charges shall be a lien on all such abutting property from the commencement of the work, as provided in this

Proviso: request for improvement. 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-half of the frontage abutting on such street, sidewalk or public alley, or portion thereof proposed to be improved,

Exceptions of main thoroughfares. 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 Palmer street and Trade street from Woodlawn avenue to its intersection with East Sugar Creek (the said Trade street being called at certain points East avenue) and First, Second, Third, Sixth, Seventh and Thirteenth streets between College and Church streets, West Fourth street between Church street and Southern Railroad, North College between Fifth and Thirteenth streets, South College between Second and Third streets, South Church street between First and Fourth streets, North Church between Fifth and Seventh streets, Poplar street between Fourth and Fifth streets, Mint street between Third and Trade streets, and Elizabeth avenue from East avenue to the bridge over Sugar Creek 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 grading, curbing and paving and 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.

Proviso: cost paid by city.

Sec. 5. That if any street railroad company or other railroad company having 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 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 or 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.

Work to be done by railroad companies.

Proviso: work done by city at cost of railroad.

Assessment of cost.

Sec. 6. 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 noti-

Notice for street improvement.

Railways, tracks, and conduits.

fied 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 persons fail 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 improvement as may be fixed by the board of aldermen.

Equalization of assessment.

Sec. 7. 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 pro rate 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 subdivision, 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 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 lot front 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 pay-

Proviso: subdivision of lots.

Permanent grade.

Maps.

Map open for inspection.

Assessments entered on map.

Record book.

ments 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: *Provided, further,* that in case any street or part of a street laid out as a district for permanent improvement is of such unequal width as to render the plan of equalization of assessments as above set out, unjust to any abutting property owner, then and in that case the board of aldermen are authorized to divide such district into subdivisions and to apply the rule of equalization of assessments prescribed herein to such subsections, instead of to the entire district or section; and the board may make as many subsections as may be necessary to make a just distribution of the cost of permanent improvement made or to be made in such district. The cost 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.

Publication of notice of assessment.

Sec. 8. That the 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 none, 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 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 intentions 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

Objections to assessments.

Right of appeal.

Bond on appeal.

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; 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 amounts 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.

Case on appeal.

Trial on appeal.

Personal notice instead of publication.

Sec. 9. 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 determine, 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 any other proper officer.

Act mandatory.

Sec. 10. 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, 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, not including curbing, to the abutting property, the property on each side of the street 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

Proviso: discretionary powers.

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.

Notice of street improvements.

Sec. 11. As soon as the amount chargeable to 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:

"STREET IMPROVEMENT NOTICE.

Form of 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 specially 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."

Bond issue authorized.

Sec. 12. 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 improvement bonds"; shall comprise ten equal series; each series shall consist of a like number of bonds, and shall bear interest not to exceed six per cent per annum; and shall be sold for not less than par; and shall be signed by the mayor and attested by the city clerk; and shall contain such recitals as may be necessary to show 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 semi-annually, and each installment of interest shall be represented by corresponding coupons; the respective 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 treasurer 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 of any

Bonds issued in series.

Interest.

Not to be sold below par.

Authentication.

Maturity.

Payment of contractors.

Collection for payment of bonds.

such bonds, until all of them are paid, when the tax roll or levy for the year is prepared, sufficient special assessments of taxes on each parcel of land covered by said bonds to pay the annual 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.

Street improvement fund.

Sec. 13. That all funds derived from assessments heretofore or hereafter levied by the mayor and board of aldermen of the city of Charlotte upon private property on account of the improvement of the streets upon which such property abuts shall, when collected and received by the city of Charlotte, constitute a special fund, to be designated as "street improvement fund," and the same, with funds derived from the taxes hereafter authorized to be levied for street improvement, shall be kept separate from all other funds of the city, and a separate record thereof shall be kept by the city clerk, and said funds and every part thereof shall be applied by the said mayor and board of aldermen, exclusively to the grading, paving, macadamizing or otherwise improving the streets of said city according to the true intent and meaning hereof.

Separate funds and records.

Exclusive appropriation.

(2) Water and sewer pipes.

Sewers and water mains.

Sec. 14. The board of aldermen shall have the power and authority to locate, lay, establish and maintain public sewers and water mains in such of the streets or elsewhere as the board may 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 sewers 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 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 rates 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 be connected hereafter. The said board shall have the right and power to pass such ordinances as shall be necessary to enforce the collection of such fees and charges.

Enforcement of connections.

Rates and charges.

Collection.

Time of bringing claims for damages.

Sec. 15. No action for damages against said city of any character whatever, to either person or property, shall be instituted against said city unless within six months after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice to the board of aldermen of

said city of such injury in writing, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor, but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of happening or infliction of such injury or in any manner interfere with its running.

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 and effect from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 252.

AN ACT TO ESTABLISH A GRADED SCHOOL AT DAVIDSON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the territory embraced within the corporate limits of the town of Davidson, Mecklenburg County, shall be and is hereby constituted the Davidson graded school district for the children of both races. Territory.

Sec. 2. That the board of commissioners of the town of Davidson are hereby required to submit to the qualified voters of said town, on the first Monday in May, next ensuing, the question whether an annual tax shall be levied for the support of graded schools in said town, and said election shall be governed by the elections for electing municipal officers in said town. Election on special tax.

Sec. 3. That 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. Ballots.

Sec. 4. That if a majority of the qualified voters voting shall vote at said election in favor of levying such tax it shall be the duty of the board of commissioners of the town of Davidson and its successors to levy annually a special tax to support the schools, such as the board of graded school trustees and its successors shall require, not exceeding sixty-six and two-thirds cents on the one hundred dollars valuation of all property in said district, and upon the poll not exceeding two dollars. The said taxes shall be due and collected annually by the tax collector of the town of Davidson, as and at the same time as other taxes are due and collected. Said school taxes shall be kept separate and apart from all other taxes Effect of election. Tax rate. Collection. Taxes kept separate.

Warrants.

and shall be paid over by the tax collector to the treasurer of the board of graded school trustees as soon as received. It shall be the duty of said treasurer to pay out the moneys to said school upon the warrants issued by the chairman and secretary of said board of graded school trustees.

Apportionment from general fund.

Sec. 5. That all public school funds derived from the State and Mecklenburg County for the use and benefit of the public schools in said town shall be paid to the treasurer of the board of trustees of said graded schools by the treasurer of Mecklenburg County, for the use and benefit of the graded public schools in said town; also

Fines, forfeitures and penalties to school fund.

that the mayor of the town shall make a full return of all fines, penalties or forfeitures collected on the first days of April and October of each year, all such moneys to be turned over to the treasurer of said board of trustees to become as other school funds.

Vestiture of property.

And the property, both real and personal, of said public school district, whether heretofore belonging to the white or colored public schools, shall become the property of said graded schools, and shall be vested in the said board of trustees in trust for said schools, and the said board may sell the same or any part thereof, if deemed necessary or advisable, and apply the same for the use of said graded schools.

Method of apportionment.

Sec. 6. 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 town of Davidson, by dividing the whole amount of school fund 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 said 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 last school census preceding such apportionment, and by multiplying the quotient so obtained by the total number of children of school age in the town of Davidson, as determined by last school census preceding such apportionment, and the amount so ascertained and determined is to be paid by the treasurer of Mecklenburg County to the treasurer of the public graded schools of the town of Davidson, or such other official as may be legally designated to receive the same, to be used for the said public graded schools of said town, under the direction and control of the board

Proviso: apportionment of loss.

of trustees of graded schools of said town of Davidson: *Provided*, that the amount as ascertained and determined for said graded schools shall bear its proportionate part of the loss sustained on account of any taxes not collected by reason of errors, releases from taxation, or otherwise.

Sec. 7. That the said board of graded school trustees shall have entire and exclusive control of said graded schools, free from the supervision of and control of the county board of education and county superintendent of said county of Mecklenburg. The board shall prescribe rules and regulations for their own government and for the government of said schools, shall employ as hereinafter provided and fix compensation of officers and teachers, shall make or cause to be made or taken an accurate census of the school population of said district as required by the general school law and do all other acts as may be necessary, just and lawful for the successful management of said graded schools: *Provided*, all children resident in the town of Davidson 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 schools, of children residing without the territory embraced in said graded school district upon such terms as the board of trustees may prescribe.

Control of graded school.
Rules and regulations.
Officers and teachers.
School census.
Proviso: free tuition.
Nonresident pupils.

Sec. 8. That the board of graded school trustees may, if in their judgment it be necessary, require from each pupil attending said graded schools an incidental fee not to exceed two dollars and fifty cents per annum, for the purpose of defraying expenses of providing fuel and services of a janitor.

Fee for incidentals.

Sec. 9. That for the purpose of this act there is created a board of graded school trustees of the town of Davidson, which board shall consist of six members divided into three classes. The term of office of the first class shall expire at the end of two years; the term of office of the second class shall expire at the end of four years; the term of office of the third class shall expire at the end of six years; the term of office of each class to date from the first Monday in May, one thousand nine hundred and eleven. It is further enacted that Dr. H. L. Smith and H. J. Brown be and are hereby named and appointed in the first class; Dr. J. M. McConnell and M. H. Goodrum are hereby named and appointed in the second class, and that A. Currie and J. R. Withers are hereby named and appointed in the third class. And it is further enacted that upon the expiration of the term above named and fixed that the board of town commissioners of the town of Davidson shall elect thereafter successors in each class for the term of six years: *Provided*, that the term of office of no member of said board shall expire until his successor is duly elected: *Provided, further*, that when any vacancy shall occur in said board except by expiration of term of office, such vacancy or vacancies shall be filled by said board of graded school trustees.

Board of trustees.
Terms of office.
Trustees named.
Election of successors.
Proviso: trustees to hold over.
Proviso: vacancies.

Sec. 10. That the board of trustees herein created and their successors shall be a body corporate by the name and style of "The Board of Trustees of Davidson Graded Schools," and by that name shall be capable of receiving gifts, grants and apportionments, pur-

Incorporation.
Corporate name.
Corporate powers.

chasing 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 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 the said board.

Conveyances.

Graded schools to be established.

Sec. 11. That it shall be the duty of said board of trustees to establish graded public schools for the white and colored children of said town, and said board shall use and appropriate the funds derived from said special taxes and all other sources in such manner as shall be just to both races, giving each equal school facilities, due regard, however, being had to the cost of establishing and maintaining the graded schools of each race.

Appropriation of funds.

Annual reports.

Sec. 12. That it shall be the duty of said board of trustees to make not later than July first, one thousand nine hundred and eleven, and annually within thirty days after the close of each school year, a full and complete report of the operations of said graded schools, together with a financial report, and also such recommendations and plans for the future as may in their judgment be advisable, to the mayor and board of town commissioners of the town of Davidson. Said board of trustees shall also include in their report such data and other information as may be required under the general school law. A copy of this report to be sent to the county superintendent of schools and to the State Superintendent of Public Instruction.

Copies of report.

Election of treasurer.

Sec. 13. That the said board of graded school trustees shall at their annual meeting in May, or as soon thereafter as is practicable, elect a treasurer, who shall have in charge the fund belonging to said graded schools, and whose receipts for moneys shall be a sufficient voucher in the hands of all persons paying same, and the said treasurer shall, from time to time, report to said graded school trustees the receipts and disbursements and all vouchers for the same. All funds coming into his hands belonging to said graded schools shall be expended for said graded schools under the direction of the said board of trustees, and the warrants for same signed by the chairman and the clerk or secretary of said board shall be the only vouchers in the hands of the said treasurer for the disbursement of any money in any settlement required by him. The treasurer shall annually on the first Monday in July make a statement in writing to the board of trustees of the receipts and disbursements of the school money, properly audited, for their approval. The accounts, books and vouchers of the said treasurer shall always be open to the inspection of the said board of trustees.

Vouchers.

Reports of treasurer.

Warrants for school money.

Annual reports.

Accounts and records open for inspection.

Sec. 14. That the said board of trustees shall have power to employ and fix the compensation of a superintendent and officers 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 schools; they shall have power, at any time, to remove the said superintendent or any teacher and to employ others in his or her stead. That the beginning and ending of the school term shall be fixed by the said board of trustees. Employment and compensation of superintendent and teachers. School term.

Sec. 15. That the board of graded school trustees created by this act shall elect annually at their regular meeting in May, or as soon thereafter as practicable, a superintendent of schools established by this act, whose duties shall be prescribed by said board of trustees, and the said superintendent shall examine all applicants for positions as teachers in said schools and certify the result to the said board of trustees before their election as such teachers by said board; no other certificates of qualification shall be necessary for such teachers before their election as teachers in said schools. The said superintendent shall also act as secretary to said board of trustees should the said board so elect him or require him to serve. Election of superintendent. Duties. Examination of teachers. Secretary to trustees.

Sec. 16. That the said board of graded school trustees and superintendent are hereby given power and authority in their discretion to fix a curriculum of studies and adopt text-books for said graded schools, not in conflict with State list. Curriculum and text-books.

Sec. 17. That nothing in this act shall prevent persons acting as trustees from holding any other office of profit or trust except that elective town officers shall not be eligible to appointment on said board of graded school trustees. Trustees may hold other office.

Sec. 18. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 19. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 253.

AN ACT FOR THE ESTABLISHMENT OF A GRADED SCHOOL TO BE KNOWN AS "OAK GROVE GRADED SCHOOL," IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the territory contained within the following limits. in Mount Airy Township, Surry County, shall be and constitute the Oak Grove "Graded School District": Beginning at Old Hamburg dam in Ararat River and running a straight line to ford of branch in upper end of Hamburg; thence straight line to old Oak Grove graded school district. Boundary.

ford in Forkner's Creek and up said creek to Water Gap place; thence straight line to ford of Still House Branch on New Hollow road; thence with said road to Mrs. S. H. Sanders's mail box; thence with Ridge road to a point opposite Joe Smith's spring; thence with branch to a point below Thos. Mathew's; thence straight line to Old Hollow road; thence with Buck Shoal road to Ararat River; thence up said river to Old Hamburg dam, the beginning.

Board of school trustees.

Sec. 2. That for the purpose of this act there is created a board of school trustees of said district, and this board shall consist of

Trustees named, term of office.

five members, as follows: W. L. Kirkman, whose term of office shall expire at end of one year; U. G. Belton, whose term of office shall expire at end of two years; E. F. Wall, whose term of office shall expire at end of three years; R. F. Sanders, whose term of office shall expire at end of four years; J. W. Simmons, whose term of office shall expire at end of five years, each to date from the first

Election of successors.

Monday in May, 1911. When the term of office of the above named trustees and their successors shall expire, their successors shall be elected for a term of five years each, by the qualified voters of

Vacancies.

said district; and whenever any vacancy occurs on said board of trustees by death or resignation, the remaining trustees shall fill such vcancy for the period of time unexpired of the vacancy occurring.

Powers of trustees.

Sec. 3. That the board of school trustees herein appointed and their successors shall have entire and exclusive control of the said school; 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 school, and said board of school trus-

Incorporation.

tees shall be a body corporate under the name of the "Board of Trus-

Corporate name.

Corporate powers.

tees of Oak Grove 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 holding and selling property, both real and personal for school purposes; of prosecuting and defending suits for and against the corporation hereby

Conveyances and agreements.

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 assigned by the chairman and secretary of said board of trustees.

Funds and property.

Sec. 4. 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 school, and the property of the said district shall become the property of said graded school, and shall be vested in said board of school trustees in trust.

Levy and collection of special taxes.

Sec. 5. That any special taxes that may be voted in said school district for school purposes shall be levied annually by the county commissioners, and shall be collected annually by the sheriff of Surry County.

Sec. 6. It shall be the duty of the sheriff of Surry County to turn over such taxes as may be collected under section five 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 school only upon the warrant or order signed by the chairman and secretary of said board of school trustees. Taxes to be paid to school treasurer. Disbursements.

Sec. 7. None of the provisions of this act shall be valid and operative until a special tax for the public school in said district shall have been voted by a majority of the qualified voters therein on all taxable property and polls therein. Act not valid until special tax voted.

Sec. 8. That all statistical reports of said graded school shall be made to the State Superintendent of Public Instruction. Statistical reports.

Sec. 9. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 254.

AN ACT TO EXTEND THE COURT JURISDICTION OF THE MAYOR OF THE TOWN OF SPENCER.

The General Assembly of North Carolina do enact:

Section 1. That a recorder's court is hereby established and created, to be known as the "Recorder's Court" for the town of Spencer, in the county of Rowan. Recorder's court created.

Sec. 2. That the said court shall be a court of record and shall be presided over by the mayor of the town of Spencer, residing in said town, and who shall be known as the mayor and recorder of Spencer. Court of record. Mayor and recorder.

Sec. 3. That the present mayor of Spencer is hereby appointed recorder for the said town and shall hold office until the next municipal election in said town, when his successor shall be elected by the qualified voters of said town in the same manner as is now provided by law for election of town officers in said town of Spencer. Present mayor appointed recorder. Election of successor.

Sec. 4. That immediately after the ratification of this act, the mayor of Spencer shall at once take and subscribe before the clerk of the superior court of Rowan County the same oath as is required of the judges of the superior court, and shall forthwith be inducted into office and shall thereafter perform the duties herein prescribed. Mayor to qualify and assume office

Sec. 5. The said recorder shall receive as full compensation for his services the same fees and in the same manner as is now allowed to justices of the peace, except for trial and judgment the Fees of recorder.

fee shall be two dollars for each trial and judgment, and when there is more than one defendant one dollar for each additional defendant.

Sessions.

Sec. 6. The said recorder shall hold daily sessions, legal holidays and Sundays excepted, in the town of Spencer, in some building to be provided by the board of town commissioners of the town of Spencer.

Jurisdiction.

Sec. 7. The jurisdiction of the said court shall be as follows:

Concurrent with justices.

(*a*) Said court to have concurrent jurisdiction with the courts of justices of the peace in all criminal offenses committed within the corporate limits of the town of Spencer.

Exclusive original jurisdiction.

(*b*) The said court shall have exclusive original jurisdiction to hear and determine all other criminal offenses committed within the corporate limits of said town of Spencer below the grade of felony, as is now defined by law, and all such offenses committed within the corporate limits of said town of Spencer are hereby declared to be petty misdemeanors: *Provided*, that in all criminal offenses where said court has been given jurisdiction by this act, and no prosecution has been commenced within six months from the commission thereof, the superior court of Rowan County may proceed to try the same, as though this court did not exist.

Proviso: jurisdiction of superior court.

Further jurisdiction.

(*c*) The said court shall have all the jurisdiction, power and authority as is conferred on justices of the peace by the constitution and existing laws of North Carolina, and shall have power and authority to sentence any person convicted in the said court, for which the punishment is imprisonment, to be confined in the common jail of Rowan County, to be worked on the public roads of said county; and any person convicted and punished by a fine may be required to work on said roads for the nonpayment of same, at fair and reasonable wages, to be fixed by the board of commissioners of Rowan County, until the same is paid in full, together with the cost, and then to be discharged: *Provided, further*, that in all cases where an appeal is taken to the superior court it shall be the duty of the said recorder to require a reasonable bond and send the same, together with all papers, to the next term of the superior court, to be held for the trial of criminal cases in said county, when the trial in all such cases shall be *de novo*, said appeal to be perfected as from a court of the justice of the peace.

Proviso: appeals.

Seal of court.

Sec. 8. The said court shall have a seal, with the impression "The Mayor and Recorder's Court for Spencer," which seal shall be used in the attestation of all writs, warrants, summons or other proceedings, acts, process, judgments or decrees of said court, in the same manner and to the same effect as the seals of the other courts of North Carolina.

Dockets and records.

Sec. 9. That said recorder shall provide and keep a permanent docket and record of all papers, proceedings and processes, which is to be open to public inspection at all times.

Sec. 10. That said recorder shall at least one time in each month prepare and transmit a true record of all his official acts to the clerk of the superior court of Rowan County, and all fines imposed and collected shall be paid into the treasury of said county on or before the second Tuesday of each month. Reports to superior court. Settlement of fines.

Sec. 11. That in all trials for criminal offenses, upon a demand for a jury by the defendant, the said recorder shall draw the same as is now provided in actions before a justice of the peace, and with the same rights and challenges as now exist. Jury trials.

Sec. 12. That in case of a vacancy in the said mayor-recorder's office, the vacancy shall be filled in the manner now prescribed by law for the filling of a vacancy in the office of the mayor of the town of Spencer. Vacancies.

Sec. 13. That all laws and clauses of laws in conflict with this act, in so far as they relate to the town of Spencer, are hereby repealed.

Sec. 14. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 255.

AN ACT TO MAKE CERTAIN THE TERMS OF THE MEMBERS OF THE GRADED SCHOOL COMMITTEE OF THE TOWN OF THOMASVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the members of the present graded school committee of the town of Thomasville shall serve for terms for which they have been appointed. Members to serve out terms.

Sec. 2. That the board of commissioners of the said town shall appoint the successors of the present members of the said committee as follows: Two members shall be appointed on the first Monday in July, nineteen hundred and twelve (1912), for a term of four years. Two members shall be appointed on the first Monday in July, nineteen hundred and fourteen (1914), for a term of four years. One member shall be appointed on the first Monday in July, nineteen hundred and fourteen, for a term of one year. The successors of the members of the said committee shall be appointed by the board of commissioners of the said town for terms of four years, as their respective terms expire. When a vacancy occurs during a term, it shall be filled for the unexpired term only. Appointment of successors. Terms of successors. Vacancies.

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

Ratified this the 3d day of March, 1911.

CHAPTER 256.

AN ACT TO AUTHORIZE THE TOWN OF HAMLET TO ISSUE BONDS FOR STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Interest.

Amount.

Denominations.

Maturity.

Authentication.

Sale of bonds.

Specific appropriation.

Duty of purchasers.

Special tax for interest.

Tax for payment of bonds.

Levy and collection of tax.

Section 1. That in order to provide funds for building and repairing the streets of the town of Hamlet, the board of commissioners of the town of Hamlet are hereby authorized to issue coupon bonds, bearing interest, payable annually or semi-annually, at a rate not exceeding six per cent, to the amount not exceeding five thousand dollars, in denominations of not more than two thousand and not less than five hundred dollars, payable not more than thirty years from date of issue. Said bonds being 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 signatures 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, and the proceeds of said bonds may be applied for the purposes herein set out, and no other, and the purchasers of said bonds shall not be bound to see to the application of the purchase money.

Sec. 2. That when said bonds are issued 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 interest on said bonds as same may become due, and also before the principal of said bonds shall become due, to levy and collect a further tax to pay 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. 3. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 257.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That the act entitled "An act to amend the charter of the city of Wilmington," ratified at this session of the General Assembly, be amended by adding at the end of section eight thereof the following words:

"*Provided, however,* that no election shall be required for extensions, additions or improvements to existing interurban railway, gas, electric or water, waterworks, electric light or power plants, telegraph or telephone systems or other public service utilities now operating within said city." Proviso: extension of existing franchises.

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

Ratified this the 3d day of March, 1911.

CHAPTER 258.

AN ACT TO AUTHORIZE THE BETHEL HIGH SCHOOL TRUSTEES OF PITT COUNTY TO APPROPRIATE FUNDS OF THE DISPENSARY BOARD OF THE TOWN OF BETHEL, PITT COUNTY, TO THE USE OF SUCH SCHOOL OR SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. That the trustees for the Bethel high school district of Pitt County are hereby authorized and directed to appropriate to the use of such school or schools of said district all funds that may now be in the treasury of the dispensary board of the town of Bethel, Pitt County, and that the said board be and the same is hereby abolished. Appropriation of funds authorized. Dispensary board abolished.

Sec. 2. That the treasurer or any bank or depository of said dispensary board, having funds belonging to said dispensary board in safe keeping or in trust, is hereby authorized and directed to pay out said funds upon the order of the Bethel high school district number four, trustees, said order to be signed by the chairman of said board of trustees and its secretary. Payments authorized. Orders.

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

Ratified this 3d day of March, 1911.

CHAPTER 259.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOT SPRINGS, MADISON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Hot Springs, in Madison County, shall be and remain as heretofore, a body corporate under the name and style of the Town of Hot Springs, and, under such name, is hereby invested with all the privileges, immunities, Incorporation. Corporate name. Corporate powers.

franchises, property and other rights heretofore belonging or appertaining to the town of Hot Springs, and, in and by that name, may sue and be sued, purchase and hold property, and are hereby invested with all the rights and privileges of municipal corporations under the laws of the State of North Carolina.

Corporate limits.

Sec. 2. That the corporate limits of the said town of Hot Springs shall be the same as described and set forth in chapter two hundred and twenty-eight of the Private Laws of one thousand nine hundred and seven.

Mayor and aldermen.

Sec. 3. That the officers of said town shall, as heretofore, consist of a mayor and three aldermen, and the aldermen shall have the

Other officers.

power to appoint or elect a constable or marshal, clerk, treasurer, tax collector, special policeman, and such other officers and agents as may be necessary to enforce the ordinances and regulations of the town, as provided by law.

Present officers.

Sec. 4. That the present officers of said town shall hold their office until their successors are elected and qualified, as prescribed by the laws of North Carolina relating to cities and towns.

Fund for government and improvement.

Sec. 5. That, in order to raise a fund for the expenses incident to the proper government of the town and for the improvement thereof, the board of aldermen shall, each year, levy and collect the following taxes, to wit:

Property tax.

1. On all real and personal property within the corporate limits of the town, including money on hand on all of the subjects taxable by the General Assembly of North Carolina, a tax *ad valorem* not exceeding one ($1) dollar on every hundred dollars valuation.

Poll tax.

2. On all the taxable polls residing within the corporate limits of said town, a tax not exceeding three ($3) dollars.

License taxes.

Sec. 6. That, in addition to the taxes provided for in the preceding section, the aldermen of said town shall have the power to levy and collect a privilege or license tax on all subjects, trades, professions, etc., subject to such tax by the provisions of chapter seventy-three, entitled "Towns," Revisal of one thousand nine hundred and five of North Carolina.

Power of aldermen as to streets.

Sec. 7. That the board of aldermen of the town shall have the power at any time, whenever by them deemed necessary, to lay out and open new streets and sidewalks or to widen, enlarge, change, extend or discontinue any street or streets, sidewalk or sidewalks, or any part thereof, within the corporate limits of said town, and shall have full power and authority to condemn property or use any land or lands necessary for the purposes mentioned in this sec-

Procedure for condemnation of land.

tion, making reasonable compensation to the owner thereof; but, in case the owner or owners of said land sought to be condemned for the public use by the board of aldermen, and the aldermen can not agree as to the compensation, then it shall be the duty of the board of aldermen to appoint three disinterested freeholders, residents of said town, who shall forthwith view the premises and assess the

damage such property holder shall sustain, taking into consideration the benefit which will accrue to such property from the improvement, and report the same to the board of aldermen, who shall pay the damages assessed, if any, and proceed to establish such street or sidewalk, but, before proceeding to assess said damages, the appraisers chosen shall take an oath that they will faithfully and honestly discharge the duties of the appraiser. Either the town or the owner of such property shall have the right to appeal to the superior court from the decision of said appraisers to the next term of the superior court of Madison County, where the case shall be tried by the court and a jury. No such appeal shall have the effect to stay the operations or improvements contemplated, provided the town shall deposit with the clerk of the superior court of Madison County a sum equal to that awarded by the appraisers. If an appeal be taken by the town or property owner, at least ten days notice shall be given in writing of the intention of such appeal and the appeal shall be docketed by the clerk of the superior court of Madison County in the same manner as appeals from judgments of justices of the peace.

Right of appeal.

Appeal not to stay work.

Notice of appeal.

Sec. 8. That the board of aldermen shall have the right to pass any and all laws and ordinances for the general good and welfare of the town, as they deem advisable, not inconsistent with the laws of the State of North Carolina.

Power to pass laws and ordinances.

Sec. 9. That the board of aldermen shall have the power to abate all nuisances and impose such fines and penalties as may be necessary to abate them, and that any person violating any ordinance of said town shall be guilty of a misdemeanor and shall, upon conviction, be fined not exceeding fifty ($50) dollars or imprisoned not more than thirty (30) days.

Abatement of nuisances.

Violation of ordinance misdemeanor.

Punishment.

Sec. 10. Said board of aldermen are hereby authorized and empowered to establish a water supply and sewerage system for said town, and shall have power and authority to purchase the necessary land anywhere in the county of Madison suitable for a water supply for said town, together with the necessary right-of-way to lay pipes and convey said water to said town of Hot Springs, and to conduct the sewerage through and out of said town, and, for that purpose, said town is hereby vested with the right and power of eminent domain, the same as is given railroads under the laws of the State of North Carolina. And, in case the owners of any land, either within or without the limits of said town, necessary for the purposes mentioned in this act, and the board of aldermen can not agree as to the price of said land, said board of aldermen are hereby authorized to enter upon the land needed for said water supply and water shed, and to lay pipes for water, sewerage, etc., and do such other work as may be necessary to make the improvements contemplated in this act, and to proceed and condemn and pay for said lands, rights-of-way, etc., as provided by chapter sixty-one, en-

Water and sewerage.

Power of eminent domain.

Right of entry on land.

Procedure for condemnation.

titled "Railroads," Revisal of one thousand nine hundred and five of North Carolina, or otherwise, as required by law for condemning lands for said purposes: *Provided*, that in all cases of appraisal where the mode or manner of conducting all or any of the proceedings to the appraisal, and the proceedings consequent thereon, are not expressly provided by chapter sixty-one, entitled "Railroads," as aforesaid, the courts before which such proceedings may be pending shall have the power to make all the necessary orders and give the proper directions to carry into effect the object and intent of this act, and the practice in said cause shall conform, as near as may be, to the ordinary practice in such court.

Powers as to sidewalks.

Sec. 11. That the board of aldermen shall have the right and power to pave, repave and repair and construct any sidewalk on any street in said town, and charge one-half the cost of the same to the abutting property owner, and such charge or cost shall be and constitute a lien upon such abutting property: *Provided*, that before the town shall pave, repave or construct such sidewalks and charge the same to the property owners, they shall first cause ten days written notice to be served upon the owners of said abutting property. And in case said charges or liens are not paid fifteen days after they become due, they shall be placed in the hands of the tax collector of said town and such property shall be advertised and sold by the tax collector of said town for payment of said charges and liens under the same rules and regulations as is prescribed for the sale of real estate for unpaid taxes. But the said board of aldermen may, in its discretion, extend the time for the payment of said liens or charges to such time as to them may be deemed advisable.

Charges on abutting property.

Charge a lien on property.

Proviso: notice to owners.

Collection of charges.

Extension of time.

Waterworks and sewerage.

Sec. 12. Said board of aldermen shall, from time to time, lay, build or construct in said town such system or systems of waterworks, water pipes, sewerage or sewer pipes, or extension of same, as to it may seem advisable, and shall keep the same in proper condition and repair with proper connections, and make all necessary provisions for so doing, and may require the owner or owners of any improved lots in said town on any public street or alley where such water and sewerage pipes are to be laid or are convenient and accessible, to connect such lot with such sewer and water pipes in a manner and at the places designated by the said board of aldermen upon like notice, terms and conditions as are heretofore provided for the paving of sidewalks.

Enforcement of connections.

Tax listers and assessors.

Sec. 13. The board of commissioners of Madison shall appoint tax listers and assessors, who shall assess and list the taxable property of the said town of Hot Springs in the same manner and under the same rules and regulations and shall be subject to the same law as is prescribed for other tax listers and assessors of the county of Madison. And said tax listers and assessors shall make the returns of the taxes and property in duplicate, one copy to be deliv-

Returns.

ered to the authorities of Madison County, as prescribed by law, and one copy to be delivered to the mayor of said town of Hot Springs.

Power to issue bonds.

Sec. 14. That the said board of aldermen of the said town of Hot Springs are hereby authorized and empowered from time to time as they may deem advisable, to issue bonds to the amount of twenty thousand ($20,000) dollars for the purpose of supplying said town with the necessary water system, purchase the necessary watershed and to establish the necessary sewerage system for said town, and also to improve the streets and sidewalks in said town.

Amount.

Denominations of bonds.

Sec. 15. Said bonds shall be of such denominations and payable at such place or places as the board of aldermen may determine. Said bonds shall mature not less than thirty (30) years from their respective dates and shall bear no greater rate of interest than six (6%) per centum per annum; said interest to be paid semi-annually or annually, as the board may determine. Said bonds shall be signed by the mayor and by the clerk of the board of aldermen and shall bear the corporate seal of said town. Said bonds may be sold by said board either at public or private sale as they may determine, but said bonds shall not be sold for less than par.

Maturity.

Interest.

Authentication.

Sale at not less than par.

Powers under general law.

Sec. 16. That, in addition to the powers hereinbefore given by the provisions of this act, the board of aldermen, mayor and any officers and agents of said town are hereby given all powers, rights and privileges under chapter seventy-three, entitled "Towns," of The Revisal of one thousand nine hundred and five, of North Carolina, or otherwise as provided by law.

Sec. 17. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 18. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 260.

AN ACT TO RATIFY CERTAIN FRANCHISES OR PERMITS GRANTED BY THE CITIES AND TOWNS LOCATED IN CABARRUS AND STANLY COUNTIES, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Franchises and permits ratified.

Section 1. That all franchises or permits granted by any and all cities and towns located within the counties of Cabarrus and Stanly, prior to the first day of August, one thousand nine hundred and five, under which franchises or permits money has been expended and the rights and powers therein granted are being exercised, be and

the same are hereby ratified in all respects, and the same are hereby validated.

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

Ratified this 3d day of March, 1911.

CHAPTER 261.

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF GREENSBORO TO TURN OVER THE SURPLUS OF A SPECIAL FUND TO THE GENERAL FUNDS OF SAID CITY.

Preamble.

Whereas, from the proceeds of the sale of one hundred and twenty thousand dollars of the bonds of the city of Greensboro, dated the first day of January, one thousand nine hundred and eight, and issued for the purpose of refunding the floating indebtedness of said city, a surplus of about three thousand dollars or more is now left in the hands of the city treasurer as a special fund, after all of said indebtedness has been provided for; and,

Preamble.

Whereas, it is right and proper that said surplus should be turned into the general funds of said city to be used for general purposes; now, therefore,

The General Assembly of North Carolina do enact:

Diversion to general fund authorized.

Section 1. That the board of aldermen of the city of Greensboro be and it is hereby authorized and empowered to turn into the general fund of said city any surplus left from the proceeds of the sale of one hundred and twenty thousand dollars of the city's bonds, referred to in the preamble and sold for the purpose of paying off the floating indebtedness of said city, to be used by the city for general purposes.

Sec. 2. That this act hall be in force from and after its ratification.

Ratified this 3d day of March, 1911.

CHAPTER 262.

AN ACT TO AMEND AN ACT RELATIVE TO THE CHARTER OF THE CITY OF GREENSBORO, RATIFIED THE SEVENTEENTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND ELEVEN.

Preamble.

Whereas, the act passed by the General Assembly of North Carolina at its session of one thousand nine hundred and eleven, ratified on the seventeenth day of January, one thousand nine hundred and

eleven, with reference to the city of Greensboro, was to become effective if ratified by a majority of votes passed at an election provided for in said act; and,

Whereas, at such election a majority of the voters voted a ticket "For commission form of government," and a minority of the voters voted a ticket "Against commission form of government"; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That said act shall be and the same is effective as therein provided: *Provided, however,* that nothing in this act and nothing in the said act ratified the seventeenth day of January, one thousand nine hundred and eleven, shall be construed as repealing or in any way affecting any act of the General Assembly of North Carolina or the ordinances of the city of Greensboro, authorizing, validating, or in any way relating to any bonds of the said city of Greensboro that have heretofore been issued, or which may hereafter be issued by said city of Greensboro, under and by virtue of any act heretofore passed: *Provided, further,* that nothing in this act or in the said act ratified the seventeenth day of January, one thousand nine hundred and eleven, shall be construed in any manner as affecting the powers and duties of the mayor and board of aldermen of the city of Greensboro, under the present laws and ordinances, prior to the election and qualification of the board of commissioners provided for in the said act ratified January the seventeenth, one thousand nine hundred and eleven, when such existing laws and ordinances are not in conflict with the provisions of this act, or of the said act ratified January seventeenth, one thousand nine hundred and eleven. Act effective. Proviso: outstanding bonds not affected. Proviso: powers and duties of present city government continued.

Sec. 2. That it shall be the duty of the board of commissioners of the city of Greensboro, provided for in said act, ratified January seventeenth, one thousand nine hundred and eleven, and of the tax collector and treasurer, and of the commissioner who is tax collector, and of the commissioner who is treasurer of the city of Greensboro, to keep a separate statement and account of the money received by the city of Greensboro from the waterworks system; and it shall be the duty of the said board of commissioners to give preference to the waterworks system over the other departments of the city in such funds, and to provide for the proper upkeep of the waterworks system, and an amount necessary for the enlargement of the waterworks system before turning over to other departments the money so received. Accounts with waterworks. Upkeep and improvements.

Sec. 3. That sub-section *w,* of section twenty-six, be amended by striking out the words "three-fourths" therein and inserting in lieu thereof the word "majority." Majority vote to issue bonds.

Sec. 4. That each member of the board of commissioners provided for in said act ratified the seventeenth day of January, one thousand Commissioners to devote whole time to work.

nine hundred and eleven, shall devote his time and attention to the performance of the public duties to the exclusion of all other occupations, professions or callings.

Limitation on power to contract debt.

Sec. 5. That the board of commissioners for the city of Greensboro, provided for in the said act ratified the seventeenth day of January, one thousand nine hundred and eleven, shall not have power to create or contract any indebtedness for necessary purposes in any amounts which can not be paid off and discharged out of the current revenues to accrue during the term of office of said board, unless such authority is authorized by a majority of those voting at an election to be held, submitting such question to the voters of the city of Greensboro, which said election is to be held in the manner provided by said act ratified the seventeenth day of January, one thousand nine hundred and eleven, referring to the voters the question of repeal or an ordinance. At such election those favoring the contracting of such debt may vote "For contracting debt": and those opposing such may vote "Against contracting debt."

Election on debt.

The question of contracting a debt may be submitted by the board of commissioners to the qualified voters of the city of Greensboro at a special or a general election, and at such election a box shall be provided in which only the votes for and against the contracting of such debt shall be placed.

Notice of election.

The election shall be held under rules and regulations to be prescribed by the board of commissioners, except such regulations shall not be in conflict with this act, and the purposes for which said debt is to be contracted shall be declared and made a matter of record by the board of commissioners. Such election and the purposes for which such debt is desired to be contracted shall be advertised by the board of commissioners in some daily newspaper published in the city of Greensboro for at least ten days immediately prior to

Election officers.

the holding of such election, and the officers to hold such election shall be appointed and shall act as is provided for other city elections; and the result of the election shall be certified by the election officers to the board of commissioners as is provided for the certification of the result of other elections, and such result shall be entered upon the records of the board of commissioners; and if

Certificate of result.

Effect of election.

a majority of those voting favor the contracting of such debt, the said board of commissioners is hereby authorized to contract the same to the amount authorized, or any part thereof.

Judge not subject of recall.

Sec. 6. That section fifty-two of the said act, which was ratified on the seventeenth day of January, one thousand nine hundred and eleven, be amended by inserting in line one of said section, after the word "office" and before the word "may," the words "except judge of the municipal court."

Sec. 7. That section twenty-seven of said act be amended by striking out the following words therein: "And to the fair grounds of the Central Carolina Fair Association." Police jurisdiction.

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

Ratified this the 3d day of March, 1911.

CHAPTER 263.

AN ACT FOR THE RELIEF OF W. D. MARTIN, A PUBLIC SCHOOL TEACHER IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the treasurer of Yadkin County is hereby authorized and directed to pay W. D. Martin the sum of twenty-eight dollars and ninety cents, balance due him as teacher in school district number five, in Deep Creek Township, Yadkin County, year one thousand nine hundred and ten, out of any money now due or that may become due said district: *Provided*, the said W. D. Martin shall procure an order signed by the committee of said township and countersigned by the county superintendent of schools. Payment directed. Proviso: order for payment.

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

Ratified this the 3d day of March, 1911.

CHAPTER 264.

AN ACT AMENDATORY OF THE CHARTER TO THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and one of the Private Laws of North Carolina, session one thousand eight hundred and eighty-seven, be and the same is hereby amended as follows: By inserting the words "or advisable" between the word "necessary," and the word "and," in line three of section twenty-six of said chapter one hundred and one, on page nine hundred and eighty-two. By adding after the word "constable" wherever it may occur in said section twenty-six the words "or other officer." By inserting the word "three" in lieu of the word "six," in line eleven, on page nine hundred and eighty-three of said section twenty-six of said chapter one hundred and one. By inserting after the word "assessed" in said Powers as to streets

section twenty-six, in said chapter one hundred and one, on page nine hundred and eighty-three, after the word "assessed" the words "by said jurors or a majority of them."

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

Ratified this the 3d day of March, 1911.

CHAPTER 265.

AN ACT AUTHORIZING THE TOWN OF ROCKINGHAM TO CONTRIBUTE TO A FUND FOR THE ERECTION OF A CONFEDERATE MONUMENT IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Payment authorized.

Section 1. That the board of commissioners of the town of Rockingham is hereby authorized to pay to the Confederate Veterans' Association of Richmond County the sum of five hundred dollars ($500) out of any funds in hand to aid in the completion of the monument now in contemplation by said association in memory of the bravery and devotion of soldiers from that county in the civil war.

Amount and purpose.

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

Ratified this the 3d day of March, 1911.

CHAPTER 266.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, ENTITLED AN ACT TO INCORPORATE THE GRAHAM COUNTY RAILROAD COMPANY.

Preamble.

Whereas, said Graham County Railroad Company has been duly organized by its incorporators in the manner provided in chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five, and within the time provided in chapter two hundred and forty-three of the Private Laws of one thousand nine hundred and nine, amending said chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five, and extending the time within which to organize, but it now appears that said company will be unable to commence the construction of its railroad within the time required by law and otherwise carry out the provisions of said acts, and therefore desires an extension of the time for such purposes; therefore,

The General Assembly of North Carolina do enact:

Section 1. That the time within which said Graham County Railroad Company may begin the construction of its railroad shall be and is hereby extended for two years from and after the date of the ratification of this act. Time extended.

Sec. 2. That section twelve of said chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five, be and the same is hereby amended by inserting the following words after the word "writing" in the fifth line from the bottom on page five hundred and thirty-three, to wit: "at any time after the ratification of this act." Time of filing petition.

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

Ratified this the 3d day of March, 1911.

CHAPTER 267.

AN ACT TO CHANGE THE NAME OF THE CHOWAN BAPTIST FEMALE INSTITUTE IN HERTFORD COUNTY TO "CHOWAN COLLEGE."

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and five, incorporating the Chowan Baptist Female Institute in Hertford County to be amended by striking out the words "Chowan Baptist Female Institute" wherever they occur in said chapter and insert in lieu thereof "Chowan College," to the end that the name of said school shall hereafter be Chowan College. Name changed.

That the change of the name of said school herein provided shall in no manner affect the rights, powers or privileges of said school under its said act of incorporation; that conveyances and contracts heretofore executed by said school shall remain unaltered and be in no manner affected by the change of the name of said school, and that all obligations and evidences of debt held by and due to said school shall be enforceable and collectible by said school under the name Chowan College as fully and completely as if the name had not been altered and changed by this act. Existing rights and obligations not affected.

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

Ratified this the 3d day of March, 1911.

CHAPTER 268.

AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE WELDON AND ROANOKE RAPIDS ELECTRIC RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Time extended.

Section 1. The time for organizing the Weldon and Roanoke Rapids Electric Railway Company, chartered by the General Assembly of North Carolina, March fifth, one thousand nine hundred and seven, be and the same is hereby extended for a period of two years from the ratification of this act.

Corporator substituted.

Sec. 2. The name of Samuel F. Patterson be and the same is hereby substituted for that of the late Thomas L. Emry, deceased, as one of the incorporators of said company.

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

Ratified this the 3d day of March, 1911.

CHAPTER 269.

AN ACT TO ENABLE OR AUTHORIZE THE TOWN OF WARRENTON TO ESTABLISH A WATER AND SEWERAGE SYSTEM AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Construction of water and sewerage system authorized.

Section 1. That the board of commissioners of the town of Warrenton shall have power and authority to lay, build and construct a water and sewerage system and erect all necessary tanks, pipes and necessary apparatus for said town, and to protect and regulate the same by adequate ordinances, and in order to obtain proper outlets to said system, may extend the same beyond the corporate limits of said town: and if in the construction, maintenance or extension of said system and the outlets thereof, it shall become necessary to acquire lands, rights-of-way and easements, both within and without the corporate limits of said town, the said board shall have power to condemn the same in like manner as is now provided by law for the condemnation of land for streets.

Power to condemn lands.

Rentals.

Sec. 2. That the board of commissioners of the town of Warrenton shall have power and authority to charge and collect a water or sewer rental, or both, in such reasonable amounts and collectible at such periods as the board may prescribe for the use of water or sewerage, said rental to be based on the quantity of water used and the number of sinks and closets connected with the sewer; and may

charge and collect a reasonable sum for connecting with the water main and sewer pipe, as the board may prescribe; and said rentals and charge for connection, if not paid, shall become a lien upon the property with which connections are so made and may be collected in the same way as unpaid taxes and with the same costs and penalties. Charges for connections. Rentals and charges a lien on property.

Sec. 3. That in order to provide funds for the building and equipping of said water and sewerage system the board of commissioners of the town of Warrenton, State of North Carolina, are hereby authorized and empowered to issue coupon bonds, bearing interest, payable annually or semi-annually, at a rate not exceeding five per centum per annum, to an amount not exceeding fifty thousand dollars, in denominations of one hundred dollars, five hundred dollars, or one thousand dollars, each payable not more than twenty-five years from date of issue; said bonds to 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 or written 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 work of constructing and equipping said systems and may be issued from time to time as the work may 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: *Provided*, that the provisions of this act, in relation to the issuance of said bonds, shall not become operative and effective until approved by a majority of the qualified voters of said town. Bond issue authorized. Interest. Amount. Denominations. Maturity. Authentication. Sale of bonds. Specific appropriation. Duty of purchaser. Proviso: bond issue to be approved by voters.

Sec. 4. That there shall be an election held by the board of commissioners of the town of Warrenton at such time and place as said board of commissioners shall 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 town of Warrenton; at which election those who favor the adoption of the provisions of this act shall vote ballots with the words "For water and sewerage" written or printed thereon, and those opposed thereto shall vote ballots with the words "Against water and sewerage" 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 water and sewerage" written or printed thereon, then the provisions of this act shall become operative and effective. Election to be held. Time and place. Notice of election. Ballots. Effect of election.

Sec. 5. That said election shall be held in accordance with the provisions of law relating to elections in towns and cities, and the result of said election shall be inscribed upon the records of said town. Law governing election.

Sec. 6. That if the provisions of this act shall become operative, Tax for interest.

as herein provided, the board of commissioners of the town of Warrenton is authorized and directed to levy and collect a tax on all taxable property and polls in the said town of Warrenton sufficient to pay the interest on said bonds or such of them as may be issued, as the same may become due, and also, before the principal of said bonds shall become due, to levy and collect a further tax on said property to pay 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.

Tax for payment of bonds.

Levy and collection of tax.

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

Ratified this the 3d day of March, 1911.

CHAPTER 270.

AN ACT TO VALIDATE A PAPER EXECUTED BY THE BOARD OF ALDERMEN OF THE TOWN OF SHELBY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Preamble.

Section 1. That, whereas, a deed of trust was executed by the town of Shelby on August tenth, one thousand nine hundred and ten, by its proper officers, to the Shelby Building and Loan Association on two lots located on the north side of the public square in the town of Shelby, on which is situated the city hall, securing an indebtedness of six thousand dollars to the said Shelby Building and Loan Association for borrowed money, said money having been expended in the erection of said city hall, the execution of said deed of trust, by direction of the board of aldermen of the town of Shelby is hereby validated and confirmed, and said deed of trust is hereby constituted a valid lien on the property described therein for the sum of six thousand dollars, in accordance with the terms of said deed of trust, which instrument is duly recorded in book "seventy" of mortgage deeds, page one hundred and twenty, of the register's office of Cleveland County, North Carolina.

Execution of deed validated.

Lien validated.

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

Ratified this the 3d day of March, 1911.

CHAPTER 271.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF OLD FORT.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-eight (88), Private Laws of one thousand eight hundred and ninety-three (1893), together with the amendatory acts therto, be amended and consolidated as follows, to wit, and the following shall be and constitute the charter of the town of Old Fort, in McDowell County; that the inhabitants of the said town of Old Fort shall be and continue as they heretofore have been, a body politic and incorporate, and in the name of the town of Old Fort shall have the right to contract and be contracted with, sue and be sued, plead and be impleaded, to purchase, to receive by donation, devise or otherwise, to hold and convey property, real and personal. Laws amended and consolidated. Incorporation. Corporate name. Corporate rights.

Sec. 2. That the corporate limits of said town be as follows, to wit: Beginning on the southeast corner of the Mauney tract of land, near the county bridge across the Catawba River, and runs northwesterly with said Mauney's line, crossing the Crooked Creek public road to a stake in the line of the Salisbury lands; then northwesterly to the old Salisbury mill dam on Mill Creek; then up said creek as it meanders, passing the mouth of the second branch, to a spruce pine on the north bank of the said creek; then eastwardly to the northwest corner of the cemetery for white people; then eastwardly and southwesterly with the line of the said cemetery and the line of the United States Leather Company to a stake on the Southern Railway; then a straight line to the mouth of Butcher's Branch at the Catawba River; then up the river as it meanders to the beginning. Corporate limits.

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 the said town. Town officers. Elections.

Sec. 4. Any qualified voter of the said town shall be eligible to the office of mayor or aldermen. Voters eligible for officers.

Sec. 5. Every person entitled to vote for members of the General Assembly, and who shall have been a *bona fide* resident of the town of Old Fort four months preceding the day of election, and registered, as hereinafter provided, 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, and before entering upon the duties of his office, shall take, before a justice of the peace or clerk of the superior court, the following oath: "I, A. B., do solemnly swear (or affirm), that I will diligently endeavor Mayor to qualify. Form of oath.

to perform faithfully and impartially, according to my best skill and ability, all of the duties of the office of mayor of the town of Old Fort, 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 Old Fort, and in the discharge of my duties to do equal justice to all cases whatsoever; so help me, God."

Aldermen to qualify.

Sec. 7. 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 duly and impartially perform the duties of an alderman of the town of Old Fort, according to his best skill, ability and judgment.

Marshal or constable.

Vacancies in board of aldermen.

Other officers.

Clerk and treasurer.

Bonded officers.

Mayor pro tem.

Sec. 8. That the board of aldermen shall have the power to appoint a marshal or constable to execute the laws and ordinances for the government of Old Fort, to fill any vacancies occurring in the board of aldermen that may occur during their term of office, and also to appoint such officers as they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of Old Fort. 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 duty. In the 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*.

Present officers continued.

Sec. 9. That the present mayor and aldermen are hereby declared like officers, with power and duties of mayor and aldermen, until their successors are elected and qualified.

Notice of election.

Forfeit for failure to give notice.

Election officers.

Registration.

Challenges.

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, if any published in said town, and by advertising at the post-office and five other public places within the corporate limits of the said town. If said aldermen shall fail to give notice of an election and hold and declare the same in the manner herein prescribed, 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 therefor, the sum of fifty dollars. It shall be the duty of the 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 until Saturday evening at sunset preceding the day of election, at some convenient place within the town. Any elector shall have the right to challenge any one 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 Old Fort shall be held and proceeded in as provided in chapter ninety of The Revisal of one thousand nine hundred and five, and any and all acts amending the same.

Communications from mayor.

Sec. 12. 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 of aldermen all such measures connected with police, security, health and cleanliness of the town as he shall deem 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 violations of municipal ordinances during the previous month, and he shall be vigilant and active in causing the laws and ordinances for the government of Old Fort to be executed and enforced.

Minutes kept by mayor.

Monthly reports.

Violation of ordinance a misdemeanor.

Punishment.

Sec. 13. That any person violating any ordinance of the town of Old Fort 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, or the chain gang of McDowell County, for thirty days.

Precepts of mayor.

Witnesses.

Sec. 14. 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 endorsement 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.

Commitments by mayor.

Sentence to roads.

Sec. 15. 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; or, he may sentence such person so convicted to a term of not more than thirty days to the roads of McDowell County, or any adjoining county.

Mayor an inferior court.

Jurisdiction.

Sec. 16. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the 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.

Mayor a special court.

Jurisdiction.

Commitments by officers.

Sec. 17. 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.

Chain gang.

Sec. 18. 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 ordinances, by-laws or regulations of said town; and the said aldermen shall have authority, by their ordinance, to confine, control and manage such persons or person until the said fees and penalties and forfeitures, together with the costs thereof, shall be fully paid and satisfied, under such rate for labor and board as the aldermen may adopt.

Powers of aldermen as to streets.

Sec. 19. 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 inhabitants, 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 towner or owners thereof; but, in case the owner of the land sought to be condemned or appropriated for public use by the aldermen can not 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 Old Fort: and, in the 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 the two chosen aforesaid can not 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 charge, 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: *Provided, further*, that an appeal to the superior court shall not have the effect of delaying the aldermen in the use and occupation of the land or lands condemned.

Water supply.

Power to condemn land.

Arbitration of damages.

Proviso: right of appeal.

Proviso: appeal not to delay action.

Powers as to sidewalks.

Sec. 20. That the aldermen shall have the right, power and authority to build and construct all necessary sidewalks in front, and all sidewalks around or adjoining any lot or lots within said town, in such manner, and out of such material as may be prescribed by the said aldermen, and to require the owner or owners of any such lot to pay not more than fifty per cent of the cost of building and constructing said sidewalk or sidewalks, together with fifty per centum of the cost of all material used therein; and, the sums so assessed by the said board of aldermen against any person or persons owning land or lots in said town, for the material used and the construction of such sidewalk or sidewalks, shall be and constitute a lien upon said lot or lots; and, if not paid within four months after notice of the amount so expended and the amount required to be paid by the said owner or owners, then and in that event such lot or lots may be sold, or enough of the same to pay the amount so expended by the aldermen in the building and construction of such sidewalk or sidewalks, under the same rules and regulations and restrictions and rights of redemption as are prescribed in this charter for the sale of land for unpaid taxes.

Apportionment of cost on adjoining property.

Charges a lien on property.

Enforcement of connections.

Arbitrators to be sworn.

Sec. 21. That the arbitrators referred to in section nineteen shall take an oath before the mayor or some justice of the peace, to value and assess the said property faithfully and impartially and without fear or favor.

Fire companies

Sec. 22. That the board of aldermen may provide for the establishment, or 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 and authority 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 from 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 may be declared a nuisance and abated by order of the aldermen.

Power of officers in arresting fires

Fire limits.

Firearms and explosives.

Sec. 23. That the said board of aldermen shall have power to make ordinances to prohibit or control the firing of firearms, firecrackers, torpedoes and other explosive materials, and to govern

Traffic regulations. the sale thereof in the town or prohibit the sale of the same; 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 railroads from stopping their engines and cars on said streets, and require the said railroads to keep the crossings in good repair; the manner in which powder and other such 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, styes and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. It shall be their 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 premises described to be in bad order and inspect and have the same cleaned, and the expense of abating such nuisance shall be recovered from the occupant of the said premises in any court having competent jurisdiction.

Inflammable substances and commercial fertilizers.

Regulation of live stock.

Limitation.

Entry on premises for inspection.

Expense of abatement.

Prohibition and abatement of nuisances.

Sec. 24. They shall have power and authority and it shall be their duty to prohibt 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 the occupant the cost of such draining, cleansing, etc., and the expenses shall be a lien upon the lot: *Provided*, the owner or occupant, after ten days notice, shall neglect or refuse to remove or abate such 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 the same shall pay the above expenses as required.

Drainage.

Expense a lien on lot.

Proviso: neglect of owner.

Entension of sanitary powers.

Markets.

Sec. 25. 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.

Officers not to contract with town.

Sec. 26. 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.

Misdemeanor.

Tax rate.

Sec. 27. That the board of aldermen of said town shall have power annually to levy for town purposes taxes as follows, to wit: Fifty

cents on every one hundred dollars valuation of real and personal property and one dollar and fifty cents 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 and authority to levy a license tax on the following trades and other subjects of taxation, referred to in section three, article five, of the constitution of this State, to wit: Valuation of property. License taxes.

(1) On every auctioneer, a tax of five dollars. Auctioneers.

(2) On every butcher, a tax not to exceed twenty-five dollars. Butchers.

(3) On every dealer in prize goods, a tax of fifty dollars. Dealers in prize goods.

(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 goods. Peddlers and fakirs.

(5) On every billiard, pool or bagatelle table, a tax not exceeding twenty-five dollars. 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 twenty dollars nor more than fifty dollars. Skating rinks.

(8) On every dog, a tax of not less than one dollar nor more than two dollars. Dogs.

(9) On every itinerant 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 and like machines.

(11) On every ten-pin or bowling alley, a tax not exceeding twenty-five dollars. Ten-pin 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 town, whether exhibiting free of charge or otherwise, a tax of not less than three dollars per day and not over one hundred dollars per day. Circus and other shows.

(13) On every retail dealer in "near beer," "tidal wave," or any like concoction, by whatever name known, a tax of not less than ten dollars per month. Dealers in drinks.

(14) On every retail dealer in firecrackers, bombs, torpedoes, Roman candles or other fireworks and explosives, a tax of not less than ten dollars nor more than twenty-five dollars. Dealers in fireworks.

(15) On every dealer in pistols or pistol cartridges, a tax of fifty dollars. Dealers in pistols and cartridges.

Sec. 28. 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 six days in each and every year, and in lieu thereof to pay the sum of three dollars. The town tax collector shall warn every such Road duty. Commutation. Warning.

person so liable to work by giving two days notice in writing, unless such person has paid the three dollars hereinbefore provided, and every person liable to road duty who fails or refuses to work after having been properly warned so to do, shall be fined, upon conviction, the sum of two dollars for each and every day he fails or refuses to work on said road or streets.

Fine for failure or refusal to work.

Sewerage and water connections.

Sec. 29. 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 the said town to connect with the sewerage system of the said town, to compel any and all persons to use the water furnished by the said town to its inhabitants; to condemn and remove all privies within the corporate limits of the said town, whenever a complete system of water and sewerage shall be installed, and to require at any and all times every person or persons and corporations to install and maintain sanitary privies, and to enact all such ordinances and penalties as may be necessary to carry any part or all of this ordinance into effect, and which may be necessary for the best interests of the health of the inhabitants of the said town.

Privies.

Building regulations.

Sec. 30. That the board of aldermen of the said town shall have and is hereby given full 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 may be prescribed, 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, in any part of the said town, 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, firm or corporation who shall fail to obtain the license hereinbefore provided, before commencing to build, alter or repair any building, bridge or other structure within the corporate limits of 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.

Limit of penalties.

Building licenses.

Failure to obtain license a misdemeanor.

Punishment.

Returns of tax lists.

Sec. 31. 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 to a tax lister to be appointed by the board of aldermen; and it shall be the duty of the town and treasurer or tax lister to post an advertisement in at least six public places in said town notifying all persons that within thirty days after date of such notice they shall make such return of their tax lists. Lists of the taxable property of testators, intestates, minors, lunatics, and property held in trust shall be given in by executors, administrators, guardians or trustees, or *cestui que*

Advertisement for listing.

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, treasurer or tax lister; and they are severally hereby authorized to administer to all such 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 or 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 property and polls so listed by the said clerk and treasurer or tax lister, a sum 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 the collection of other taxes due said town. In all cases in which the owner of any real property in said town is unknown to the clerk and treasurer or tax lister, he shall, in 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 the 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 of the power vested by law in sheriffs or tax collectors for collection of taxes due the State.

Tax books.

Delinquent lists.

Forfeit for failure to list.

Sec. 32. For the purpose of taking the lists 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.

Time for listing.

Sale of real estate for taxes.

Sec. 33. 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 on 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 penalties and costs accruing on such assessment and the proceedings for such sale were paid at the time of the sale of same.

Taxes payable.

Sec. 34. 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.

Collection by distress.

Return of property for taxation.

Sec. 35. 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. 36. That all property liable to taxation for town purposes in said town and held by guardians, executors, administrators or trustees, shall be returned to 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.

Sec. 37. 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, to wit:

Collection by 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 shall be fifty cents.

Collection by sale of real estate.

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 said 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

Levy.

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 kept for that purpose, charging therefor the sum of twenty-five cents for such 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 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 in all cases of sales of land for taxes in said town. Notice to delinquent.

Fourth. The sale shall be made at the post-office in said town, and shall be done on one of the days prescribed for sale of real estate 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 a 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. Day of sale. Notice to delinquent.

Sec. 38. 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. Method of sale. Purchase for town.

Sec. 39. 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 can not be found in the 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. 40. At the time of such purchase of real estate for taxes the town constable or tax collector, on receipt of the amount bid 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. Receipt to purchaser.

Sec. 41. 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-five hereof, and the town constable or tax collector Deed on failure to redeem.

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 which the said purchaser agreed to pay the amount called for in the receipt, and for such service 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 his attorney had at the time of the sale for taxes.

Registration of deed.

Redemption of property purchased for town.

Sec. 42. All the 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.

Sec. 43. That for the purpose of improving the streets of the town or opening up new ones, or for the purpose of better lighting the streets, the corporate authorities of the said town, upon a petition of one-fourth of the property holders of the said town, may submit a proposition to the voters of the said town to issue coupon bonds of the said town to an amount not exceeding ten thousand dollars at any one time. 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 to be published at least sixty days, in five public places in said town. The said notice shall contain the amount proposed to be borrowed, the rate of interest, the time at which the bonds are to become due, and the object to which the same is to be applied.

Call and notice of election.

Law governing election.

The said election shall be held and conducted as other municipal elections and as the same is herein provided for; that the vote on 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 bonds," and those voting against the proposition shall vote ballots having written or printed thereon the words "Against bonds." That if the proposition is adopted by a majority of the qualified voters of the said town, the board of aldermen shall cause bonds to be issued in the name of the town of Old Fort, in such denominations as they may deem best, bearing six per centum interest and payable at such time and place as shall be designated in the proposition submitted. The 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 the said bonds are issued, to provide by taxation on all subjects of taxation within the corporate limits of the town to meet the interest on said bonds and the principal as the same may become due.

Ballots.

Denomination of bonds.

Interest.

Authentication.

Tax for interest and principal.

Sec. 44. That all laws and parts of laws inconsistent with the provisions of this charter, within the corporate limits of the town, are hereby repealed, except chapter five hundred and fifteen of the Private Laws of one thousand nine hundred and seven, and this act shall be in force from and after its ratification. Repealing clause.

Ratified this the 3d day of March, 1911.

CHAPTER 272.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF GASTONIA TO ISSUE BONDS IN AN AMOUNT NOT EXCEEDING SEVENTY THOUSAND DOLLARS FOR STREET IMPROVEMENTS, GRADED SCHOOLS, WATER-WORKS, SEWERAGE AND ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of grading, paving and otherwise improving the streets and highways of the town of Gastonia, for erecting new graded school buildings and making improvements and additions to those already erected; for the extension of the system of waterworks, sewerage and electric lights, the board of aldermen of the said town is hereby authorized and empowered to issue bonds of the town in an amount not exceeding seventy thousand dollars, bearing interest from the date thereof, not exceeding the rate of five per centum per annum, with interest coupons attached, payable semi-annually. That the said bonds shall be made payable at such time and place as may be determined upon by the board of aldermen, but the time of the payment of the principal of said bonds be fixed at not more than thirty years. Purposes of bond issue. Bond issue authorized. Amount. Interest. Maturity.

The bonds shall in no case be sold, hypothecated or otherwise disposed of by the board of aldermen for less than par value, and the money arising from the sale thereof shall be used for the purposes above stated, and no other. Bonds not to be sold below par. Specific appropriation.

Sec. 2. That the said bonds shall not be issued until authorized by a majority of the qualified voters of the said town at a public election to be held at such time and place as the board of aldermen shall appoint, at which election those favoring the issue of said bonds shall vote "For issue of bonds," and those opposed shall vote "Against issue of bonds." Issue to be authorized by voters. Time and place of election. Ballots.

Sec. 3. That said election shall be held in like manner and under the same rules and regulations, as they are pertinent and applicable, as other elections are held in said town, except as otherwise provided herein. Law governing election.

Sec. 4. That there shall be a new registration of said voters of the said town for the said election. It shall be the duty of the board of aldermen to appoint a registrar and to determine and de- New registration. Appointment of registrar and notice of registration.

clare the time and place for the said election; and to give due notice of the said new registration, the name of the registrar and the time and place of the election, by publication of such notice in some newspaper published in the said town for at least thirty days prior to the said election.

Time and manner of calling election.

Sec. 5. That the said election shall be called when the board of aldermen shall determine that the said sum of seventy thousand dollars or any part thereof is necessary for the purposes stated in this act, and shall pass an ordinance setting forth the purpose for which the same shall be expended and the amount to be expended for each purpose, whether such be for street improvements, graded schools, waterworks, sewerage or electric lights.

Issue of bonds.

Sec. 6. That if the powers hereby conferred and hereinbefore provided shall be exercised and a majority of the qualified voters of the said town shall vote for the issue of the said bonds, then the said board of aldermen shall issue the said bonds and they shall be signed by the mayor, attested by the treasurer of the town, and sealed with the corporate seal of the town, and said bonds and their coupons shall be exempt from town taxations until after they become due, and the coupons shall be received in payment of town taxes.

Authentication.

Exemption from town tax.

Coupons receivable for town taxes.

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

Ratified this 3d day of March, 1911.

CHAPTER 273.

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

The General Assembly of North Carolina do enact:

Section 1. That sections ten, eleven, twelve and thirteen (10, 11, 12 and 13) of chapter one hundred and seventy (170), Private Laws of North Carolina, session of one thousand nine hundred and three (1903), be and the same are hereby repealed, and the following is hereby substituted in lieu thereof:

Jurisdiction of recorder's court.

Sec. 2. The "recorder's court," created and established by House Bill number three hundred and ninety-nine, Senate Bill number three hundred and fifty-nine, session of one thousand nine hundred and eleven of the General Assembly of North Carolina, shall have and possess all of the jurisdiction, power and authority conferred upon the mayor of the city of Washington by sections ten, eleven, twelve and thirteen (10, 11, 12 and 13) of chapter one hundred and seventy (170), Private Laws of North Carolina, session of one thousand nine hundred and three (1903).

Duties of clerk of recorder's court.

Sec. 3. The clerk of the recorder's court shall perform all the duties as set forth and defined in section thirteen (13) of chapter

one hundred and seventy (170), Private Acts of one thousand nine hundred and three (1903), of the General Assembly of North Carolina.

Collection and settlement of fees.

Sec. 4. The clerk of the recorder's court shall collect all fees that may become due the police officers of the city of Washington, under the provisions of House Bill number three hundred and ninety-nine and Senate Bill number three hundred and fifty-nine of session of one thousand nine hundred and eleven, of the General Assembly of North Carolina, creating said recorder's court, and those which would be due under the aforesaid sections ten, eleven, twelve and thirteen (10, 11, 12 and 13) of chapter one hundred and seventy, Private Laws of North Carolina, session of one thousand nine hundred and three, and shall pay the same over to the treasurer of the city of Washington. Said treasurer shall credit same to the general city fund.

Credit to general fund.

Salary of mayor.

Sec. 5. The mayor of the city of Washington shall receive a salary of six hundred dollars ($600) per annum, to be paid in monthly installments of fifty dollars on the first day of each and every month by the treasurer.

Pay of aldermen.

Sec. 6. The members of the board of aldermen shall receive for each and every regular meeting of the board of aldermen that they attend, the sum of two dollars ($2) each, to be paid by the treasurer out of the city general fund.

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 3d day of March, 1911.

CHAPTER 274.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, AND TO AMEND CHAPTER TWO HUNDRED AND FIFTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, BEING AN ACT TO AMEND THE CHARTER OF THE TOWN OF GASTONIA.

The General Assembly of North Carolina do enact:

Election of city clerk.

Section 1. That section six of chapter two hundred and eight of the Private Laws of one thousand nine hundred and five, be amended by striking out the entire section and inserting the following: "That the board of aldermen, at their first meeting after their election in May, one thousand nine hundred and eleven, and annually thereafter, may elect a city clerk, and shall have power to define his duties and pay him therefor an adequate and reasonable salary,

Salary. the amount of said salary to be fixed and determined within the discretion of said board of aldermen, and subject to change from time to time as said board may within its discretion deem advisable.

Bond. It shall be the duty of the said clerk, before entering upon the discharge of his duties, to enter upon a bond with securities, and in an amount to be approved by the board of aldermen, said bond made payable to the town of Gastonia and conditioned for the faithful performance of his official duties.

Sec. 2. That chapter two hundred and fifty-two of the Private Acts of one thousand nine hundred and seven, shall be amended by repealing section one thereof, and inserting in lieu thereof the following: "that whenever the board of aldermen of the town of Gastonia shall determine to macadamize, pave, improve or repair any street or streets of the said town, or sidewalk or sidewalks thereof, then the owner of every lot on such street or sidewalk so macadamized, paved, improved or repaired, if ordered by the said board of aldermen, shall improve, curb, pave or repair, in such manner as said board of aldermen may direct, such sidewalk or sidewalks so far as it or they may extend along such lot: *Provided, however,* that one-half of the actual and necessary expense of such improvement, curbing, paving or repairing shall be paid by the town of Gastonia and one-half by said lot owner or owners." Work done under this section shall be done under the strict supervision of the superintendent of streets or of the street commissioner; and on failure to do as directed within twenty days after the notice by the superintendent of streets or chief of police to said owner, or if he be a nonresident of the county of Gaston, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice can not be served upon the owner or agent, then after the publication of a notice by the superintendent of streets or chief of police for ten days in some newspaper published in Gastonia, calling on the owner to make such improvements, paving, curbing or repairs, the board of aldermen or the superintendent of streets may cause the same to be repaired, curbed, paved or improved as directed by the board, and one-half of the expense thereof shall be paid by the person in default: said one-half of the expense so to be paid by the lot owner shall be a lien upon said lot, and if not paid within two months after the 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 saving 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 city forces or by contract and charge one-half of the actual cost of such work to the abutting property, and the said charge shall be a lien as herein provided and col-

Lot owners to improve sidewalks.

Proviso: one-half cost paid by town.

Supervision of work

Work by town at expense of lot owner.

Expense a lien on lot.

Enforcement of collection.

Proviso: work done by town.

lectible 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 and annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which said work is done up to the time when the same shall be due and collectible, and in the case of the failure or neglect of any property owner to pay said installment when the same shall be due and collectible, then 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 said town has had any of said work done, it shall give the owner of said abutting property ten days notice of the amount charged against his said property, and if the owner is dissatisfied with the amount of the said charge, he may give notice to the board of aldermen within the ten days aforesaid that he takes an appeal to the next term of the superior court of Gaston 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 of 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 said improvements, paving, curbing or repairing.

Proviso: payment by installments.

Proviso: notice to owner of amount of charge.

Notice of appeal.

Trial on appeal.

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

Ratified this 3d day of March, 1911.

CHAPTER 275.

AN ACT TO AMEND CHAPTER SEVENTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-SEVEN, BEING AN ACT TO INCORPORATE THE GRAND LODGE, KNIGHTS OF PYTHIAS, OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-three of the Private Laws of one thousand eight hundred and ninety-seven, be and the same is hereby amended by striking out the word "Pythians" wherever it occurs in said act and substituting therefor the word "Pythias."

Name corrected.

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

Ratified this the 3d day of March, 1911.

CHAPTER 276.

AN ACT TO AUTHORIZE MRS. W. H. GRIFFIN TO DISINTER AND REMOVE THE DEAD BODY OF THE INFANT CHILD OF J. L. HARRIS, BURIED IN LOT NOW OWNED BY MRS. GRIFFIN IN OAKDALE CEMETERY, IN THE TOWN OF SPRING HOPE, NORTH CAROLINA, AND TO REINTER THE SAME ELSEWHERE.

The General Assembly of North Carolina do enact:

Disinterment and removal allowed.

Section 1. That Mrs. W. H. Griffin, of Spring Hope, North Carolina, is authorized to disinter and remove the dead body of the infant child of J. L. Harris, buried in the lot now owned by Mrs. W. H. Griffin, in Oakdale Cemetery, in Spring Hope, North Carolina, provided the same shall be decently buried in some other part of Oakdale Cemetery, in the town of Spring Hope, North Carolina, and the grave marked in such manner as to permanently identify it.

Proviso: re-interment.

Notice of intention.

Sec. 2. That the said Mrs. W. H. Griffin, before undertaking to exercise the right conferred in section one of this act, shall by publication for thirty days in some newspaper published in Spring Hope, 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 body of said infant child, unless some near relative of said infant child shall file with or cause to be served upon the said Mrs. W. H. Griffin objection to the disinterment and removal of the dead body of said infant child, in which case the same shall not be disturbed.

Objection by relativ .

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

Ratified this 3d day of March, 1911.

CHAPTER 277.

AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Salary.

Section 1. That the board of commissioners of the town of Rockingham may fix the salary of the mayor of said town at a sum not to exceed four hundred dollars ($400) per annum.

Removal of cases.

Sec. 2. That the mayor of the said town of Rockingham shall have the right of his own motion to remove cases brought before him before some justice of the peace residing in said town.

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

Ratified this the 3d day of March, 1911.

CHAPTER 278.

AN ACT TO ENLARGE THE BOUNDARIES OF THE WINDING HILL PUBLIC SCHOOL DISTRICT OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the following boundaries, together with the present boundaries of the Winding Hill public school district of Guilford County, shall constitute the boundaries of Winding Hill public school district, to wit: Territory.

Beginning at a point where the counties of Guilford, Stokes, Rockingham and Forsyth corner; thence west with the Stokes and Forsyth line to Big Belew's Creek; thence down said creek one and a half miles to S. A. Dillon's northwest corner; thence due east three miles to a public road, known as Walker's Mill road; thence south with said road to the Guilford County line. Boundaries.

Sec. 2. That an election shall be held on Tuesday, the sixteenth day of May, one thousand nine hundred and eleven, within the above described boundaries to ascertain the will of the people therein, whether there shall be levied in said boundaries enlarging the Winding Hill school district a special annual tax of thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund which shall be apportioned per capita by the county board of education of Stokes County to such portion of enlarged district as may be in Stokes County; and by the county board of education of Rockingham County to such portion of enlarged district as may be in Rockingham County, in case such special tax is voted; that the board of county commissioners of Guilford County shall appoint a registrar and two pollholders on or before the first Monday in April, one thousand nine hundred and eleven, and shall designate a polling place and order a new registration for the district embraced in boundaries hereinbefore set forth, and the said election shall be held in the district under law governing general elections, as nearly as may be, and the registrar and pollholders shall canvass the vote cast and declare the result, and shall duly certify the returns to the board of commissioners of Stokes, Rockingham and Guilford counties, and the same shall be recorded in the records of said board of county commissioners: *Provided*, the expense of holding said election shall be paid out of the general school fund of Rockingham and Stokes counties, one-half by each county; that at such election those who are in favor of the levy and collection of the 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 are in favor of the tax, the same

Date for election.

Tax to be voted on.

Appointment of election officers.

Polling place.

New registration.

Canvass and certificate.

Proviso: expense of election.

Tickets.

Effect of election.

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 in the treasury of Guilford County to the credit of the Winding Hill school district, as enlarged by this act.

Supervision and control of district.

Sec. 3. That the county board of education of Guilford County shall have exclusive supervision and control over the Winding Hill public school district, as enlarged by this act, in as full and ample manner as they have over public school district wholly in Guilford County.

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

Ratified this 3d day of March, 1911.

CHAPTER 279.

AN ACT TO INCORPORATE THE TOWN OF BOILING SPRINGS, IN CLEVELAND COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the town of Boiling Springs, in Cleveland County, North Carolina, be and the same is hereby incorporated by

Corporate name.

the name and style of "the Town of Boiling Springs," and shall be

Corporate powers.

subject to all the provisions of chapter seventy-three, volume one, of The Revisal of one thousand nine hundred and five, of North Carolina, not inconsistent with this act.

Corporate limits.

Sec. 2. That the corporate limits of said town shall include a radius of one mile from the center of the Boiling Springs High School building.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, five aldermen and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand nine hun-

First officers named.

dred and eleven, viz: Mayor, D. J. Hamrick; aldermen, John F. Moore, D. S. Lovelace, J. L. Pruett, C. M. Hamrick, E. B. Hamrick; marshal, J. Lester Green, and the aldermen shall have the power to appoint a clerk and treasurer.

Town elections.

Sec. 4. There shall be an election for officers mentioned in this act, on the first Monday in May, one thousand nine hundred and eleven, and biennially thereafter, under the same restrictions that now govern the election of members of the General Assembly, except as modified by the provisions of chapter seventy-three, volume one, of The Revisal of one thousand nine hundred and five.

Town council.

Sec. 5. That the mayor, aldermen and marshal shall form a council, which shall make, publish and enforce ordinances for the government and police regulation of said town not inconsistent with

Proviso: prohibition.

the laws of North Carolina or of the United States: *Provided*, that

nothing contained in this act shall be construed to repeal or modify chapter two hundred and ninety-four, Public Acts of one thousand nine hundred and seven, entitled "An act to prohibit the sale of whiskey, brandy, cider and cigarettes within three miles of Boiling Springs High School and Boiling Springs Baptist church, in Cleveland County.

Sec. 6. That this act shall not in any way change or modify the system of working and building public roads that enter or pass through the corporate limits of said town. That said roads or streets shall remain under the supervision of the road supervisor of Number Two Township, in Cleveland County, and shall be worked under the same rules and regulations that govern the building and working of other roads in said township, and that the residents of said town shall be subject to the same liabilities for road taxes and duties as apply to other citizens of said township: *Provided*, the town council may open up and make necessary provisions for working such additional streets within the corporate limits of said town, as may be to the best interests of the citizens thereof.

Street work.

Proviso: additional streets.

Sec. 7. It shall be the duty of the marshal of said town to see that the laws, ordinances, regulations and orders of the town council are enforced, and to report all breaches thereof to the mayor of said town, to preserve the peace and order of said town by suppressing disturbances and apprehending offenders, for which purpose he shall have all the power and authority vested in sheriffs or constables; execute all criminal and civil processes and precepts, and notices of every character lawfully directed to him by the mayor of said town or the town council thereof, or other officers of the county, and in the execution thereof he shall have the same powers anywhere in the county of Cleveland as the sheriff or a constable has or may hereafter have. Such marshal shall have the same power to apprehend in the limits of said town or county of Cleveland all offenders against the State as the sheriff and constable of said county have, and to carry such offenders before the mayor of said town, and in this respect he shall be bound by the same rules as the constables of said county. It shall also be the duty of said marshal to perform such other acts and exercise such other functions as shall be from time to time directed or required of him by the said town council. He shall be the tax collector for said town, and his duties as such shall from time to time be prescribed by the town council or as provided by law. He shall receive as a compensation for his services in collecting taxes such per centum of all taxes actually collected by him as may be fixed by the town council, not to exceed five per centum thereof, and shall retain same out of taxes collected by him as often as he shall make a settlement thereof with the aldermen, and for his services in discharging any other duties, such compensation as shall, from time to time be prescribed by the town council.

Duty of marshal.

Power and authority.

Power of arrest.

Other duties.

Duties as tax collector.

Compensation.

Duties of other officers.

Sec. 8. The duties of all other officers of said town shall be such as are prescribed by law for the government of municipal corporations.

Taxation.

Sec. 9. The said council shall have a right to levy and collect a tax on all subjects of State taxation, not to exceed thirty-three and

Tax rate.

one-third cents on each hundred dollars worth of property, and one dollar on each poll.

Taxes and fines to town treasury.

Sec. 10. That all taxes and all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

Chain gang.

Sec. 11. That any person found guilty by the mayor of violating any ordinance of said town, who refuses to pay such fine or penalty as shall be imposed by said mayor, shall be sentenced to work on the streets of the town at a rate per diem to be fixed by the council until such fine shall have been paid.

Ordinances posted.

Sec. 12. That no ordinance shall be valid or of force until it shall have been publicly posted in three or more public places in said town for ten days.

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

Ratified this 3d day of March, 1911.

CHAPTER 280.

AN ACT TO AMEND CHARTER OF THE CITIZENS BANK, HENDERSON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-two of the Private Laws of North Carolina of eighteen hundred and eighty-five, and chapter eighty-four, Private Laws of North Carolina, eighteen hundred and eighty-seven, and chapter three, Private Laws North Carolina, eighteen hundred and eighty-nine, be and the same are hereby amended as follows:

Increase of capital.

Section 1. Strike out the word "one" in line five, section three, in chapter seventy-two of Private Laws of North Carolina, eighteen hundred and eighty-five, and insert in lieu thereof between the words "exceeding" and "hundred," the word "three," thus giving the corporation privilege to increase its capital stock to a sum not exceeding three hundred thousand dollars.

Sec. 2. That section ten of chapter seventy-two of the Private Laws of North Carolina, eighteen hundred and eighty-five, be amended by adding to said section the following:

Power to act as fiduciary.

In addition to the power and authority herein above given and granted, said corporation shall have the 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 have the power to accept any grant or transfer, devise or bequest, and hold any real or personal estate, or trust created in accordance with the laws of this State; and to execute the same on such terms as may be established and agreed upon by the board of directors; that in all cases when applications shall be made to any court of the 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 Bank, such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation, in such fiduciary capacity, shall be regularly settled and adjusted as if it were a natural person, and upon such settlement or adjustment, all proper legal and customary charges, cost and expenses shall be allowed to said corporation for its services, care and management in the premises, and said corporation as such receiver, trustee, adminstrator, executor, assignee, commissioner or guardian, shall be subject to all orders or decrees made by the proper tribunal under the laws of this 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 officer of said company, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

Power of appointment.

Proviso: qualification.

That said corporation shall also have the right to conduct an insurance department, and act as agent of any insurance company, whether conducting life, fire, accident or other kind of insurance business, and to solicit business and do such other things as a natural person, acting as such agent might do, charging the legal rates and commissions for same.

Insurance department.

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

Ratified this the 3d day of March, 1911.

CHAPTER 281.

AN ACT TO EMPOWER THE TOWN OF JONESBORO, IN LEE COUNTY, TO ACQUIRE AND ESTABLISH A SYSTEM OF WATERWORKS, AND TO PASS ORDINANCES FOR THE MANAGEMENT AND CONTROL OF THE SAID WATERWORKS.

The General Assembly of North Carolina do enact:

Section 1. That the town of Jonesboro shall have all the powers, rights and privileges conferred upon railroads, telegraphs, public water supply companies and other companies by chapter sixty-one, sub-chapter five of The Revisal of one thousand nine hundred and

Power to condemn land.

five of North Carolina, and amendments thereto, for the purpose of acquiring property for the establishment of a water supply system for the said town and procuring and conveying the said supply of water and the method and procedure of acquiring and condemning land for said purpose, including right-of-way for pipes, conduits, telegraph, telephone or fire alarm systems in connection with the same, anywhere in Lee County, shall be as provided in said chapter and sub-chapter, and the said town is hereby invested with all the powers of eminent domain given in said chapter and sub-chapter.

Injury to or interference with waterworks a misdemeanor.

Sec. 2. Any person or persons who shall willfully or wantonly or maliciously injure or destroy or in any way interfere with the said waterworks, pipes, conduits, valves, hydrants, or any part thereof, without permission from the mayor or other person lawfully authorized to give the same, shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, at the discretion of the judge.

Punishment.

Powers of town commissioners.

Sec. 3. The commissioners of the town of Jonesboro shall have power to pass such ordinances as they may deem best for the regulation and management of the water system, and the supplying of water to the patrons thereof, and for the further protection of the water supply and waterworks.

Contracts with town of Sanford.

Sec. 4. It shall be lawful for the town of Jonesboro and the town of Sanford to enter into contract for such period as may be determined on by the aldermen of Sanford and the commissioners of the town of Jonesboro, whereby the town of Jonesboro may secure its water supply from the town of Sanford; and any contract theretofore entered into between said towns shall be held and deemed to have been made under full authority of this act.

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

Ratified this the 3d day of March, 1911.

CHAPTER 282.

AN ACT TO INCORPORATE THE TOWN OF LAKE WACCAMAW, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Section 1. That the town of Lake Waccamaw, in Columbus County, be and is hereby incorporated, by the name and style of the town of Lake Waccamaw, and shall be subject to all provisions

Corporate powers.

contained in chapter seventy-three (73), volume one, of The Revisal of the laws of North Carolina for the year one thousand nine hundred and five.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at the center of a bridge on the Hallsboro road, where said road crosses a small stream, about one-fourth mile east

of the Viola Smith place, and running east, parallel with the Atlantic Coast Line Railway, to a point north of a small trestle on said railway about one-fourth mile east of Wananish, Main street, crossing; thence south from this point to the northern shore of Waccamaw Lake; thence west to a point south of the beginning; thence north to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor, four commissioners, a town marshal and such other officers as the commissioners may elect for the public government of said town; and the following persons shall fill the offices of mayor and commissioners until their successors are elected, as provided in section four of this act, viz: mayor, J. P. Council; commissioners, H. J. Bardin, J. R. Thompson, F. B. Gault and K. B. Council.

First officers named.

Term of first officers.

Sec. 4. That the officers named in section three of this act shall serve until the year one thousand nine hundred and thirteen, then their successors shall be elected as provided in section two thousand nine hundred and forty-five, chapter seventy-three, volume one, of The Revisal of the laws of North Carolina of the year one thousand nine hundred and five: *Provided, however*, that at all times two of the above mentioned commissioners shall be selected from that portion of the town west of the eastern boundary of the Atlantic Coast Line property, now known as the McRae property, extended due north to the town limits; and two of the commissioners shall be selected from that portion of the town east of the above mentioned boundary.

Election of successors.

Proviso: residence of commissioners.

Marshal and other officers.

Sec. 5. That the town marshal and other officers of the town shall be selected by the town commissioners.

Assistant town marshal.

Sec. 6. That the town commissioners may appoint an assistant to the town marshal, who, in the absence of the town marshal, shall have the powers and discharge all the duties of the town marshal; and the mayor shall have power and authority to appoint any number of special police necessary for preserving peace on any special day or occasion.

Special police.

Town council.

Sec. 7. That the mayor and 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 or the constitution of North Carolina.

Power to open streets.

Sec. 8. That, in addition to the powers defined in chapter seventy-three of The Revisal, the town commissioners shall have power to lay out and open up streets and roads within the corporate limits of the town; but, before opening up a new street or road, three freeholders of the town shall be appointed, one by the landowner over which the proposed street or road will pass, one by the commission and the third selected by these two, who shall view the property and report to the town council any damages that the landowner would sustain by reason of such street being opened, which amount shall be paid

Assessment of damages.

Proviso: appointment of arbitrators.

by the town to the landowner if said street is opened: *Provided*, that if the landowner refuse to name his member of the above mentioned freeholder, within thirty days from notice thereof, then the town council shall appoint all of the three freeholders mentioned above, who shall view the property, and whose report shall be final.

License taxes.

Sec. 9. That the board of town commissioners shall have power and authority to assess and collect privilege tax, or license, from merchants, manufacturers, public service corporations or firms, dealers, venders, hotels, restaurants and any other business established for gain or profit.

Officers to qualify.

Sec. 10. That the officers provided for in this act shall qualify within thirty days after its ratification before a justice of the peace, and shall enter upon the discharge of their duties.

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

Ratified this 3d day of March, 1911.

CHAPTER 283.

AN ACT TO ALLOW THE TOWN OF LUMBERTON TO ISSUE BONDS FOR WATERWORKS AND ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

Section 1. That the board of town commissioners of the town of Lillington is hereby authorized and empowered to issue bonds in

Denomination.

the name of the corporation of the town of Lillington in such denominations and forms as may be determined by the said board of town commissioners to an amount not exceeding fifteen thousand

Amount.

dollars ($15,000), payable at such times and places as the board of

Proviso: maturity.

town commissioners may prescribe: *Provided*, that the time and payment of such bonds shall be not less than thirty and not more than fifty years from their date.

Interest.

Sec. 2. That the said bonds shall bear interest at a rate not exceeding five per centum per annum, and the interest shall be made payable annually or semi-annually, as the board of town commissioners may prescribe; and if said bonds, when issued, are made to

Bonds not sold below par.

bear five per cent. they shall not be sold, hypothecated or otherwise disposed of for less than their par value.

Authentication.

Sec. 3. That the said bonds shall be signed by the mayor of the town of Lillington, and attested by the treasurer of said town, and sealed with the corporate seal of the town of Lillington, and the coupons on said bonds shall bear the engraved or lithographed signature of the said treasurer. That the board of town commissioners of the town of Lillington are hereby required and directed to

Tax for interest and bonds.

levy and collect, in addition to all other taxes in said town, a tax

upon all taxable property and polls of said town of Lillington, sufficient to pay the interest on the said bonds as the same becomes due, or the coupons on said bonds as they become due, 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. The tax so levied upon the property shall be an *ad valorem* tax, and the taxes 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 taxes upon the property and polls of the town: *Provided*, that the taxes collected under this act for the purposes aforesaid shall be used for no other purposes. It shall be the duty of the treasurer, as the said coupons are paid off and taken up by him, to cancel the same and report to the board of town commissioners the number and the amount of the coupons so canceled.

Levy and collection of tax.

Proviso: specific appropriation.

Sec. 4. That the said bonds may be sold at public or private sale, with or without notice, as the board of town commissioners 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 Lillington, who shall give such bonds for the safe keeping and disbursement of the said funds as shall be required of him by the board of town commissioners of the town of Lillington, 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 commissioners. 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.

Sale of bonds.

Proceeds to treasurer.

Bond of treasurer.

Compensation.

Specific appropriation.

Proviso: duty of purchaser.

Sec. 5. That the aforesaid bonds shall be issued for the purposes of building and constructing, maintaining and operating a system of waterworks to furnish water for the use of the town and its citizens, and for building and constructing, maintaining and operating a system of sewerage for the use of the said town and its citizens; and the board of town commissioners, in addition to the powers already conferred upon it by the charter of said town, in respect to the construction and maintenance of such system of waterworks and sewerage, 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 the water from such building, place or premises after five days notice, and shall not be compelled again to supply such prem-

Purposes of issue.

Regulation waterwork .

Water rents.

ises, 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 to regulate the use thereof in such manner as may seem to it necessary and proper.

Bond issue to be authorized by voters.

Sec. 6. That the said board of town commissioners 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 vote of a majority of the qualified voters of the said town of Lillington at an election to be held at such time and place as the said board of aldermen shall 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 town of Lillington. At such election, those electors favoring the issue 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 said bonds, shall vote a ballot with the words "For waterworks bonds" written or printed thereon, and those electors opposing the issue of said bonds and the levy and collection of said tax shall vote a ballot with the words "Against waterworks bonds" written or printed thereon. The said election shall be held as near as practicable in the manner prescribed for the election of mayor and commissioners of the said town of Lillington. The original returns of the result 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 town commissioners of said town, and said board of town commissioners shall, within three days after the 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. If at the election aforesaid a majority of the qualified voters of said town shall not vote in favor of issuing said bonds, then the board of town commissioners of said town may at any time, and as often thereafter as it deems best—not oftener, however, than once in any one year—order another election on said question, to be held as near as practicable under the rules and regulations prescribed in the charter of said town for the election of mayor and town commissioners of said town, and after thirty days public notice thereof, and at each of said elections the ballots shall be as hereinbefore directed; and if at any such elections 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 in this act.

Time and place of election.

Notice of election.

Ballots.

Law governing election.

Returns.

Canvass of returns.

Further elections.

Effect of affirmative vote.

Supervision, control and protection of plants and works.

Sec. 7. That the town of Lillington, through its proper officers and agencies, shall have the entire supervision and control of any

and all of the plants and works established or purchased under this act, and shall have power to protect all of its rights-of-way, easements, water rights, plants and other property, by proper ordinances, and shall do all other things necessary to carry into effect the true intent of this act.

Sec. 8. This act shall be in force from and after its ratification.

Ratified this 3d day of March, 1911.

CHAPTER 284.

AN ACT TO ALLOW THE BOARD OF ALDERMEN OF THE TOWN OF ELIZABETH CITY TO USE CERTAIN LANDS FOR STREET PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the town of Elizabeth City, its authorized agents or representatives, be, and they are hereby authorized and empowered to lay out and open such street or streets, over, through and across the lands of said town or city now lying on the north side of Pear Tree road and near the intersection of said road with Road street, and which land or lands are known as "the old grave lot," as the said board of aldermen may deem advisable and proper. Power to open streets.

Sec. 2. That if any graves are discovered or bodies exhumed in the work of opening any such street, such bodies shall be taken up and removed in a proper manner by said town and at its expense, to the city cemetery. Removal of bodies.

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

Ratified this the 3d day of March, 1911.

CHAPTER 285.

AN ACT TO INCORPORATE TRENT RIVER RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That B. J. Phillips, J. H. Bell, Furney Brock, E. L. Mattocks, John C. Parker, Charles A. Rhodes, J. R. Lowery, C. E. Foy, A. J. Pickett, Thomas A. Green, J. K. Dixon, T. D. Warren, W. B. Hargett, K. F. Foscue, F. W. Foscue, J. A. Pittman, A. D. Ward, F. H. Foy, W. H. Hammond, J. A. Bryan, Lon Taylor, E. C. Duncan, B. R. Henderson, Lewis King, C. W. Munger, J. K. Brock, T. G. Whitaker, A. H. White, Lovit Hines, J. K. Warren, J. B. Col- Corporators.

lins, J. H. Simmons, Paschal Taylor, C. D. Bradham, H. A. Chadwick, S. Barker, R. H. Mills, Raymond Pollock, C. B. Foy, C. S. Simmons, E. B. Elliott, E. B. Isler, E. W. Vick, their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "Trent River Railroad Company," with all the powers and privileges conferred upon railroad companies by the laws of the State of North Carolina, for the purpose of constructing and operating a railroad from some point at deep water on Trent River at or near Pollocksville, in Jones County, via Trenton to some point on the Dover and South Bound Railroad, with the privilege of extending the said railroad east and west to make any other railroad or water connection.

Corporate name.

Corporate powers.

Termini and route.

Enumeration of rights.

Sec. 2. That the said Trent River Railroad Company shall have power under its corporate name to receive, possess, own and transfer real and personal property and estate necessary for the use, operating, constructing, equipping and maintaining said road; to have a common seal, and power to pass such by-laws necessary to carry out the objects of the corporation not inconsistent with the laws of this State, and shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State, and to have the exclusive right to transfer and carry persons, merchandise, stock lumber, minerals and all such other materials as is usually carried upon railroads.

Capital stock.

Power of increase.

Sec. 3. The capital stock of said company may be fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege to increase the same from time to time as the stockholders may determine, to a sum not to exceed one hundred and twenty-five thousand dollars: *Provided, however,* that said company may organize and elect a board of directors when as much as two thousand dollars has been subscribed by solvent subscribers.

Proviso: time for organization.

Meeting for organization.

Sec. 4. That in order to carry into effect the purposes 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 of the incorporators of said company by giving to each incorporator at least ten days notice in writing of the time and place of said meeting, and shall organize said company by electing a board of not less than seven directors, which may be increased at the will of the stockholders to not more than fifteen, and the said directors shall select one of their number president for the term of one year, and when thus organized the said president and board of directors may open or cause to be opened books of subscription to the capital stock of said company at such times and places and under such rules and regulations as they may determine; and the said board of directors shall hold their office for the term of one year, or until their successors shall be elected, as shall be provided by the laws that may be adopted by the stockholders of this company, and said board of

Notice to incorporators.

Directors.

President.

Term of office.

directors shall elect a secretary and treasurer and such other officers and agents as may be necessary, for such length of terms of office as may be determined by the laws of said company, and the management of said company shall be vested in the president and board of directors, and that upon the election of the president and board of directors, as provided in this act, the said company shall be deemed and held fully organized for all intents and purposes, and may proceed to carry out the objects of this charter. Secretary and treasurer. Other officers and agents.

Sec. 5. That as soon after the organization of this company as the board of directors may deem practicable and advisable, they may survey, or cause to be surveyed, such route as they may deem most advantageous and expedient, and may construct the said road by such route, and may have power to change the said route at any time that to them may be deemed expedient, practicable and advantageous; and they shall have the power and authority to cross any navigable streams or canals on its route, provided a draw sufficient not to impede navigation is placed in its bridges over such streams or canals; and they may appropriate and occupy as much land as may be necessary for the construction of said road of the width of not to exceed one hundred and fifty feet, and as much additional land as may be necessary for the station houses, depots, warehouses, workshops, wharves, turn-outs, or any other building purposes necessary for the use of said road; and whenever the lands necessary for the purpose of constructing and operating said road can not be purchased from the owner, or the same shall belong to minors and the company can not procure title to the same, or for any cause the same can not be procured for a fair value from the owner, the same may be taken by the directors of the said company at a fair valuation, to be ascertained and determined upon the oath of five disinterested freeholders of the county in which the lands lie, or if the lands lie in two or more counties, then by five freeholders of either county, to be summoned by the sheriff of the county upon the application of the president of said company: *Provided*, if either party shall be dissatisfied with such valuation, an appeal may be taken to the next term of the superior court of the county under the same rules and regulations governing appeals from the judgment of justices of the peace; and upon the payment or tender of the assessment by the president or any one of the board of directors to the owners, or in case of minors or those *non compos mentis*, to their guardian, and in case they have no guardian to the clerk of superior court of the county in which they reside, the title to the property thus seized and appraised shall vest in said corporation: *Provided*, that no appeal shall prevent the company from proceeding with the construction and completion of said road or buildings necessary for its use. Power to survey and construct road. Bridges. Condemnation of land. Procedure for condemnation. Proviso: right of appeal. Proviso: appeal not to delay work.

Sec. 6. That it shall be lawful for said company to acquire in subscription to the capital stock of said company money, bonds, land, Payments of subscriptions.

mortgages, labor, work, material, or other means available for their purposes, and to receive subscriptions from individuals or other companies, associations or corporations, and shall have power to borrow money to such an amount as it may deem necessary, and for any loan to issue bonds or debentures of the company bearing interest at such rate per annum as the company may determine, and to secure the payment of such loan or loans said company may execute one or more mortgages or deeds of trust on the whole or any part of its property, real, personal or mixed, its charter rights, franchises and income, and the company shall have power to sell or lease its road, with all its franchises, or any part or parcel thereof, and may change its name whenever a majority of the stockholders shall so desire, and shall have power to contract with individual firms and corporations for the construction, operation and equipment of said road.

Powers in borrowing money.

Power of sale or lease.

Change of name.

Contracts for construction.

Subscriptions by other companies.

Sec. 7. That any railroad company, whether incorporated under the laws of this or any other State, may subscribe to the capital stock of this company, or lend money to or to endorse the bonds or other evidences of debt of this company, and may pay for their subscription to the capital stock of this railroad company in cash or by the issue of their bonds, as the directors thereof may determine.

Subscriptions by municipalities.

Sec. 8. That for the purpose of aiding and raising the capital stock of said railroad company, in addition to private subscriptions 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 is situated such townships, or the municipal authorities of such city or town to subscribe, anything contained in the charter of such municipal corporation to the contrary notwithstanding. That the said subscriptions shall be made in bonds not bearing a greater interest than five per centum, payable thirty years after date thereof, to be received by said company at par, and to be of the denominations of one thousand dollars, with interest to be paid semi-annually.

Payments of municipal subscriptions.

Petition for election.

Sec. 9. That for the purpose of determining the amount of such subscriptions 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 interested or about to subscribe is situated, or the municipal authorities of any town interested in the construction of the said road, upon a written application of one hundred resident taxpayers, in the case of a county, or ten resident taxpayers in the case of township, city or town, specifying therein to be subscribed in bonds, 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, 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 printed or written thereon either the word "Subscription" or "No subscription," the said county commissioners or the municipal authorities of said town or city, having first fixed the amount proposed to be subscribed, according to the request of the petition submitted to them, notice of such election being published for four weeks immediately prior thereto in a newspaper published in the county in which said election is held, and if there be no such newspaper published in such county, 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 the said county, township, city or town for said election.

Order for election.

Ballots.

Notice of election.

New registration.

Sec. 10. That all the 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 return to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make a record of same. That in case a majority of all the qualified voters in said county, city, township 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 city or town elections, 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 in coupon bonds, bearing a rate of interest not exceeding five per centum, bonds as aforesaid, with interest payable semi-annually; and all tax levies 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.

Laws governing elections by counties.

Returns.

Returns of election by townships.

Subscription by bonds.

Interest rate.

Tax for interest and bonds.

Sec. 11. That to provide for the payment of the 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 any 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

Tax for interest and sinking fund.

Constitutional equation.

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 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 any city or town subscribing to the capital stock of the said company.

Investment of sinking fund in bonds.

Alternative investments.

Townships incorporated.

Sec. 12. That for the purpose of this act all the townships along the line of the railroad, 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 provision 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 powers.

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 one proxy or delegate, to be appointed for such purpose by the corporate authorities of such cities, towns or the county commissioners of the respective counties.

Power to issue bonds and make mortgage.

Sec. 14. That for the purpose of aiding in the construction and equipment of the said railroad, the said Trent River Railroad Company may issue coupon bonds, bearing five per cent interest, payable semi-annually, and make a mortgage to secure the payment of the same on its entire property, roadbed, stock and franchise, that the said mortgage when duly executed may be registered in Jones County, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatsoever and shall give priority and preference over all claims against said corporation created subsequently to such recording, and it shall not be deemed necessary to register or record the same in any other county, any laws to the contrary notwithstanding: *Provided*, this section relative to registration shall not conflict with the general registration laws of North Carolina.

Registration of mortgage.

Proviso: general law to govern.

Beginning of construction.

Sec. 15. That the said Trent River Railroad Company may begin construction of said railroad at any point or points it may choose, and use any portion of the same before its completion and charge for transportation and passage thereon.

Use of portion of road.

Sec. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 17. That this act shall be enforced from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 286.

AN ACT TO INCORPORATE THE MELROSE POWER AND MANUFACTURING COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That William A. Newell, Ralph C. Erskine and Carroll P. Rogers, and their associates, successors and assigns, be and they are hereby declared a body politic and corporate, under the name and style of the Melrose Power and Manufacturing Company, and 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 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. Corporators. Corporate name. Term. Corporate powers.

Sec. 2. The objects for which said corporation is established are to supply light, heat and power, electrical 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 and 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 or utility; and, generally, to develop in every way the resources of any and all land acquired by said corporation or belonging to others. Objects of corporation.

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 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: Powers. Powers under general law not restricted.

(*a*) To supply the public, including both individuals and corporations, whether municipal or private, 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 any other forms for use in the driving of machinery for light, heat and all other purposes to which power so supplied can be ap- Powers as power, lighting and heating company.

plied, 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

Transmission lines. of all kinds, and to locate, acquire, construct, equip, maintain and operate lines for the transmission of power by wires on poles or underground, and by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, 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,

Water-powers. sell or otherwise dispose of water-power and water privileges in the

Plants. State of North Carolina; and locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing power, by water, steam or otherwise, 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

Proviso: lines on streets and highways. 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.

Powers as electric 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 and machinery and apparatus, and also for all other uses and purposes for

Plants. which electricity now is or may hereafter be 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 purposes of illumination, heat or power; to carry on any and all business in anywise appertaining to or connected with the manufacture and generating, distributing and furnishing of electricity for light, heat and power purposes, including the transacting and conducting of any and all business in which electricity now is, or may hereafter be utilized, and all matters incidental or necessary to the distribution of electric light, heat and power; to

Powers to manufacture and deal in appliances. 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, to carry freight or passengers or freight and passengers thereon, and to charge, collect and receive tolls or fares for the same; and to construct, build, purchase, buy, lease, own, hold, 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 telephone and telegraph 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 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 designated or intended now or hereafter to extend, for a grant of any right, privileges and franchises for the maintenance and operation thereof; to act, receive, own, hold, lease, all and singular, the same; to acquire, by contract, purchase, lease or otherwise, and to accept, own, and hold any rights, privileges or franchise heretofore granted to any person, firm or corporation or which may be hereafter so granted by the proper authorities of 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.

Further enumeration of powers.

Common carrier.

Telegraph and telephone lines.

Transmission lines.

Power to make leases.

Power to lease or purchase other lines.

Further enumeration of powers.

(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 watercourse 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 watercourse to be used for any of the purposes herein provided, the said corpration shall have the right to have the value of the said water so to be diverted

Powers of purcha and condemnation.

and the lands so to be used over which it shall be conducted condemned and the value thereof assessed in the manner provided by the general laws of the State for the condemnation and valuation of land and other property.

Powers as real estate and development company.

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

Powers as mining and manufacturing company.

(*e*) 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 carry on the business of farming, stock raising, lumbering, and cutting and dealing in firewood, quarrying and hotel keeping.

Powers as improvement company.

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

Powers 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 other corporation, whenever proper or necessary for the business of this corporation, in the judgment of its directors.

General powers.

(*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 in general to carry on any business, whether manufacturing, mining or otherwise.

Powers as brokerage company.

(*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 upon such terms as may be agreed upon, and also to borrow money and for such con-

Powers in borrowing money.

sideration and upon such terms as the stockholders or board of directors may determine; to issue its notes, bonds, debentures from time to time as it may select, 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.

(*j*) To have the right whenever and wherever it constructs any railroad or railway or street railway or motor line, telephone, telegraph or transmission line, flume, conduit or pipe line to cross or parallel the track and right-of-way of any other railroad, railway, street railway or motor line, telegraph, telephone or transmission line, flume, conduits or pipe line. Powers in crossing other lines.

Sec. 4. The company shall have all the rights and privileges and powers of eminent domain and condemnation given by the general laws of the State to such corporations. Right of eminent domain and condemnation.

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 the majority of the stockholders: *Provided*, that 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; and the directors, with the consent and approval of 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 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 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. Capital stock. Power of increase. Proviso: consent of secretary and payment of fees. Payment for stock. Organization. Liability of subscribers.

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 such by-laws, rules and regulations for the management of the affairs of Stock votes. By-laws, rules and regulations.

Meetings of stockholders.

Principal office.

Branch offices.

Place of meetings.

the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at Tryon, in the county of Polk, 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 power, with the consent and approval of a majority of the stockholders of said company, to establish branch offices at any other places the said corporation may desire, either in or out of the State, and it may do business in any other State, and change the location of the principal office from time to time. Said corporation may also hold any meeting or meetings of its stockholders either within or outside of the State of North Carolina.

Board of directors.

Term of office.

President.

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 on such days as the by-laws may direct, and shall continue in office for a term of one year from and after the date of its election and until its successors are elected and qualified; it shall choose one of its number president, and in case of death, resignation or incapacity of any member of the board of directors during his term of office the said board shall choose his successor for the ensuing term: *Provided,* that until said corporation shall have been fully organized, the incorporators hereinbefore named shall have full and complete control and management of its affairs and operations.

Proviso: management until organization.

Copy of by-laws evidence.

Sec. 8. That a copy of any by-laws or regulations 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 3d day of March, 1911.

CHAPTER 287.

AN ACT TO AMEND CHAPTER TWO HUNDRED, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO WILSON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Restriction on time removed.

Section 1. That chapter two hundred, Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out the words "during the next two years" from lines two and three of section two of said chapter two hundred.

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

Ratified this the 3d day of March, 1911.

CHAPTER 288.

AN ACT TO AUTHORIZE THE TOWN OF ASHEBORO 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 commissioners of the town of Asheboro is hereby authorized and empowered to submit to the qualified voters of said town at an election hereinafter provided for, the question of issuing bonds not to exceed the sum of twenty-five 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 said town. The denomination of said bonds shall be not less than five hundred dollars nor more than one thousand dollars, and the said bonds shall bear interest from the date of issue of bonds at a rate not exceeding five per cent per annum, with interest coupons attached, payable semi-annually at such time or times and such place or places as may be deemed advisable by the said board of commissioners of said town; 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 date thereof, and at such place or places as the board of commissioners of the town of Asheboro 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 town, 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. Denomination. Interest. Maturity. Authentication. Record.

Sec. 2. That the proceeds arising from the sale or disposition of said bonds shall be used by the said board of commissioners of the town of Asheboro for the exclusive purpose of improving, working, changing and macadamizing the streets of the town of Asheboro: *Provided*, that the purchaser of said bonds shall not be held responsible for the application of said fund.

Exclusive use of proceeds. Proviso: responsibility of purchaser.

Sec. 3. That the said interest coupons shall be receivable in payment of all taxes and other public debts of the town of Asheboro for any fiscal year in which said coupons shall become due, or at any 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 before presentation.

Coupons receivable for taxes. No interest after maturity.

Sec. 4. In order to pay the interest on said bonds the board of commissioners of the said town of Asheboro is hereby authorized

Particular tax for interest.

and it shall be its duty to annually assess and levy at the time of levying other taxes of the said town, a particular tax on all persons and subjects of taxation within the limits of said town on which the said board of commissioners 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 town are collected and shall be paid over by the collector to the treasurer of the town.

Limit of rate.

Collection of tax.

Taxes kept separate.

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.

Specific appropriation.

Special tax for sinking fund.

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 said board of commissioners of the town of Asheboro, beginning ten years before the date on which 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 be equal in amount to 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 town commissioners shall cease to levy taxes for said sinking fund.

Amount of tax.

Investment of sinking fund in bonds.

Sec. 7. That it shall be the duty of the said board of commissioners of the town of Asheboro to annually invest any and all moneys 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 town by the said board of commissioners; but in case said bonds can not be purchased as herein provided, the said board of commissioners may loan 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 commissioners of the town of Asheboro and shall bear the legal rate of interest, payable annually; and in case the board of commis-

Alternative investments.

Interest on sinking fund.

sioners for the said town shall not be able to invest as above directed any or all of 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 commissioner of said town who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor. Deposit of sinking fund. Interest by officers in loan a misdemeanor.

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 town of Asheboro at a time to be designated by the said board of commissioners of said town; and the said board of commissioners shall cause said election to be held at such time as it may designate in its discretion, 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 town or of Randolph County for two weeks prior to such election. The board of commissioners of said town shall cause a new registration of the voters of said town to begin on the fifth Monday before the election and to continue until twelve o'clock m. on the Saturday before the election; and the said board of commissioners shall give at least ten days notice of the fact that there will be a new registration of the voters of the said town by advertisement posted at four public places in the town of Asheboro, beginning that length of time before the registration shall open; in all other respects said election shall be held and conducted under the provisions of law regulating municipal elections in the said town: *Provided*, that the board of commissioners shall have the power and authority to determine and fix the number and location of the polling places or place in said town, regardless of wards or 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 town of Asheboro. 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 of this act, shall deposit a ballot containing the printed words "For good streets," and those disapproving the same shall deposit a ballot containing the printed words "Against good streets." If a majority of the said voters shall vote "For good streets," it shall be deemed and held that a majority of the qualified voters of said town are in favor of granting the said board of commissioners the authority to issue said bonds and to levy said special or particular tax, and the said board of commissioners shall have such authority: but if a majority of said voters shall vote "Against good streets," then said board of commissioners shall not have such authority. The result of said election, duly ascertained in accord- Sections to be voted on. Time of election. Notice of election. New registration. Notice of registration. Proviso: polling places. Ballots. Effect of election. Record of election.

ance with law, shall be enrolled upon the public records of the town of Asheboro, 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 commissioners, upon the petition of one-third of the qualified voters of said town, shall have the power and authority to call another election at any time after six months from the former election; and if at such election a majority of the qualified voters of the town of Asheboro shall vote "For good streets," it shall have the same force and effect as if no election had been previously held:

Proviso: further election.

Proviso: finding of commissioners final.

Provided, further, that the finding of the board of commissioners of the town of Asheboro as to the required number signing said petition shall be conclusive evidence of the truth of the facts therein recited, and not open to attack.

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 force from and after its ratification.

Ratified this 3d day of March, 1911.

CHAPTER 289.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON, BY ENLARGING THE CRIMINAL JURISDICTION OF THE MAYOR THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That sections twelve and thirteen of chapter four hundred and eight of the Private Acts of one thousand nine hundred and seven, being an act entitled "An act to consolidate, revise and amend the charter of the town of Wilson," be and the same are hereby amended so as to read as follows:

Mayor a special court. Jurisdiction.

The mayor of the town of Wilson is hereby constituted a special court with the following jurisdiction and powers in criminal offenses occurring within the limits of the said town and within one mile from the corporate limits thereof. He shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested all persons charged or convicted of the commission of crimes in other counties or States, who may be found in the corporate limits of said town, and may bind over and imprison the same to appear at the proper tribunals to answer for their offenses. He shall have jurisdiction to issue processes, warrants and other orders of arrest, and shall have original jurisdiction to hear and try all persons

Process.

charged with the violation of the ordinances and regulations of said town, and to punish the persons convicted thereof, and in general, have the powers and jurisdiction conferred upon mayors by the laws of the State of North Carolina.

Concurrent jurisdiction with justices of the peace.

Sec. 2. That the mayor of the town of Wilson shall have concurrent, original jurisdiction with justices of the peace in said town, for the trial of any and all offenses which by the laws of the State of North Carolina justices of the peace have original and final jurisdiction.

Jurisdiction concurrent with superior court.

Sec. 3. That said mayor of the town of Wilson shall have original and concurrent jurisdiction with the superior court of the county of Wilson for the trial of any and all persons charged with the commission of misdemeanors within the town of Wilson, and all persons charged with larceny where the value of the goods taken shall be ten dollars or less, which said offense, committed within the corporate limits of the town of Wilson, is hereby declared a petty misdemeanor.

Fines and penalties.

Sentences.

Sec. 4. The mayor of the town of Wilson, in the exercise of the jurisdiction herein imposed upon him, may impose fines and penalties upon persons convicted before him, and he may sentence persons convicted before him to be committed to the county jail of the county of Wilson, or he may sentence such persons to work upon the public roads of the county of Wilson, in the same manner as jurisdiction is conferred upon the superior court of Wilson County.

Jurisdiction to bind over.

Sec. 5. The mayor of the town of Wilson, instead of assuming final jurisdiction over any person brought before him charged with the commission of any misdemeanor, may, if in his opinion the ends of justice will be best promoted thereby, bind said person over to appear before the superior court of Wilson County for trial, in the same manner as is provided by law for justices of the peace.

Election of police justice authorized.

Jurisdiction.

Sec. 6. The board of aldermen of the town of Wilson are hereby authorized and empowered to elect some person to be known as "police justice" of the town of Wilson, if in their opinion the ends of justice and the needs of the community shall so require, which said person if so elected shall have all the powers and jurisdiction conferred upon the mayor of the town of Wilson by this act, and in such event the mayor of the town of Wilson shall not exercise the powers and jurisdiction conferred upon him herein, unless the police justice so elected shall be absent from the town of Wilson, in which event the mayor of the town of Wilson shall exercise the powers and jurisdiction conferred in this act.

Court of record.

Clerk of court.

Records.

Sec. 7. That the said mayor's court of the town of Wilson is hereby declared to be and the same is hereby made a court of record: the clerk of the board of aldermen of the town of Wilson shall be clerk of said court, and shall keep a record of the proceedings thereof and in said record shall enter the names of all persons tried before said court, the offense for which said person is tried and the

judgment of the court; the said clerk shall carefully file away all warrants and other processes issued by said court, making a separate file in each case; the seal of the town of Wilson is hereby made the seal of said court.

Seal of court.

Effect on existing law.

Sec. 8. Nothing in this act shall be deemed to repeal any of the provisions of the charter of the town of Wilson other than those contained in sections twelve and thirteen and no portion of said sections are hereby repealed except such portion as may be in conflict with this act.

Sec. 9. This act shall be in force from and after the date of its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 290.

AN ACT AMENDATORY OF CHAPTER ONE HUNDRED AND TWENTY OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND NINE, AUTHORIZED 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:

Amount.

Section 1. That section three of chapter of the Private Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by striking out the word "ten" in line six of said section three, between the words "exceeding" and "thousand," and inserting in lieu thereof the word "thirty-five."

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

Ratified this the 3d day of March, 1911.

CHAPTER 291.

AN ACT TO REPEAL CHAPTER THREE OF PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE MARKET HOUSE OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Law repealed.

Section 1. That chapter three, Private Laws of one thousand nine hundred and nine, entitled "An act to provide for sale of market house in the city of Raleigh, North Carolina," 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, 1911.

CHAPTER 292.

AN ACT TO AMEND THE CHARTER OF GREENSBORO FEMALE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and thirty of the Private Laws of North Carolina, session one thousand nine hundred and five, be amended by adding at the end of section three thereof the following words: "And the property so received and held and used for its purposes shall not be subject to taxation." Property exempt from taxation.

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 3d day of March, 1911.

CHAPTER 293.

AN ACT TO INCORPORATE THE WASHINGTON BRANCH BAPTIST CHURCH IN THE COUNTY OF GREENE.

The General Assembly of North Carolina do enact:

Section 1. That the trustees, Robert Smith, William Speight, Patrick Forbes, and James Jones, and their successors, be and they are hereby declared a body politic and corporate under the name and style of the "Trustees of Washington Branch Baptist Church," in the county of Greene, and the said corporation shall have perpetual succession and the power to purchase, and hold real estate and acquire the same by gift or otherwise, and hold same in trust for said Baptist church. Trustees incorporated. Corporate name. Corporate powers.

Sec. 2. That it shall be unlawful for any person to sell, give away or otherwise dispose of any wine, cider, near-beer, or other intoxicating drinks, except for medicinal purposes, at or within two miles of said church. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be fined not more than fifty dollars, or imprisoned not exceeding thirty days. Prohibition. Misdemeanor. Punishment.

Sec. 3. That it shall be a misdemeanor for any one to exhibit himself drunk during divine worship, within the limits of this corporation, and any person violating this section shall be fined not more than fifty dollars or imprisoned not exceeding thirty days. Drunkenness a misdemeanor. Punishment.

Sec. 4. That it shall be a misdemeanor for any person to use loud, profane or indecent language, fire off a gun or pistol in hearing distance of those assembled for or engaged in divine worship, Conduct constituting misdemeanor.

or otherwise disturb and annoy those assembled for or engaged in divine worship, and any person violating the provisions of this section shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Punishment.

Trustees to enact ordinances.

Sec. 5. That the said trustees and their successors may enact such ordinances for the protection and good government of said church, and the people assembled there for or occupied with divine worship, not inconsistent with the constitution and laws of this State.

Sec. 6. That this act shall be in effect from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 294.

AN ACT PROVIDING FOR THE BUILDING OR PURCHASE OF A MUNICIPAL BUILDING IN THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Purchase or construction authorized.

Bond issue authorized.

Interest.

Amount.

Denominations.

Maturity.

Authentication.

Sale of bonds.

Specific appropriation.

Section 1. That the board of commissioners of the town of Rockingham shall have power to buy and alter and equip, or to build, an auditorium or municipal building for the use of said town, for its own and such other purposes as may be expedient; and in order to provide funds for the buying and alteration or for the building of such municipal building and auditorium for its own and other necessities, the said commissioners of the said town of Rockingham are hereby authorized and empowered to issue coupon bonds bearing interest payable annually or semi-annually at a rate not exceeding six per centum per annum to an amount not exceeding twenty-five 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 buying and alteration or for the building of said municipal building, and may be issued from time to time as the work may 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. 2. 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. Special tax. Levy and collection.

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

Ratified this the 3d day of March, 1911.

CHAPTER 295.

AN ACT TO ENLARGE THE POWERS OF THE BOARD OF ALDERMEN OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the city of Hickory, or the governing body of said city, by whatever name it may be called, shall have power to disinter and remove, or cause to be disinterred and removed, under the direction of said board or other governing body, to Oakwood Cemetery, in said city, such dead bodies as now remain buried in what is known as the "old cemetery" on the south side of Ninth avenue, formerly Lincolnton street, in said city. Power to disinter and remove dead bodies.

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

Ratified this 3d day of March, 1911.

CHAPTER 296.

AN ACT TO INCORPORATE THE TRUSTEES OF ALBEMARLE NORMAL AND INDUSTRIAL INSTITUTE.

The General Assembly of North Carolina do enact:

Section 1. That J. M. Harris, M. J. Harris, A. C. Huneycutt, J. M. Morrow, A. R. Shaw, R. A. Dunn, Robert Glascow, W. H. Belk, John Scott, W. S. Lee, F. S. Neal, W. A. Cleveland, R. F. Kirkpatrick, A. H. Washburn, and such others as may be associated with them, and their successors duly chosen in manner as herein- Corporators.

after directed, be and they are hereby constituted a body politic and corporate by the name "The Trustees of Albemarle Normal and Industrial Institute," and shall have perpetual succession and a common seal, and by the name aforesaid they and their successors shall be capable in law and shall have full power and authority to acquire, hold possess, purchase, receive and retain to them and their successors forever any lands, tenements, rents, goods, chattels, franchises or interests of any kind whatsoever which may be granted, conveyed, bequeathed or given to them or by them purchased or otherwise acquired for the use of an institution of learning, to be called the Albemarle Normal and Industrial Institute. They and their successors shall have power to improve, cultivate and lay out lands, which they may own and erect buildings and other establishments thereon, and sell, exchange or otherwise dispose of the same in any manner whatsoever they may judge, most useful to the interests and legitimate purposes of said institution; and by their corporate name may sue and plead and be sued and impleaded in all courts and places in North Carolina.

Corporate name.

Corporate powers.

Board of trustees.

Sec. 2. That the board of trustees shall comprise not less than twelve nor more than sixteen persons, resident of this State or any other State, and any seven of them shall at all times constitute a quorum when regularly called together as provided for in the by-laws.

Quorum.

Vacancies.

Sec. 3. That when there shall be a vacancy in the board of trustees, occasioned by death, removal, refusal to act, or in any way otherwise, the Presbytery of Mecklenburg shall, on notice of the president of the trustees, supply said vancancy by electing other trustee or trustees at their regular meeting or at a call meeting, as that body may see fit and proper.

Conveyance of real estate.

Sec. 4. That the deeds of conveyance of real estate by the trustees shall be signed by the president of said trustees and attested by the secretary and sealed with the corporate seal of the said board of trustees.

By-laws, rules and regulations.

Sec. 5. That the trustees may at any meeting adopt such by-laws, rules and regulations not contrary to the laws of North Carolina or of the United States, as they may deem necessary for the good government and proper management of the said institution.

President of institution.

Sec. 6. That the president of the institution, Rev. George H. Atkinson, who is now in service, shall hold the position of president of the institution until his successor shall be elected in due form by the trustees; and that the present president of the trustees, J. M. Morrow, shall hold that position until his successor shall be elected by the Presbytery of Mecklenburg.

President of trustees.

Rights, privileges and properties vested in trustees.

Sec. 7. That all rights, privileges and properties acquired by the Albemarle Normal and Industrial Institute be and the same are hereby ratified and confirmed and vested in the trustees of the Albemarle Normal and Industrial Institute and their successors. And

all duties and liabilities of the Albemarle Normal and Industrial Institute are hereby ratified and imposed upon the trustees of the Albemarle Normal and Industrial Institute and their successors. Duties and liabilities.

Sec. 8. That the trustees of the Albemarle Normal and Industrial Institute be empowered to confer literary degrees when deemed advisable. Literary degrees.

Sec. 9. That any and all property held by the trustees of the Albemarle and Industrial Institute for its legitimate purposes of education shall be exempt from all public taxes, dues and fees whatsoever. Exemption from taxation.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this 3d day of March, 1911.

CHAPTER 297.

AN ACT TO PERMIT WENDELL GRADED SCHOOL DISTRICT, IN WAKE COUNTY, TO VOTE TEN THOUSAND DOLLARS OF BONDS.

Whereas, an act under the above caption, being House Bill four hundred and seventy-two, Senate Bill four hundred and fifteen, was duly passed at the present session of the General Assembly, and was ratified on the ninth day of February, one thousand nine hundred and eleven; and, Preamble.

Whereas, reference is made in said act to the Wendell graded school district, which has not been incorporated by legislative act upon the date of the ratification of said act; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That a majority of the trustees of the Wendell graded school district, in Wake County, North Carolina, be and it 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 Wendell graded school district, in Wake County, issue ten thousand dollars of the bonds of said district, with interest coupons attached, to aid in the construction and equipment of a public graded school building, and in the maintenance of a public graded school in said district. Petition for election. Question to be voted on.

Sec. 2. That upon said request of the 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 a time and place as may be specified in said request to determine the question: Shall the Wendell graded school district, in County commissioners to order election.

Wake County, issue ten thousand dollars of the bonds of said district, with interest coupons attached, to aid in the construction and equipment of a public graded school building, and in the maintenance of a public graded school in said district. That said board of county commissioners shall, at least thirty (30) days preceding such election, give public 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.

Notice of election.

Law governing 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 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: *Provided, further*, that said board of county commissioners shall appoint registrars of election 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 the return of said election made to the said board of county commissioners at its first regular meeting 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: new registration.

Proviso: election officers.

Count and return of votes.

Canvass of returns.

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 this issue of bonds shall vote a ticket on which shall be written or printed the words 'For school bnds," 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."

Denomination of bonds.

Amount.

Interest.

Maturity.

Sec. 5. That if a majority of the votes cast at 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 a rate not to exceed six (6) per cent per annum, with interest coupons attached, payable semi-annually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times not exceeding thirty (30) years from the date of issue, as the said board

of commissioners of Wake County may determine. 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 said bonds shall have upon them the seal of the county. That said bonds shall be styled bonds to aid in the construction and equipment of a public graded school building, and in the maintenance of a public graded school in Wendell graded school district, of Wake County. Authentication. Style of bonds.

Sec. 6. That upon the preparation, signing and execution of said bonds that said board of county commissioners shall deliver the same to the treasurer of the school fund of Wake County, who shall sell said bonds at such times and in such manner as the 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 where 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 meetings, and when sold, the numbers of the bond or bonds, the denominations, to whom sold, and the number of coupons attached. Delivery and sale of bonds. Specific appropriation. Record of proceedings and bonds.

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 and equipment of a public graded school building and in the maintenance of a public graded school 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 trustees in the usual manner, in such an amount as the board of county commissioners may direct. Deposit and expenditure of proceeds. Separate fund and accounts. Bond of treasurer.

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 (20) cents on the hundred dollars of property and sixty (60) cents on the poll in said Wendell graded 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 shall be applied, first, to the payment of the Special tax. Collection of tax. Application.

interest upon said bonds: secondly, to the creation of a sinking fund as aforesaid; and, lastly, to the maintenance of said public graded school. 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 shall 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 he shall make such reports from time to time as the board of education or the trustees herein mentioned may direct.

Investment of sinking fund.

Bond of commissioner.

Reports.

Application of act.

Sec. 9. That this act shall apply only to the Wendell graded 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 3d day of March, 1911.

CHAPTER 298.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-SIX OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY PASSED AT ITS SESSION IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINE, ENTITLED 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 chapter two hundred and sixty-six, section four, of the Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding to said section after the word "institution" the following: "And the said trustees shall have power to receive gifts and donations of any and all kinds and to enter into contracts and execute the same through its chairman, secretary and treasurer."

Gifts and donations.

Contracts.

Sec. 2. That section five of said act be amended by adding to said section after the last word "corporation." the following: "And the said trustees are hereby authorized and empowered to sell or mortgage said real and personal property to raise money with which to build or repair schoolhouses and to improve the buildings thereon, and may purchase other lands or equipment for said school."

Power to sell or mortgage property.

Sec. 3. That this act shall take effect from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 299.

AN ACT PROVIDING FOR PUBLIC TERMINAL PROPERTY AT SOUTHPORT, NORTH CAROLINA.

Whereas, the better interest of the public requires and makes it necessary that the terminal facilities at a shipping point be under public control; and, whereas, it is desirable to prevent any private monopoly of water front property at Southport, North Carolina; now, therefore, Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the city of Southport, through its duly constituted governing body, is duly authorized and empowered, upon a vote of a majority of the qualified voters of said city as hereinafter provided, to purchase and acquire for cash at the lowest price, for the benefit of the public, any water front property within the incorporate limits of the said city, extending from the channel of the Cape Fear River to a point six hundred feet above high water mark, and when acquired by said city, shall be held by the said city for the public use, and may be rented and leased from time to time by the city, under such rules and regulations as the governing body of the said city may prescribe: *Provided*, that no lease or demise shall be made of water front or terminal property held for the public use for a longer period of time than fifteen years, nor shall a successive contract be entered into by the said city more than two years prior to the expiration of an existing contract. Purchase of water front authorized. Held for public use. Rent or lease. Proviso: limit of lease.

Sec. 2. That upon the petition of one-fourth of the qualified voters of said city, the board of aldermen or governing body, be, and it is hereby authorized and empowered to submit to the voters of said city, after thirty days notice in some newspaper published in said city, or if no newspaper is published there, by posting in four public places in said city, the question, "Shall the city of Southport issue bonds for the purpose of acquiring water front property for public use?" The total amount of bonds voted, or to be voted at any time shall never exceed in amount one-tenth of the listed value of the real estate of the said city, the amount to be determined by the governing body of the said town, and the notice of said election shall state the time, polling place or places and the amount of bonds proposed to be voted in such election. Petition for election. Notice of election. Question to be voted on.

Sec. 3. That said election shall be held and conducted in the same manner as is prescribed by law for holding elections for the members of the board of aldermen of the said city, or such other governing body as may be authorized by law at the time of holding said election, and the said governing body as may be authorized by law at the time of said election shall appoint the registrars and judges of election and such other election officers, and shall conduct the Law governing election. Election officers.

New registration. Count and return of vote.

said election under the regulations that may exist at the time for election of city officers; but they may order a new registration for said election, if, in their opinion, it is advisable. The vote shall be counted at the close of the polls, and returned to said governing board of the said city on the next day but one after said election,

Tabulation, declaration and record of result.

and the said board shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board, and no other recording shall be necessary.

Ballots.

Sec. 4. That at the said election the ballots tendered and cast by the qualified voters of the said city of Southport shall have written on them, or may be printed on them, "For terminal bonds," and all qualified voters voting against said bonds shall vote "Against terminal bonds."

Issue of bonds.

Sec. 5. In the event that a majority of the qualified electors of said city shall vote for terminal bonds at said election and the result

Denominations.

shall be declared and recorded as aforesaid, the said governing body shall have prepared and issued bonds in denominations not exceed-

Limit of amount.

ing one thousand dollars, and not less than one hundred dollars, to such total amount as the governing body may have been authorized by the vote of the people, which amount shall not exceed ten per cent of the listed value of the real estate of the said city of South-

Interest.

port, and said bonds shall bear a rate of interest not exceeding five per cent per annum, with interest coupons attached, payable semi-

Maturity.

annually, on the first day of January and July of each year, until their maturity, and the principal thereof shall be payable, or redeemable, at any time or times not exceeding thirty years from the date of their issue, as the said board of aldermen, or other gover-

Authentication.

ning body of said city may determine. The said bonds and coupons shall be payable at such place as may be designated therein, and shall be signed by the mayor of the city of Southport and attested by the clerk or secretary of the governing board of the said city, attested by the corporate seal of the city of Southport.

Numbers and recitals of bonds.

Sec. 6. When the bonds shall be issued they shall be numbered consecutively and the bonds and coupons shall state on their face when they are due and payable, and shall show by what authority

Bonds not to be sold below par.

they were issued, and none of the bonds issued under this act shall be sold, exchanged or hypothecated for less than their face value.

Sale of bonds.

Sec. 7. That the said governing body of the said city are authorized and empowered to sell said bonds in such manner as they deem wise, subject to the above restrictions, and the proceeds from the sale thereof shall be turned over to the treasurer, or such officer as

Proceeds kept separate. Separate accounts. Bond for safe keeping.

may have the legal custody of the funds of the city, which shall be kept separate from other funds, and separate accounts thereof shall be kept; but before receiving said bonds, such officer shall enter into a sufficient bond conditioned for the faithful and safe keeping of the said funds, and all orders issued upon such officer for the payment

Orders on fund.

of said money provided for under this act, shall state on their face the purpose for which the same is paid.

Sec. 8. That in the event the result of said election shall be in favor of issuing said bonds as aforesaid, the said governing body shall levy annually, at the time of levying other taxes for municipal purposes, each year, a special tax for said purpose, not exceeding twenty cents on the one hundred dollars worth of property, and sixty cents on the poll, the subject of taxation and levy of taxes are to be the same upon which the said board of aldermen, or other governing body of the said city, may now, or hereafter, be authorized to lay and levy taxes upon for general purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund applied first to the payment of the interest on said bonds, and then to the creation of a sinking fund for the redemption of said bonds, which shall be sufficient, in the judgment of the said governing body, to redeem the same when they become due. Special tax. Tax rate. Collection of tax. Separate fund. Application.

Sec. 9. That in case the election shall be carried for said bonds, and the same be sold and a fund provided therefor, the governing body of the said city shall use the same only for carrying out the provisions of this act, and for paying the necessary expense incident thereto, and all rents or lease money derived from such property shall be placed to the credit of this particular account, and may be used, first, in the improvement of terminal property; second, to provide a sinking fund and, third, to paying the interest on the said bonds, and such property acquired and held for public use shall be exempt from taxation. Specific appropriation. Rents to credit of fund. Application. Exemption from taxation.

Sec. 10. That when it shall be deemed advisable by the governing body of the said city to acquire certain property as contemplated by this chapter, and the terms of the purchase price can not be agreed upon between the owner and the governing body of the said city, the said city of Southport shall have the right to exercise the right of eminent domain, in its corporate capacity, in the acquisition of such property, and may exercise the same by special proceedings in the superior court of Brunswick County, under the same statutory rules of procedure, so far as applicable, as are, or may be, provided for the exercise of this right by railroad companies in this State. Power of condemnation. Proceedings.

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

Ratified this the 3d day of March, 1911.

CHAPTER 300.

AN ACT TO CHANGE THE BOUNDARY LINE OF THE FARMVILLE GRADED SCHOOL DISTRICT.

The Legislature of North Carolina do enact:

Section 1. That the northwestern line of the Farmville graded school district be changed as follows: Beginning where the Greene Northwestern line.

County line enters Contentnea Creek, running thence down Contentnea Creek to Black Swamp; thence with Black Swamp on as the original line has been and is now, leaving out the lands now owned by M. D. Horton, Mrs. M. T. Horton and W. C. Askew, lying north of Contentnea Creek, and which were originally included in said graded school district.

Southern line.

Sec. 2. That the southern line of said graded school district be so changed as to be as follows: Beginning where Greene County line enters Middle Swamp, running thence down said swamp to J. H. Flanagan and R. L. Davis's line; thence northerly with said lines to S. M. Smith's southern line; thence with said S. M. Smith's line in an easterly direction to the plank road; thence across said plank road on as the line has originally been and is now, leaving out the home place of J. H. Flanagan, and the lands of J. H. Moore, originally included in said district.

Sec. 3. This act shall be enforced from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 301.

AN ACT TO AMEND CHAPTER 267 OF THE PRIVATE LAWS OF 1891, AMENDING THE CHARTER OF THE TOWN OF WHITEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter 267, Private Laws of 1891, entitled "An act to incorporate the town of Whiteville, Columbus County," be amended as follows, to wit:

License taxes.

That section 44 shall read as follows: The commissioners of said town of Whiteville shall have power and authority to annually levy and cause to be collected for the necessary expense of said town government such privileged taxes as shall seem to them fair and equitable on every stallion, jackass kept or exhibited in said town, on all traders, peddlers; on all persons, firms or corporations who shall engage in the banking business; on all persons, firms or corporations who shall run a soda fountain or soda fountains; on all railroads, tinkers, merchants, barbers, blacksmiths, goldsmiths, silversmiths; on all and every person or persons, company or corporation who shall exhibit, sing, act or perform, or anything for which they charge or receive any gratuity, fee, pay or reward whatsoever; on every physician, dentist, druggist, artisan, merchant, lawyer, daguerrean or photograph artist or other picture taker; on all persons who shall engage in cleaning clothes or dyeing clothes as a business; on any and every person, company or corporation engaged in sawing or manufacturing lumber; on all persons, firms or corpora-

tions operating a cotton gin or cotton gins; on all news stands; on every person, firm or corporation who shall publish a newspaper or run a job printing press or presses; on all persons engaged in the sale of buggies, wagons or other vehicles; on all sewing machine agents; on all cobblers, shoemakers, architects, contractors, butchers; on every person, firm or corporation who shall run or conduct a market or markets; on all liverymen, auctioneers, horse traders, cotton buyers or brokers; on all corn doctors, veterinary surgeons; on all persons, firms or corporations who shall operate telephone or telegraph lines or systems or any part thereof; on all persons, firms or corporations who shall engage in the transportation of persons, baggage or freight with automobiles or otherwise, for pay or hire within the limits of said town, and the said commissioners of said town shall prescribe the license tax provided for and when the same shall be collected: *Provided*, that the license taxes levied under this act shall not be in conflict with the revenue laws of the State.

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, 1911.

CHAPTER 302.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF ROCKINGHAM TO ISSUE BONDS TO COMPLETE AND EXTEND ITS WATER SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Rockingham shall have the power to complete and extend its water system and to further equip the same; and in order to provide funds for the said extension, equipment and completion of said water system the said commissioners are hereby authorized and empowered to issue coupon bonds, bearing interest, payable annually or semi-annually, at a rate not exceeding six per centum per annum, to an amount not to exceed fifteen thousand dollars ($15,000), in denominations of not less than five hundred nor more than one thousand dollars, payable not later 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

Extension of water system authorized.

Bond issue authorized.

Interest.

Amount.

Denominations.

Maturity.

Authentication.

Sale of bonds.

sale, with or without notice, or may be delivered to the contractor or contractors in payment for the completion and extension of said water system, and may be issued from time to time as the work may 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.

Specific appropriation.

Special tax.

Sec. 2. The board of commissioners of the said town of Rockingham is hereby authorized and empowered to levy and collect a tax, in the event the said bonds are disposed of, 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.

Levy and collection.

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

Ratified this the 3d day of March, 1911.

CHAPTER 303.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HARNETT COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF ENLARGING AND IMPROVING THE DUNN GRADED SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

Purpose of tax.

Section 1. That for the purpose of enlarging, improving, equipping and furnishing the Dunn graded school building the board of commissioners of the county of Harnett be and they are hereby authorized and directed, upon request of the board of trustees of the Dunn graded school, to levy a special tax on all persons, property and subjects of taxation within the territory of the Dunn graded school district of not more than twenty cents on every one hundred dollars valuation of real and personal property, and not more than sixty cents on every taxable poll for one year only, or an annual tax of for two years only of not more than ten cents on each one hundred dollars valuation of real and personal property, and not more than thirty cents on each taxable poll within said district; said tax to be collectible and payable as other special taxes in said district.

Request for tax.

Levy authorized.

Rate.

Specific appropriation.

Sec. 2. That taxes levied and collected under the provisions of this act shall be used by the board of trustees of the Dunn graded

school district for the exclusive purpose of enlarging, equipping, improving and furnishing the school building now belonging to and used by said district, located in the town of Dunn, and for no other purpose.

Sec. 3. *Provided, nevertheless,* that this act shall not be in force until the same shall have been ratified by the qualified voters residing within said graded school district, at an election to be called and held within said district at such time and place as the board of trustees of said graded school district shall designate, of which election said trustees shall give public notice in some newspaper published within the town of Dunn for at least four consecutive weeks next preceding the holding of said election, and for the purposes of said election said board of trustees shall have authority, and it is hereby made their duty to appoint a registrar and two judges of election, one of which judges, if practicable, shall be a person in favor of the levy of said special tax, and one opposed to said levy; that at said election those favoring the levy of said special tax shall vote a ballot upon which is written or printed the words "For special tax," and those opposed thereto shall vote a ballot having written or printed thereon the words "against special tax"; that if a majority of the votes cast at said election shall be in favor of special tax, then this act shall be in force and taxes shall be levied as hereinbefore set out. If a majority, however, shall be cast at said election against special taxes, then said tax shall not be levied: *Provided,* that an entirely new registration of voters shall be had prior to said election: *Provided, further,* that in all other respects except as herein modified said election shall be conducted and returns of the same as provided for holding elections in special tax school districts as now provided by law.

Proviso: act to be ratified by voters.

Call of election.

Notice of election.

Election officers.

Ballots.

Effect of election.

Proviso: new registration.

Proviso: law governing election.

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

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

Ratified this the 3d day of March, 1911.

CHAPTER 304.

AN ACT TO AMEND THE CHARTER OF THE RANDOLPH AND CUMBERLAND RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the Randolph and Cumberland Railway Company, heretofore, to wit, on the thirteenth day of June, A. D. one thousand nine hundred and six, obtained under the provisions of chapter sixty-one, volume 1, of The Revisal of one thousand nine hundred and five of North Carolina, in a bill entitled "An

Charter amended.

act to amend the charter of the Randolph and Cumberland Railroad Company," which said bill was enacted and duly approved on the ninth day of March, A. D. one thousand and nine hundred and seven, be and the same is hereby amended as follows:

Corporate name.

Sec. 2. That the said Randolph and Cumberland Railway Company, a body politic and corporate under the general laws of the

Corporate rights.

State of North Carolina, by and in that name, shall have power to have perpetual succession, and a common seal, which it may alter or renew or amend at its pleasure; to sue or 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 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.

Principal office.

The principal office or place of business of said company in the State of North Carolina shall be in the town of Carthage, in the

county of Moore, 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. Change of location. Proviso: one office in this State.

Sec. 3. That said company shall have the power to build, construct, equip, acquire, maintain and operate a railroad of any guage 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. Power to build equip and operate railroad. Termini.

Sec. 4. 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 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. Branches. Extensions. Connections.

Sec. 5. Said company may in its discretion build any portion or all of its branch lines or extensions before completing its main line, and may construct a part of its main line as specified in section three 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 railroad, 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. Order of construction. Routes. Traffic agreements. Navigable waters. Bridges. Proviso: construction of bridges.

Construction on roads and streets.

Proviso: conditions.

Dams, culverts, trestles and bridges.

Crossing other railroads.

Connections with other roads.

Turnouts and sidings.

Proviso: conditions.

Tracks through towns or cities.

Sec. 6. 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, 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 or 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.

Water transportation.

Ferries.

Connection with ocean or river steamers.

Sec. 7. The said company shall have the right to lease, build, contract, 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, construct 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 and storage facilities.

Powers as warehouse, wharf and lighter company.

Sec. 8. The said company is hereby authorized and empowered to erect and construct at such place or places as may be 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 expense 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 advance 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 same company shall be required to deliver the same. That the said Randolph and Cumberland 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, warehouse and such other enterprises convenient in connection therewith, or as a part thereof.

Charges.

Lien for charges and advancements.

Powers as guarantee company.

Sec. 9. That said company is hereby authorized to construct and operate 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.

Telegraph and telephone lines.

Tolls and charges.

Connections.

Power of lease or sale.

Proviso: subject to general law.

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 any swamp or swamps 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 of said Revisal and any amendments thereto.

Powers as drainage company.

Powers as canal company.

Power of condemnation.

Sec. 11. 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.

Exclusive right of carriage.

Rates.

Sec. 12. Whenever from any cause said company is unable to agree with the owners of the land over or near which it is proposed to build or extend its railroad or branches 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

Procedure for condemnation of land.

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 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 and 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 of The Revisal of one thousand nine hundred and five 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 damage to the residue of the tract beyond the benefit and special advantage to be derived in respect to such residue from the work to be constructed. The assessment shall be the fee simple value of the 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 evidences as they may desire and have a hearing *de novo* before the court, but the burden of proof shall be upon the party objecting to the ruling of the appraisers.

Right of appeal.

Proviso: time for appeal.

Hearing de novo.

Burden of proof.

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 or ejectment shall be brought by him nor the possession or occupation of this company in any way disturbed

Reassessment for want of notice.

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: *Provided, however,* 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. Proviso: owners under disability.

Sec. 13. The right of said company to condemn and take land under this act shall be limited to a space not exceeding one hundred 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 the said company shall have the right to condemn as much in addition thereto as may be necessary for the construction and maintenance 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 embrankment or embankments. That said company is hereby empowered to purchase and hold such 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. Limit of condemnation. Protection for right of way. Land taken for material. Power to purchase and hold property. Proviso: land for terminals, stations depots and warehouses. Entry on land for surveys and construction.

Sec. 14. The capital stock of said company shall be one million dollars ($1,000,000), and the same may be increased or decreased from time to time, as the demands of said company, determined by a majority of the stockholders at any annual, general or special meetings, shall require; said increase or decrease, as the case may be, shall be certified to the Secretary of State. 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 ($100) dollars each, for which, when fully paid for, certificates shall be issued, which shall be nonassessable, and each share, whether preferred or common, shall Capital stock. Increase or decrease. Division and issue of stock. Shares. Liability of stockholders.

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 for an amount equal to the amount unpaid on the stock subscribed for and held by said subscribers or holders, and no more.

Annual meetings.

Sec. 15. 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 being so prescribed, on such days 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 as shall be fixed from time to time by the board of directors. Notice of the annual meeting of the stockholders shall be published 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 the 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 any annual meeting. Such general meetings may be held at any place that it may be lawful to hold annual meetings.

Notice of meetings.

Called meetings.

Notice of called meetings.

Payment of subscription.

Sec. 16. 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 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 recorded as being issued for cash paid to the corporation, but shall be recorded in this respect according to the facts.

Valuation conclusive.

Report of stock.

Board of directors.

Sec. 17. The board of directors of said corporation shall consist of as many members not less than five, as the stockholders may 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

Vacancies.

Election of officers.

shall be annually elected by the directors 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. The board of directors shall have power to adopt by-laws, subject, however, to amendment or repeal by the stockholders.

Term of office.

Secretary and treasurer.

Executive committee.

Meetings.

By-laws.

Sec. 18. 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 or 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 the 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 said purchase, acquisition or lease, become a corporation in 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 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.

Power of sale or lease.

Proviso: liability of purchasing company.

Proviso: purchasing company to become state corporation.

Sec. 19. 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 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

Power to purchase other companies.

franchises in this State as may desire to sell, lease or otherwise convey their franchises and property to the Randolph and Cumberland Railway Company, 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.

Extensions outside of State.

Power of merger and consolidation.

Sec. 20. 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 corporation 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 or road of which corporation or corporations connects, or shall, when completed, connect with the proposed or future lines of the Randolph and Cumberland 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 corporation 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:

Effect of consolidation.

Conditions, provisions, restrictions and powers.

Joint agreement by directors.

(*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, or of the consolidated corporation or the corporations 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 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 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.

Agreement submitted to stockholders.

(*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 of this State of the corporation are located, or in the city of Raleigh, and if any of the 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 meeting 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.

Notice of meeting.

Vote on agreement.

Certificate of approval.

Merger complete.

Effect of merger.

(*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 conditions and subject to the restrictions set forth in said agreement, and all and singular the rights, privileges and franchises of each 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 invested 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 corporations 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: existing rights.

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 and powers 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. 21. 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 shall have full power and authority to purchase, lease and otherwise acquire, hold, mortgage, convey and otherwise dispose of all kinds of property, both real and personal, both in this State and in all other States, territories and dependencies of the United States; to purchase the business, good will and all other property of any individual, firm or corporation as a going concern, and to assume all its debts, contracts and obligations; to construct, equip and maintain buildings, works, factories and plants; to install, maintain and operate all kinds of machinery and appliances, to operate same by hand, steam, water, electric or other motive power and generally to perform all acts which may be deemed necessary or expedient for the proper and successful prosecution of the powers granted in this act. It may buy, sell, hold, own, lease, 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 construct, equip, lease, maintain 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, lease, construct, maintain and operate all kinds of machinery and equipment, plants, factories and buildings necessary and suitable for the manufacture of the articles hereinbefore set out, and all other building material, and for the manufacture of wagons, buggies and other kinds of vehicles, and all other goods, wares and merchandise of any and all kinds. It may own, lease, construct, maintain and operate dry kilns, quarries, mines, furnaces, smelters, forges, hotels, boarding houses, restaurants, livery stables. It may establish and operate mineral springs and other summer and winter resorts, parks and other places for pleasures and amusement. It shall have the power, right and authority to erect, construct, equip, maintain and operate tram roads, 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 sell or otherwise dispose of the products thereof, and may use real estate owned by it for collateral and other purposes: *Provided, however*, that nothing herein contained shall be construed to allow the manufacture or sale of spirituous, vinous or malt liquors, except as now authorized by law.

Subscriptions to other companies

Subscriptions by other corporations.

Power to purchase, lease and hold property.

Further enumeration of powers.

Proviso: manufacture and sale of liquors.

Sec. 22. That said company shall have power to buy, sell, lease, acquire and deal in lands or mineral or surface rights therein or thereon, and to work the same for the extraction of coal, iron, petro-

Further enumeration of powers.

leum, natural gas, gypsum, gold, copper, talc, slate, and all other minerals and products, and to market such minerals and other products; to carry on the business of mining, milling, treating, preparing for market, manufacturing, buying, selling, and otherwise producing and dealing in gold, copper, and in all kinds of ores, metals and minerals, whether specified herein or not, and in the products and by-products thereof of every kind and description, 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.

Rights as power and light company.

Sec. 23. The said company hereby incorporated may manufacture, generate, employ, distribute, furnish, operate, control, lease, manage, hold, acquire, buy and sell and dispose of electricity, electric current, gas or other suitable and proper materials or fluids for public and private use, for its own 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 purchase, lease, acquire, construct, equip, operate and maintain a line or lines of street railway with one or more tracks, with such cars, trolley, wires, cable posts, sidetracks, switches, appliances, crossings, bridges, turnouts and branches as it may be 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 such towns and cities wherein it may be decided to purchase, acquire, construct, equip, operate and maintain such line or lines of street railway, or to manufacture, generate, buy, sell and dispose of electricity, electric current, gas and other materials and fluids, and that it perform its buildings and works to the reasonable rules and regulations which may be prescribed by said governing bodies; that it may acquire by lien, lease, purchase, subscription to or purchase of the capital stock or otherwise, the works, tracks, property, poles, lines, wires, power houses, branch roads, pipes, privileges, and all other property of other corporations doing a street railway or an electric lighting or power business, or a gas business, 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 said Randolph and Cumberland Railway Company, and to unite and consolidate with it on such terms as may be agreed upon.

Street railways.

Proviso: consent of municipal authorities.

Power plants and transmission lines.

Sec. 24. The said company is hereby given the power and authority to construct dams across any waterway 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 or to a certain distributing point or points, 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 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 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. And said company, in order to make these powers effective where it shall so purchase, acquire, hold, lease, improve, operate and maintain such water-powers, water rights and privileges, shall have the right to acquire title to any lands, easements, privileges or rights-of-way in the manner prescribed by the general law governing condemnation.

Water-powers and water rights.

Rights as water company.

Powers as improvement company.

Power to condemn land.

Sec. 25. 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, pipes and conduits 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, privileges 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, pipes, 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.

Surveys.

Power to condemn land.

Proceedings.

Sec. 26. 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 of a petition signed by not less than fifty voters of the county, city or town, and not less than ten voters of the county, city or town, and not less than ten voters of the township, to the board of county commissioners of said county or to the proper authorities of said city or town, re-

Counties and municipalities may subscribe to stock.

Petition for election.

questing 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 election shall be held after thirty (30) days notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house 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 or proper authorities of said city or town, on the Tuesday next succeeding the day of such election, who on that day shall canvass the same. 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, and to appoint the proper registration officials. The board of county commissioners of said county, or the proper authorities of said city or town, must promulgate said order for election within thirty days from the day said petition is presented, and the election must be held within thirty-five days after said order for election has been promulgated. In all cases where a township shall vote to make a subscription, the board of county commissioners is hereby authorized to represent such township and to make such subscription.

Order for election.

Ballots.

Law governing election.

Notice of election.

Returns and canvass.

New registration.

Time for order of election.

Time for election.

County commissioners to represent townships.

Subscription.

Sec. 27. If a majority of the qualified voters vote for subscription, then the proper authorities of said county or township or the proper authorities of said city or town shall immediately, that is to say, within thirty days after such election, 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, city or town, for what purpose and by what authority they are issued. They shall be in denominations of not less than one hundred ($100) dollars and not more than one thousand ($1,000) dollars, and shall bear interest at the rate of five per centum (5%) per annum, and shall be payable thirty (30) years after the first day of January next fol-

Bond issue.

Denominations.

Interest.

Maturity.

lowing the year in which they are issued. Interest on said bonds shall be payable on the first day of January and the first day of July in each year, by the treasurer of the county, township, city or town issuing them, or if there be no treasurer, then by the sheriff of the county. They shall be executed in the form required 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 said company in cash or deliver said bonds at par for like amounts of capital stock at par in full payment therefor, at the election of the board of directors of said company. Form and execution.

Sec. 28. 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 county, township, city or town, and shall also levy a sufficient tax to provide a sinking fund for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and the collector thereof and his sureties shall be liable to the same penalties and subject to the same remedies as are now provided by law for the faithful collection and paying over of the State and county taxes. Said taxes shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof: *Provided*, that should said county, township, city or town, or any or either of them, have no treasurer, then the taxes shall be paid to the sheriff, and or if he be the collecting officer, shall be retained by him in his hands for the performance of the duties ordinarily required of the treasurer, which duties he shall perform instead of the treasurer. 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 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: *Provided*, 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 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. Special taxes. Collection of tax. Settlement. Proviso: settlement in counties without treasurer. Taxes kept separate. Specific appropriation. Investment of sinking fund. Proviso: investment in bonds. Transfer of subscription.

Townships and counties incorporated.

Sec. 29. For the purpose 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

Powers and rights.

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

Corporate agents.

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.

Authentication of county bonds.

Sec. 30. The bonds issued by any county under the provisions of this act to secure subscriptions to the capital stock of said railway company shall be signed by the chairman of the board of county commissioners and the treasurer of the county, and the coupons shall be signed by the treasurer, or in lieu thereof his facsimile signature may be printed thereon. If the county have no treasurer, then the clerk of the board of county commissioners shall sign the bonds

Authentication of township bonds.

and coupons. The bonds issued by any township under the provisions of this act 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, who shall also sign the cou-

Authentication of city or town bonds.

pons. The bonds issued by any city or town under the provisions of this act shall be signed by the mayor and 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 facsimile signature may be printed thereon.

Corporation may issue bonds.

Sec. 31. It shall be lawful for the said Randolph and Cumberland Railway Company 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 di-

Mortgage.

rectors of said company; and to secure the payment of the same the company is authorized to execute a mortgage or mortgages to such persons 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 authorized to do, such mortgage

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

Liability of stockholders.

Sec. 32. That the stockholders of said company, whether public, private or municipal, shall not be individually or severally liable or responsble for the debts, defaults, obligations, engagements or torts of the said corporation.

General powers.

Sec. 33. That said corporation shall have the power and authority to do all and anything necessary, suitable or proper for the accomplishment 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.

Laws repealed.

Powers, rights, privileges and franchises ratified and confirmed.

Sec. 34. That all acts or parts of acts inconsistent herewith are hereby repealed and that the powers, rights, privileges and franchises acquired by said company under the charter granted it by virtue of chapter sixty-one, volume one, of Revisal of one thousand nine hundred and five, of North Carolina, and the amendment thereto as enacted by the General Assembly of North Carolina during the session of one thousand nine hundred and seven, except as herein amended, or modified, be and the same are in all respects ratified and confirmed.

Sec. 35. This act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 305.

AN ACT TO AMEND SECTION ONE OF CHAPTER EIGHTY OF PRIVATE LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO SYLVAN GRADED SCHOOL DISTRICT IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter eighty of the Private Laws of one thousand nine hundred and five be and the same is hereby repealed, and the following is inserted in lieu thereof:

School trustees named.

That the following parties are hereby appointed school trustees for the schools in said district, and shall hold for the following terms, and all vacancies shall be filled in the following manner, to wit: Jessie M. Thompson and Caleb McPherson for one year; Adolphus Whitehead and J. W. McPherson for two years; J. R. Stuart and D. H. Lashley for three years; and the terms of office of each of said trustees shall commence with the date of the ratification of this act. Successive appointments shall be made by the county board of education and parties named shall hold for three

Election of successors.

Terms of successors. Vacancies.

years from the date of their appointment. All unexpired terms in said board, whether arising from death, resignation, removal or otherwise, shall be filled by the county board of education.

Sec. 2. That all laws or 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 3d day of March, 1911.

CHAPTER 306.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-NINE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE, RELATIVE TO THOMASVILLE BAPTIST ORPHANAGE.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and twenty-nine of the Private Laws of North Carolina of one thousand eight hundred and eighty-nine be and the same is hereby amended as follows: Strike out of said section the words "two hundred thousand dollars," and insert in lieu thereof the words "five hundred thousand dollars."

Amount of property.

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

Ratified this 3d day of March, 1911.

CHAPTER 307.

AN ACT TO ESTABLISH A SPECIAL SCHOOL TAX DISTRICT EMBRACING TERRITORY PARTLY IN THE COUNTY OF STOKES AND PARTLY IN THE COUNTY OF FORSYTH.

The General Assembly of North Carolina do enact:

Special school tax district established.

Section 1. That a special school tax district, embracing the territory in the county of Stokes, hereinafter set forth, and the territory adjoining the same in the county of Forsyth, hereinafter set forth, be and the same is hereby established: *Provided*, that a majority of the qualified voters therein shall vote in favor of the same at an election to be held for said purpose as is hereinafter set forth; and in the event they do so vote, then said district shall be known and designated as the "Germanton special school tax district."

Proviso: election.

Name of district.

Territory in Stokes County.

Sec. 2. That the territory in the county of Stokes to be embraced in said district shall be bounded as follows: Beginning at a point in the Stokes and Forsyth County line, where James Bostick's out-

side line joins the Forsyth County line, and running thence with the outside boundary line of James Bostick's lands to the line of R. J. Petree, and thence with the outside line of the lands of R. J. Petree to the lands of George W. Newsom, and thence with the outside line of the lands of George W. Newsom to the lands of J. Gideon White, and thence with the outside line of the lands of J. Gideon White to the lands of Alex. Boles, and thence with the outside line of the lands of Alex. Boles to the lands of N. Jeff. Tuttle; thence with the outside line of the lands of N. Jeff. Tuttle to the line of the lands of W. B. Tuttle; thence with the outside line of the lands of W. B. Tuttle to the lands of DeWitt Tuttle; thence with the outside line of the lands of DeWitt Tuttle to the lands of C. M. Bowman; thence with the outside line of the lands of C. M. Bowman to the lands of Joseph Bowman; thence with the outside line of the lands of Joseph Bowman to the lands of Wm. G. Shultz; thence with the line of the lands of Wm. G. Shultz on the outside to the lands of Mrs. Harriet Martin, deceased; thence with the outside line of the lands of Mrs. Harriet Martin, deceased, to the line of the lands of W. M. Watts; thence with the outside line of the lands of W. M. Watts to the line of the lands of Chap Bedenheimer; thence with the outside line of the lands of Chap Bedenheimer to the line of the lands of A. M. Hampton, deceased; thence with the outside line of the lands of A. M. Hampton, deceased, to the line of the lands of H. T. Boles; thence with the outside line of the lands of H. T. Boles to the line of the lands of H. McGee; thence with the outside line of the lands of H. McGee to Forsyth County line; and thence with the Forsyth and Stokes County line to the beginning. Including the lands of all of said parties within said special school tax district.

Territory in Forsyth County.

That the territory in the county of Forsyth to be embraced within said district shall be bounded as follows: Beginning at a point in the Stokes and Forsyth County line, where the outside line of Riley George joins said county line, and running thence with the outside of the lands of Riley George to the line of the lands of Wm. Wall; thence with the outside boundary line of the lands of Wm. Wall to the line of the lands of Alex. Perrell; thence with the outside boundary of the lands of Alex. Perrell to the line of the lands of Pomp Flynt; thence with the outside line of the lands of Pomp Flynt to the lands of David James; thence with the outside line of the lands of David James to the line of the lands of Ben Merritt; thence with the outside line of the lands of Ben Merritt to the line of the lands of Charles Merritt; thence with the outside boundary of the lands of the said Charles Merritt to the line of the lands of Wm. Sullivan; thence with the outside boundary of the lands of Wm. Sullivan to the line of the lands of Lewis Merritt; thence with the outside of the boundary of the lands of Lewis Merritt to the line of the lands of Walter Westmoreland; thence with the outside

boundary of the lands of Walter Westmoreland to the line of the lands of F. M. Hartgrove; thence with the outside line of the lands of F. M. Hartgrove to the line of the lands of N. G. Westmoreland; thence with the outside boundary of the lands of N. G. Westmoreland to the line of the lands of John Grubbs; thence with the outside boundary of the line of the lands of John Grubbs to the Forsyth and Stokes County line; and thence with said county line to the place of beginning. Including the lands of all of said parties within said special school tax district.

Date for order of election.

Sec. 3. That on Monday, the third day of April, one thousand nine hundred and eleven, the board of commissioners of Stokes County shall order an election to be held in said district at the store-

Place and date of election.

house of L. M. McKinzie, in the town of Germanton, North Carolina, on Wednesday, the thirty-first day of May, one thousand nine

Election officers.

hundred and eleven, and shall appoint a suitable and competent person residing in said territory in Stokes County as registrar, and two suitable and competent persons residing in said territory in Stokes County as judges to hold said election in the territory embraced in said district in Stokes County, at which election all the qualified voters residing in the said territory in Stokes County shall

Notice of election.

be entitled to vote, and thereupon the clerk of the board of commissioners of Stokes County shall immediately post, or cause to be posted, a notice of said election at the court-house door in the town of Danbury, and three public places in the territory embraced

Date for order of election.

within said district in the county of Stokes. That on said third day of April, one thousand nine hundred and eleven, the board of

Place and time of election.

commissioners of Forsyth County shall order an election to be held in said territory in the county of Forsyth at the residence of B. J. Savage in the town of Germanton, North Carolina, on Wednesday, the thirty-first day of May, one thousand nine hundred and eleven,

Election officers.

and shall appoint a suitable and competent person residing in said territory in Forsyth County registrar, and two suitable and competent persons residing in said territory in Forsyth County as judges to hold said election in Forsyth County, at which election all the qualified voters residing within the territory embraced in said district in Forsyth County shall be entitled to vote, and thereupon the clerk of the board of commissioners of Forsyth County shall

Notice of election.

immediately post, or cause to be posted, a notice of said election at the court-house door in the city of Winston-Salem, North Carolina, and at three other public places in the part of the territory embraced within said district in the county of Forsyth.

New registration.

Sec. 4. That a new registration of voters shall be ordered in all of said territory embraced within the district aforesaid, and the respective registrars shall attend at the respective polling places

Days of registration.

hereinbefore set forth, on Saturday, April the twenty-ninth, one thousand nine hundred and eleven, Saturday, May the sixth, one thousand nine hundred and eleven, Saturday, May the thirteenth, one thousand nine hundred and eleven, and Saturday, May the twen-

tieth, one thousand nine hundred and eleven, from the hours of nine o'clock a. m. to four o'clock p. m. of each of said days, and keep their registration books open for the registration of voters, and on all other days between the said twenty-ninth day of April and the twenty-seventh day of May, one thousand nine hundred and eleven (Sundays excepted), the said registrars shall keep open said registration books at their respective homes, for the registration of voters from the hour of nine o'clock a. m. to the hour of twelve o'clock m. The registration books shall close on Friday, May the twenty-sixth, one thousand nine hundred and eleven, at twelve o'clock m., and Saturday, May the twenty-seventh, one thousand nine hundred and eleven, shall be challenge day from the hour of nine o'clock a. m. to the hour of three o'clock p. m.

Close of registration.

Challenge day.

Sec. 5. Said election shall be held for the purpose of ascertaining the will of the people in said district, whether there shall be levied in the same a special annual tax of not more than thirty cents on the one hundred dollars valuation of taxable property, and not more than ninety cents on each taxable poll in said district, for educational purposes, as hereinafter set forth, which tax when collected shall be apportioned to such district by the respective boards of education of the counties of Stokes and Forsyth, if a majority of the qualified voters residing in said district shall vote in favor of the same. At such election those who are in favor of the levy and collection of the 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 written or printed the words "Against special tax."

Purpose of election.

Tax rate.

Tickets.

Sec. 6. In case a majority of the qualified voters of said district, at said election, shall vote in favor of said tax, the same shall be annually levied by the board of commissioners of the county of Stokes, upon all taxable property and polls within the territory of Stokes County, embraced within said district, at the time, and in the manner that the general county taxes are levied, and the same shall be collected and accounted for by the sheriff of Stokes County, in like manner as other county taxs are collected and accounted for. The same shall be levied by the board of commissioners of Forsyth County upon all taxable property and polls within the territory embraced within said district in Forsyth County, at the time and in the manner that general county taxes are levied, and shall be collected by the sheriff of Forsyth County in like manner as other county taxes, and accounted for by him.

Levy of tax.

Levy and collection.

Sec. 7. All moneys levied and collected under the provisions of section six of this act shall be placed to the credit of the school committee of said district, which committee shall be appointed biennially, two members thereof by the board of education of Stokes County, and shall hold their offices until their successors are appointed and qualified, and two members thereof shall be appointed biennially by the board of education of Forsyth County, and shall

Money to credit of school committee.

Election of committeemen.

hold their offices until their successors are appointed and qualified, and the said four committeemen so appointed shall biennially elect a fifth member of their body, either from the territory in said district in Stokes County or from the territory in said district in Forsyth County, as in the discretion of the said committee they may deem best, and said fifth member shall hold his office until his successor shall be elected and qualified. Such committee shall apportion the money realized under this act among the schools which it may establish in said district, in such manner as in its judgment shall equalize school facilities therein.

Apportionment of fund.

Count of vote and declaration of result.

Duplicate returns.

Sec. 8. It shall be the duty of the registrars and judges of the elections hereinbefore provided for, at the close thereof, to canvass the vote, and declare the result, and make and certify duplicate returns thereof, one copy of which shall be transmitted by the respective registrars by registered mail to the clerk of the board of commissioners of Stokes County, and the other to the clerk of the board of commissioners of Forsyth County, and the respective boards of county commissioners of the counties of Stokes and Forsyth shall cause said returns to be properly recorded in the books of elections in the respective offices of the registers of deeds of said counties.

Record of returns.

Expense of election.

Sec. 9. The expense of holding the election herein provided for in Stokes County shall be paid out of the general school fund of Stokes County, and the expense of holding the election herein provided for in Forsyth County shall be paid out of the general school fund in Forsyth County.

Apportionment of schools and money

Sec. 10. This act shall in no way interfere with the general public schools embraced within the territory set forth in the special district hereinbefore set forth, nor change the boundary line or lines of any of said districts established under the general school law, but all the public schools therein established under the general school law shall remain under the general supervision of the respective boards of education of the counties of Forsyth and Stokes, the same as before the passage of this act, and the committee for the special school district herein established and provided for under this act shall only have the supervision and control of such schools as it may establish under the provisions of this act, and the supervision and control of the special taxes realized under this act.

Separate funds.

That all moneys realized under the provisions of this act shall be kept entirely separate and apart from the general school funds which may be due the territory embraced in said district, and be under the control and supervision of the special district committee, and used by it exclusively for such public schools in said district as the committee in its discretion may establish.

Powers of special school committee.

Sec. 11. That the school committee for said special school district shall be authorized and empowered to purchase such school buildings, sites for buildings, and other school property as in its judgment

may be necessary and useful in carrying on and maintaining such schools as it may establish in said district, and pay for the same out of the special school funds realized under the provisions of this act, and to employ teachers and fix their salaries, and issue orders for their payment to the respective treasurers of the counties of Stokes and Forsyth, out of the special school funds due said district under this act. The committee is further empowered to erect such school buildings in said district as in its judgment may be necessary for the purposes of this act, and pay for the same out of the funds realized from special taxes hereunder.

Sec. 12. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 13. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 308.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN, RELATING TO THE PAY OF POLICEMEN.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the city of New Bern, as contained in chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and chapter sixty-one, Private Laws of one thousand nine hundred and seven, be amended so as to provide that the board of aldermen may, in their discretion, pay policemen a salary of not exceeding seventy dollars per month. Salary of policemen.

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

Ratified this 3d day of March, 1911.

CHAPTER 309.

AN ACT PROVIDING FOR IMPROVEMENTS IN SIDEWALKS, ETC., IN THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Section 1. That every owner of a lot on a street in the town of Rockingham, if so ordered by the board of commissioners of said town, shall improve, curb, pave or repair, in such manner as the board of commissioners may direct, such sidewalk as far as it may extend along such lots; and shall, also, if so directed by the board of commissioners, 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 re- Owners to pave sidewalks and gutters. Street paving.

Supervision.

Work done at expense of owners.

quired by the board of commissioners, 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 failure to do as directed within twenty days after the notice by the superintendents of streets or of the chief of police to said owner, or, if he be a nonresident of the county of Richmond, to his agent, or if such nonresident have no agent in said county, known to the board, or if personal notice can not 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 Richmond County calling on the owner to make such repairs, the board of commissioners or superintendent of streets may cause the same to be repaired or improved as directed by the board, and the expenses

Expenses a lien on lot.

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 by

Proviso: right to secure uniformity.

law for the sale of land for unpaid taxes: *Provided, however,* that the board of commissioners, 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

Charge a lien on property.

such work to the abutting property, and the said charges shall be

Proviso: payment by installments.

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 centum 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 collectible; and in case of the failure or neglect of any property owner to pay such 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 pro-

Proviso: notice to owner.

vided above: *Provided, further,* that whenever the town has had any of the said work done it shall give the said owner of the said abutting property ten days notice of the amount charged against his said property, and if said owner is dissatisfied with the amount of the said charge he may give notice to the board of commissioners

Right of appeal.

within ten days aforesaid that he takes an appeal to the next term of the superior court of Richmond County, and shall within five days thereafter serve a statement of facts upon which he bases

Trial on appeal.

this 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 commissioners made or done under this section, but said appeal shall not delay or stop the said improvements. Appeal not to delay work.

Sec. 2. In addition to the above provisions, the board of commissioners 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 commissioners. Penalties for refusal to make improvement.

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

Ratified this 3d day of March, 1911.

CHAPTER 310.

AN ACT TO INCORPORATE THE COLONIAL HUNTING CLUB OF KINGS MOUNTAIN, NORTH CAROLINA.

Whereas, certain citizens of Cleveland and Gaston counties, in the State of North Carolina, have associated themselves together under the name and style of the Colonial Hunting Club with the intent and purpose hereinafter set out; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That W. N. Davis, president; S. N. Boyce, first vice-president, and W. B. McGill, second vice-president; H. T. Fulton, secretary and treasurer; and J. J. Logan, Rush Foy, Frank McArver, R. C. Whitesides and F. Floyd, directors, their successors and associates, be and they are hereby incorporated and created a body politic. Corporators. Incorporation.

Sec. 2. That the principal office of the club shall be located in the town of Kings Mountain, North Carolina. Principal office.

Sec. 3. That the officers hereinbefore mentioned shall hold their respective offices until the first meeting of the club, after the ratification of this act, and at which said meeting, after ratification of this act, the hereinbefore named offices shall be filled from the members of said club by a majority of the members present thereat. Officers.

Sec. 4. That the terms of the offices herein named shall be for one year and until their successors are elected under and according to the constitution and by-laws of said club, as may be changed from time to time. Terms of office.

Sec. 5. That in case of death or otherwise any of the offices hereinbefore enumerated shall become vacant, the same shall be left to the board of directors to elect his or their successors. Vacancies.

Sec. 6. That the objects of the club shall be: to promote the raising and preservation of foxes and other animals and game, which from time to time it may deem proper; to promote and encourage Objects of club.

the sport of hunting or running of foxes or other game which it may please so to do; to create and establish a hunting lodge for the recreation of its members and its guests.

Liability of members.

Sec. 7. That the private property of the members of the club shall be exempt from the debts of the club.

Corporate powers and liabilities.

Sec. 8. That the club, through and by its proper officers, and according to its constitution and by-laws, shall have power to collect, hold and dispose of its funds; the funds of the club shall not, under any circumstances, be liable for the debts of or made by any individual member of said club, except in accordance with its constitution and by-laws as aforesaid.

Term of corporation.

Sec. 9. That this act shall be in force from and after its ratification, and shall remain in force for twenty years from the date of its ratification.

Ratified this 3d day of March, 1911.

CHAPTER 311.

AN ACT TO PROVIDE FOR THE SALE OF CERTAIN SCHOOL PROPERTY IN CASWELL COUNTY.

Preamble.

Whereas, it appears that by deed dated February the twenty-second, one thousand eight hundred and eleven, one Thomas Jeffreys conveyed by deed about two and one-half acres of land in Milton Township, Caswell County, to John McAden and other trustees of Hico Academy, and their successors, said deed being recorded in book Q, page two hundred and forty-seven, of the register's office of

Preamble.

Caswell County; and, whereas, said trustees have been dead a number of years, and no other persons have been appointed in their place and stead; and, whereas, said academy has long since been destroyed; therefore,

The General Assembly of North Carolina do enact:

Commissioners named.

Section 1. That John B. Yarborough, C. K. Thompson and S. T. Covington be and the same are hereby appointed and constituted commissioners, and they are authorized and empowered to sell said property at public auction for cash, and after deducting cost of

Sale authorized.

Application of proceeds.

same, apply the proceeds of such sale to the Semora graded school, to be used by the trustees of, for the benefit of said school as they may deem proper.

Advertisement of sale.

Sec. 2. That notice of the time and place of sale shall be advertised at the court-house of Caswell County and at three public places in Milton Township for not less than thirty days.

Conveyances of property.

Sec. 3. That upon the payment of the amount of his bid by the purchase of said sale, it shall be the duty of the commissioners appointed by this act to execute to such party a deed to said land.

which shall have the effect to vest in the grantee therein named, his heirs and assigns, the fee simple title to said land free from all claim of any person other than the grantee, his heirs and assigns.

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

Ratified this the 3d day of March, 1911.

CHAPTER 312.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF ASHEBORO TO BUY THE ELECTRIC LIGHT PLANT OF THE ASHEBORO ELECTRIC COMPANY.

Whereas, the electric plant that lights the houses and town of Asheboro is owned by a private corporation known as the Asheboro Electric Company; and, whereas, the purchase of said plant for the town of Asheboro is contemplated by the citizens of said town and by the said board of commissioners, and said matter is being considered by the citizens of said town in mass meeting; and, whereas, some of the board of commissioners of said town own stock in the Asheboro Electric Company; now, therefore, Preamble. Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Asheboro be and they are hereby authorized and empowered, in their discretion, to purchase the plant and property of the Asheboro Electric Company for the town of Asheboro. Purchase authorized.

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

Ratified this the 3d day of March, 1911.

CHAPTER 313.

AN ACT TO INCORPORATE THE TOWN OF BURNSVILLE, IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Burnsville, in the county of Yancey, be and the same is hereby incorporated under the name and style of "Burnsville," and the inhabitants thereof shall be subject to all the provisions in the laws of North Carolina in reference to incorporated towns and not inconsistent with the provisions of this act; and chapter seventy-three of The Revisal of one thousand nine hundred and five shall apply to said town of Burnsville. Incorporation. Corporate name. Corporate powers.

Corporate limits.

Sec. 2. That the corporate limits of said town are as follows, viz: Beginning at a point three-fourths of a mile east of the Burns statue in said town, and run north one-half mile, then west one and one-half miles, then south one mile, then east one and one-half miles, then north one-half mile to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor and four commissioners: the mayor, when present, shall preside at the meeting of said board of commissioners, but shall not be entitled to a vote, except in case of a tie. In the absence of the mayor, the board may appoint one of its number to act as mayor *pro tempore;* and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and twelve, and until their successors are elected and qualified, to wit: Mayor, James B. Hensley; commissioners, G. W. Anglin, W. B. Robertson, J. Bis Ray and L. D. Gillespie. Said officers, before entering upon the discharge of their duties, shall take and subscribe an oath to support the constitution and laws of North Carolina, and shall have power to appoint a chief of police, and as many others as may be necessary, and a secretary and treasurer, who shall hold their offices until their successors are appointed or elected and qualified.

Mayor.

Mayor pro tempore.

First officers named.

Officers to qualify.

Policemen and secretary and treasurer.

Town elections.

Sec. 4. That it shall be the duty of the commissioners to provide for an election to be held on the first Monday in May, one thousand nine hundred and twelve, and annually thereafter, according to the laws of the State, and the officers elected shall hold their offices until their successors are elected and qualified.

Terms of officers.

Electors.

Sec. 5. All qualified electors of the State who have been residents of the town for sixty days prior to any election in said town shall be entitled to vote.

Power to pass ordinances.

Sec. 6. That the commissioners of said town shall have power to pass all ordinances, rules and regulations necessary for the good government of said town, not inconsistent with the laws of this State. They shall have power to levy and collect a tax of not exceeding three dollars on the poll and not to exceed one dollar on the one hundred dollars valuation of all property, real, personal and mixed; and also shall have power to tax all other subjects of State taxation not to exceed one-half of the State tax, and shall also have power to abate all nuisances and may impose such fines and penalties as may be necessary to abate them, and shall also have full control of the streets and public roads, to open out and keep in repair such as are needed for the public convenience of the town.

Taxing powers.

Other powers.

Violation of ordinances a misdemeanor.

Limit of punishment.

Sec. 7. That any person violating any ordinance of said town shall be guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of fifty dollars or imprisonment not to exceed thirty days.

Commissioners to elect officers.

Sec. 8. That the board of commissioners at its first meeting after being qualified shall elect a town clerk and treasurer, a chief policeman, who shall before entering upon their duties, take oath before

the mayor or some justice of the peace to faithfully execute the duties of their respective offices; and they may receive such compensation as the board of commissioners may allow. And it shall also appoint a tax collector, whose duty it shall be to collect all taxes for the town and pay the same over to the treasurer. Qualification and compensation. Tax collector.

Sec. 9. That the clerk shall keep a regular and fair minute of the proceedings of the board and preserve all books, papers and moneys committed to his charge, and pay out all moneys as directed by the board of commissioners of the town, and shall keep a correct account of all moneys received and from what source received, and submit said accounts to the board of commissioners when required and return all books, papers and moneys over to his successor. Duties of clerk.

Sec. 10. That the mayor shall perform such duties as may be prescribed, and he shall receive such compensation and fees as may be allowed by the board of commissioners and the ordinances of the corporation. That the commissioners shall form one board and a majority of them shall be competent to perform any business. Duties and compensation of mayor. Commissioners one board. Quorum.

Sec. 11. After the mayor shall have been duly elected and qualified he shall call the commissioners elected before him within three days, and they shall then and there take an oath to discharge the duties imposed upon them by virtue of their offices as commissioners to the best of their abilities, which oath may be administered by the mayor or any person authorized to administer oaths. Commissioners to qualify.

Sec. 12. That the mayor of the town of Burnsville may issue his precepts to any constable, policeman, or such officers as are required to execute processes issued by a justice of the peace. Precepts of mayor.

Sec. 13. That the mayor shall keep a true and faithful minute of the precepts issued by him and all his judicial proceedings. Minute of precepts.

Sec. 14. The mayor-elect of said town shall, within three days after notification of his election, take the oath prescribed before any officer authorized to administer oaths. The mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of said town of Burnsville, have all the power, jurisdiction and authority of a justice of the peace in all criminal matters. The mayor shall further be a special criminal court within the corporate limits of said town, and is authorized to have arrested and try all persons who are charged with a misdemeanor for violating any ordinances of said town. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in in all cases there shall be a right of appeal; and in all cases where a defendant may be adjudged to be imprisoned by the said mayor, it shall be lawful and competent for him to adjudge also that the defendant, during his confinement, shall work on the public streets or roads or other public works of said town; and it may be and shall be lawful for the mayor, when he has entered upon a judgment against a defendant for fine or penalty, if the same is not paid, to order and require that Mayor to qualify. Inferior court. Jurisdiction.

such person or persons so convicted shall work on the streets or public roads or public works, under the supervision of the policemen of said town, at the rate of from fifty cents to one dollar per day, as the mayor may adjudge, until the fine, penalty and costs are paid.

Road duty.

Sec. 15. That all male inhabitants of said town of Burnsville, between the ages of eighteen and forty-five years, shall be subject to road and street duty within the limits of said town, unless they be exempt from duty by the town commissioners for poverty and disabilities: *Provided, however,* that they may pay a poll tax levied by the town commissioners for road and street purposes or work out the same on the roads or streets at a per diem fixed by the town commissioners: *Provided, further,* that the number of days allotted to be worked on said streets or roads shall not be less than the time fixed by law for the working of the public roads in the county of Yancey, and no person shall be compelled to work on the public road outside of the town limits.

Proviso: commutation.

Proviso: limit of road duty.

Water inspection tax.

Sec. 16. That section three thousand and fifty-seven of The Revisal of one thousand nine hundred and five from the word "for" in line nineteen, as affecting the said town of Burnsville, to end of section, is hereby repealed.

Sec. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 18. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 314.

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

The General Assembly of North Carolina do enact:

Section 1. That sections forty-nine, fifty and fifty-one of chapter three hundred and forty-three of the Private Acts of North Carolina, session of one thousand nine hundred and seven, entitled "An act to revise the charter of the town of Lumberton," be and the same are hereby stricken out of said act and repealed, and that in lieu of the said sections there be substituted and inserted in said act the following sections, to be designated as sections forty-nine, fifty and fifty-one of the charter of the town of Lumberton, to wit:

Power in improving sidewalks.

"Sec. 49. The board of commissioners of said town shall have the power and authority to cause the sidewalks fronting upon Chestnut, Elm, Walnut, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth streets, or such portions thereof as it may

determine, to be improved or paved in such manner as said board may direct; and to that end said board may require every owner of a lot, or person having as great an interest therein as a lease for five years, which shall front upon any of the said streets above named, to improve such sidewalks (including curbing and guttering) as far as it may extend along such lot, in such manner as said board may direct; and on his failure to do so within twenty days after notice by the town constable to said owner or lessee, if he be a resident of Robeson County, or if a nonresident, to his agent, or if he have no agent, then after publication in some newspaper published in Robeson County for thirty days, calling upon such owner to make such repairs, then the said board may cause the sidewalks (including curbing and guttering) upon the streets hereinbefore named in this section, or any part or portion of any or all of said streets to be paved, improved or repaired, either with brick, stone, macadam, cement, or otherwise, as the board may determine, and the expense thereof shall be paid entirely by the person owning or leasing the said property as aforesaid. The amount due by the said owner or lessee shall be a lien upon said lot and if not paid within sixty days after the completion of the work and notice from the town clerk and treasurer, such lot may be sold, or enough of the same, to pay such expense and cost of sale, under the same rules, regulations, restrictions, rights of redemption and savings as are prescribed in the charter of the town of Lumberton for the sale of land for unpaid taxes, or said board may, at its option, institute a civil action against such owner or lessee in the name of the town of Lumberton to recover the amount due. The said board of commissioners shall also have the right to cause the sidewalks abutting upon the court-house square in said town to be paved, improved or repaired, under the provisions of this section, after the same notice to the board of commissioners of the county of Robeson as is provided in this section to be given to the owners of propertye, and the entire expense thereof shall be paid by the said board of commissioners out of the general funds of Robeson County; and if the board of commissioners shall fail or neglect to pay the amount due within sixty days after the completion of the work and notice from the town clerk and treasurer, then the amount due may be recovered in an action brought by the board of commissioners of the town of Lumberton against the board of commissioners of Robeson County in the superior court of said county, and the amount of any judgment rendered in such action shall be paid out of the general county fund of said county.

Work required of owner.

Notice to landowner.

Work done by town at expense of owner.

Charges a lien on lot.

Collection.

Sidewalks on court-house square.

Action for recovery of cost.

"Sec. 50. The board of commissioners of said town shall have the power and authority to cause Chestnut, Elm (from the center of the main line of the Seaboard Air Line Railway to the intersection of Sixth street), First, Second, Third, Fourth, Fifth and Sixth streets, or such portion or portions thereof as it may decide, to be improved or paved under the same regulations and procedure as is

Power to pave streets.

provided in the next preceding section for the paving and improving of the sidewalks upon the streets named in said section; and said streets, or the portion thereof to be selected by said board, shall be improved in the manner designated by said board under the same conditions, rules and regulations as above provided for the improvement of the sidewalks; and in case said board shall order such streets or any part of any or all of them to be improved or paved, two-thirds of the expense shall be paid by the abutting owners or persons having as great an interest as a lease for five years, and the remaining one-third shall be paid by the town of Lumberton, and the two-thirds to be paid by the abutting property owners or lessees shall be equally divided between the property owners or lessees whose property lies on either side of such street. The amount due the town shall be a lien upon the abutting property to the extent of the amount due the town by the owner or lessee thereof, and if the same is not paid within sixty days after the completion of the work and after notice from the town clerk and treasurer, then such lot may be sold under the same rules and regulations as are provided in the preceding section, or else the board of commissioners of the town may bring an action or actions against such property owner in the superior court of Robeson County as by the next preceding section provided. The term "street" as used in this section shall be construed and held to mean the portion from inner curb to inner curb, and shall include all except the sidewalk.

Apportionment of expense.

Lien on property.

Collection.

Action for recovery.

Street defined.

Assessment district.

"Sec. 51. So much of the town of Lumberton as is embraced and included within Chestnut, Elm, Walnut, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth streets, is hereby constituted and fixed for assessment for paving as a district for assessment for paving and the board of commissioners of said town shall have power to enact such ordinances as may be necessary to carry out the provisions of this charter relating to streets, sidewalks and paving as may be necessary."

Sec. 2. That said chapter three hundred and forty-three of the Private Acts of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby amended by inserting between sections one hundred and three and one hundred and four of said chapter certain new sections to be known and designated and to be as follows:

Investment of sinking fund in notes of town.

"Sec. 103 *a*. Whereas, there is now in the hands of the commissioner of the sinking fund of the town of Lumberton more than ten thousand dollars more than will be required to meet and pay all existing bonded indebtedness at maturity, based upon the present valuation of property in the said town, which said surplus has arisen from the fact that more taxes were levied to provide for a sinking fund than was necessary to pay the bonded indebtedness at maturity; therefore, the General Assembly of North Carolina do enact, that the commissioner of the sinking fund of the town of Lumberton be, and

he is hereby authorized and empowered, to invest of the moneys belonging to the sinking fund and in his hands as commissioner thereof to an amount not exceeding the sum of ten thousand dollars, in the note or notes of the town of Lumberton, payable to said commissioner of the sinking fund, duly issued and executed by the mayor and town clerk and treasurer of the said town, with the official seal thereof impressed thereon, which said note or notes shall show upon their face that they are issued under the provisions of this act; and the said note or notes shall not run for a period of time longer than ten years and shall bear no greater rate of interest than six per centum per annum; and the note or notes of the town of Lumberton, when duly issued and taken and accepted by the said commissioner of the sinking fund under the provisions of this section, shall be a full and complete acquittance and discharge to said commissioner for the amount of the principal invested in such note or notes. The moneys received by the town of Lumberton, so borrowed from the sinking fund, shall be used in the payment of the town's one-third of the expense of paving Elm street in said town from the Seaboard Air Line main line at the foot of Elm street to Sixth street in said town, or so much thereof as the board of commissioners of said town may designate; and also in the purchase of a fire pump and other fire apparatus as may be necessary for the proper equipment of the fire department of said town for fire protection." Use of money.

Sec. 3. That chapter three hundred and forty-three of the Private Acts of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby amended by inserting between sections fifty-four and fifty-five of said chapter, new sections, which shall be designated as section fifty-four "*a*" and section fifty-four "*b*," and which shall be as follows:

"Sec. 54 *a*. The board of commissioners of the town of Lumberton shall have power to enact all ordinances which may be necessary to prevent the use, occupation, or maintenance of any surface privy, cesspool, or other depository for fifth or human excrement, within a distance of two hundred feet of any sewer line now in use in said town or hereafter to be established; and it is hereby declared to be unlawful for any person, firm or corporation to maintain any such surfect privy, cesspool or other depository for filth or human excrement within two hundred feet of any sewer line after a period of ninety days after the passage of this act and after notice to remove the same when given by the town clerk and treasurer; and any person violating the provisions of this section shall be guilty of a misdemeanor and the board of commissioners of said town shall have power to enact all such ordinances, rules and regulations as may be necessary to carry this section into full force, operation and effect. Sanitary ordinances. Misdemeanor.

"Sec. 54 *b*. The board of commissioners of the said town may compel any abutting owner, or occupant of any land upon any street in Enforcement of sewer connections.

said town, within two hundred feet of a sewer line, to connect the drainage of his land and premises with such sewer, and may direct said owner or occupant to fill up and destroy any cesspool, privy or other arrangement for the reception of filth or human excrement.

Compliance within sixty days.

Upon the service of any order or direction or a copy thereof upon any owner or occupant of such land to connect the drainage as aforesaid, or to fill up or destroy any cesspool, privy or other arrangement the use whereof is for the reception of filth or human excrement, then such owner or occupant shall comply with such order within sixty days from the time of service of such order. In case the owner or occupant to whom such order is directed shall neglect or refuse to comply therewith within sixty days after the service thereof upon him, such owner or occupant shall be guilty of a misdemeanor and shall be fined not more than fifty dollars or imprisoned not more than thirty days; and each twenty-four hours after the expiration of such period of sixty days shall constitute a separate and distinct offense; and in case the owner or occupant shall refuse or fail to cause such cesspool, privy or other arrangement or depository for filth or human excrement to be filled up and destroyed, then the board of commissioners of said town shall have the power to cause the same to be filled up and destroyed; and all such cesspools, privies or other arrangements for the deposit of filth or human excrement are hereby declared to be nuisances and dangerous to the public health and safety of the citizens of the town of Lumberton."

Neglect a misdemeanor.

Punishment.

Separate offenses.

Nuisance.

Sec. 4. That chapter three hundred and forty-three of the Private Acts of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby amended by inserting between sections sixty-four and sixty-five of said chapter certain new sections, to be known and designated as sections sixty-four "*a*," sixty-four "*b*," sixty-four "*c*," sixty-four "*d*" and sixty-four "*e*," which shall be as follows:

Cemetery commission.

"Sec. 64 *a*. That in order to better care for and properly improve and clear up that tract of land known as "Meadowbrook" Cemetery, and for the better protection of the graves of persons buried therein, the board of commissioners of said town shall have power and authority to appoint five citizens of the town of Lumberton as a "cemetery commission"; and the cemetery commission so to be appointed shall, under the authority of the board of commissioners of said town, have full power and authority and control over the said cemetery and over the keeping, care, improvement, maintenance and improvement of the same. The said cemetery commission shall have full power to effect the sale of any and all lots in said cemetery and to fix the prices thereof, and all moneys received from the sale of any lots shall be applied to the keeping up and improvement of said cemetery, and the mayor and town clerk and treasurer of said town shall execute proper deeds to the purchasers of all lots in said

Power and authority.

cemetery. The said cemetery commission so to be appointed shall have full power and authority to make such rules and regulations as they deem necessary for the keeping up, improvement, repair and beautification of said cemetery, and said commission shall be responsible for the proper maintenance and keeping up of said cemetery and the board of commissioners of said town shall have power to appropriate so much of the public funds of said town for the use of said cemetery as they may deem just and proper. Rules and regulations. Appropriations.

"Sec. 64 *b*. That the board of commissioners of said town shall have the right and power to acquire by purchase or otherwise the fee simple title, or reversionary interest of the present owners, in and to what is commonly known as the "Old Cemetery" in said town, being bounded by Elm, First, Second and Chestnut streets; and to pay such sums of money therefor out of the general town funds as said board may deem advisable. Power to purchase old cemetery.

"Sec. 64 *c*. That upon the acquisition of the title to said old cemetery by said town, the board of commissioners thereof shall have power and authority to cause all dead bodies now buried in said cemetery to be removed, at the expense of the town of Lumberton, and decently reinterred in the "Meadowbrook" cemetery, upon compliance with the provisions of the next succeeding section. Removal of dead bodies.

"Sec. 64 *d*. Before removing any body or bodies from said old cemetery under this act, it shall be the duty of the mayor of said town to give notice in some newspaper published in the county of Robeson for thirty days, giving notice that at a time and place to be named therein that the board of commissioners of said town will sit at a certain place for the purpose of taking action upon the removal of such bodies, and said notice shall refer in a brief way to the provisions of this act, and shall further contain a notice to all persons that no body can be removed from said cemetery if objection thereto be made by any person in interest, and the said notice shall also be published at the court-house door and four other public places in said town for thirty days. At the time named in said notice, the board of commissioners of said town shall hold a meeting for the purpose of considering the removal of such bodies, and if at such meeting any husband or wife, father or mother, brother or sister, uncle or aunt, niece or nephew, or any lineal descendant of any person whose remains are now buried in said cemetery shall appear before said board and object to the removal of the body of such kinsman, relative or ancestor, then the board of commissioners of said town shall not have power to remove any body to the removal whereof any such objection is made. But if no objection shall be made to the removal of any such body, then the board of commissioners shall have power and it shall be their duty to cause the bodies whose removal is not objected to, to be disinterred at the expense of the town and decently reinterred in "Meadowbrook cemetery" and the place of reinterment suitably marked and designated. Notice of removal.

Sale of old cemetery.

"Sec. 64 *e*. After any bodies shall be removed from said old cemetery under the provisions of said act, and said cemetery or any part or portion thereof cleared of all buried bodies, then the town of Lumberton shall have the right to sell and dispose of the said cemetery or such part or portion thereof as all bodies have been removed from; the said sale to be made to such persons and at such prices and at such time as the board of commissioners of said town may determine; and upon such sale being made the proceeds of sale shall be first applied to the repayment to the town of the original purchase money, then to the payment of the cost and expense of the removal of the bodies to Meadowbrook cemetery, then to the erection of suitable monuments, tombstones, or markers to all bodies removed to such Meadowbrook cemetery; and the balance of the proceeds of sale shall be applied and used exclusively for the keeping up, repair and improvement of said Meadowbrook cemetery, and the board of commissioners shall have power to appoint a commissioner to invest such proceeds of sale under the rules and regulations as said board may provide.

Application of proceeds.

Sec. 5. That chapter three hundred and forty-three of the Private Acts of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby amended by inserting between sections fifty-five and fifty-six thereof certain new sections to be known and designated as sections fifty-five "*a*" and fifty-five "*b*," and so on, which said new sections shall be as follows:

Election on sale of waterworks and light plant.

"Sec. 55 *a*. That the board of commissioners of the town of Lumberton are hereby authorized and empowered to submit to the qualified voters of the town of Lumberton, at a special election to be called and held for that purpose, the question of the sale of the waterworks plant, or the electric light plant, or both, belonging to the said town.

Notice of election.

"Sec. 55 *b*. The sale of such plant or plants shall not be made by the said board of commissioners until approved by a majority of the qualified voters of the town of Lumberton after thirty days notice at the court-house door, at an election to be held under the same rules and regulations as are provided for elections in said town; such notice shall set forth the plant or plants to be sold and the price at which to be sold. The qualified voters approving the sale shall deposit in a ballot box to be provided for that purpose a written or printed ballot with the word "Sale approved" thereon, and those disapproving the same shall deposit a like ballot with the words "Sale disapproved" thereon. If at such election a majority of the qualified voters shall vote "Sale approved," then the mayor and board of commissioners of said town shall proceed to sell the plant or plants to which the election applied, at the price set forth in the notice of election, and the mayor and town clerk and treasurer shall execute such deed, bill of sale, or other instrument as may be necessary to vest the title to such plant or plants in the purchaser.

Ballots.

Effect of election.

"Sec. 55 *c*. The question of the sale of either or both of said plants may be submitted to the qualified voters of the town of Lumberton at the same time or at different times, and in case the question of the sale of both water and light plants is submitted at the same time, then two ballot boxes shall be provided, one of which shall be labeled or endorsed "Sale of waterworks plant" and the other "Sale of electric light plant"; and the board of commissioners of said town shall be authorized to sell only such plant as the sale whereof shall be approved at an election held under the provisions and authority of this act by a majority of the qualified voters of the town of Lumberton. Ballot boxes.

"Sec. 55 *d*. In case of the sale of either the waterworks plant or the electric light plant, or both, under the provisions of this act, it shall be the duty of the purchaser or purchasers thereof to assume and pay the amount of any and all bonds which may have been issued by the town of Lumberton for the construction, enlargement or repair of the plant so sold; and it shall be the duty of the board of commissioners of said town, before making sale and delivery of any such plant sold under the provisions of this act, to cause the purchaser or purchasers of any such plant to execute a good and sufficient undertaking, with surety approved by said board, conditioned upon the payment at maturity of the principal and interest upon all such bonds. The proceeds of sale of any such plant, over and above the amount necessary to pay the bonded indebtedness and interest, may be used by the board of commissioners of said town for such purpose as they may desire and as may be for the public good. Purchasers to assume debt. Surety. Use of proceeds.

"Sec. 55 *e*. Upon any sale being made under the provisions of this act, the board of commissioners of said town shall have power to grant an exclusive franchise to the purchaser or purchasers of such plant so sold, or their assigns, conferring upon them the sole and exclusive power and privilege to furnish water or lights, or both, as the case may be, to the citizens of the town of Lumberton for a period of time not longer than thirty years from the date of the sale; and in said franchise the board of commissioners shall have power and authority to make, fix and determine the maximum rate and amount of tolls or charges which may be collected by the holders of such franchise for water or lights furnished and to prescribe whether meter or flat rates shall be used, or both, and in what cases; and generally to make all rules and regulations which may be necessary or advisable for the public interest; and it shall be unlawful for any person, firm or corporation, to whom a franchise may be granted under the provisions of this act, to charge or receive or collect a greater or larger amount of tolls or charges than specified or allotted by the board of commissioners of said town in the ordinance granting such franchise; and any person violating the provisions of this section, or who shall charge, collect or receive, or Franchise to purchasers. Tolls and charges. Rules and regulations.

aid or assist in charging, collecting or receiving any tolls or charges in excess of those determined and prescribed by the board of commissioners of said town in such ordinance granting the franchise, shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court, and shall also forfeit the franchise and all rights and powers conferred upon them by the board of commissioners of said town under this act.

Misdemeanor.
Punishment.
Forfeit.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this act be and they are hereby repealed.

Sec. 7. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 315.

AN ACT TO INCORPORATE THE TOWN OF VENABLE.

The General Assembly of North Carolina do enact:

Incorporation.
Corporate name.
Corporate powers.

Section 1. That the town of Venable, in the county of Orange, be and the same is hereby incorporated under the name and style of the town of Venable, and under and by said name may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have a corporate seal and acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem expedient.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning in the center of College or Cameron avenue on the western boundary line of the town of Chapel Hill, and thence westerly on a line parallel with the southern boundary line of the town of Chapel Hill one mile; thence in a northerly direction parallel with the western boundary line of Chapel Hill, one mile; thence in an eastern direction parallel with the southern line of the town of Venable as aforesaid to a point opposite the northwest corner of the said town of Chapel Hill; thence in a straight line by and with the west line of Chapel Hill to the beginning.

Town officers.
Election of mayor and commissioners.
First officers named.

Sec. 3. That the officers of said town shall consist of a mayor, four commissioners, a clerk and treasurer, and as many policemen as may be necessary for preserving the peace and good order of said town. That the mayor and four commissioners shall be elected by the qualified voters of said town as hereinafter provided. That until the first election under this act William H. Parker shall be mayor, and T. N. Mann, J. F. Ragan, T. A. Ray and J. F. Partin shall be commissioners, who shall hold their respective offices until their successors shall be elected and qualified; and that the said commissioners shall elect the clerk and treasurer, constable and

Election of other officers.

policemen herein provided for, whose terms shall expire with the terms of said commissioners.

Town elections. Sec. 4. That there shall be held on the first Monday in May, one thousand nine hundred and eleven, and biennially thereafter, under the same rules and regulations as are prescribed for State elections, in some convenient place in said town, to be designated by the board of commissioners, an election for mayor and four commissioners, who shall hold their offices until their successors are qualified. And Election officers. for the holding of such election the board of commissioners shall appoint one registrar and two judges of election: *Provided*, that it Registration. shall be sufficient for the registrar to hold the books open for ten days prior to the day for closing the same for the registration of voters according to law.

Qualifications for mayor and commissioners. Sec. 5. That any qualified voter in the State who has been a *bona fide* resident of said town for twelve months prior to the day of election shall be eligible as mayor or commissioner.

Voters. Sec. 6. That all persons entitled to vote in the county or Orange for members of the General Assembly, and shall have been *bona fide* residents of said town for ninety days next preceding the day of election, and shall be otherwise qualified to vote as required by law, shall be entitled to register and vote at any municipal election of said town.

Powers of commissioners. Sec. 7. That the board of commissioners may adopt and enact such ordinances, rules and regulations as to it may seem best for the government of said town, preserve the peace, abating nuisances, and promoting sanitary conditions therein, and may enforce the Limit of punishment. same by fine not exceeding fifty dollars or imprisonment not exceeding thirty days in the common jail of Orange County or on the streets or other public works of said town.

Powers in levying taxes. Sec. 8. That the commissioners shall have the power to levy taxes upon the real and personal property and polls in said town, the property tax not to exceed ten cents upon the one hundred dollars Rate. valuation and the poll tax not to exceed thirty cents on the poll. When any taxes are levied under this section, all property and Taxes listed. polls liable for taxation shall be listed with the clerk and treasurer of said town during the first twenty days of June in each year, and every person failing to list his taxes shall be liable to double tax. All property and polls in said town on the first day of June in each year wherein a levy has been made shall be listed. The town clerk Tax lists. and treasurer shall make out and complete the tax list and place a copy thereof in the hands of the constable of said town on the first Monday in September in each year in which a levy is made, and the same shall have all the force and effect of an execution. That said Lien of taxes. tax list shall be a lien on all real property in said town and all personal property shall be liable to be seized and sold for taxes as is now provided by law; and real estate may be sold for taxes by the constable in the same manner as sales made under execution.

Bond of officers.

Sec. 9. That the clerk, treasurer and constable shall each give a bond in the sum to be fixed by the board of commissioners, with sufficient surety, payable to the State of North Carolina, conditioned for the faithful performance of the duties of their respective offices and for the proper accounting for and paying over to those entitled to the same of all sums of money which may come into their hands by reason or under color of their respective offices:

Proviso: power of removal.

Provided, that the commissioners may for cause remove any person holding the office of clerk, treasurer and constable, or any other officer of said town.

Municipal court.

Sec. 10. That the mayor of said town is hereby constituted a municipal court, with all the jurisdiction in criminal offenses occurring within the corporate limits of said town, and of all offenses arising under this charter, which are now or which hereafter shall be given to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors, consisting of violations of the town ordinances. The mayor shall likewise have the same jurisdiction as that of justices of the peace, to have and determine all civil actions and causes arising under and by virtue of this act, the ordinances of or the general law applicable to towns and cities. The mayor may issue his process to the town constable or other lawful officer of Orange County, and it may be expedient anywhere in said county. The proceedings in said court shall be in all respects the same as that prescribed by law for justices of the peace; and the mayor and all officers of said town shall be entitled to the same fees as are now or hereafter may be prescribed for the justice's court: *Provided*, that the board of commissioners may require all fees to be paid by such officers into the treasury of said town.

Jurisdiction.

Civil jurisdiction.

Process.

Proceedings.

Fees.

Proviso: fees to use of town.

Use of taxes.

Sec. 11. That it shall be the duty of the commissioners to use the taxes levied and collected in accordance with this act in defraying the expenses of said corporation, and in repairing streets and sidewalks and keeping them in good repairable order.

Mayor and commissioners to qualify.

Sec. 12. It shall be the duty of the mayor and commissioners herein appointed to meet together within thirty days after the ratification of this act and organize by taking the following oath before some person authorized to administer oaths:

Form of oath.

"I, ..., that I will faithfully act as ..... of the town of Venable during my term of office to the best of my knowledge and ability; so help me God."

Prohibition.

Sec. 13. That it shall be unlawful for any person, persons, firms or corporations to sell wines, ciders, near-beer, or any intoxicants of any kind whatsoever in said town, and no license therefor shall be granted by said commissioners.

Ordinances to be posted.

Sec. 14. That no ordinance passed by said commissioners shall take effect until the same shall have been posted for five days in four public places in said town.

Sec. 15. That all laws and clauses of laws heretofore enacted coming in conflict with this act are hereby repealed.

Sec. 16. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 316.

AN ACT TO DEFINE AND LIMIT THE POWERS AND PRIVILEGES OF THE WATAUGA RAILWAY COMPANY.

Whereas, by chapter four of the Public Laws of North Carolina of the session of one thousand nine hundred and five, incorporated the Watauga Railway Company with Moses H. Cone, J. R. Ervin, W. C. Coffey, J. W. Farthing, H. McD. Little, W. L. Bryan, F. A. Linney, E. S. Coffey, T. S. Coffey and B. B. Dougherty as the original incorporators thereof; and, whereas, the said company was duly organized by the directors and officers of said company; and, whereas, by chapter four hundred and eight of the Laws of one thousand nine hundred and nine, the said charter was amended and extended; and, whereas, on or about the fifteenth day of May, one thousand nine hundred and nine, at a meeting of the directors of said company in the town of Boone by vote of the said directors, all the rights, franchises, powers and privileges conferred upon them by said acts of the General Assembly, as before mentioned, were transferred to one W. J. Grandin and others of his associates; and, whereas, the transfer was in consideration that the said W. J. Grandin and his associates would subscribe the amounts required by chapter four hundred and eight of the Laws of one thousand nine hundred and nine, to wit: the sum of one hundred thousand dollars, and in consideration of the further fact that the said W. J. Grandin should at once begin the construction of said railroad; and, whereas, nearly two years have elapsed and no survey has been made of said road, and no work has been commenced; now, therefore, Preamble. Preamble. Preamble. Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That all rights, franchises, powers and privileges and transfers to W. J. Grandin and his associates, on or about the fifteenth day of May, one thousand nine hundred and nine, shall cease and determine: *Provided,* the said W. J. Grandin and his associates shall not within twenty months after the ratification of this act commence and prosecute in good faith the building of said railroad as described in the charter. Forfeit of franchise for non-user.

Sec. 2. That the original incorporators and directors of the Watauga Railway Company, mentioned in section one of this act, at the expiration of twenty months from the ratification of this act, Reorganization authorized.

shall have power to re-organize said company and do all acts and things useful, lawful and necessary to secure the building of said railway.

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

Ratified this the 3d day of March, 1911.

CHAPTER 317.

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ISSUE BONDS FOR WATER SYSTEM, SEWER SYSTEM, STREETS, SCHOOLS AND AUDITORIUM.

The General Assembly of North Carolina do enact:

Bond issue authorized. Denominations.

Section 1. That the board of aldermen of the city of Charlotte is hereby authorized and empowered to issue bonds in the name of the city of Charlotte in such denominations and forms as the said board

Amount.

may prescribe, to an amount not exceeding one million and sixty-five thousand dollars, payable at such time and place as may be

Maturity.

determined upon by said board of aldermen, but the time of payment of the principal of said bonds shall not be less than twenty years, nor more than thirty years.

Interest.

Sec. 2. That said bonds shall bear interest at no greater rate than four and one-half (4½) per cent per annum, and the interest shall

Bonds not sold below par.

be made payable semi-annually, and in no case shall said bonds be sold, hypothecated or otherwise disposed of for less than their par value.

Authentication.

Sec. 3. That said bonds shall be signed by the mayor, attested by the treasurer and sealed with the corprate seal of the city. The coupons of said bonds shall bear the engraved or lithographed signature of the clerk. The purchaser of said bonds shall not be bound

Exemption from taxation. Coupons receivable for taxes.

to see the application of the purchase money. The said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable for city taxes.

Amount of water bonds.

Sec. 4. That said bonds may be issued in an amount not exceeding three hundred and fifty thousand dollars for the purpose (*a*) of extending the water system of the city of Charlotte and of making such additional improvements thereto as may be necessary to at all times furnish the said city with an abundant supply of good and

Payment of interest.

wholesome water. The said bonds shall be known as "water bonds," and the board of water commissioners of said city, out of the moneys derived from the collection of tolls or rents of water, or from sales of same, shall, after paying the costs and expenses of operating the plant or system of waterworks under its control, including the cost of such incidental improvements as the board may deem necessary for the purpose, pay the semi-annual interest upon the bonds issued

for said purpose. The said bonds may be issued in an amount not exceeding one hundred and fifty thousand dollars; (*b*) for the purpose of extending and improving the sewers of said city, and said bonds shall be known as "sewer bonds," and the board of aldermen, to provide for the payment of the coupons upon said sewer bonds, is authorized to levy an annual tax not exceeding five cents per front foot on any lot abutting upon any street upon which sewers have been laid at the time of such levy: *Provided*, no lot shall be taxed for more than one sewer line. The revenue arising from this tax shall be used (1) for the payment of the interest upon such bonds; and (2) to extend and maintain the sewer system. Said bonds may be issued to an amount not exceeding one hundred and fifty thousand dollars; (*c*) for the purpose of building streets and bridges, and said bonds shall be known as "street improvement bonds." Said bonds may be issued in an amount not exceeding one hundred thousand dollars for the purpose (*a*) of purchasing land for schools and of building schoolhouses for the graded schools of the city, and such bonds shall be known as "school bonds." Said bonds may be issued in an amount not exceeding sixty-five thousand dollars for the purpose (*a*) of purchasing the Charlotte auditorium, and shall be known as "auditorium bonds." The board of aldermen of said city shall apply all rents and other revenues derived from said auditorium (1) to the payment of the coupons on said bonds as they shall become due; and (2) for creating a sinking fund, to be known as the "auditorium fund," for the payment of said bonds at maturity.

Sewer bonds.

Tax for interest.

Proviso: limit.

Use of tax.

Street improvement bonds.

School bonds.

Auditorium bonds.

Application of rents and revenues.

Sec. 5. That the board of aldermen of the city of Charlotte is hereby authorized to levy and collect each year, in addition to all other taxes in said city, an *ad valorem* tax upon all of the taxable property in said city, sufficient to pay the interest on said "street improvement bonds" and "school bonds," as the same becomes due: and, also, at or before the time when the principal of said bonds becomes due, a further uniform *ad valorem* tax upon all taxable property in said city sufficient to pay the same or to provide for the payment thereof; such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected upon the property in said city: *Provided*, that the taxes collected under this act, for the payment of said bonds and coupons, shall be used for no other purpose; and it shall be the duty of the city treasurer, as said coupons are paid off and taken up, to cancel the same and report not less than twice a year to the board of aldermen the numbers and amounts of coupons so canceled.

Tax for street improvement and school bonds.

Proviso: specific appropriation.

Sec. 6. That the moneys arising from the sale of any of the bonds above provided for shall be used for no other purpose than that for which they were authorized to be issued.

Specific appropriation.

Sec. 7. That the provisions of this act shall be submitted to a vote of the qualified voters of the city of Charlotte on the first Tuesday

Date for election.

in July, A. D. 1911, under the rules and regulations prescribed for the election of the mayor and members of the board of aldermen of said city. The said board shall cause a notice of said election and the purpose of same to be published in some newspaper of said city for thirty (30) days before said election, and the clerk of the superior court of Mecklenburg County shall cause to be prepared and distributed at the various polling places in the said city a sufficient number of printed ballots favoring the provisions of this act, and a like number against the same. The said board of aldermen shall cause to be prepared and delivered at each polling place in the said city five ballot boxes, each being plainly marked, indicating the purpose of the bond issue to be voted therein, as follows: (1) "water bonds"; (2) "sewer bonds"; (3) "street improvement bonds"; (4) "school bonds"; and (5) "auditorium bonds." All qualified voters wishing to vote in favor of the issuing of any of the bonds and levying the taxes herein provided for, shall vote a written or printed ticket with the word "Issue," and those wishing to vote against issuing bonds and the levy of the taxes herein provided for shall vote a ticket with the words written or printed thereon, "Against issue."

Notice of election.

Ballots.

Ballot boxes.

If a majority of such qualified voters shall vote "Issue" on any one or more of the five propositions submitted for issuing bonds for the purposes aforesaid, then it shall be deemed and held that the proposition receiving a majority of such votes is favored and approved by a majority of the qualified voters of the city of Charlotte, and the board of aldermen shall cause bonds to be prepared and issued for the purposes so approved of by a majority of qualified voters of the city, and levy a tax in accordance with the provisions of this act.

Effect of election.

Sec. 8. That the board of aldermen shall order and cause to be had a new registration for said election.

New registration.

Sec. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 10. This act shall be in force and effect from and after its ratification.

Ratified this 3d day of March, 1911.

CHAPTER 318.

AN ACT TO INCORPORATE THE TOWN OF EAGLE ROCK, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Eagle Rock, in the county of Wake, be and the same is hereby incorporated by the name and style of the "Town of Eagle Rock," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Incorporation.

Corporate name.

Corporate powers.

Sec. 2. The corporate limits of said town shall be as follows: From the point where the Norfolk and Southern Railway intersects Main street as the center of a rectangle a distance of seven hundred (700) yards in a northerly direction, four hundred yards (400) in an easterly direction, four hundred (400) yards in a southerly direction, and six hundred (600) yards in a westerly direction, the said corporate limits thus running north and south a distance of eleven hundred (1,100) yards, and running east and west a distance of one thousand (1,000) yards. Corporate limits.

Sec. 3. That the officers of said corporation shall consist of a mayor, four commissioners and one police officer, and such other officers as the town commissioners shall elect, and the following named persons shall fill the office of mayor and commissioners and police officer from their qualification until the first Monday in May, one thousand nine hundred and thirteen, and until their successors are elected and qualified: For mayor, W. T. Roberts; for commissioners, S. P. Anderson, C. E. Weathers, B. W. Rhodes and J. L. Roberts; and for police officer, A. C. Martin. Town officers. Officers named.

Sec. 4. An election shall be held in said town on the first Monday in May, one thousand nine hundred and thirteen, and biennially thereafter, for a mayor and four commissioners, and for a police officer, under the laws of North Carolina regulating elections in towns and cities. Town elections.

Sec. 5. That the mayor and 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, the constitution of North Carolina, and the laws of said sovereignties. Council. Powers.

Sec. 6. That the officers provided for by this act shall qualify within ten days after its ratification before a justice of the peace, or the clerk of the superior court, and all officers hereafter elected shall qualify in like manner. Officers to qualify.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 319.

AN ACT TO AMEND CHAPTER 75 OF THE PRIVATE LAWS OF 1909, AND TO EXEMPT BONDS ISSUED THEREUNDER FROM MUNICIPAL TAXATION BY THE TOWN OF FRANKLIN.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter seventy-five of the Private Laws of one thousand nine hundred and nine, be and the same is hereby amended, by adding to the end of said section the follow-

Exemption.

ing: "The said bonds, with their interest coupons, shall be exempt from municipal taxation or assessment by the town of Franklin, whether imposed for purposes of general revenue or otherwise:

Proviso: bonds owned by corporations.

Provided, that where said bonds shall be purchased by and become a part of the surplus of any bank, trust company or other corporation, they shall not be taxed by said town as against said bank, trust company or other corporation, but shall be considered at their true value in money in determining the value of the shares when assessed and taxed as the property of the individual stockholders, and no deduction shall be made from the valuation of said shares for taxation on account of the ownership by such bank, trust company or other corporation of said bonds and coupons:

Proviso: limit of exemption.

Provided, further, that the exemption herein granted shall extend only to municipal taxation by the town of Franklin, and not to taxes imposed by the State, county or any other taxing agency whatsoever."

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

Ratified this 3d day of March, 1911.

CHAPTER 320.

AN ACT TO INCORPORATE THE TOWN OF NORTH EDENTON, IN EDENTON TOWNSHIP, CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the town of North Edenton, Edenton Township,

Corporate name.

in the county of Chowan, be and is hereby incorporated, by the name

Corporate powers.

and style of the town of North Edenton, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: All that territory embraced within the following boundaries: Beginning at the intersection of the main Virginia road and Park avenue or North Edenton: thence eastwardly along Park avenue to Oakum street; thence northwardly along Oakum street to Road street; thence southwardly along Road street to the main Virginia road; thence southeastwardly along the main road to beginning. For plot of North Edenton see book "I, number 2," page five hundred and sixty-five, office register of deeds for Chowan County. Same made part hereof for full description.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor and three commissioners, and the said commissioners shall have power to appoint a secretary, treasurer and police officers.

Town elections.

Sec. 4. That there shall be an election of officers mentioned in this act on the first Tuesday after the first Monday in May, one

thousand nine hundred and eleven, and biennially thereafter, in accordance with the law regulating municipal elections in this State. That officers appointed under this act shall hold over until their successors are duly elected and qualified.

Powers of commissioners.

Sec. 5. That said commissioners shall have power to pass by-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 prohibit sale of cider and other intoxicating liquors, to levy and collect taxes and to impose fines and penalties for the violation of the town ordinances and collect the same.

Officers named.

Sec. 6. That until their successors are elected and qualified the following persons shall fill said offices: Mayor, Dr. E. J. Griffin; commissioners, H. W. Pearce, Wm. White and W. T. Francis.

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

Ratified this the 4th day of March, 1911.

CHAPTER 321.

AN ACT TO INCORPORATE THE GLOUCESTER LUMBER COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Joseph S. Silverstein, A. M. White, J. W. McMinn, J. A. Miller, Jr., and W. W. Zachary, and their associates, successors and assigns, be and they are hereby declared a body politic and corporate, under the name and style of "The Gloucester Lumber Company," and by that name shall have perpetual succession, with the right and power to 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.

Corporate name.

Corporate powers.

Objects of corporation.

Sec. 2. The objects for which said corporation is established are: To manufacture lumber and all other products of the forest into any kind of material or finished product for commercial or domestic purposes and transport the same to and from its mills or manufacturing plants and to such markets as may be desired, and for such purposes may construct, maintain and operate railways, flumes, telegraph and telephone lines, tramways, trolley cars, or other means of transportation or communication.

Powers specifically granted.

General powers.

Sec. 3. In furtherance of the objects and purposes herein above stated, the said corporation shall have the following powers (it being expressly provided, however, that the said powers herein specifically enumerated shall not be held to limit or restrict in any manner the general power 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 laws amendatory thereof); that is to say:

To own and deal in lands or industrial plants.

(*a*) To acquire, own, hold timber lands, timber or other lands, and to sell or otherwise dispose of the same; to acquire, own, hold, sell or otherwise dispose of water-power and water privileges and locate, acquire, construct, equip, maintain and operate sawmills, lumbering plants, tanneries, tanning plants and all necessary plants for generating and developing by water, steam or by any other means, electrical or steam power, for its own consumption or for the use of the public 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.

Light heat 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 and power; to carry on any and all business in anywise appertaining or connected with the manufacturing and generating, distributing and furnishing electricity for light, heat and power purposes, including the transaction and conducting 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 and machinery used and which may be required or deemed advisable for or in connection with the utilizing of electricity or in any wise appertaining thereto or connected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electrical machinery, apparatus and appliances; to purchase, acquire, own, hold, improve, let, lease, operate and maintain water rights and privileges and water-power; 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, motor lines, tramways, turnpikes, flumes and canals for the purpose of carrying on and operating the business and operations contemplated by this act; to construct,

Water supply and power.

build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may deem expedient and necessary for the operation of its business; to construct, acquire, own, hold, lease, maintain and operate lines of wire, underground conduits, subways or other convenient appliances for the transmission of electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient for the use and operation of the business of the company. Telegraph and telephone lines.

(c) To acquire by purchase or condemnation or other proper method the right to use, employ and divert the water flowing and running in any stream or watercourse which may be necessary to the exercise of any of the powers herein authorized or granted, and may construct, maintain and operate splash dams and transmit logs, lumber, wood or other products of the forest by means of splash dams temporarily raising any of the streams on which the said company is operating for the use of conveying logs, lumber, wood or other products of the forest to or from the mills or operating plants of the said company; and when it shall be necessary to divert the water from any such stream or watercourse to be used for any of the purposes herein provided or to construct necessary railroads, trolley lines, electric roads, turnpikes or flume-ways 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 for the purposes just mentioned, condemned and the value thereof assessed in the manner hereinafter provided for the condemnation and valuation of land and other property. Water rights. Railroads. Power of condemnation.

(d) To establish commissaries for the use of its business, 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 lumbering of all kinds and deal in any and all products of the forest and operate quarries and deal in all the products thereof. Mercantile, mining and manufacturing company.

(e) 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. Guaranty company.

Sec. 4. Whenever any land or stream be necessary for the location of dams, canals, flumes, ponding water, or for the rights-of-way for the railroads, electric roads, trolley lines, tramways or turnpikes herein provided for, 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 can not 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 to be fixed by five commissioners or a ma- Procedure for condemnation of land

jority of them appointed by the clerk of the superior court of the county in which the property to be condemned lies. Said commissioners to be appointed upon petition being filed before the said clerk of the court by the said corporation as in cases of special proceedings. The said commissioners shall report their valuation of said property to the said clerk in writing within twenty days after receiving notice of their appointment and shall file their report with the said clerk within that time; and if the said owner or owners of 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 cost of the proceedings, the said lands shall vest in and be and become the property of the said company for the purpose hereinbefore expressed. 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 the 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 determine and hear the matter upon exceptions filed, and either party shall have the right to appeal to the supreme court as in other cases from a judgment of the superior court. And 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 or other claimant 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 the right of condemnation herein granted shall not authorize said company to remove or invade the burial ground of any individual without his or her consent: and *Provided, further*, that the said company shall not have under this charter any powers of eminent domain in excess of those conferred on like companies by the general laws of the State.

Right of appeal.

Appeal to supreme court.

Deposit of money.

Proviso: lands not subject to condemnation.

Proviso: limit of power.

Capital stock.

Increase.

Proviso: consent of Secretary of State and payent of fees.

Sec. 5. That the capital stock of said company shall be one hundred and twenty-five thousand dollars, and may be increased from time to time with the consent of the 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 an additional amount by 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 the 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 corporators herein named, may organize the said company by electing a board of directors and providing for the election of 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 the said company to an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more.

Par value.

Payment of subscriptions.

Organization.

Liability of subscribers.

Sec. 6. The stockholders and directors of the said corporation shall have such rights and powers as are prescribed for stockholders and directors by chapter twenty-one of The Revisal of one thousand nine hundred and five, and the laws amendatory thereof. The head office of the said company shall be at Rosman, in the county of Transylvania, State of North Carolina, but branch offices may be established at any place either within or without the State of North Carolina by a vote of the directors of the said company: *Provided,* that the head or principal office of the said company may be changed to any place within the State of North Carolina by a vote of a majority of the stock of the said company at either a regular or special stockholders meeting.

Rights of stockholders and directors.

Head office.

Branch offices.

Proviso: change of principal office.

Sec. 7. That a copy of any by-laws or regulations 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.

Copy of by-laws evidence.

Sec. 8. That this act shall take effect from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 322.

AN ACT FOR THE RELIEF OF MARION MEDLIN AND DOLLIE FERRELL, OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the county board of commissioners of education of Wake County, North Carolina, be and it is hereby authorized and

Change of school district.

directed to transfer Marion Medlin and Dollie Ferrell from special school tax district number four, Little River Township, Wake County, North Carolina, to district number three of said township, and to permit the said Marion Medlin and Dollie Ferrell to pay their special tax of thirty cents on the one hundred dollars valuation of property and ninety cents on the poll into the treasury of special school tax district number three of said township.

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

Ratified this the 4th day of March, 1911.

CHAPTER 323.

AN ACT TO AMEND CHAPTER THIRTY-FIVE (35) OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE.

The General Assembly of North Carolina do enact:

Seal of court.

Section 1. That said police court shall be a court of record and have a seal with the impression "The Police Court of Asheville, North Carolina," which seal shall be used as in the superior courts, and run anywhere in North Carolina.

Judge may be re-elected.

Sec. 2. That section two of said chapter is hereby amended by striking out in line five of said section the following words: "and he shall not be eligible to re-election."

Title changed.

Sec. 3. That wherever the words "police justice" appear in said act the same are hereby stricken out and the words "judge of the police court" substituted therefor.

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

Ratified this the 4th day of March, 1911.

CHAPTER 324.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, IT BEING AN ACT TO ESTABLISH A GRADED SCHOOL IN LAKE LANDING TOWNSHIP, HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and fifty-one of Private Laws of one thousand nine hundred and five, be and the same is

hereby amended by striking out the whole of section two of said chapter, and insert in lieu thereof the following:

Sec. 2. That the trustees for the school in said district shall hereafter be selected from among the qualified voters of the said school district, by a vote of the qualified voters of said district at the next general election to be held in Hyde County. Said board to consist of three members, who shall be elected for the following terms, to wit: One to be elected for the term of two years, one to be elected for the term of four years and one to be elected for the term of six years, and that at every general biennial election thereafter one trustee be elected by the qualified voters of said district for a term of six years: *Provided*, the first three elected under this section shall be selected from among the present board of trustees, but upon the expiration of their terms, the vacancies shall be filled from among the qualified voters of said district as above provided. In event of a vacancy by death or otherwise, before the expiration of an entire term of office, said vacancy shall be filled by the county board of education: *Provided, further*, the present board of trustees shall continue in office until the next general election to be held for Hyde County: *Provided, further*, that it shall be the duty of the board of county commissioners of Hyde County to provide for said election at the same time and under same rules and regulations as is provided for the election of county and township officers.

Election of trustees. Number and term. Election and term of successors. Proviso: first trustees. Successors. Proviso: vacancies. Proviso: trustees continued in office. Proviso: election.

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 4th day of March, 1911.

CHAPTER 325.

AN ACT TO AMEND CHAPTER FORTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE ESTABLISHMENT OF A GRADED SCHOOL IN TOISNOT TOWNSHIP, WILSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter forty of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out the word "sixth" in line three thereof and inserting the word "twenty-fifth"; and, further, by striking out the word "nine" in line four thereof and inserting the word "eleven."

Date changed.

Sec. 2. That section two of chapter forty of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out the words "March sixth, one thousand

Date changed.

nine hundred and nine, and every Saturday thereafter until Saturday, April third, one thousand nine hundred and nine," and inserting in lieu thereof "April first to April fifteenth, one thousand nine hundred and eleven."

Names changed.

Sec. 3. That section six of chapter forty, Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out the names "B. H. Barnes, P. W. Williams, W. H. Dixon, J. L. Bailey, G. R. Winsted, W. H. Pridgeon, W. G. Sharpe, W. D. Farmer, J. W. Cox and E. R. Brinkley," and inserting in lieu thereof the following names: "J. D. Bryant, E. R. Brinkley, W. H. Dixon, D. W. Farmer, J. T. Watson, W. H. Pridgeon, W. G. Sharpe, J. L. Bailey, Office Parker and J. W. Cox."

Sec. 4. That chapter forty of the Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding thereto section twelve, as follows:

Election called on petition.

"Sec. 12. That in the event the election provided for in sections one and two of this act is not held, then it shall be the duty of the board of county commissioners of Wilson County, whenever requested so to do, by fifty qualified voters residing in white school district number one in Toisnot Township, Wilson County, to call said election upon a date to be named by the said voters in their petition to the said board.

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

Ratified this the 4th day of March, 1911.

CHAPTER 326.

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE TOWN OF ROCKINGHAM TO ISSUE BONDS FOR THE BUILDING OF STREETS AND SIDEWALKS.

The General Assembly of North Carolina do enact:

Power to build and complete sidewalks.

Section 1. That the board of commissioners of the town of Rockingham shall have power to build and complete good and sufficient streets and sidewalks in said town: and that in order to provide funds for the completion and extension and to build and construct said streets and sidewalks, the board of commissioners of the said town of Rockingham are hereby authorized and empowered to issue coupon bonds bearing interest payable annually or semi-annually at a rate not exceeding six per centum per annum to an amount not exceeding thirty thousand dollars ($30,000), 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

Bond issue authorized.

Interest.

Amount.

Denominations.

Maturity.

Authentication.

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 building and completion of said streets and sidewalks, and may be issued from time to time as the work may 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.

Sale of bonds.

Issue.

Specific appropriation.

Responsibility of purchaser.

Sec. 2. 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.

Tax for interest.

Tax for sinking fund.

Levy and collection.

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

Ratified this the 4th day of March, 1911.

CHAPTER 327.

AN ACT TO PERMIT COMPULSORY SCHOOL ATTENDANCE IN WILSON GRADED SCHOOL DISTRICT, WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The board of trustees of Wilson graded school district, Wilson County, may in its discretion order the compulsory attendance of all children upon the public schools of said district as provided for in this act.

Trustees may make attendance compulsory.

Sec. 2. Every parent or person residing in said district having control of a child more than seven and under fourteen years of age shall cause such child to attend a public school in the district for twenty-eight (28) weeks in each school year, such school year beginning on the first day of July and ending on the thirtieth day of June, unless the parent or person having control of such child shall show that the child has elsewhere received during the year regular school instruction for (28) twenty-eight weeks in the branches of study taught in the public schools of said district. Children more

Parents or persons in charge of child.

Excuse.

Children elsewhere employed.

than twelve (12) years of age shall not be subject to the requirements of this act if they are lawfully employed at home or elsewhere, provided they have previously completed at least the fourth grade of the public schools of the district.

Proviso: completion of fourth grade.

Misdemeanor.

Sec. 3. Any person violating the provisions of section two of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than twenty-five dollars: *Provided*, that if the parent or person having control of a child shall show by the certificate of a regular practicing physician that the child's mental or physical condition is such as to render its instruction in school inexpedient, such parent or person shall not be convicted of a violation of this act.

Punishment.

Proviso: excuse.

Employment of child misdemeanor.

Sec. 4. Every person who shall employ any child under fourteen years of age or who shall authorize or permit the employment of such child upon premises or at work under his control during the school hours while the school that such child should attend is in session, unless such child shall present a properly signed certificate from the superintendent of schools of said district that he or she is twelve years old and has completed the fourth grade of the public schools of the district or has completed equivalent work in some other school and is twelve years old, shall be guilty of a misdemeanor: *Provided*, that this act shall not be construed to include feebleminded children or those who are physically incapable of attending school.

Proviso: exceptions.

School census.

Sec. 5. The person or persons taking the school census of said Wilson graded school district shall obtain accurate information as to the age of each child in the district from the parent or the person having control of such child, and the written reports of the census taker or takers shall be *prima facie* evidence in any court of the age of each child therein enumerated. And any parent or person having control of a child or any physician or superintendent of schools who shall make any false statement concerning the age or physical or mental condition of any child or who shall forge any certificate required by this act, with intent to deceive the census taker or the employer of such child, shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars.

False statement or forged certificate misdemeanor.

Punishment.

Truant officers.

Sec. 6. The board of trustees of the said Wilson graded school district shall have authority to appoint such truant officers and to make such regulations as they shall deem necessary to enforce the provisions of this act: *Provided*, that all truant officers shall hold office at the pleasure of the board of trustees and shall take an oath well and truly to execute their duties, and such officers shall make a full report of all their several acts to the said board of trustees at least once each month. And the truant officers provided for in this section shall receive such compensation as shall be determined by said board of trustees.

Proviso: term and oath of office.

Reports.

Compensation.

Prosecutions.

Sec. 7. All prosecutions under this act shall be made upon a war-

rant sworn out by a duly appointed truant officer before some justice of the peace of the Wilson graded school district, or the mayor of the town of Wilson.

Sec. 8. This act shall not be put in force by the board of trustees of Wilson graded school district until said board shall have given due notice of its intention to put the same in force by the publication of this act at least once each week for four weeks in some newspaper published in the district and at three public places in the district, nor before the said board shall have formally ratified this act and shall have agreed to put it in force at a regular meeting called for the purpose. Notice for enforcement of act. Ratification of act.

Sec. 9. This act shall be in force from and after July the first, one thousand nine hundred and eleven. When act effective.

Ratified this the 4th day of March, 1911.

CHAPTER 328.

AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS FOR SMITHFIELD GRADED SCHOOL DISTRICT, AFTER THE SAME RATIFIED BY A VOTE OF THE PEOPLE, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of raising money to purchase a site, and to build and equip a new graded school building for the Smithfield graded school district, the board of trustees of the Smithfield graded school district are hereby authorized and empowered to issue bonds to an amount not exceeding twenty-five thousand dollars ($25,000) thirty (30) years, five per cent (5%) coupon bonds, interest payable semi-annually on the first days of January and July in each year; said bonds and interest coupons payable at the Bank of Smithfield, Smithfield, North Carolina. Said bonds shall be signed by the president, and attested by the secretary, and the corporate seal of said "the board trustees of the Smithfield graded school district" thereunto attached, and the coupons on and attached to said bonds shall bear the printed facsimile of the signature of the president. Bond issue authorized. Amount. Maturity and interest. Authentication.

Sec. 2. That said bonds shall not be sold for less than par and the proceeds derived from the sale of the same shall not be used for any purpose than mentioned in this act. By this provision, however, no duty is imposed on the purchasers of said bonds to see how the proceeds of the bonds by them purchased is used, but this provision applies only to the officers of the said Smithfield graded school district. And said bonds shall be exempt from all taxation, general or special, for county or municipal purposes. Bonds not sold below par. Specific appropriation. Responsibility of purchasers. Exemption from taxation.

Special tax for interest and sinking fund.

Sec. 3. That for the purpose of paying the interest on said bonds, and to create a sinking fund to provide for the retirement of said bonds at maturity, the board of county commissioners of the county of Johnston shall, annually, at the time of levying other taxes, levy, lay and assess a special tax on all taxable polls within said Smithfield graded school district of not exceeding forty-five cents, and levy, lay and assess a special tax on all personal and real property subject to taxation within said district not exceeding fifteen cents on the hundred dollars. That the taxes herein provided for shall be collected by the sheriff of Johnston County and turned over to the treasurer of the Smithfield graded school district, who shall keep the same separate and apart from all other taxes or funds he may have in hand or might receive, which shall be designated as "bond funds." That out of said bond funds the treasurer aforesaid shall annually prior to January the first set apart a sufficient amount to pay the interest on the bonds sold and outstanding, and annually on or before the first Monday in July following, the remainder of said bond funds or taxes paid shall be set aside to the sinking fund, which shall from time to time be turned over by said treasurer to the treasurer of the sinking fund of Smithfield graded school district, hereinafter provided for, whose receipt shall relieve the treasurer of Smithfield graded school district of all further responsibility regarding same.

Rate.

Collection.

Tax kept separate.

Application of funds.

Treasurer of sinking fund.

Sec. 4. That upon the ratification of this act by the electors of Smithfield graded school district, the trustees of said district shall appoint a treasurer of sinking fund of Smithfield graded school district, whose duty it shall be to receive and properly account for all funds turned over to him by the treasurer of Smithfield graded school district, together with four per cent (4%) interest per annum thereon, payable semi-annually from and after thirty days after receipt of same from the treasurer of said district. Said treasurer of the sinking fund aforesaid shall give a bond in the sum of one thousand dollars before he enters upon the discharge of his duties, conditioned upon the faithful performance of his duties and the accounting for all moneys received by him, with interest as herein provided. Said treasurer shall biennially thereafter be elected by the board of trustees of Smithfield graded school district, and shall give bond double the sum of money on hand, and which is estimated would be received during his term.

Duty.

Bond.

Election and bond of successor.

Act submitted to voters.

Sec. 5. That before the bonds provided for herein shall be issued, this act shall be submitted to the qualified voters of Smithfield school district for their approval or rejection by the board of commissioners of Johnston County at an election to be held in said district at such time as may be designated in petition of the board of trustees of said district, notice of said election shall be published for thirty days prior to the date of holding same. Each voter who shall be in favor of issuing the bonds herein provided for shall

Notice of election.

cast a ballot, written or printed, containing the words "For bonds." Each voter who shall be opposed to issuing said bonds herein provided for shall cast a ballot, written or printed, containing the words "Against bonds." The number of ballots cast "For bonds" and "Against bonds" shall be counted and the result certified to the register of deeds of Johnston County, who shall furnish to the president of the board of trustees of Smithfield graded school district a certified copy of said returns, and forward a like copy to the Secretary of State, who shall file the same in his office, and the original shall be recorded and filed by the register of deeds of Johnston County, as by law required in cases of special elections. Ballots. Count and certificate. Returns.

Sec. 6. That said election shall be conducted under the same rules, regulations and penalties as are presented by law for the election of members of the General Assembly, except that the registrar and pollholders necessary for holding said election shall be appointed by the board of county commissioners of Johnston County at their regular meeting thirty days prior to said election; and there shall be an entirely new registration, under the provisions of the general election law of the State, of all voters who are entitled to register in Smithfield graded school district, and only such persons who register under the provision of this act shall be entitled to vote in said election. Law governing elections. Election officers. New registration.

Sec. 7. If at the election hereinbefore provided for, a majority of the ballots cast shall be "For bonds," then the board of trustees of Smithfield graded schools shall proceed to issue and sell the bonds in this act provided for, or so many thereof as may be necessary, in the discretion and judgment of the board of trustees, for the purposes aforesaid. Bond issue.

Sec. 8. That in the event said bonds are issued as provided for in succeeding section, the proceeds derived from the sale thereof shall be used by the trustees aforesaid for the purposes of purchasing a site for a new graded school for the white race in said district, or purchasing additional ground to the present site, and the erection of a modern, brick graded school building thereon, and to equip the same. That the trustees aforesaid, immediately upon the ratification of this act by the voters of said district, shall proceed to locate site and get plans and specifications for the proposed new building, and proceed to have same erected as soon thereafter as practicable. Use of proceeds of bonds. Location and buildings.

Sec. 9. That should a majority of the ballots cast in any election held under the provisions of this act be "Against bonds," then and in that event no bonds shall be issued thereunder. Effect of negative vote.

Sec. 10. That in order to determine whether the territory described in the following paragraphs in this section, resignated as Annex "A," "B," "C" and "D," or any or either, and the citizens and residents thereof, shall become a part and parcel of Smithfield graded school district and subject to special tax now existing and Vote in new territory on annexation.

annually levied for the purpose of maintaining and operating the graded schools therein, and the special bond issue tax to be levied under this act, the qualified electors in Annex "A," "B," "C" and "D" shall separately vote on the question, all the electors who shall favor the proposition shall vote a ballot, written or printed, containing the words "For annexation," and also a ballot containing the words "For bonds," which shall be deposited in the same box; and all those electors who shall oppose said proposition shall vote a ballot, written or printed, containing the words "Against annexation," and also a ballot, written or printed, containing the words "Against bonds," which shall be deposited in the same box. If a majority of the ballots cast in any or either or all the said annexes or territory shall be in favor of annexation, then and in that event the territory contained in such annex or territory shall be considered a part or parcel of Smithfield graded school district as much so as if contained in the original bounds of same, and subject to all the special taxes levied or to be hereafter levied in said district, and the residents entitled to all the privileges, benefits and advantages of the graded schools in said district as the citizens now within said district.

Ballots.

Effect of election.

Annex "A." Annex "A." Beginning at the mouth of Buffalo on Neuse River, runs thence up Neuse River to Poplar Branch; thence up Poplar Branch to the point where the western line of Minnie and Nellie Lunceford's strikes Poplar; thence with the said western line of said Lunceford's tract to J. A. Narron's line; thence with the western line of J. A. Narron's land to Booth Barbour's heirs' line; thence the northwestern line of the original Booth Barbour land to the northwestern boundary line of T. J. Talton's land; thence with said Talton's line to Smithfield-Clayton road at a branch between Mrs. Carrie Grantham's and T. J. Talton's; thence down said branch to Swift Creek.

Annex "B." Annex "B." Beginning on Swift Creek where the Raleigh-Smithfield road crosses said creek, runs thence with said road to the fork of Smithfield-Averasboro road; thence said road south to A. J. Whitley's northern line; thence west and south around his northern and western line to Wright Hood's heirs' line; thence east with said line to Swift Creek.

Annex "C." Annex "C." Beginning on Neuse River at the point where the western line of A. B. Wellons touches said river; thence with A. B. Wellons' line until it strikes Jesse H. Wellons' heirs' line to D. J. Wellons' line; thence with D. J. Wellons' line to Black Creek; thence down said creek to where Smithfield-Fayetteville road crosses said creek.

Annex "D." Annex "D." Beginning at a point on the Atlantic Coast Line Railroad right-of-way where same crosses Buffalo, A. M. Sanders' line, and runs with eastern boundary of said right-of-way to northern line of Joe Nayler's land; thence as said line to C. R. Pilking-

ton's northern line; thence with said line to Joe Marler's northern boundary line; thence with said line to H. H. Radford's northern boundary line; thence with said line to J. D. Wadworth's northern boundary line; thence with said Wadworth's line to H. H. Cox's northern boundary line; thence with said line to Elijah Eason's northern boundary line; thence with his said line to Neuse River; thence down Neuse River to the mouth of Buffalo.

Time and place of election.

Sec. 11. That said election shall be held at the same time and place as the election on the question of issuing bonds hereinbefore provided for, and the registrar of and for said election shall be registrar of and for the election provided for in the foregoing section. There shall be a new registration of the voters in each annex to be kept separate, but may be kept in the same book. And there shall be a separate box in which to deposit their ballots labeled "Annex A," "Annex B," "Annex C" and "Annex D." And the poll-holders appointed to hold the bond election shall hold the boxes above provided for. And the election shall be conducted in all other respects as the election hereinbefore provided for to determine the question as to whether or not the bonds herein provided for shall be issued.

New registration.

Ballot boxes.

Qualified voters.

Sec. 12. The number of persons registered for the special election herein provided for shall be conclusively held to be the number of qualified voters in said district.

Tax not affected.

Sec. 13. That the tax herein provided for shall in no wise affect the tax levied under chapter 179, Private Laws of 1905.

Sec. 14. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they affect the same, and no further.

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

Ratified this the 4th day of March, 1911.

CHAPTER 329.

AN ACT TO ALLOW THE PEOPLE TO VOTE ON BONDS TO BUILD THE DURHAM AND DANVILLE RAILROAD.

The General Assembly of North Carolina do enact:

Counties and municipalities may subscribe to stock.

Section 1. That the counties of Durham, Orange, Person and Caswell, and any township, city or town along or near the line of the constructed or proposed road of the Durham and Danville Railroad Company may subscribe to the capital stock of said company, either in money, bonds, securities or other property, in the following manner: Upon the presentation of a petition in writing, signed by not

Petition for election.

less than twenty-five per centum of the voters of the county, township, city or town, to the board of commissioners of such county or other proper authorities of such city or town, requesting them to submit to the qualified voters of the county, city or town or township where such petitioners may reside, a proposition to subscribe to a definite sum, to be named in said petition, and whether in money, bonds, or otherwise, to the capital stock of the company,

Election to be ordered.

the board of commissioners of said county or other proper authorities of such city or town shall submit to the qualified voters thereof the question of subscription to the capital stock of the said railroad company, the amount to be specified in the 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 there shall be written or printed the words "Against subscription"; and an election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as provided for the election of the county, township, city or town officers by the general election laws of the State. Such election shall be held after thirty days notice thereof, specifying the amount of the proposed subscription, shall have been posted at the court-house door of such county and at every polling place in the county or 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 or to the proper authorities of said city or town. If a majority of the qualified voters shall vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall meet and 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, city or town they are issued. They shall be in the denomination of not less than one hundred dollars and not more than one thousand dollars, and each shall run for such number of years and bear such rate of interest, not exceeding the rate prescribed by law, as the petition and order of election shall indicate. They shall be signed, if issued by the county or township, by the chairman of the board of commissioners and by the clerk of said board, witnessed by the official seal thereof; and if issued by a city or town, they shall be signed by the mayor and one of the aldermen of such city or town, witnessed by their official seal, if they have one; if not, by the private seal of the mayor and aldermen issuing.

Ballots.

Law governing election.

Notice of election.

Returns.

Subscription if voted for.

Bond issue.

Denomination.

Maturity and interest.

Authentication.

Special taxes.

Sec. 2. The county authorities in said 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, 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 their 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 the payment of said bonds at maturity. That the taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officers 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 also shall be used for the purpose for which they are 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 the proper authorities of the city or town issuing said bonds: *Provided,* that whenever practicable 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 thereof. In the event that the property, rights, franchise or any part thereof of said company are hereinafter 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, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

Collection.

Taxes kept distinct.

Investment of sinking fund.

Proviso: investment in bonds.

Transfer of subscription.

Sec. 3. For the purpose of this act all townships along or near the line of the constructed or proposed road of said company, which may vote to subscribe to the capital stock of said 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 for 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 liberties in respect to any of the rights or causes of action growing out of the provisions of this act. The county commissioners of the said county are hereby declared to be corporate agents of the said township so voting a subscription for the purpose of issuing the bonds of said township or townships and providing for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds and to provide a sinking fund as hereinabove mentioned: and the said board of county commissioners of said county so subscribing to the capital stock of said company, or in which any township is situated subscribing to the capital stock thereof, shall have the right and authority to represent and vote the stock of the said county or township in any stockholders meeting, or they may appoint an agent or proxy therefor.

Townships incorporated.

Corporate agents.

Representation of stock.

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

Ratified this the 4th day of March, 1911.

CHAPTER 330.

AN ACT TO AMEND CHAPTER 182, PRIVATE LAWS OF 1905, RELATING TO COMPULSORY ATTENDANCE IN ANDREWS SCHOOL DISTRICT, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eighty-two, Private Laws of one thousand nine hundred and five, be amended as follows:

Age. Sec. 2. Strike out in section ten, after the word "of," in line two, and before the word "years," in line three, the words "eight and fourteen," and insert in lieu thereof the words "seven and sixteen."

Time. Strike out after the word "continue," in line four of said section, and before the word "and," in line five, the words "for at least twenty weeks of the school year," and insert in lieu thereof the words "during the school term."

Absence allowed. Strike out in line eleven of said section the word "five," and insert in lieu thereof the word "two."

Truant officer. Strike out in line thirteen of said section, and in line sixteen of said section, and in line eighteen of said section, and in line twenty of said section, the words "board of trustees" and insert in lieu thereof the words "truant officer."

Truant officer. Strike out in line twenty-one of said section the word "their" and insert in lieu thereof the word "this."

Truant officer. Strike out in line twenty-two of said section the word "they" and insert in lieu thereof the word "he."

Learning to excuse attendance. Strike out after the word "have," in line thirty-seven of said section, and before the word "in" in same line, the words "been otherwise instructed for a like period of time," and insert in lieu thereof the words "passed a satisfactory examination."

Extent of requirement. Insert after the word "taught," in line thirty-eight of said section, the words "in the seventh grade."

Sec. 3. Add to section ten of said chapter, at the end thereof, the following words:

Appointment and compensation of truant officer. "The board of trustees are hereby authorized to appoint a truant officer for Andrews school district, and to fix his compensation. They may appoint as such officer any constable or town marshal or other citizen, and may prescribe such other duties for said truant officer, not inconsistent with the provisions of this act, that they may deem to be for the public benefit."

Sec. 4. That all laws in conflict with the provisions of this act shall not be operative in Andrews school district.

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

Ratified this the 4th day of March, 1911.

CHAPTER 331.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF WATAUGA COUNTY TO CREATE A SCHOOL DISTRICT IN THE SHAWNEHAW TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That the board of education of Watauga County be and the same is hereby authorized and empowered to create two school districts out of the territory of what is now known as Cool Springs district, in Shawnehaw Township, one or both of which may contain less than sixty-five pupils. Creation of districts authorized.

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

Ratified this the 4th day of March, 1911.

CHAPTER 332.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-FIVE, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND NINE, THE SAME BEING THE CHARTER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That section five of chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding at the end of said section the following words: "*Provided, further,* that this section shall apply with equal force to the territory outside of said city limits, and within one mile of same in all directions." Proviso: application to outside territory.

Sec. 2. That paragraph four of section twenty of chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding a sub-paragraph to be known as 4*a*, in words as follows: "To prohibit and suppress the sale of beerine, largerine, small brew, near-beer, hop brew or any other beverage of like character and nature under whatsoever name: also apple cider, peach cider, apricot cider, orange cider, or any other cider under whatsoever name, whether manufactured out of chemicals or fruits, in the city or within one mile thereof. Prohibition.

Sec. 3. That paragraph five of section twenty-seven of chapter three hundred and ninety-five of Public Laws of one thousand nine hundred and nine, be amended by striking out after the word "exceed" and before the word "dollars," in line twenty-six, the word "ten" and adding in lieu thereof the word "twenty."

Jurisdiction.

Sec. 4. That paragraph five of section twenty-seven of chapter three hundred and ninety-five of Public Laws of one thousand nine hundred and nine, be amended by striking out the word "thereof," in line thirty-eight, the words "where the punishment does not exceed a fine of ($200) two hundred dollars and imprisonment for one year," and adding in lieu thereof the words "wherein the punishment is in the discretion of the court."

License tax.

Sec. 5. That paragraph eight of section twenty-eight of chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and nine, be amended by adding in line twenty thereof, after the word "every" and before the word "company," the words "street carnival and every."

Sec. 6. That section twenty-two of chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding after the word "point" and before the word "any," in line thirty-two thereof, the words "except the treasurer of the school board, whose compensation shall be fixed by the school board."

Treasurer of school board.

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

Ratified this the 4th day of March, 1911.

CHAPTER 333.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-FOUR OF THE PUBLIC LAWS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND THREE, RELATIVE TO THE ESTABLISHMENT OF GRADED SCHOOLS IN THE TOWN OF EDENTON.

The General Assembly of North Carolina do enact:

Territory made part of district.

Section 1. That all of that part of the town of Edenton, beginning at a point on Granville street two hundred and fifty feet north of Albemarle street; thence westwardly parallel with Albemarle street two hundred and fifty feet; thence southwardly parallel with Granville street two hundred and fifty feet to Albemarle street; thence eastwarldly along Albemarle street two hundred and fifty feet to the beginning, be and is hereby included in and made a part of the Edenton graded school district created by the act of the General Assembly of one thousand nine hundred and three, chapter three hundred and eighty-four.

Sec. 2. That all laws and clauses of laws conflicting with this act are hereby repealed.

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

Ratified this the 4th day of March, 1911.

CHAPTER 334.

AN ACT TO PROVIDE A BOARD OF CONTROL FOR THE TOWN OF LAURINBURG AND PRESCRIBE THE DUTIES OF SAID BOARD.

Whereas, the town of Laurinburg owns and operates its water and light system; and, whereas, since the installation of its water system it has sunk an artesian overflow well in the corporate limits more than a mile from its power station; and, whereas, said well being on the land of the Dickson Cotton Mill, and immediately by the Waverly Cotton Mill Company's power plant, the board of commissioners of the town of Laurinburg being of the opinion that a contract can be entered into with the said Waverly Cotton Mill Company, or the Dickson Cotton Mill Company, which would enable the town of Laurinburg to secure a better and cheaper supply of both water and light, but the mayor and a majority of the board of commissioners being stockholders of one or both of said corporations, and unable to contract with same without being criminally liable; now, therefore, Preamble. Preamble. Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the following citizens of the town of Laurinburg, viz: A. F. Blue, J. T. Bostick and W. D. Tucker, are hereby appointed, and, who being duly sworn, shall constitute the board of control as hereinafter provided, and whose term of office shall expire at the same time that the term of the present officers of said town shall expire, and said board of control shall be elected at the same time and in the same manner as the board of commissioners of said town is elected, under the laws governing the election of said commissioners, and said board of control shall be subject to all laws, in the discharge of its duties, as the said board of commissioners is subject to. Board of control named. Term of office. Election of board.

Sec. 2. That the board of control aforesaid shall immediately meet, take and subscribe the oath of office and organize by electing one of their members chairman and another secretary. They shall examine the water and light conditions of the town of Laurinburg, and to secure proper information, may employ experts to survey the same, and make such investigations and collect such information as the said board of control shall direct, who shall make report to said board of control, with such recommendations as shall seem proper by such inspector or inspectors. After getting in possession of such facts and information as may be desired on the part of said board of control, with reference to said water and lighting system, the said board of control shall ascertain if it can make any improvements and make contract for said water and light supply, or any part thereof, which will furnish a better or cheaper supply, and if said Board to qualify and organize. Duties and powers. Investigation and contract.

board of control shall find that it can make a contract satisfactory for the supply of same, or any part thereof, or any of the means thereto, which contract the board of control shall be of the opinion the board of commissioners can not or should not enter into, it shall be the duty of the board of control to enter into such contract for and in behalf of the town of Laurinburg, making said contract in the name of the town of Laurinburg, as fully and completely as if the same were made by the mayor and board of town commissioners, and the said board of control shall file a copy of said contract with the board of town commissioners and it shall be the duty of the mayor and board of commissioners to enforce and carry out said contract as freely and fully as if made by them; but if the board of control shall upon investigation at any time be of the opinion that said contract is not being carried out as provided for, it shall be lawful for and the duty of the said board of control to institute such action in the courts of the town and county as shall be deemed proper to secure the proper enforcement of said contract, and it shall be the duty of the board of town commissioners to pay the expense incurred by said board of control in enforcing said contract, in like manner as the other expenses of said board of control are to be paid.

Enforcement of contract.

Action for enforcement.

Payment of expense.

Expenses of board of control.

Sec. 3. The board of commissioners shall pay the expenses incurred by the board of control, when same shall be certified to the board of commissioners of the town, with duly audited accounts, and the board of town commissioners shall issue orders upon the town treasurer for the payment of the same.

Pay of board of control.

Sec. 4. The compensation of the board of control shall be the same as allowed by law to the county commissioners of Scotland County for their services, to be paid upon accounts duly audited and filed with the board of commissioners of the town, by warrants drawn by order of the board of town commissioners on the treasurer of the town of Laurinburg: *Provided*, that the board of control shall meet only when it shall be necessary to transact public business.

Proviso: meetings.

Contracts for water and light.

Sec. 5. That the said board of control may contract with any person, firm or corporation, for and in behalf of and in the name of the town of Laurinburg, for the supply of any of the means to secure water and lights for the town of Laurinburg, as in the judgment of said board of control may seem best for the interest of said town: *Provided, however*, that nothing herein shall be taken to authorize the sale of the franchise, or franchises, or the sale of the business of supplying water and light to the town of Laurinburg by the said board of control.

Proviso: sale of franchise.

Vacancies.

Sec. 6. All vacancies on the said board of control shall be filled by election by the remaining members of said board sitting in joint session with the board of county commissioners at their next regular meeting after such vacancy shall occur, and a majority of the

said boards shall constitute a quorum, and a majority vote of the members present at such joint session shall be sufficient to elect. Quorum.

Sec. 7. Authority is hereby given to be exercised in the discretion of said board of control to ascertain the value of any service heretofore rendered to the town of Laurinburg and not paid for, by virtue of the fact that the same was prohibited by law, said service being rendered by corporations in which members of the board of commissioners are directors and stockholders, and if said board of control shall in its discretion find that such service was of value and benefit to said town, their finding shall be filed with the board of town commissioners and it shall be the duty of the town commissioners to provide for the payment of such amount as shall be deemed proper by said board of control, and issue an order to the treasurer of said town to pay same. Payment for services heretofore rendered.

Sec. 8. All laws and clauses of laws in conflict with this act are hereby repealed in so far as they conflict with the provisions hereof.

Sec. 9. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 335.

AN ACT PROVIDING FOR THE CONDEMNATION AND PAVEMENT OF STREETS AND SIDEWALKS IN THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Rockingham shall have the power to lay out and build streets and sidewalks in the said town in accordance with its charter and the laws of the State, and in order to provide for the payment of such damages as may be assessed against the said town of Rockingham on account of the laying out, opening and building of new streets and sidewalks in said town the said commissioners of the said town of Rockingham are hereby authorized and empowered to issue coupon bonds bearing interest payable annually or semi-annually at a rate not exceeding six per centum per annum to an amount not exceeding five thousand ($5,000) 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, Power to lay out and build streets and sidewalks. Bond issue authorized. Interest. Amount. Denominations. Maturity. Authentication. Sale and issu of bonds.

Application of proceeds.

and may be issued from time to time as the work may 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.

Responsibility of purchaser.

Tax for interest.

Sec. 2. 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, 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.

Tax for sinking fund.

Levy and collection.

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

Ratified this the 4th day of March, 1911.

CHAPTER 336.

AN ACT TO REVISE THE CHARTER OF THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

CHAPTER I. INCORPORATIONS.

Incorporation.

Section 1. That the inhabitants of the town of Kernersville shall be and continue as they have been, a body politic and corporate,

Name and style.

and the corporation shall bear the name and style of the Town of

Corporate rights and powers.

Kernersville, and under such style and name is hereby invested with all the property and rights of property which now belong to the corporation, under any other name or names heretofore, and by this name may acquire and hold 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 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 necessary or belonging to or usually appertaining to municipal corporations.

Corporate limits.

Sec. 2. That the corporate limits of the town of Kernersville shall embrace all that portion of said town within a radius of three-quarters of a mile from the Methodist church parsonage.

CHAPTER II. ELECTIONS.

Elections.

Sec. 3. There shall, on the first Tuesday in May, one thousand nine hundred and eleven, and every two years thereafter, be elected

Administration.

a mayor and five aldermen for the said town, and the administra-

tion and government of the town shall be vested in said mayor and board of aldermen and such other officers as are hereinafter provided for.

Voters. Sec. 4. That all persons entitled to vote for members of the General Assembly at the time of the elections provided for in the preceding section, and who shall have paid their town poll tax for the previous year, on or before the first day of May of the year in which he offers to vote, and who have been residents of the town for four months next preceding the day of election, and shall have registered as herein provided, 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.

Test of right to vote. 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 qualification 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 invested with full and ample judicial power to pass upon and decide said qualifications.

Election officers. Sec. 6. That the board of aldermen shall, on the first Monday in March, one thousand nine hundred and eleven, and every two years thereafter, appoint a registrar and two judges of election, all of whom shall be qualified voters, and said board shall cause publication thereof to be made to the town hall, and notice to be served on such appointees by some person designated by the mayor, and shall give ten days notice of a registration of voters for the said election at the town hall, specifying the time, place and name of registrar for said election.

Notice of appointment.

Notice of registration.

Registration books. Sec. 7. That the registrar shall be furnished by the 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 books of the said town in such manner that such books 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 eight o'clock a. m. and sunset (Sundays excepted), from and including the first Monday in April up to ten days previous to the election, keep open the books for the registration of any electors residing in the town and entitled to register, 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 the 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 twelve months, and in the town of Kernersville four months previous to the

Revisal of books.

Registration.

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 shall willfully swear falsely in taking such oath, he shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of fifty dollars or imprisoned thirty days in the county jail or town lockup, or both. But the board of aldermen, upon fifteen days notice before the opening of the books, may order an entirely new registration of voters whenever they may deem it proper.

False swearing a misdemeanor. Punishment.

New registration.

Close of 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 after the books close and before or on election day, who are otherwise qualified electors of the town, and the books shall then be safely kept by the registrar until after the election, and may be inspected by any person so desiring.

Conduct of election.

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 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 officers 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.

Count and declaration of result.

Pay of election officers.

Vacancies.

Sec. 10. If any judge or registrar shall fail to be present on election day his place shall be filled by some one appointed 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 should occur in said office, for any reason, then the mayor shall appoint some one to fill the vacancy. The voter shall designate on his ballot the person for whom he votes as mayor and the persons for whom he votes as aldermen, otherwise the vote shall not be counted. Ballots shall all be on white paper and without device.

Temporary registrar.

Votes for mayor and aldermen.

Ballots.

Count of votes.

Persons declared elected.

Sec. 11. That at the close of the election the votes shall be counted by the registrar and the judges of election, 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.

Notification.

Ballots preserved.

Poll and registration lists.

Sec. 12. After the ballots shall have been counted they shall be carefully preserved, and the registrar and judges of election shall certify and subscribe the poll and registration lists, which together with the ballots aforesaid, shall be deposited with the secretary and

treasurer, who shall keep them in the archives of the town, and two returns of the result of the election shall be made under the hands of the registrar and the judges of the election, setting forth in writing and in words the number of votes each candidate received, one of which returns shall be given to the mayor, and the other filed in the archives of the town by the secretary and treasurer, who shall on the following day publish the result of the election at the door of the town hall. Returns. Publication of result.

Sec. 13. If of the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number of votes, or if the persons voted for as aldermen there shall be an equal number of votes between two or more aldermen, the registrar and judges shall decide by ballot by election between such persons, voting separately for the candidates in which there may be a tie, and the person receiving the highest number of votes for mayor shall be declared elected to that office, and the persons receiving the highest number of votes for aldermen shall be declared elected aldermen of the said town. Settlement of ties.

Sec. 14. That the mayor, on the day after election, or as soon thereafter as possible, and before entering upon the duties of his office, shall, before the outgoing mayor, or a justice of the peace, take the following oath: Mayor to qualify.

"I, A. B., 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 Kernersville, 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; so help me God." Form of oath.

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 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 mayor shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, he shall forfeit and pay for the equal benefit of the town and of him who shall sue therefor fifty dollars. Forfeit by mayor for failure in duty.

Sec. 18. That if any person elected mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, 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, Election of mayor to fill vacancy.

Election of aldermen to fill vacancies.

and he 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 act, and fill all vacancies which may occur, and such persons shall be chosen as are heretofore declared to be eligible: *Provided*, in the event of the mayor's absence or sickness or disability or inability to act, the board of aldermen may appoint one of their number *pro tempore* to exercise his duties.

Proviso: mayor pro tempore.

Forfeit for refusal to qualify.

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 shall sue therefor, the sum of twenty-five dollars.

CHAPTER III. MAYOR.

Mayor a special court.

Jurisdiction and powers.

Sec. 20. That the mayor of the town of Kernersville 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 upon property belonging to said town; 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 towns, cities, 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 process, to hear and determine all misdemeanors, consisting of a violation of the ordinances, laws and regulations of the said town, to enforce penalties by issuing executions upon any adjudged violations thereof, to execute the laws, ordinances, rules and regulations made by the aldermen, and his endorsement of the names of witnesses upon a subpœna or warrant shall be authority for the officer to execute same: *Provided, nevertheless*, that he shall not have jurisdiction of laws of any nature or amount other than such whereof a justice of the peace may take cognizance, unless specially allowed by this act.

Further jurisdiction.

Witnesses.

Proviso: limit of jurisdiction.

Proceedings.

Right of appeal.

Sentences.

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 Forsyth County. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court for failure to pay fines and costs it shall be competent for said court to sentence such persons to imprisonment in the county jail or town lockup for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public roads, public streets, or on the public works of the town.

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.

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 Forsyth 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 Forsyth. Minutes. Force of judgments.

Sec. 24. That the mayor shall keep his office in some convenient part of the town, designated by the board of aldermen. He shall keep the seal of the corporation, and perform such duties as from time to time shall be prescribed, and the board of aldermen shall have power to pay the mayor a salary, the amount to be fixed by the board of aldermen, if in their judgment his services as such mayor warrants same. Mayor's office. Seal of corporation. Salary of mayor.

Sec. 25. That the mayor shall preside at all the meetings of the board of aldermen, except as otherwise herein provided, 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, and he shall vote in no other case. Mayor to preside. Tie votes.

Chapter IV. Board of Aldermen.

Sec. 26. That the aldermen form one board, and a majority of them shall constitute a quorum and be competent to perform all the 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 or nights of meeting for the year, which shall be as often, at least, as once in every calendar month. Special meetings of the board of aldermen may be held upon 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 a call when called by a majority of the board, shall be notified of the meeting: *Provided*, they are within the town limits. 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. One board. Quorum. Meetings. Special meetings. Adjourned meetings.

Sec. 27. That if any alderman shall fail to attend a regular meeting of the board of aldermen, or a special meeting of which he shall have had notice as prescribed in this charter, unless prevented by sickness, absence from town, or such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town five dollars, and it shall be the duty of the mayor to enforce such forfeiture. Forfeit for failure to attend meeting. Mayor to enforce forfeiture.

Sec. 28. That the aldermen when convened shall have power to make and provide for the execution thereof such ordinances, bylaws, laws, rules and regulations for the better government or gen- Powers in making ordinances.

eral welfare of the town, as are not inconsistent with this charter and with the constitution and laws of this State and the constitution and laws made thereunder of the United States.

CHAPTER V. APPOINTIVE OFFICERS.

Secretary and treasurer.

Sec. 29. That the aldermen at their first meeting after their election, or as soon thereafter as convenient, shall appoint of their number a secretary and treasurer, who shall hold office during the term of the board of aldermen electing him and until his successor is elected and qualified, subject, however, to be removed at any time and another appointed in his stead for misbeheavior or neglect in office. Before acting, the said officer shall take an oath before the mayor to faithfully discharge the duties required of him by the board of aldermen, and shall execute a bond in such an amount as the board may require, with security, to be approved by the board.

To qualify and give bond.

Salary.

Duty.

Sec. 30. The secretary and treasurer shall have a reasonable salary, to be fixed by the board, and it shall be his duty to keep a regular and fair record of the proceedings of the board and preserve all books, papers and other articles committed to his care, during his continuance in office, and to deliver them to his successor, and it shall further be the duty of the secretary and treasurer to call on all persons who may have in their hands any money 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, to disburse the funds according to such orders as may be duly drawn on him in a 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 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 secretary and treasurer of said town.

Accounts.

Settlement with successor.

Orders on secretary and treasurer.

Sec. 31. That all orders drawn on the secretary and treasurer shall be signed by the mayor, and shall state the purpose for which the money is applied and the secretary and treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Tax collector, chief police and town attorney.

Sec. 32. That the aldermen at their first meeting after their election, or as soon thereafter as convenient, shall appoint a collector of taxes, a chief of police, and they may at their discretion appoint a town attorney, who shall hold their offices during the official term of the board of aldermen who appointed them, subject, however, to be removed by the board of aldermen, and others appointed in their stead, for misbehavior or neglect in office.

Sec. 33. 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 sums appearing by the tax lists as due for town taxes. He shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll taxes or personal property, which the board of aldermen shall declare to be insolvent and uncollectible. He shall at no time retain in his hands over one hundred dollars for a longer time than seven days under 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 secretary 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 and specified error. The said tax collector, before entering upon his duties, shall enter into a bond for the faithful performance of his duty, in such an amount as the board may require to be approved by the board. The fiscal year in the said town shall end on the first Monday in May. It shall be the duty of the 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.

Power and authority of tax collector.

Charges and credits.

Penalty for retention of money.

Settlement.

Report and record.

Bond of tax collector.

Fiscal year.

Removal of tax collector.

Sec. 34. 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 sums as the board of aldermen may prescribe, for the faithful discharge of their duties imposed by law and the charter and ordinances of the town, and to faithfully account for all the 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 declination 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 cost collected by him. It shall be the duty of the chief of police to attend the mayor's court when in session and report any violations of law 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 the said court; to see that the laws and ordinances of the said town are enforced, and to 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

Police force.

Policemen to give bonds.

Powers and duties of chief.

Monthly settlements.

Attendance on mayor's court.

Powers of sheriffs and constables.

authority vested in sheriffs and constables for the preservation of the peace of the town, 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.

Policemen to be sworn.

The members of the police force shall take an oath before the mayor for the faithful performance of their duties required by law and the ordinances.

Power to take bail.

The said policemen shall have power to take bail for appearance of defendants or other persons charged with a violation of the town ordinances, in the manner and to such extent that such power is vested in sheriffs, and in case such person or persons shall not appeal, the mayor may issue a *sci. fa.* and enter judgment final against the defaulting party and his sureties.

Re-arrest.

That the chief of police or any policeman shall have power to re-arrest upon the same warrant a defendant or party who has been convicted and turned loose, on the statement that he will pay the fine and costs, upon failure to pay same, or in case of an escape.

Fees.

Sec. 35. The policemen shall receive and turn over to the town treasurer 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.

Police ordinances.

The board of aldermen shall pass ordinances for the government and direction of the police, and fix their compensation.

Temporary additional policemen.

In times of exigency the mayor may appoint temporarily additional policemen for such time as may appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.

Power of mayor to suspend policemen.

Sec. 36. The mayor may at any time, upon charges preferred, or upon finding said chief, or any member of the said police force, guilty of misconduct, have power to suspend such member from the 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 service.

Action by aldermen.

Suspension if drunk on duty.

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 on duty.

Police to wear badges.

Sec. 37. The board of aldermen shall require the entire police force to wear badges.

General powers.

And the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the town, and to secure the inhabitants from personal violence, and their property from loss or injury.

Calaboose.

That the town may provide, maintain and use a prison or calaboose to keep the prisoners or offenders of the laws and ordinances who fail to give bond.

Action on official bonds.

Sec. 38. That for any breach of his official bond by the town secretary and treasurer, chief of police, members of the police force, tax collector or any other officers who may be required to give an offi-

cial bond, such officer shall be liable in an action on 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.

Detectives and rewards.

Sec. 39. That the board of aldermen may employ detectives and offer rewards for the capture or 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.

CHAPTER VI. TAXES.

Power to levy taxes.

Sec. 40. That in order to raise a fund for the expense incident to the proper government of the town, 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 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 on every hundred dollars value.

Poll tax.

(2) A tax not exceeding two dollars a poll on the taxable polls of all persons who may be residents in the town on the first day of June of each year.

Dogs.

(3) Upon all dogs kept in the town, and which may be so kept on the first day of June, a tax not exceeding one dollar, and all dogs so taxed shall be subjects of larceny.

Notice of tax listing.

Sec. 41. That the board of aldermen shall, on the third Monday in May of each and every year make advertisement in some newspaper or at the door of the town hall notifying all persons who own or have control of property liable to taxation by the town on the first of June to enter to the tax lister all their taxable property on or before the last day of June a list of their said taxable property; said lists shall state the number of taxable lots or parts of lots, and all the property now taxable or may hereafter become taxable by the laws of the State or the ordinances of the town, and the lists so returned to the tax lister shall be sworn to before him in every case and he is hereby authorized to administer the following oath:

Tax lists.

Oath to tax list.

"I, A. B., do solemnly swear that the tax returns made out and signed by me contains a full and accurate list of the number of lots owned by me in said town, a full and accurate list of all my personal property, and a full and accurate list of all stocks, bonds, solvent credits and other property subject to taxation by the laws of the State and the ordinances of the town, according to my best knowledge, information and belief; so help me God."

Tax lister.

Sec. 42. That the board of aldermen at their first meeting after their election, or as soon thereafter as convenient, shall appoint a tax lister, who shall respectfully hold his office for a term of one year, subject, however, to be removed at any time by the board of aldermen and another appointed in his stead, for misbehavior or neglect

Proviso: not eligible to succeed himself.
Tax lister to be sworn.
Compensation.

of duty in office: *Provided, further,* that the tax lister shall not be eligible to succeed himself. Before acting he shall be sworn to the faithful discharge of his duty, and the board of aldermen shall allow the tax lister a reasonable compensation for his services, such as they may deem right and just, not to exceed two dollars per day.

Tax books.

Sec. 43. From the returns so made, the tax lister shall, without fail, before the first day of August next ensuing, make out and complete his tax books, which shall contain an alphabetical list of all persons liable for taxation by the town, with the age and color, and with the assessed value of all real estate and the listed value of all

Assessments.

personal property. The tax lister shall follow the assessments on file in the register of deeds office, but in case any property has not been assessed by the county assessors, then the tax lister shall assess

Proviso: revision and correction.

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 may be raised after giving five days notice to the person liable for taxation or his agent to show cause why such change should not be made.

List of delinquents.

Sec. 44. That the tax lister shall, after the most diligent inquiry, and by comparing his book 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 a manner and in the time prescribed, together with the estimated value of all property not listed, shall

Double tax.

enter such persons in a separate part of his book, and shall charge

Relief.

them up with double taxes. No person shall be excused from paying double taxes except on application to the board of aldermen and for causes shown.

Failure to list a misdemeanor.

Sec. 45. That all persons who are liable to the said town for poll tax, and who shall willfully fail to give themselves in, and all persons who own property and who shall willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor and upon conviction thereof before the mayor of said

Punishment.

town, or any justice of the peace, shall be fined not more than

Tax collector to prosecute.

twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector of the said town, to prosecute offenders against this section.

Levy of tax.

Sec. 46. That as soon as the tax lister shall have furnished the assessment roll as provided, and the same shall have been revised by the board of aldermen, the board of aldermen shall proceed to levy the taxes on such subjects of taxation as provided in this char-

Collection.

ter, and shall place the tax lists in the hand of the town tax collector for collection, who shall proceed forthwith in the collection, and shall pay the moneys as they are collected to the secretary and

Compensation of tax collector.

treasurer; and the tax collector for his compensation shall receive not exceeding five per cent on the amount collected.

Collection by distress.

Sec. 47. That if any person liable for taxes on subjects directed

to be listed shall fail to pay them on or before the first day of February next ensuing after he takes charge of the books, the tax collector shall proceed forthwith to collect the same by distress and sale and together with all costs of sale, after public advertisement for the space of ten days in some newspaper published in the county, if the property to be sold is personalty, and of thirty days if the property is realty, and the said tax collector shall make settlement in full with the secretary and treasurer on or before the first day of April of each year for the taxes as shown by the said lists, except such as may be allowed him by the board of aldermen as insolvents.

Settlement in full.

Sec. 48. That in addition to the subjects listed for taxation the board of aldermen may levy an annual license tax on the following subjects, the amount of which tax when fixed shall be collected by the tax collector, and if it is 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:

License taxes.

(1) Upon all peddlers vending or offering to vend in the town, a license tax not exceeding fifty dollars a year, except such only as sell books, charts, maps, magazines or wares of their own manufacture, but not excepting venders of nostrums and medicines by whomsoever manufactured; and not more than one person shall peddle under a single license.

Peddlers.

(2) Upon every billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand or place for any other game or play, with or without name, kept for hire or kept in a house, not exceeding fifty dollars a year.

Games.

(3) Upon every skating rink, or anything of the kind, a license tax not exceeding twenty-five dollars a year.

Skating rinks.

(4) Upon every circus, company of circus riders or performers by whatsoever name called, who shall exhibit within the town, a license tax not exceeding two hundred dollars nor less than one hundred dollars. for each performance or separate exhibition, and upon every side show connected therewith, a license tax not exceeding twenty-five dollars nor less than fifteen dollars, the tax to be paid before exhibiting or the same shall be doubled.

Circus.

Side shows.

(5) Upon every company or person exhibiting in the town, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing, or menageries, a license tax not exceeding twenty-five dollars for every twelve hours allowed for exhibiting, the tax to be paid before exhibiting, or the same to be doubled.

Other shows.

(6) Upon every show, or exhibition of any other kind, and on each concert for reward (unless for religious or benevolent purposes) in the town, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibiting, or the same shall be doubled: *Provided, however,* that plays, shows or other amusements given in a regularly licensed hall or opera house shall not be taxed.

Shows, exhibitions and strolling musicians.

Proviso: shows in licensed halls.

Dogs.

(7) Upon every dog which may be brought into the town after the first of June, if kept therein thirty days or more, a tax not exceeding one dollar for permission to keep said dog in the town, which permission shall not extend further than the last day of May, next ensuing.

Bill posters.

(8) 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 five dollars: *Provided*, this shall not apply to persons or merchants who are residents of the town who are advertising their own business.

Proviso: exception.

Other business or profession.

(9) 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 Kernersville not before enumerated herein, not to exceed five dollars a year.

License year.

(10) That the license shall begin on the first day of June of each year, and when a license is taken out after the first day of June it shall be the same as if taken out on the first day of June: *Provided, nevertheless*, that the said taxes must be uniform for all in a class.

Proviso: uniformity.

Doing business without license a misdemeanor.

(11) Any person carrying on or practicing any business, profession, trade or avocation of any kind upon which a license tax is levied, without having first obtained a license therefor, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not less than five days or more than thirty days, or both.

Punishment.

Chapter VII. Streets, Squares and Parks.

Powers as to streets.

Sec. 49. 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 and change those already made or 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 and without the town limits for the use of the town, to regulate and protect public grounds, and protect shade trees of the town.

Superintendent of streets.

Sec. 50. That the board of aldermen shall appoint a competent superintendent of streets to have charge of the streets of the town under the supervision of the board of aldermen; and may appoint such other officers to care and improve the streets, squares and parks as it may think proper.

Apportionment of expense of sidewalks.

Sec. 51. That every owner of a lot on a street, if so ordered by the board of aldermen, shall bear one-half the expense incurred in improving the curb and laying concrete walks as far as it may extend along such lot; said work to be done 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 super-

Specifications of work.

vision of the superintendent of the streets, and under no circumstances shall any walk or sidewalk on any street be of a width less than four feet; said expense shall be a lien upon said lot, and if not paid within sixty days after completion of such work, such lot may be sold, or enough of the same, to pay such expenses and cost, under the same rules and regulations and restrictions, rights of redemption and savings as are prescribed in the said charter for the sale of unpaid taxes: *Provided, however,* that the owner may, upon giving five days notice to the board of aldermen, do or let the work by contract before his premises, when work is being done on the street upon which said lot abuts and the work will extend to the said lot: *Provided, further,* said work shall not cost the town more than work of its class if done by the town, and the said work must then be done under the strict supervision of the superintendent of the streets.

Expense a lien on lot.
Sale.
Proviso: work let to contract.
Proviso: cost and supervision of work.

Sec. 52. In addition to the above provisions, the board of aldermen may adopt provisions, ordinances and regulations imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in the preceding section after being so directed by the board of aldermen.

Penalties for failure to improve.

Sec. 53. That when any land or right-of-way shall be required for the purpose of opening new streets, or widening or changing those already made or open, or other objects allowed by this charter, and for want of agreement for 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, then the two thus chosen shall choose a third; and in making said valuation said freeholders, after giving the owner or owners or their agent, notice, or after giving ten days notice in a newspaper published in the county, in case such owner or owners or their agents can not 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 or owners in consequence of the land or right-of-way being surrendered, also such benefit or advantage the owner or owners 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 or owners 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 of aldermen and spread upon their minutes, shall have the effect of a judgment upon the town of Kernersville, and shall pass the title to the town of Kernersville, of the land so taken, and the land may at once be taken and used by the town for the purpose taken: *Provided,* that if any person whose land is taken under this paragraph, or if

Power to condemn land.
Procedure for condemnation.
Proviso: right of appeal.

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 Forsyth County: *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: appeal not to delay work.

Power to grant franchises.

Sec. 54. 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 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.

Chapter VII. Health, Sanitation and Sewerage.

Alleys, cellars, privies and stables.

Sec. 55. That the board of aldermen shall have power to cause alley lots, cellars, privies, stables and other places of like character to be kept clean and decent, and shall have power to go upon the premises for that purpose.

Abatement of nuisances.

Sec. 56. That the board of aldermen shall have power to abate and remove nuisances and the said power shall extend one-half mile beyond the town limits.

Unwholesome and dangerous occupations.

Sec. 57. That the board of aldermen shall have power to pass ordinances for the prevention or restriction of unwholesome or dangerous occupations or manufactories, for the removal or abatement of all nuisances and for the protection of the public health.

Hospitals and pest houses.

Sec. 58. The board of aldermen may establish and maintain a hospital or hospitals or pest-houses in the town or within one mile thereof; may stop, detain, examine or keep in the pest-house or house of detention persons having or suspected of having any infectious or contagious disease; may quarantine the town or any part thereof, and may cause all persons in the town limits to be vaccinated, and do all and other proper and reasonable things to prevent or stamp out any contagious or infectious disease.

Resistance or interefernce with officers a misdemeanor.

Sec. 59. That any person who shall attempt by force or by threat of violence to prevent his or her removal or that of any other person to the pest-house, house of detention or hospital, or who shall in any way interfere with any officer while performing any of his duties allowed by this chapter, shall be guilty of a misdemeanor,

Punishment.

and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Chapter IX. Fire and Fire Department.

Fire companies and fire department.

Sec. 60. That the board of aldermen shall have power to provide for the organization, equipment, maintenance and government of fire companies and a fire department.

CHAPTER X. WATER AND LIGHTS.

Water and lights.

Sec. 61. That the town may own and maintain its own light and waterworks, systems to furnish water for fire and other purposes and lights to the town and to its citizens, but shall in no case be liable for a failure to furnish a sufficient supply of either light or water.

Rights of way.

Sec. 62. That the board of aldermen shall have power to acquire and hold rights-of-way within and without the town limits, that may be necessary for the government and welfare of the town, and shall have power to condemn and take rights-of-way, water rights and other property for the purpose of getting a pure and adequate water supply and of furnishing lights for the town and its citizens. That the proceedings for said condemnation shall be the same as are herein prescribed for the condemnation of land for street purposes.

Proceedings for condemnation.

CHAPTER XI. TOWN HALL AND MARKET HOUSE.

Town hall.

Sec. 63. That the board of aldermen shall have entire supervision and control of the town hall building.

Markets.

Sec. 64. The board of aldermen shall have power to establish, maintain and regulate a market or markets, may prescribe the time, manner and place of the sale of fresh meats, fish and other marketable products; may rent the stalls in such manner and at 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 the 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 offering it for sale.

Offering unsound foods a misdemeanor. Punishment.

Sec. 65. It is hereby declared a misdemeanor for any person to knowingly offer for sale in the town any unsound articles for food, and upon conviction thereof the offender shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

CHAPTER XII. EDUCATION.

Graded school district.

Sec. 66. That the town of Kernersville shall be and the same is hereby constituted a public school district to be called the Kernersville graded school district.

School trustees. Terms of office. Successors.

Sec. 67. That for the purposes of this charter there is created a board of school trustees of the town of Kernersville, which board shall consist of five members, divided into two classes, to be elected as hereinafter provided; first class to consist of two members to be appointed on the first Monday in June of the year nineteen hundred and eleven for a term of four years; second class to consist of three members to be appointed on the first Monday in June, nineteen hundred and twelve, for a term of one year; then at the expiration of the

term of the second class, which will expire on the first Monday in June, nineteen hundred and thirteen, then their successors to be appointed for a term of four years, beginning with the first Monday in June, nineteen hundred and thirteen. The term of each class shall be four years from their appointment: *Provided, however,* the provisions as to adjustment of the second class as above set forth are to be carried out, then beginning with the year nineteen hundred and thirteen the term of the second class shall also be four years from their appointment.

Proviso: terms of second class.

Appointment of trustees.
Vacancies.
Organization.

Sec. 68. That the said board of trustees shall be appointed by the board of aldermen. All vacancies by death, resignation or expiration of term to be filled by the board of aldermen. Said board of trustees shall meet within five days after the appointment of any new class, organize by electing one of their number chairman, a secretary and a treasurer. That the treasurer shall make such bond as the said trustees may require.

Bond of treasurer.

Powers of trustees.

Sec. 69. That the school trustees provided for by this charter shall have exclusive control of the public interests, funds and property in the graded school district as hereinafter provided, shall prescribe rules and regulations for their own government not inconsistent with law; shall fix the compensation of the officers and teachers of the public or graded schools annually, and they shall be subject to removal by the said trustees. Said trustees shall make an accurate census of the school population of said district as is required by the general school law of the State, and all other acts that may be lawful and proper to conduct and manage the general school interests within said district: *Provided,* all children resident in said district between the ages of six and twenty-one years shall be admitted to the school without tuition charges, and those desiring admission into said school as pay students may be admitted upon such terms as the board of trustees may determine.

School census.

Proviso: free tuition.

Pay students.

School superintendent.

Sec. 70. The school trustees created by this act may elect annually a superintendent of the school. The said superintendent shall examine all applicants for position of teachers in said school and issue certificates to the same, and shall do and perform such other duties as may be prescribed by the said trustees.

School tax.

Sec. 71. That it shall be the duty of the board of aldermen of the town of Kernersville to levy annually a tax not more than fifty cents on the one hundred dollars valuation of property in said school district for the support and maintenance of the school in said district. The amount to be levied each year by the board of aldermen is to be determined by the graded school trustees, and the amount so determined and certified by the trustees shall be levied by the said board of aldermen; and the taxes so levied shall be collected by the town tax collector and accounted for by him and paid to the treasurer of the board of aldermen as collected. The same treasurer of the board of aldermen shall pay the same over to the

Determination of amount.

treasurer of the board of school trustees, taking his receipt for same, and the said board of aldermen are hereby given full power and authority to levy said tax upon the property and polls of said district.

Apportionment from general school fund.

Sec. 72. That the moneys which from time to time be apportioned under the general school laws of the State to the above described school district shall be turned over by the treasurer of Forsyth County to the treasurer of the said school trustees for the benefit of said school: *Provided*, that in apportioning the school fund of said county said graded school shall be allowed the proportion of said fund due per capita to the white and colored children of school age.

Proviso: apportionment per capita.

Property vested in trustees.

Sec. 73. That the property, both real and personal, of the public school for white and colored children of said district shall become the property of the said graded school and shall be vested in the said board of trustees and their successors in trust for the said graded school, and the said board of trustees may in their discretion sell the same, or any part thereof, and apply the proceeds to the use of the graded school, to the established graded school: which is established in said graded school district.

Power of sale.

Law ratified and and confirmed.

Sec. 74. That chapter eleven of the Private Laws of one thousand nine hundred and five, entitled "An act to establish a graded school in the town of Kernersville, Forsyth County, North Carolina," wherein it does not conflict with this charter, is hereby ratified and confirmed, and the bonds issued thereunder shall not be affected by anything in this charter, and the board of aldermen may create a sinking fund for the purpose of paying said bonds when they become due or they may by the proper course issue other bonds for the purpose of redeeming them as the board of aldermen may think right and proper.

Bonds.

Sinking fund.

CHAPTER XIII. BONDS.

Bonds ratified and confirmed.

Sec. 75. That the bonded indebtedness heretofore voted by the qualified voters of the town of Kernersville 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 the said town, whether issued for promoting public improvements, railroads, schools or other purposes.

Power to incur debt.

Sec. 76. That for the purpose of improving streets and sidewalks, purchasing, establishing, equipping, extending or maintaining waterworks, sewerage, gas plant, electric plant, electric light or power plant, public schools, railways, street railways, electric car lines, or for any public improvement or to fund or to 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

Adoption of ordinance.

provisions as the board may adopt, shall be passed by a three-fifths vote of the entire board at two separate regular meetings, submitting the question of voting the 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 be approved by a majority vote of the qualified registered voters having voted therefor; that the board may order a new registration whenever such question is submitted to the voters. The creation of such debt shall be under the following regulations, 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 town. All bonds and interest bearing obligations of the town shall bear interest at a rate not greater than five (5) per cent per annum and be payable annually or semi-annually, 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 town taxes.

Submission to vote.

New registration.

Limit of debt.

Interest rate.

Bonds not sold below par.

Coupons receivable for taxes.

CHAPTER XIV. MISCELLANEOUS.

Officers not to contract with town.

Sec. 77. That no mayor or alderman or other officer of the town government shall, directly or indirectly, become a contractor for work to be done by the town or by superintendent of streets, and any person herein offending shall be guilty of a misdemeanor.

Policemen to serve civil process.

Sec. 78. That the policemen of the town of Kernersville 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.

Jurisdiction outside of town.

Sec. 79. That the mayor shall have criminal jurisdiction concurrent with justices of the peace within one mile outside of the corporate limits of the town. That the policemen of said town shall have power and authority to execute all criminal processes and make arrests within one mile outside of said limits, to the same extent and in like manner as they are now authorized to do within the corporate limits.

Observance of Sunday.

Sec. 80. That the board of aldermen shall have power to pass ordinances for the due observance of Sunday.

Prohibition.

Sec. 81. That it shall not be lawful for the board of aldermen or the board of county commissioners of Forsyth County to grant license to any person or persons to sell spirituous, malt or vinous liquors, near-beer or beer or other intoxicants within the corporate limits of the town of Kernersville, and any person or persons convicted of selling the above or any of the above shall be guilty of a misdemeanor.

Sec. 82. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases: *Provided, further,* that in the event the mayor is on a salary the fees provided for in this section shall then go for the benefit of the town. Fees of mayor. Proviso: salary.

Sec. 83. That all costs and fees for service of process or other services performed by policemen shall be the same as provided for by law as in cases of constables and sheriffs, and the same shall be paid to the officer serving same 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 town treasury for the use of the town. Fees of policemen. Proviso: salary.

Sec. 84. That any person or persons violating any ordinances of the town shall be deemed guilty of a misdemeanor. Violation of ordinance misdemeanor.

Sec. 85. That the town of Kernersville 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 secretary of the board of aldermen and attested by a witness. Execution of conveyances.

Sec. 86. That if any person or persons resist an officer in the discharge of his duties, by force or threats, such person or persons shall be guilty of a misdemeanor. Resistance to officers a misdemeanor.

Sec. 88. All misdemeanors, where a specific punishment is not prescribed, shall be punished by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days, or both. Punishment for misdemeanors.

Sec. 89. That no person shall have the right in any proceeding before the mayor to remove the same to any other court for trial as is prescribed for the removal of causes from one justice of the peace to another, as provided in The Revisal of one thousand nine hundred and five, section fourteen hundred and fifty-five, but in all cases parties shall have the right of appeal as herein provided. Cases before mayor not subject to removal. Right of appeal.

Sec. 90. That the board of aldermen, when they deem it necessary, shall have power to employ a legal counselor or town attorney. Town attorney.

Sec. 91. That all acts or parts of acts in conflict with this act are hereby repealed.

Sec. 92. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 337.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF ALBEMARLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-one of the Private Laws of one thousand nine hundred and seven, "An act to revise and amend the

charter of the town of Albemarle, Stanly County, and to allow said town to issue bonds," be amended as follows: By striking out section two of said act and inserting in lieu thereof the following, to be known as section two:

Corporate limits.

The corporate limits of said town shall extend from the center of the public square in said town and run south three and three-fourths west two thousand one hundred and ninety-five feet to a stake in the line on the south side of corporate limits of the town of Albemarle; thence with the compass bearing of South street west one thousand three hundred and fifty feet to a planted stone, the southwest corner of the corporate limits of the town of Albemarle; thence a new line north forty-two to thirty west one thousand six hundred feet to a white oak; thence north forty west two hundred and seventy-two feet to a stake; thence north fifty-seven to thirty west eight hundred and eighteen and four-tenths feet to the intersection of Big Lick and Concord road; thence north seventy-five east one thousand four hundred and eleven feet to a stone on the west side of Broom street; thence north sixty-five east one thousand two hundred and fifty-four feet to a stone at the south end of Efird Mill No. One, and in the present line of the corporate limits; thence north with the compass bearing of Second street two thousand one hundred and ninety-six feet to a stone, the present northwest corner of the town of Albemarle; thence east with the compass bearing of North street one mile to a stone; thence south twenty-four degrees east nine-twentieths of a mile to a stone; thence south fifty-nine degrees west one-half mile to a stone; thence north eighty degrees west nine-eightieths of a mile to a stone; thence south thirty-seven degrees west seven-sixteenths of a mile to a stone in the old line; thence west with the compass bearing of South street one thousand and ten feet to a stake in the old line, which point is the south end of the first line named in the above calls.

Ordinances for protection of creek.

Sec. 2. The commissioners of the town of Albemarle shall have full power, right and authority to make all laws, ordinances, rules and regulations as in their judgment they may deem necessary to prevent any person, firm or corporation from emptying any sewerage, dye water or other objectionable matter into Little Long Creek, so that the same may become a nuisance or obnoxious to any of the citizens of the town. They shall have power to enforce such ordinances, rules and regulations within one mile of the northern boundary of the corporate limits of the said town. They shall have power to enforce all their laws, rules, regulations and ordinances as above set forth by imposing such fines as they may see fit, not exceeding two hundred dollars, for the first offense, and not exceeding twenty dollars per day for every day the said person, firm or corporation shall continue to violate this ordinance, after being notified to desist by the town authorities.

Limit of territory.

Enforcement of ordinances.

Sewer lines.

Sec. 3. That the town of Albemarle shall be under no legal obli-

gations to conduct a sewer line so as to conduct any sewerage, dye water or any other objectionable matter which is at the ratification of this act being emptied into the channel of Little Long Creek within the limits of the above set out.

Voters to pass on act.

Sec. 4. That this act shall not be in force and effect until ratified by a vote of the qualified voters living within the territory included in the bounds set out in section one hereof. Said election shall be held in connection with the regular election of the town of Albemarle on Tuesday after the first Monday in May, one thousand nine hundred and eleven, and under the same rules and regulations provided for holding the town elections. At this election those favoring extension of the corporate limits of said town shall vote a ticket on which shall be written or printed the words "For extension," and those opposed shall vote a ticket on which shall be written or printed the words "Against extension." If a majority of the votes cast at said election be "For extension," then this act shall be in full force and effect from and after that date, but if a majority of the votes cast at said election are "Against extension," then this act shall not go into force and effect, and the corporate limits of the town of Albemarle, in that event, shall remain as they now are: *Provided*, no election shall be held under the foregoing provision, unless a majority of the qualified voters living within the territory proposed to be taken into the town shall sign a petition, asking for said election and present the same to the board of commissioners of the town of Albemarle on or before the first day of April, one thousand nine hundred and eleven.

Date for election.

Law governing election.

Tickets.

Effect of election.

Proviso: petition for election.

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

Ratified this the 4th day of March, 1911.

CHAPTER 338.

AN ACT TO ENLARGE THE TYNDALL SPECIAL SCHOOL DISTRICT NUMBER ELEVEN, IN UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Territory enlarged.

Section 1. That the boundary lines of the Tyndall Special School District Number Eleven, Union County, be and the same are hereby extended and enlarged so as to include the following territory, to wit: Beginning at a point where J. C. Winchester's home place joins the county home property, recently purchased of F. H. Wolfe, at its extreme northeastern corner, and running J. C. Winchester's land to E. J. Heath's land north of the Georgia, Carolina and Northern Railway Company, and from this point due south to the north line of

Boundary.

the right-of-way of said railway company, and thence with the northern line of said right-of-way to the four-mile post thereon; thence north, crossing the said railroad, to the Tyndall place, now owned by R. V. Houston, and following his east and south lines, including his place, to W. F. Alexander's line, including all of his land to the Rocky River road, where said Alexander's line intersects said road, which road is now one of the lines of said district. The said boundary to include all of the home place of the said J. C. Winchester's, a small portion of E. J. Heath's land, all of R. V. Houston's Tyndall place not now included in said district, and also of W. F. Alexander's home place not now included in said district, and the territory hereby included within the above boundaries is hereby in all respects and for all purposes made a part of the said Tyndall special school district number eleven.

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

Ratified this the 4th day of March, 1911.

CHAPTER 339.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE TOWN OF COUNCIL, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and forty-nine of the Private Laws of one thousand nine hundred and five be amended by adding the following at the end of said chapter:

Powers of commissioners as to streets.

"Sec. 10. That the town commissioners shall have the power to lay out and open new streets within the corporate limits whenever they deem the same necessary and also to widen, change, extend, or discontinue any street or sidewalk within the town, and shall have full power and authority to appropriate, use and condemn any land necessary for any purpose mentioned in this section. In case of any condemnation of any lands for the purposes mentioned, reasonable compensation shall be made therefor to the owner or owners of such land, and in case the owner of the lands and the town commissioners can not agree upon the compensation to be paid therefor, the matter shall be left to arbitration, each party choosing one, and any arbitrator shall be a freeholder and a resident of the town. In the event that the owner of the land shall fail or refuse after notice to select an arbitrator, then the mayor of the town shall select one for such owner, and in case the two arbitrators can not agree, they shall select an umpire and they or a majority shall determine the

Procedure for condemnation of of land.

compensation to be paid and make written report of the same to the mayor; in proceeding to make such assessment they shall examine the land condemned and ascertain the damages sustained and also the special benefits, if any, accruing to the owner, the special benefit to be deducted from the damages, and the award made as aforesaid shall be conclusive of the rights of the parties and vest in the town the right to use the land for the purposes specified, and the damages assessed shall be paid out of the funds of the town: *Provided*, that either party may appeal to the superior court of Bladen County, and upon appeal, the mayor shall cause the award and all the original papers in the cause to be transferred to the next ensuing term of said superior court, but such appeal shall not prevent the town commissioners from proceeding to open said street just as if no appeal had been taken."

Proviso: right of appeal.

Appeal not to delay work.

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

Ratified this the 4th day of March, 1911.

CHAPTER 340.

AN ACT TO PROVIDE FOR THE BUILDING OF THE HIWASSE VALLEY RAILROAD, IN CHEROKEE AND CLAY COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That the board of directors of the State Penitentiary be and are hereby authorized and empowered to furnish to the Hiwasse Railroad Company fifty able-bodied convicts upon the recommendation and approval of the Governor, under the rules and regulations as to the feeding, clothing, guarding and working same as provided by law and the rules of the penitentiary.

State Penitentiary to furnish convicts.

Sec. 2. That the State will receive as compensation for said convicts upon such basis as may be agreed upon between the directors of the penitentiary and said railroad company, the common stock of said railroad company in an equal amount to 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 Mattamuskeet Railway, or with the construction of the Statesville Air Line Railroad: *Provided*, that the convicts aforesaid shall not be assigned if it interferes with the self-sustaining policy of the penitentiary or interferes with the work begun and in progess under authority of chapter one hundred and

Pay for convicts.

Proviso: contracts not to be interfered with.

Proviso: policy not to be interfered with.

fifty-nine, Private Laws of one thousand nine hundred and seven, and chapter three hundred and fifty-nine, Private Laws of one thousand nine hundred and nine.

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

Ratified this the 4th day of March, 1911.

CHAPTER 341.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO THE CHARTER OF THE TOWN OF DILLSBORO, JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section six of chapter two hundred and seventy-four of the Private Laws of one thousand nine hundred and seven, be and the same is hereby amended by striking out the words "corporate limits of said town shall be collected and kept by the tax collector for said county separate and apart from the tax on polls and property outside of said corporate limits of said town and paid to the treasurer of said town of Dillsboro, whose receipts shall be valid vouchers," beginning after the word "the" in line thirty-nine and ending before the word "in" in line forty-four of said section, and substitute in lieu thereof the words "township of Dillsboro shall be collected by the tax collector and two-thirds of said taxes shall be paid to the treasurer of the township board of road trustees for the township of Dillsboro, and one-third shall be paid to the treasurer of the town of Dillsboro, whose receipts shall be valid vouchers."

Collection and apportionment of tax.

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 4th day of March, 1911.

CHAPTER 342.

AN ACT TO INCORPORATE RALEIGH, WINSTON AND WESTERN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That P. H. Hanes, R. W. Gorrell, John J. Phœnix, W. L. Spoon, Charles H. McKnight, J. H. Pratt, Charles H. Ireland,

J. M. Templeton, and all persons who may be now or shall hereafter become stockholders of the Raleigh, Winston and Western Railway Company, and their successors, shall be and continue to be a body politic and corporate, under the name of "Raleigh, Winston and Western Railway Company." The said Raleigh, Winston and Western 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 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 term 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 evidences 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 similar corporations by the general 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 city of Winston-Salem, in the county of Forsyth, but the directors of the said company may change the location of the said office to any other

Corporate name.

Term.

Corporate powers.

Principal office.

Other offices.

place designated by said directors, and the said directors shall have the 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.

Proviso: office in this 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 the city of Raleigh to the city of Winston-Salem, via Greensboro; the general direction to be as nearly straight as practicable, and crossing Orange County south of Chapel Hill and Haw River in the vicinity of River Falls; thence in a northwesterly direction across southern Alamance and Guilford to Greensboro; thence the most practicable line to Winston-Salem, connecting at either termini with such existing roads as may be agreed upon by the said corporation and the said existing railroad company.

Termini and route.

Branch roads and extensions.

Sec. 3. That 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 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 Durham, North Carolina, to the city of Burlington, North Carolina, to the city of Reidsville, North Carolina, to the city of High Point, North Carolina, to the town of Roxboro, North Carolina, or any of them; and in constructing and operating said branch road or roads or extension said company shall have all the rights, powers and privileges granted to it with respect to the main line.

Connections at State lines.

The said company shall have power to connect its said road at the State line with any other road it may construct and operate under the authority of the State of Virginia or the State of Tennessee, or with any road or roads built or owned by any other company or companies.

Construction and operation by sections.

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.

Construction on roads and streets.

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 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.

Proviso: limitation.

Dams, culverts, trestles and bridges.

Crossing other railroads.

Sidings.

Tracks through towns.

Sec. 6. 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. Said company shall have all privileges, rights and powers of eminent domain given by the general laws of the State to telegraph and telephone companies.

Telegraph and telephone lines.

Tolls and charges.

Proviso: subject to general law.

Eminent domain.

Sec. 7. 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.

Exclusive right of transportation.

Sec. 8. 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 objects for which the land is desired, with a description and plat thereof. A copy of such petition, with a notice

Procedure for condemnation of land.

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 clerk, in the manner provided by law; and in the event that any of the persons interested in said land are unknown or non-residents 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 newspaper, 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 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 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 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 *de novo* 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 the 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 court fail to pay such damages as may be assessed for the value thereof: *Provided, however*, 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

Right of appeal.

True owner not notified.

Proviso: owner under disability.

such disability: *Provided,* 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. Proviso: powers limited by general law. Limit of land condemned.

Sec. 9. The right of said company to condemn and take land under this act shall be limited to a space not exceeding one hundred 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 additional 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, not to exceed two acres. 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, 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, levying or laying out the routes 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. Power to purchase and hold land. Proviso: terminals and stations. Entry on land for surveys.

Sec. 10. 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 in- Capital stock. Power and method of increase. Division of stock. Shares. Votes. Liability of stockholders.

dividually 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 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.

Meeting for organization.

Directors.

Other officers.

By-laws.

Annual meetings.

Sec. 11. 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 an appointment by the stockholders, on such day as the board of directors may designate, and at such place within this State as shall be fixed from time to time by the board of directors. Notice of annual meeting of the stockholders shall be published 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-fourth 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 meetings.

Notice of meetings.

Called meetings.

Payment of subscriptions.

Sec. 12. 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 the company; and the stock issued by the directors of said corporation in payment of any sub-

scription or purchase of real estate or personal property necessary for the purposes of 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, labor, work 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.

Valuation conclusive.

Sec. 13. The board of directors of said corporation shall consist of as many members, not less than five, as the stockholders may by proper corporate action determine, and said board of directors shall have power to fill 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 their number 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.

Number of directors.

Vacancies.

Election and term of officers.

Executive committee.

Place of meeting.

Sec. 14. The said company shall have the power to sell, lease or otherwise dispose of all or any portion of its property 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, 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 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 shall, by virtue of such purchase, acquisition or lease, become vested with all the powers and subject to all the obligations of said company, and shall be entitled to all 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 leaser 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, acqui-

Power of sale or lease.

Power to purchase or lease.

Proviso: effect of purchase or lease.

Proviso: purchasing company domesticated.

sition 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.

Power of purchase or lease.

Sec. 15. 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 another State or States, or under the laws of the United States; and such railroad companies owning franchises in this State as may be desired 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.

Power of extension.

Power of merger and consolidation.

Sec. 16. 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 corporation 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 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 Raleigh, Winston and Western Railroad Company by direct connection, or by bridge, ferry or otherwise, or over any 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 merger 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: *Provided*, that nothing contained in

Consolidated company domesticated.

Proviso: no merger of competing lines.

this act shall be construed to allow the merger or consolidation of competing lines of railway.

Purchase of stock or bonds.

Sec. 17. 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 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, own, hold, sell and deal in real estate, standing trees, lumber, wood and coal. It may purchase, own, operate and sell quarries, mines and furnaces. 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.

Purchases by other corporations of stock or bonds of this company.

Other business.

Power to engage in other work.

Sec. 18. 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 minerals, 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 service rendered may issue any part of the capital stock in payment thereof.

Power company.

Sec. 19. The said company hereby incorporated may manufacture, generate, employ, distribute, furnish, buy and sell in all towns and cities which any of its lines or railroad may touch, or any towns and cities within the distance of fifty 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, side-tracks, 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,

Street railways.

Proviso: subject to town authorities.

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.

Sec. 20. That said company is hereby given power and authority to construct dams across any waterway 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 cities 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.

Transmission and distribution.

Water company.

Right of survey.

Sec. 21. 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 same, or to any easement or privilege or right-of-way therein, in the manner and by the special proceedings prescribed in the general laws of the State relating to electric power or lighting or street railway companies.

Power of condemnation.

Counties and municipalities may subscribe to stock.

Sec. 22. 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 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 election shall be held after thirty days notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the court-house 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 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.

Petition for election.

Election to be ordered.

Ballots.

Law governing election.

Notice of election.

Returns.

New registration.

Sec. 23. If a majority of the qualified voters vote for subscription, then the proper authorities of said county or township or 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, 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, 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 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 to capital stock in full payment thereof, at the election of the board of directors of said company.

Bonds for payment of subscription.

Denomination.

Term and interest.

Execution.

Sale or exchange.

Special tax.

Sec. 24. The county commissioners in any county voting for subscriptions 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 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 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: *Provided*, 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. 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.

Collection.

Tax kept distinct.

Specific appropriation.

Investment of sinking fund.

Proviso: investment in bonds.

Transfer of subscription.

Townships and counties incorporated.

Sec. 25. For the purpose 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 township 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 hereinbefore mentioned.

Corporate agents.

Power to issue and secure bonds.

Sec. 26. That it shall be lawful for the said Raleigh, Winston and

Western 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.

Stockholders not personally liable.

Sec. 27. That the stockholders of said company, whether public, private or municipal, shall not be personally liable for the debts of said company.

General powers.

Sec. 28. That the said corporation shall have the power and authority to do all and anything necessary, suitable or proper for 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, not in conflict with the laws of the State relating to such corporations.

Sec. 29. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 30. This act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 343.

AN ACT TO AMEND CHAPTER EIGHTY-ONE OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND ONE, INCORPORATING THE TOWN OF MERRY OAKS.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-one of the Private Laws of North Carolina, session of one thousand nine hundred and one, be and the same is hereby amended by striking out all of section two thereof after the word "town," in line two thereof, and inserting the following:

Corporate limits

Beginning at Thomas Buckner's spring; thence southeast with west side of M. E. church lot direct to Seaboard Air Line Railway,

straight across said railroad to a point one hundred yards in T. G. Rollins' field; thence east with Seaboard Air Line Railway to a point twenty yards north of bridge on road back of bank; thence east with old town line to a point thirty yards south of Greensboro Realty and Auction Company's barn; thence northeast to W. A. Thomas' east corner; thence north with W. H. Mims and R. J. Yates line to railroad; thence across said railroad to Sauls' line; thence with Sauls' and Edwards' line to Holt's corner in Womack's line; thence in a westerly course to Lisk's northwest corner; thence west to the beginning.

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

Ratified this the 4th day of March, 1911.

CHAPTER 344.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE CAMERON GRADED SCHOOL DISTRICT.

Preamble.

Whereas, the citizens of the Cameron graded school district, embracing the town of Cameron and that portion of Moore and Lee counties lying contiguous thereto, did, on the third Monday in May, one thousand nine hundred and seven, vote a special tax, not to exceed forty cents (40) on the one hundred dollars ($100) valuation of property and one dollar and twenty cents ($1.20) on the poll, for the purpose of establishing graded schools in the Cameron graded school district in compliance with an act of the General Assembly enacted February the twenty-sixth, one thousand nine hundred and seven, as shown in certified copy of same; therefore,

The General Assembly of North Carolina do enact:

Graded school district.

Boundary.

Section 1. That all the territory lying within the boundaries of the Cameron graded school district, to wit: Beginning at the ford of Herd's Creek, between Angus Ferguson's and George Cole's, and running as the road in an easterly direction to G. S. Cole's line; thence as G. S. Cole's and Matthews' line in direction of Cameron to J. W. Yow's southwest corner; thence as Yow's line to his and Rachel Blue's corner in Hartsell's line; thence as Hartsell's line in direction of Cameron to William Rogers' corner in the Cat Tail Branch; thence with the branch, which is Rogers' line, to the Keith line; thence with Rogers' line in an easterly direction across the Crain's Creek and across the S. A. L. R. R. to Rogers' corner; thence with the railroad and Rogers' line to Crain's Creek; thence up said creek to T. B. Goodwin's corner on said creek; thence with his line to southwest corner of John McDonald's land; thence with his line to the S. W. of the John Kelly land; thence with the south line

of the Kelly land to the Fergus Ferguson land; thence with the south and east line of the Ferguson land to Fayetteville road; thence as Fayetteville road in the direction of Cameron to Swan's station road; thence as Swan's station road in direction of Swan's station to a point in the road opposite where the Richardson dwelling was burned; thence as the road leading from said point by way of Mrs. Elizabeth M. McFadyen's farm, crossing the Seaboard Air Line Railroad at said farm; and thence as said road to George Browder's mill; thence as road leading in a westerly direction to the N. T. Arnold's on Gulf plank road; thence as said road in direction of Gulf about one-fourth mile to road leading to old Carthage plank road; thence as said road in direction of Carthage to the line of the McIver land; thence as northeast boundary of said land to Herd's Creek; thence down said creek to beginning, shall be and is hereby constituted a public school district for white and colored children, to be known as the Cameron graded school district.

Control of school.

Sec. 2. That the graded schools in said district shall be, from and after the ratification of this act, under the control of a board of school trustees composed of six members, who shall serve without compensation; that M. M. L. McKeithen, H. P. McPherson, C. C. Yates, D. J. Pierce, Dr. M. L. Matthews and Chas. C. Jones be and they are hereby appointed as such trustees; that two of said trustees shall hold office for a term of two years, two for four years, and two for six years, as may be determined by lots among themselves at their first meeting, and duly entered upon the minutes of their board; their successors, elected as hereinafter provided, shall hold office for six years; 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 qualified voters in the said district at the regular biennial election in the town of Cameron: *Provided*, that any vacancy caused by death or resignation may be filled till the next regular time of election by a majority vote of the remaining members of the said board, and at the next regular time of election the unexpired term shall be filled by the qualified voters as hereinbefore provided. All trustees shall hold office till their successors are elected: *Provided*, that the position of trustees shall not constitute an office within the meaning of art. fourteen, section seven, of the constitution of North Carolina.

Trustees named.

Terms of office.

Terms of successors.

Election of successors.

Proviso: vacancies.

Proviso: trustees not officers.

Incorporation.

Sec. 3. That the board of school trustees hereby created and their successors shall be and they are hereby constituted a body corporate by the name and style of the "Board of Trustees of the Cameron Graded Schools," and by that name shall be capable of receiving gifts and grants, purchasing and holding real and personal estate, 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, and all deeds, mortgages, and other

Corporate name.

Corporate powers.

Conveyances.

agreements affecting real estate and personal property shall be deemed sufficiently executed when signed by the chairman of said board of trustees and attested by the secretary of the said board.

Powers of trustees.

Sec. 4. That the said board of trustees shall have entire and exclusive control of all public schools and public school property in said Cameron graded school district, free from the supervision and control of the county board of education and the county superintendent of schools of Moore County, and shall prescribe rules and regulations not inconsistent with this act, for their own government and for the government of said schools; shall employ and fix the compensation of all officers and teachers annually, subject to removal by said board for incompetency or immoral conduct; shall make an accurate census of the school population as required by the general school law of the State, and do all other lawful acts proper to the management of the schools of said district: *Provided*, that all children residing in said district between the ages of six (6) and twenty-one (21) years shall be admitted into said schools free of tuition charges, and those desiring to be admitted as pay students may be admitted upon such terms as the board may direct.

Proviso: free tuition.

Pay students.

Treasurer.

Sec. 5. That the said board of school trustees shall annually elect one of their number treasurer and custodian of all public school funds; and the *pro rata* part of all public school funds derived from the State and county shall be appropriated and set apart for the use and benefit of said graded schools, 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 school trustees, and the said treasurer shall report to said board as often and at such times as they may deem necessary, his receipts and disbursements, with all vouchers for the same. The moneys so received shall be held by the 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 furnish annually to the said board of school trustees a statement, in writing, of his receipts and disbursements of the school money, properly endorsed by the chairman and secretary of said school board. The bond required of said treasurer shall be fixed by the board of school trustees in an amount sufficient to secure all money which may at any time come into his hands.

Apportionment from general school fund.

Reports of treasurer.

Orders on school fund.

Annual statements.

Bond of treasurer.

Levy and collection of tax.

Sec. 6. That in accordance with the election heretofore held in said district, a tax shall be levied and collected annually in said district by the sheriff of the county, and paid by him to the said treasurer of the said board of school trustees: *Provided*, that the special tax so levied and collected shall not exceed forty (40) cents on the one hundred dollars valuation of the taxable property of said district and upon the poll not exceeding one dollar and twenty cents ($1.20).

Proviso: limit of rate.

Duties of trustees.

Sec. 7. That it shall be the duty of said board of graded school trustees to establish and maintain graded public schools for the

white and colored children of the said graded school district, and shall fix the time of beginning and closing the term of said schools; and said board of trustees shall appropriate and use the funds derived from all sources whatsoever in such manner as shall be deemed just to both races, due regard being paid to the difference in cost of maintaining said schools.

School superintendent.

Sec. 8. That said board of graded school trustees shall elect annually, at least thirty days before the opening of the fall term of said graded schools, a superintendent, who shall supervise the graded public schools of said district, and shall, under and by the direction of said board, examine all applicants for the positions as teachers in said schools, and certify the result to the said board before their election as such teachers by the said board. No other certificate of qualification shall be necessary for such teachers before their election as teachers in said graded schools.

Funds vested in trustees.

Sec. 9. That the funds now belonging to and hereafter to accrue, under the laws of this State, to said public school district, is hereby vested in and shall become the property of the said board of trustees and their successors in office, and the board of education of the said county of Moore shall, as often as the school funds of the said county are apportioned, make an order on the treasurer of the county to pay that part of the funds of the public schools of said county accruing to the said district to the treasurer of said graded school board to the use of said schools, and all property, real and personal, belonging to said school district, is hereby vested in said board of trustees, and their successors in office, who shall hold and use the same for the purposes of this act. No commission on this fund shall be charged but one way by the county treasurer.

Apportionment paid to trustees.

Property vested in trustees.

Commission.

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 4th day of March, 1911.

CHAPTER 345.

AN ACT TO LEVY A SPECIAL SCHOOL TAX IN DISTRICT NUMBER NINETEEN, SOUTH MILLS TOWNSHIP, CAMDEN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Application for increase of tax.

Section 1. That for the purpose of increasing the annual tax for the purpose of building a school building for the whites in the school district number nineteen, South Mills Township, Camden County, North Carolina, the patrons may apply to the board of

county commissioners of Camden County, asking that an additional tax, not to exceed twenty-five cents on the hundred dollars of property and seventy-five cents on the poll be annually levied and collected in said district for the purpose of building a school building in said district. The said tax to be levied annually for ten years for the purpose of raising a fund to erect the said building, and the committee shall have the right to contract for the said building and issue the note of said committee for the said district, which shall be paid out of the taxes provided for above. 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 patrons of said school, the 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 South Mills. The said election shall be held under the rules and regulations of section four thousand one hundred and fifteen of The Revisal of one thousand nine hundred and five: *Provided*, the petition to the county commissioners in this election shall be signed at least by one-fifth of the freeholders of the district.

Limit of rate.

Tax for ten years.

Contract and note.

Time of application.

Order for election.

Law governing election.

Proviso: petition.

New registration.

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 the voters of said district, notice of which shall be given by thirty days advertisement published in four public places in said district, and said publication to be begun not later than the day on which the books are opened for registration of voters and the said election shall be advertised for thirty days as provided for registration by said board of commissioners in said district.

Advertisement of registration.

Advertisement of election.

Ballots.

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 have a ballot on which shall be written or printed the words "Against additional school tax."

Count and return of votes.

Sec. 4. That the number of votes cast for and against the said additional tax shall be posted in a special box, counted and duly certified by the registrar and judges of election, and returned to the said board of county commissioners, who shall canvass the said returns and certify the result to the Secretary of State and to the register of deeds of Camden County. If at said election the majority of the qualified voters of said school district shall have voted "For additional school tax," the said board of county commissioners shall thereafter levy said additional tax to the amount sufficient to raise at least five hundred dollars per annum in the said district, in the manner prescribed by law for levying of school taxes; and such additional tax shall be collected in the same manner as is now pre-

Canvass and certificate of result.

Effect of election.

Collection of tax.

scribed for the collection of other special school tax, 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. Application.

Sec. 5. That if a majority of said qualified voters shall not vote for the additional tax, then other elections shall, upon application by said patrons of said school, be thereafter held under this act: *Provided*, said election shall not be held oftener than once a year. Other elections. Proviso: limit.

Sec. 6. That the school committee of said district shall have the right to borrow a sufficient amount of money to erect said building: *Provided*, it shall not cost to exceed five thousand dollars: *Provided*, a majority of the qualified voters of said district shall vote "For additional school tax." Power to borrow money. Proviso: limit of cost. Proviso: tax voted.

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

Ratified this the 4th day of March, 1911.

CHAPTER 346.

AN ACT TO ESTABLISH A GRADED SCHOOL AT FAISON, IN THE COUNTY OF DUPLIN.

The General Assembly of North Carolina do enact:

Section 1. That all the territory embraced within the boundaries set out and described as follows, towit:

Beginning at the fork of Goshen and Panther; thence westerly to a cart road on the Percy Faison line; then westerly to the stock law fence; thence southerly with said fence to the Clinton and Faison highway; thence easterly along said highway to J. W. Mallard's west line; thence southerly with west lines of J. W. Mallard, R. R. Witherington, D. I. Bowden and J. M. Bowden to south side of Roland Lumber Company's railroad; thence easterly with said side of said railroad to where this railroad crosses the Faison and Wilmington highway; thence southerly with this highway to stock law gate; thence easterly with stock law fence to stock law gate at east side of Atlantic Coast Line Railway on Bear Swamp; thence northerly to bridge at Pollar Branch crossing; thence easterly with public road to Mill Branch crossing; thence to a point on public road to Shine's schoolhouse; thence westerly to a branch on the James Hill plantation; thence with said branch to Goshen Run; thence with Goshen Run to the beginning, be and the same is hereby incorporated and known as the Faison Graded School District in Faison Township, Duplin County. Boundary. Incorporation. Corporate name.

Sec. 2. That the board of trustees herein appointed shall have power and authority, by and with the consent and approval of the Power to change boundaries.

board of education of Duplin County, to change the boundaries of said school district. Before contiguous territory is added to the district the board shall obtain the consent of the majority of the citizens living in said contiguous territory.

Election on special tax.

Sec. 3. That the board of county commissioners of Duplin are hereby authorized and directed to submit to the qualified voters of said Faison school district on the first Monday in May, one thousand nine hundred and eleven, under such rules and regulations as prevail in the election of county officers the question as to whether an annual special tax shall be levied for the maintenance and support of said school in said district. And that at such election those in favor of special tax shall cast a ballot with the words written or printed thereon "For special tax," and those opposed to a special tax shall cast a ballot with the words written or printed thereon "Against special tax," and the result of the election shall be declared by the same rules as govern the election of county officers. That if a majority of the qualified voters of said district shall vote at said election in favor of said special tax, it shall be the duty of the board of county commissioners of Duplin County to levy annually a special tax of not exceeding fifteen cents on the one hundred dollars, of all the taxable property of said school district, and upon the poll not exceeding forty-five cents, and said tax shall be collected annually by the sheriff of Duplin County.

Ballots.

Effect of election.

Limit of tax rate.

Collection of tax.

Sec. 4. It shall be the duty of the sheriff of Duplin County to collect all taxes levied in pursuance of this act, and turn over the same to the treasurer of the Faison graded school district, and all school funds apportioned from the county and State for the use and benefit of said district shall be held by said treasurer for the exclusive use and benefit of said Faison graded school, and shall be paid out by the treasurer of the Faison graded school upon the warrant or order signed by the chairman and secretary of said board of trustees: *Provided*, that the treasurer and secretary of the said Faison graded school district shall report annually on the first Monday in June in each and every year to the county board of education, and also to the State Superintendent of Public Instruction, showing the amount of money drawn and apportioned to said district and set apart for the use of said school, and for what it was spent. The school property of the Faison school district shall become the property of said Faison graded school district and shall be vested in said board of school trustees.

Apportionment from general fund.

School orders.

Proviso: annual report.

School property vested in trustees.

Board of trustees.

Sec. 5. That for the purpose of this act there is created a board of school trustees of this district, and this board shall consist of six members, as follows: G. F. Westbrook and I. L. Faison, to serve for three years; C. E. Weatherby and H. J. Faison, to serve for two years; Paul Armstrong and J. M. Bowden, to serve for one year, each to date from the first Monday in May, one thousand nine hundred and eleven. When the term of office of the above-named trus-

Trustees and terms of office.

Successors.

tees and their successors shall expire, successors shall be appointed by the county board of education of Duplin County, and whenever any vacancy shall occur on the board of school trustees, the remaining trustees shall elect some person to fill the unexpired term. Vacancies.

Sec. 6. That said board of trustees and their successors herein appointed shall have entire and exclusive control of said school, shall employ and pay teachers, shall have power to rent, buy, sell, take and hold all property needed for the use of said school. They shall maintain a school with as many grades as they shall deem necessary and for the support of which they have sufficient funds as provided for by this act. Said board of trustees shall be a body corporate under the name of the Board of School Trustees of Faison Graded School, and shall have 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, selling and holding property, both real and personal for school purposes, of prosecuting and defending suits for and against the corporation herein created. Powers of trustees. Incorporation. Corporate name. Corporate powers.

Sec. 7. The said board of trustees shall meet within one week from the first Monday in May, one thousand nine hundred and eleven, and shall organize by electing a chairman, who shall be one of the trustees heretofore named. The secretary and treasurer shall be elected either from its members or other persons and the treasurer shall give bond in the sum of one thousand dollars, payable to the State of North Carolina for the faithful discharge of his duties as such treasurer and for the payment of all moneys which shall go into his hands as treasurer. The said board of school trustees shall have the right to make such rules and by-laws as they may deem necessary for the governing of the board. Meeting and organization. Bond of treasurer. Rules and by-laws.

Sec. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 347.

AN ACT TO ESTABLISH GATESVILLE GRADED SCHOOL DISTRICT AND PROVIDE FOR AN ELECTION FOR SPECIAL TAX THEREIN.

The General Assembly of North Carolina do enact:

Section 1. That the territory embraced within the following boundaries, to wit, lying in Gates County: Beginning at Foster's landing; thence along the path to the Gatesville and Sunbury road; thence the road to the fork where Sunbury and Gatesville road in- Boundary.

tersects Mintonsville and Gatesville road; thence across the road and along a private way to River road; thence a straight line west to Bennett's Creek; thence down Bennett's Creek to its mouth; thence up Chowan River to Sarum Creek; thence up Sarum Creek to Sarum Creek landing; thence up Sarum Creek road to A. L. Rountree's line; thence Rountree's line to Cole's Creek; thence up Cole's Creek to Green's mill; thence the public road to Ellenor's cross roads; thence the road to Lassiter Riddick's corner; thence said Riddick's line north and east to M. L. Eure's line; thence M. L. Eure's line to Honey Pot Swamp; thence Honey Pot Swamp to the Gatesville road; thence a straight line to Foster's landing, the first station, shall be and the same is hereby constituted a public school district to be known as the Gatesville graded school district.

Gatesville graded school district.

Date for election.

Sec. 2. That the board of county commissioners of Gates County are hereby authorized and required to order an election on the second Tuesday in May, one thousand nine hundred and eleven, after four weeks notice of said election by notices posted at three public places in said district 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 (40) 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: *Provided*, said board of trustees hereinafter provided for shall report to the board of county commissioners on the first day of June each year the amount to be levied in the district, not to exceed the amounts fixed.

Notice for election.

Special tax voted on.

Rate.

Proviso: report of amount.

Registrar.

New registration.

Judges of election.

Polling place.

Canvass and returns.

Record of returns.

Law governing election.

Proviso: notice of registration.

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 pollholders and judges of election, who, together with said registrar, shall hold said election at the time specified, at the usual polling place in the town of Gatesville, 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 office of register of deeds of said county of Gates, and said election shall be held in all other respects in accordance with the general provisions of the election laws of the State: *Provided*, that no notice of registration shall be required, except such as said board of commissioners may order.

Ballots.

Effect of 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 special tax," and those opposed shall vote a ballot on which shall be written or printed the words "Against special tax." If a majority of the qualified voters shall vote "For special tax," 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.

Trustees named.

Sec. 5. That the following persons shall constitute a board of trustees for said school district: W. T. Cross, C. K. Riddick, W. R. Cowper, J. M. Lilley, L. L. Smith, W. J. Deans and S. P. Cross, 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, who shall hold their offices for a term of six years. The second class to be composed of two members, who shall hold their offices for a term of four years. The third class to be composed of two members, who shall hold their offices 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 trustees to succeed those whose term then expires. Vacancies caused by death, removal or failure to qualify shall be filled by said board of trustees. All acts and things herein authorized to be done by said board of trustees may be done by a quorum thereof, and four shall constitute a quorum.

Trustees to meet and qualify.

Classes and terms of office.

Successors.

Vacancies.

Treasurer.

Liability on bond.

Sec. 6. That the treasurer of Gates County shall be the treasurer of said board of trustees, and his bond shall be liable for 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.

School fund.

Sec. 7. That all funds derived from the special tax levied and collected under the provision of the act shall be turned over to the said treasurer and placed to the credit of said Gatesville graded 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.

Apportionment and use.

Orders for money.

Powers of trustees.

Sec. 8. No money to the credit of the district shall be paid out by the treasurer, except upon order of the board of trustees, signed by the chairman and secretary thereof and by the superintendent of public schools of Gates County. The said board of trustees shall have the control 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: *Provided*, no teachers shall be employed unless they hold certificates in date either from State examining board or the county superintendent, and the proper officers shall be required to make all reports to the State superintendent of public instruction, the county superintendent and the county board of education as are required of other public schools by the public school law of the State.

Reports.

Trustees a body corporate.

Sec. 9. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate, by the

Corporate name.

name and style of the "Board of Trustees of Gatesville Graded

Corporate powers.

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 con-

Property vested in trustees.

ferred by law upon corporate bodies. That the title of all public school property in the district shall vest in said board of trustees,

Execution of deeds.

and any deeds and other matters affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said board of trustees.

Power to issue bonds.

Sec. 10. If the majority of the qualified voters at the election herein provided for shall vote "For special tax," 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 trustees of the Gatesville graded school district authority to issue bonds, if in

Amount.

their discretion they deem it necessary, in the sum of five thousand dollars, for the purpose of purchasing any necessary lands, 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 empowered to issue and sell bonds, in the name of the said Gatesville graded school district to an amount not to exceed five

Denomination.

thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from

Interest.

date thereof, at a rate not exceeding .... per centum, with interest coupons attached, payable at such time and place as may be deemed

Maturity.

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 redeemable at such time or times not more than thirty years from the date thereof, and at such place or places as said

Expenditure of proceeds.

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, lands, buildings and equipment

Proviso: no compensation to treasurer.

as may be deemed necessary: *Provided, however,* that the treasurer of Gates County shall receive no compensation for receiving the money which may be received from the sale of the bonds.

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 special

Sinking fund.

tax thereinbefore provided for, and shall provide a sinking fund

Investment of sinking fund.

for the payment of said bonds when they may become due, and are further empowered 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 4th day of March, 1911.

CHAPTER 348.

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

The General Assembly of North Carolina do enact:

Division into wards.

Section 1. That the board of commissioners of the town of Asheboro shall have the power from time to time, by ordinance, to cause a division of the territory within the limits of said town to be made into as many wards as they may deem necessary for the good and convenience of the inhabitants of said town.

Waterworks and sewerage.

Power to condemn land.

Sec. 2. That the said board of commissioners shall have power to construct a system of waterworks and sewerage for the town of Asheboro and protect and regulate the same by adequate ordinances, and for said purposes shall have power to condemn lands of private owners and provide for damages thereto as hereinafter set out; and if it shall be necessary in obtaining the proper outlet for 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 commissioners shall have power and authority to compel 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 the premises along the line of said sewerage, and on default of the owner to make such connection the town can have such connection made and the costs thereof charged against the owner of the property, and said costs shall be a lien on the property and collected as taxes; and to provide water supplies for the town, 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 commissioners shall have power to make regulations and adopt ordinances to require any citizen living along the line 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.

Enforcement of sewer connections.

Water supplies.

Other public improvements.

Sewer connections.

Ownership and control of public utilities.

Entry on premises.

Sec. 3. That the town of Asheboro shall have entire and exclusive ownership and control over the streets, sidewalks, drainways, 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 for the purposes of construction, maintenance, repair and operation thereof, the town, through any of its officers, shall have the right to enter upon any and all private premises, with or without the consent of

Sewer and water connections.

the owner. The said board of commissioners shall have the power to compel all owners of property abutting on streets wherein are laid a sewer or water system to connect such property 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 as provided 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 commissioners shall have the power to forbid any obstruction or stopping of any natural drainway within said town, 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 commissioners, and not otherwise.

Obstruction of drainways.

Power to condemn land.

Sec. 4. That the board of commissioners are authorized to obtain land or right-of-way over, through or under land in the town of Asheboro for the purpose of opening, establishing or changing streets, culverts, waterways, drainways, sewer and water systems, or for any other public purpose; and if the town 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 town shall issue a writ to the town constable to summon three freeholders of the said town unconnected by blood or marriage with any of the persons affected by said improvements. Said writ shall contain a description of the improvement proposed, the land to be affected and the name of the persons owning same. The jury so summoned shall meet on the day appointed at the mayor's office, and it shall not be less than five 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 can not be found in the town 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, taking into consideration any special benefit or enhanced value by reason of such proposed improvement which said person may receive thereby, and the jury 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 commissioners shall conclude that the damages assessed by the jury are excessive, they may decline to pay the same and discontinue the proposed im-

Procedure for condemnation.

provement; 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 Randolph County by giving a written 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 damges to a jury who are to take into consideration the special benefit or enhanced value by reason of the improvement, 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 commissioners 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 improvements.

Right of appeal.

Hearing on appeal.

Proviso: appeal not to delay work.

Sec. 5. That the board of commissioners shall have power to 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 change streets now established, in their discretion; and may establish parks for pleasure grounds for the citizens of the town and pass ordinances for the protection of shade trees, parks and other public property.

Powers as to streets.

Sec. 6. The board of commissioners shall have the power to enact ordinances in such form as they may deem advisable, as follows: For policing and maintaining peace and order, and for protection of persons and property; for the protection of the waterworks and water supply of the town of Asheboro; to grant to any person, firm or corporation a franchise and right to own, control and operate, for a term of years or otherwise, telephone, telegraph, lighting or heating systems or any and all other business engaged in public service; to contract as to compensation for such franchise, and to control, regulate and tax the same; to define and establish fire limits and prevent the location of wooden or other buildings within said fire limits: to regulate and describe what character of buildings shall be constructed within said limits, and provide for the conditions under which buildings may be erected; 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 for the establishment, organization, equipment and government of fire companies, fire commissioners and fire alarm systems, and such officers or agents as they may deem advisable in the premises, and to adopt rules for the conduct, regulations and terms of office thereof; to regulate the erection, placing and maintaining of all telephone, telegraph and other electric wires, either on the streets or in buildings of said town; to fix and regulate the price of water, telephone, gas and electric light rates, and to provide for the maintenance, control and regulation of the waterworks and sewer sys-

Ordinances.

Franchises.

Fire limits.

Cemeteries.

Fir e department.

Regulation of wires and rates.

Regulation of water and sewer systems.

tem and to adopt rules for the conduct, regulations and terms of office of the superintendent thereof, the inspectors and other persons whom said board of commissioners may deem necessary for the proper regulation of the same, and to provide the compensation that is to be paid to such officers and servants.

Compensation of officers and servants.

Sec. 7. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 349.

AN ACT TO IMPROVE THE STREETS OF THE TOWN OF MOUNT AIRY, AND TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Power to improve streets.

Section 1. That the mayor and the board of commissioners of the town of Mount Airy shall have full power and authority, and it is hereby made their duty to grade and pave or macadamize and otherwise improve for travel and drainage the streets of the said town, and to put down crossings and cross drains, and otherwise properly improve them.

Bond issue authorized.

Sec. 2. For the purpose of properly carrying out the duty imposed by the preceding section, the said mayor and board of commissioners are hereby authorized and fully empowered and directed to issue bonds of the town of Mount Airy in such sum as the said mayor and board of commissioners may determine to be sufficient for the purpose, not to exceed fifty thousand dollars, and the said bonds, when issued, are to be denominated "street improvement bonds," to be signed by the mayor and countersigned by the secretary, bearing the corporate seal of the said town, shall be written in the usual form, and bear interest from date of issuance until paid, at a rate not exceeding five per cent interest per annum, payable semi-annually, and the said interest shall be evidenced by coupons thereto attached in the usual form; and that the said bonds shall mature at the end of twenty years from the date of issuance and shall be fully binding upon the said town and its property; and that the mayor and the board of commissioners shall issue the said bonds in installments as may be necessary as the work on the street progresses, and the necessity of payment thereof arises, but all of the said bonds shall bear the same date, and bear interest as aforesaid, but the coupons for interest on the installments delayed shall be torn off before issuing, to the date of maturity of the coupon next preceding the date of such issuance.

Amount.

Authentication.

Interest.

Maturity.

Issue in installments.

Apportionment of cost for improvements.

Sec. 3. In order to more effectually carry out the authority delegated and the duty imposed by this act, the said mayor and board of commissioners shall assess one-fourth of the cost of the grading

and paving or macadamizing and constructing side drains, cross drains, and other necessary drains and crossings, or otherwise improving the roadway or street proper on the real estate abutting on each side of the street so improved or repaired.

Equalization of assessments.

Sec. 4. To equalize the assessments on real estate, for the purpose described in section three next above, the said mayor and board of commissioners shall assess the total cost of such improvement made throughout the entire length of such work and improvements, and then shall pro rate the cost thereof on the real estate abutting thereon, according to the frontage on the street or portion of the street so improved, and charge to such real estate on each side of the street upon which such work is done, its *pro rata* share of one-fourth of the cost of such street improvement made under the provisions of this act; when the board of commissioners shall order paving, macadamizing or other improvements to any street, they shall have same accurately surveyed, and the permanent grade thereof established, and accurate map made of the various lots and properties abutting upon said street, containing the exact frontage of each lot, and the said map shall be filed in the office of the secretary of the board for public inspection. When the assessment and lien herein provided shall have been made upon the various lands and properties on the street, the said clerk shall write in ink on said map the amount assessed upon the same, and he shall keep the record book showing such assessment and lien and the date and amount of all payments made upon any of said assessments and liens.

Pro rata charges on real estate.

Map.

Assessment entered on map.

Record book.

Assessment a lien on property.

Sec. 5. The amount of assessment for such streets' improvements and other roadways, as hereinbefore provided, on each piece of real estate, being estimated as above directed, shall be a lien upon such real estate, and the said mayor and board of commissioners shall cause the engineer or surveyor to make a survey and a report of the amounts of the work done and the cost thereof, upon each street, the name of each abutting owner thereon, the number of feet of each lot, and the *pro rata* share of such cost of such street improvements, to be assessed against such real estate; and upon the adoption of the said report the said amount shall become complete and operative, which said report shall be transcribed upon the minutes of the said board of commissioners, and the amount of the said lien and the said assessment against the property abutting on said street, as aforesaid, shall become due, as follows, to wit: One-fourth in one year, one-fourth in two years, and one-fourth in three years, and the balance in four years, with interest from date. The adoption of the said report of the said surveyor by such board of commissioners shall constitute the said lien for the amount therein 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 failure to pay either of said assessments in thirty days after its maturity, then all the unpaid installments

Survey and report.

Report recorded.

Maturity of assessments.

Collection of assessments.

shall become due at once, and an execution shall issue by the secretary of the said board of commissioners, directed to the tax collector of the said town, who shall advertise the land upon which the said defaulting assessments are made, as aforesaid, or as required by law for sale of land for taxation under the provisions of the charter of Mount Airy, or under the provisions of the general law, and shall sell the same and give to 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 the description of the land sold; and the owner of the land sold shall have twelve months within which to redeem the said land by paying to the purchaser the amount he paid and ten per cent additional; but if the land is bid off for the town, then the owner, in order to redeem the same, must pay the assessment due on the said land, the cost of sale, and ten per cent of said assessment; if the land is not redeemed within twelve months, then the town tax collector shall make to the purchaser deed to the said land, and same shall operate to convey to the purchaser the title to the said land, and the proceeds of the sale shall be applied, first, to the payment of all that may then remain unpaid upon said assessment and liens, together with the cost of such sale, which cost shall be the usual fees allowed the town tax collector for selling lands for taxation: the balance, if any, of such proceeds shall be paid to the owner of said land at the time of said sale: *Provided*, that any owner of land upon which said lien for such assessment exists, shall have the right to file before the mayor and board of commissioners of said town an affidavit denying that the whole, or any part of the amount, if any he admits to be due, which amount so admitted to be due he shall pay or tender, accompanying his affidavit with it, and before it shall be received, and then the said affidavit shall be received only for the balance, and all such affidavits so received shall be returned to the superior court of Surry County for trial, and it shall be considered that the issue as to the amount then due is raised upon the reception of such affidavit, and without any plea upon the part of the town of Mount Airy, but this shall not be construed to prevent said town of Mount Airy from filing an answer, or any other defense to which it may be entitled under the laws of North Carolina; and upon such trial, if the issues be all found in favor of affiant, then the lien shall be discharged; if, however, the issues shall be found in favor of the town of Mount Airy to any amount, and it be thereby ascertained that affiant is due to the said town any amount by virtue of the matters therein referred to, then said amount so found, together with six per cent interest thereon from the date of its maturity, together with the cost thereon accrued, which cost to be assessed as costs in any other civil action, shall be and continue a lien against the property upon which the original assessment was

Time for redemption of land.

Proviso: proceedings as for appeal.

placed, and shall be collected by an execution issuing from the said superior court, directed to the tax collector of the town of Mount Airy, which shall be collected by him by sale of said land, as hereinbefore provided in case of execution issuing from the secretary of the town.

Exclusive control and management of work.

Sec. 6. That the said mayor and board of commissioners of said town, by its proper officers, shall have exclusive control and management of said work upon the streets, and all improvements thereon herein contemplated and shall complete the same, and the whole of the cost thereof shall be paid for out of the proceeds of the sale of the bonds hereinbefore in this act authorized to be issued and sold, the said town itself being liable for one-half of the cost of the street or roadway between the curbing, and the abutting land on each side assuming the liability hereinbefore created: *Provided, however,* that whatever of the cost of street improvement which may be paid by or assessed against any street or railway company hereinafter to be built, shall be deducted from the proportion of the cost thereof for which the said town is liable as aforesaid: *Provided, further,* in case the said town may not have on hand at any time sufficient funds received from the sale of said bonds to meet the amount then due for the work aforesaid, the mayor and the board of commissioners are directed hereby to advance the sum from the general revenues of the town, but such amount so advanced shall be refunded out of funds arising from the sale of said bonds.

Payment and apportionment of expense.

Proviso: deduction from town's quota.

Proviso: advances from general fund of town.

Special tax.

Sec. 7. In order to pay the interest on the said bonds, the commissioners of the said town are hereby authorized, and it shall be their duty to annually compute and levy, at the time of levying other taxes of said town, a sufficient tax on all polls and property, real and personal, and other subjects for taxation mentioned in the charter of the town of Mount Airy and the acts amendatory thereto, which shall be listed for taxation in said town, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and properly pay the interest on said bond; said taxes shall be collected in the same manner at the same time that the other taxes for the town are collected, and shall be paid over by the town tax collector to the treasurer of said town, which officer shall give justified bonds in an amount sufficient to amply cover said taxes.

Constitutional equation.

Collections.

Bonds of officers.

Taxes kept separate.

Sec. 8. That the taxes levied and collected for the purposes specified in this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which it was levied and collected, and any mayor or commissioners who shall appropriate by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the conditions of this act, shall be guilty of a misdemeanor: *Provided,* the tax levied and collected for the payment of interest shall

Specific appropriation.

Misappropriation a misdemeanor.

Proviso: application of surplus.

any year exceed the amount required for that purpose, the amount in excess shall be applied for the interest fund for the next succeeding year, and the said officers, at the time of the assessment of taxes for the payment of interest for the next succeeding year, shall take into consideration said excess, and compute and levy said taxes accordingly.

Tax for sinking fund.

Sec. 9. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of said commissioners at the end of twenty years from the date of said bonds, to annually levy and collect a special tax in addition to the amount hereinbefore mentioned, that shall amount to one-tenth of the amount of the bonds issued under this act, and when an amount shall be levied sufficient to pay off the principal of these bonds, as herein provided for, then the commissioners shall cease to levy taxes under this act, in order to pay interest on said bonds.

Amount.

Proposition to be voted on.

Sec. 10. That before any of the bonds hereinbefore in this act authorized shall be issued, the proposition to issue said bonds and to levy and collect annual and special tax to provide for the payment of the interest thereon, and to provide a sinking fund for the payment of the principal of said bonds when they shall become due, shall be first submitted to the qualified voters of the town of Mount Airy, at an election as hereinafter provided. At any such election, those who are in favor of issuing bonds hereinbefore provided for, to be applied to the purpose of street improvement, and upon the conditions hereinbefore imposed, shall vote upon written or printed ballots the word "Approved," and those opposed shall vote on written or printed ballot the words "Not approved." If at any such election the majority of the votes cast shall be in favor of the proposition, and shall be voted "Approved," then the board of commissioners of the said town shall issue the said bonds hereinbefore directed, which shall be applied to the purposes and upon the terms and conditions, and subject to all the requirements stated in this act. The first election after the passage of this bill shall be held at such time as the board of commissioners may in their discretion fix, not before the first day of May, one thousand nine hundred and twelve; and if at such election the majority of the votes cast shall be opposed to the proposition, then the board of commissioners shall at any time after the lapse of twelve months, upon the petition of one-third of the qualified voters of said town, order an election to be held, under the rules and regulations prescribed by law for the general election of mayor and board of commissioners of said town, and at each of said elections the ballot shall be as hereinbefore directed, and if at any such election the majority of the votes cast shall be in favor of the proposition, and voting approved, then the said bonds shall be issued by said mayor and board of commissioners, to be applied to the purpose, and upon the terms and condi-

Ballots.

Bonds to be issued.

Time for first election.

Subsequent election.

tions stated in this act: *Provided,* that if the amount of the bond issue first voted under the provisions of this act shall be insufficient to complete the street improvements, that then the question of issuing additional bonds shall be submitted to the qualified voters of the town of Mount Airy, at such time as the mayor and board of commissioners may appoint, and to be conducted under the same rules and regulations hereinbefore provided for the first election, and if at such election the majority of the votes cast shall be favorable to the proposition, voting "Approved," then these additional bonds shall be issued by the mayor and board of commissioners, and used for the purposes aforesaid: *Provided, further,* that at any election held under the provisions of this act the mayor and board of commissioners shall have the right and authority to order an entire new registration of the qualified voters of the said town, prior to the holding of said election, upon notice of thirty days of such new registration: *Provided,* the entire issue shall not exceed fifty thousand dollars.

Proviso: election on additional bond issue.

Proviso: new registration.

Proviso: limit of issue.

Sec. 11. That all laws or parts of laws coming 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 4th day of March, 1911.

CHAPTER 350.

AN ACT TO ENABLE THE TRUSTEES OF THE CHADBOURN SUPPLEMENTAL PUBLIC SCHOOL FOR THE WHITE AND COLORED RACES TO BORROW MONEY TO ERECT A SCHOOL BUILDING.

Whereas, the school building in the Chadbourn Supplemental Public School for the White and Colored Races district has recently been destroyed by fire, and there are no funds available for rebuilding the same; now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the trustees of "The Chadbourn Supplemental Public School for the White and Colored Races" are hereby authorized to borrow a sum not exceeding ten thousand dollars for the purpose of erecting a suitable school building in said district, and are authorized to execute a mortgage upon the land and building to secure the sum so borrowed.

Power to borrow money.

Amount.

Security.

Sec. 2. That section thirteen of chapter three hundred and twenty-four of the Public Acts of one thousand nine hundred and one be

Tax rate.

amended as follows: Strike out the words "fifty cents" in line three of said section and insert in lieu thereof the words "one dollar."

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

Ratified this the 4th day of March, 1911.

CHAPTER 351.

AN ACT TO INCORPORATE THE DURHAM AND DANVILLE RAILROAD COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That G. C. White, C. M. Carr, H. E. Satterfield, J. F. Wily, W. F. Carr, W. B. Guthrie and J. L. Morehead, and such other person or persons as may be associated with them, their successors and assigns, are hereby created a body corporate under the

Corporate name.

name of the Durham and Danville Railroad Company, for the pur-

Corporate powers.

poses hereinafter described; and under the aforesaid name and style shall have perpetual succession, to defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter, renew or break the same at pleasure; and shall have, possess and enjoy all rights and privileges of a corporation or body politic under the general law, and also rights, privileges and franchises herein given.

Power to construct, maintain and operate railroad.

SEC. 2. That said company shall have and it is hereby given the right and power to locate, construct, equip, maintain and operate, by steam power or electric power, a railroad or any part thereof

Termini and route.

upon one or more tracks, standard gauge or otherwise, from some point at or near Durham, Durham County, North Carolina, through the counties of Durham, Orange, Person and Caswell to a point on the line between the State of North Carolina and the State of Vir-

Connection.

ginia, by such route as it may select. That said company shall have the power to connect its said road with any road that may be constructed and operated under authority of the State of Virginia.

Branch lines.

And it may also construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension,

Enumerated powers.

completion and operation of said railroad. And for these purposes it shall have the power to construct dams, culverts, trestles and bridges over and across streams, valleys and depressions; and it shall have the right to cross any navigable stream on its route; 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 of such companies 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 another road, have all the rights, powers and privileges conferred upon railroads by chapter sixty-one of Revisal of one thousand nine hundred and five, or any act of Assembly amendatory thereof. Said company shall also 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; and may construct and operate one or more lines of telegraph or telephone along its line or lines of railway, and may charge and collect such pay for messages or dispatches as said corporation may determine upon, subject to the general law of the State, and may lease, rent, mortgage or sell this right and any telegraph or telephone lines constructed or owned by the said corporation. For the construction of a railway, telegraph and telephone line provided by this act, the company shall have, for the purposes of acquiring lands, easements or rights-of-way, all the rights, powers and authorities given to railroads and electric companies under chapters sixty-one and thirty-two of 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 chapters were incorporated in this act.

Telegraph and telephone lines.

Power to condemn lands.

Sec. 3. Said company, its successors or assigns, shall have the right to carry and transport passengers and freight over and along 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 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, charge and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Right to transport passengers and freight.

Sec. 4. Said company shall have the right and authority to use any public road or highway or street for the construction or operation of its railroad, cars, poles, lines or other equipment, under such reasonable regulations as the authorities controlling said roads, highways or streets respectively shall upon application from the company prescribe.

Use of roads and streets.

Sec. 5. The capital stock of the said railroad company shall be two hundred and fifty thousand dollars, which may be paid in cash, or property, or otherwise, as the board of directors may prescribe, and which may be increased from time to time by the votes of its shareholders, 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-three and one thousand two hundred and thirty-four of chapter twenty-one of The Revisal of one thousand nine hundred and five for increase of capital stock. Each share sub-

Capital stock.

Increase.

Proviso: procedure for increase.

Stock vote.

scribed shall be entitled to one vote in all meetings of the stockholders of said company and twenty-five thousand dollars, which may be paid in cash, or property, or otherwise, as the board of directors may prescribe, shall be the minimum subscription on which said company may be organized and start business. The company may receive cash, material, labor, bonds, stock, contracts, real or personal property or personal 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 order of the directors of said company in payment of any subscription or purchase of real estate or property necessary for the purposes of said corporation, or for work, labor or services performed to or for such corpoation shall be fully 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 the directors shall be the sole judge of the value of said property, services, material or labor and the judgment of the said directors as to the said property, labor or services performed or material furnished for which the capital majority of the incorporators hereinbefore named, or such of them as shall be subscribers, may organize the said company by electing a board of directors and providing for the election or appointment of such other officers by said board of directors as may be necessary for the control and 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. No subscriber shall be individually liable for the debts of the company.

Subscription for beginning business.

Payment of subscriptions.

Organization.

Subscribers not individually liable.

Power to borrow money and secure payments.

Sec. 6. It shall be lawful for the said company to borrow money, and issue and sell its bonds in any amount from time to time and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company; and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal or mixed; also on all its franchises, rights and privileges of every kind; and it may also, as the business of the company shall require, sell, lease or in any manner convey and encumber the same or any part thereof.

Right of connection.

Consolidation or merger.

Sec. 7. The said company may connect or unite its lines with those of any other railway company or companies, or consolidate and merge its stock, property and franchises with and into those of any other railroad company or companies incorporated under the laws of this State or any other State or of the United States, operating or authorized to operate railway lines, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal or mixed, its contracts and privileges and its charter rights and franchises to any such other company upon such terms as may be

Power of lease or sale.

agreed upon between them, and may in like manner acquire by lease or purchase any or all of the property, real or personal or mixed, and all contracts and privileges and the chartered rights and franchises of any such other company or companies; and full power and authority are hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, lease, sales, mergers and changes of name: *Provided*, that this charter shall not allow the consolidation in merger of competing lines of railway. Power to lease or purchase. Proviso: no merger of competing lines.

Sec. 8. 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 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, and may use real estate owned by it for collateral and other purposes. Subscriptions to other companies. Subscriptions by other companies. Tramroads.

Sec. 9. That said company shall have the power to lease, purchase or otherwise acquire 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 acquire land.

Sec. 10. 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 fifty (50) 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 Light and power company. Street railways. Proviso: subject to municipal authority. Power of purchase.

business in any of the cities through which it may pass and within the territory above set out, and may sell, lease, use and 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.

Plants and transmission lines.

Sec. 11. That said company is hereby given power and authority to construct dams across any waterway 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 kind of power, forces, 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, force or currents; to purchase, acquire, hold, improve, lease, operate and maintain

Water company.

watch 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.

Right of survey.

Sec. 12. That in order to carry into effect the powers herein granted, said company may survey such rights-of-way as it may

Power of condemnation.

deem 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.

Location and construction.

Sec. 13. The board of directors shall, as soon as it deems it practicable, proceed to locate the works of said company, and may have one or more locations from time to time as it may deem expedient;

and the construction of some of said works shall be begun within three years after the ratification of this act.

Principal office. Sec. 14. That the principal office of said company shall be located at Durham, 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. But by consent of the board of directors the principal office may be removed to any place within the State most expedient to the management of its works.

Branch offices.

Removal.

Condemnation of land. Sec. 15. Whenever from any cause the said railroad company can not agree with the owners of the land over which the railroad shall go for the purchase of the land for the right-of-way or depot purposes, the said company may proceed to condemn and enter the same in the manner set forth in chapter sixty-one of The Revisal of one thousand nine hundred and five, and amendments thereto.

Amount of land condemned. Sec. 16. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of its roadbed, measuring 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 five acres in any one 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 buildings required in their behalf, doing no unnecessary injury to private property.

Entry on land for surveys.

Partial construction. Sec. 17. A part of the railway line 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.

By-laws, rules and regulations. Sec. 18. The stockholders of said company, or board of directors under a resolution of the stockholders, may enact 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.

Meetings.

Election and term of directors. Sec. 19. 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 its number a president, a vice-president, secretary and treasurer, but one or more of said offices may be held by the same person. In case of death, resignation or incapacity of any officer or member of the board of directors during his terms of office the said board shall choose his successor for the unexpired term.

Other officers.

Vacancies.

Donations or subscriptions from counties and municipalities.

Sec. 20. That any county, city, town or township through any portion of which the said railroad shall pass, or along or near its line of branches, lateral or connecting roads, or at their terminal points, may make a donation to said company in money or its equivalent in real or personal property, or a subscription to its capital stock or bonds, in the manner set forth in chapter sixty-one of The Revisal of one thousand nine hundred and five and amendments thereto.

Issue of bonds authorized.

Sec. 21. 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 rate and payable at such time and place as the board of directors may direct, to be sold or hypothecated by the direction 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 all real and 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 sections and in such manner as the company may direct.

Execution of mortgage.

Sec. 22. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 23. This act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 352.

AN ACT TO INCORPORATE THE TOWN OF SWANN'S, IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the inhabitants of the territory hereinafter described be and they are hereby created a body politic under the name and style of the town of Swann's, with all the powers, rights, privileges and immunities now or hereafter given to towns and cities by chapter seventy-three, Revisal of one thousand nine hundred and five of North Carolina, relating to towns and cities, and amendments thereto.

Corporate name.

Corporate powers.

Commissioners.

Sec. 2. The commissioners of the town of Swann's shall be five in number, elected as now provided by the laws of the State for municipal elections; and until their successors are elected and qualified, the following are hereby appointed as officers of the said town, who shall qualify immediately after receiving notice of their appointment, and shall hold the respective offices and perform the duties and functions thereof in all respects as if duly elected: Mayor, G. F. Myers; commissioners, Louis McLead, George Morris, Wil-

First officers named.

liam Holder, John H. Cameron; town constable, J. M. Monroe; the clerk to be selected by the commissioners at their first or any subsequent meeting.

Commissioners to meet, qualify, organize and transact business.

Sec. 3. It shall be the duty of the commissioners above named to meet as soon as may be convenient after the ratification of this act, and organize, establish time and place of regular meetings, select such officers as the law directs, and transact such other business as may be proper.

Corporate limits.

Sec. 4. The corporate limits of the said town shall be as follows: Beginning at a point three-quarters of a mile south of the Atlantic Coast Line Railroad depot at Swann's station, running east three-quarters of a mile; thence north one and one-half miles; thence west one and one-half miles; thence south one and one-half miles; thence east three-quarters of a mile.

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

Ratified this the 4th day of March, 1911.

CHAPTER 353.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND NINETY, PRIVATE ACTS OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND SEVEN, SO AS TO CHANGE THE BOUNDARY LINE OF THE TOWN OF DENTON, IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and ninety of the Private Acts of the General Assembly of one thousand nine hundred and seven, be and the same is hereby amended by striking out all of section two of said chapter and inserting in lieu thereof the following:

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a stone northeast of Mrs. Ivey Garner's home; thence north eighty-seven and one-half degrees west twenty-five chains to a stone; thence south forty-two and one-half degrees west thirty-two chains and fifty links to a stone; thence south two and one-half degrees west thirteen chains and fifty links to a stone; thence south thirty-seven degrees east forty-five chains and eighty-six links to a stone; thence south eighty-seven and one-half degrees east thirty-one chains and forty links to a large white oak; thence north fifty-two degrees east twenty-one chains and fifty links to a stone; thence north two and one-half degrees east nineteen chains and fifty links to a stone; thence north thirty degrees west forty-three chains and twenty links to the beginning, as surveyed February thirteen and fourteen, one thousand nine hundred and eleven, by John W. May.

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

Ratified this the 6th day of March, 1911.

CHAPTER 354.

AN ACT TO FIX THE TIME FOR HOLDING ELECTIONS IN THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Date changed.

Section 1. That section two thousand nine hundred and forty-five (2945) of The Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out the words "Tuesday after the first Monday of May, one thousand nine hundred and five," in the second and third lines thereof, and inserting the words "the last Tuesday of April, one thousand nine hundred and eleven" in lieu thereof.

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall apply only to the city of Durham, in the county of Durham.

Sec. 4. This act shall be in effect from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 355.

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

The General Assembly of North Carolina do enact:

Section 1. That section eleven of the charter of Durham as contained in section eleven (11) of Private Laws of one thousand eight hundred and ninety-nine (1899) as amended by chapters one hundred and seventy-eight (178) and three hundred and fifty-seven (357) of the Private Laws of one thousand nine hundred and one (1901), and chapter two hundred and eleven (211) of the Private Laws of one thousand nine hundred and three (1903), and chapter one hundred and ninety-nine (199) of the Private Laws of one thousand nine hundred and five (1905), be stricken out and a new section to read as follows be inserted in lieu thereof:

Election of mayor and aldermen.

Sec. 2. That there shall on the last Tuesday in April, one thousand nine hundred and eleven (1911), and on the last Tuesday of April biennially thereafter, be elected a mayor and eight (8) aldermen for said city, who shall hold office until their successors are elected and qualified, said officers to be elected by the qualified voters of the whole city.

Ratified this the 4th day of March, 1911.

CHAPTER 356.

AN ACT TO ENLARGE THE BOUNDARIES OF PARKTON SPECIAL TAX SCHOOL DISTRICT, IN THE COUNTY OF ROBESON, TO CHANGE ITS NAME, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS FOR THE PURCHASE OF A SITE AND THE ERECTION OF A SCHOOL BUILDING, AND TO LEVY AN ADDITIONAL SPECIAL TAX.

The General Assembly of North Carolina do enact:

Territory enlarged on condition.

Section 1. That upon a majority of the qualified voters, residing in the territory hereinafter described, voting in favor of the special tax and bonds hereinafter provided for, the territory of Parkton special school tax district, in the county of Robeson, shall be enlarged and shall be as follows, to wit: Beginning at the run of Cold Camp Swamp, where Fayetteville and Lumberton road crosses said swamp, Cumberland County line, running down said swamp about fifteen chains to corner; thence running south eighty west about fifty chains to corner; thence south thirty west about forty chains to run of Buck Horn Swamp, below Lumberton road to corner; thence down run of said swamp about twenty chains to corner; thence south ten west about ninety-eight chains to corner in Big Cypress pond below Lumberton road; thence direct to Lumberton and Fayetteville road to a point ten chains south of fourteen mile post from Fayetteville, N. C.; thence about south ten west with said road about thirty-five chains to bridge on Little Marsh Swamp, St. Paul's Township line; thence up said Little Marsh run six chains to the Robert McGeachy old mill; thence south about forty west about sixty-five chains to corner on Old Peter McGeachy mill dam on north side of mill branch; thence north eighty west about forty chains to public road leading from Parkton to St. Paul's (corner in said road); thence north seventy west to the Rex school district line; thence northwardly with the Rex school district line to the run of Little Marsh; thence westwardly up the run of Little Marsh to the Lumber Bridge Township line; thence with the said Lumber Bridge Township line to Cumberland County line, so as to include in this district such part of the lands of J. C. D. McNatt as is located in Lumber Bridge Township; thence with the Cumberland County line eastwardly to the beginning. Boundary.

Name changed.

Sec. 2. That upon the ratification of this act by a majority of the qualified voters residing in the above described territory, the name of said taxing district shall be changed and shall be "The Parkton Graded School District," and the board of trustees hereinafter named, 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 Trustees incorporated.

Corporate name. Parkton Graded School District," and by that name may sue and be
Corporate powers. sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise, real estate and personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations, and may
Execution of mortgage. have a corporate seal. And said board of trustees is hereby fully authorized and empowered to execute and deliver a mortgage or deed of trust, to be signed by its president, attested by its secretary, and having its corporate seal affixed thereto, upon any real estate and personal property, title to which is vested in said Parkton graded school district or in said board of trustees, to secure the bonds herein provided for, and the interest on the same.

Bond issue authorized. Sec. 3. That the board of trustees of said Parkton graded school district, hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an
Amount. amount not exceeding twelve thousand five hundred dollars, of such
Denominations. denominations as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent per annum, within interest coupons attached, payable semi-annually at such time or times, and at such place or places, as may be deemed
Maturity. 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 date thereof, and at such place or times as said board
Proviso: bonds issued as needed. of trustees may determine: *Provided*, that said board of trustees shall issue bonds at such time or times, and in such amount or amounts as may be required to meet the expenditures hereinafter provided for.

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

Bonds not sold below par. Sec. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for a less price than their par value, nor shall said bonds, nor their proceeds, be used for any
Specific appropriation. other purposes than those declared in section four of this act.

Special tax. Sec. 6. 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 commissioners of Robeson County shall, annually and at the time of levying the county taxes, commencing with the fiscal year beginning next after the ratification of this act, by a majority of the qualified voters, as herein provided, in addition to the special tax which is now levied on a part of the above described territory under the provisions of Revisal, section four thousand one hundred and fifteen, and which special tax upon the ratification hereof by a majority of

the qualified voters residing in said territory, shall be levied upon all taxable property and polls in the above described territory, levy an additional particular tax on all persons and property, subject to taxation, within the above described limits, not to exceed twenty-five cents on the one hundred dollars assessed valuation of property and not more than seventy-five cents on each taxable poll. Rate.

Sec. 7. That said taxes shall be collected by the sheriff of Robeson County at the time and in the manner that the county taxes are collected, and shall be paid by him to the treasurer of said board of trustees: *Provided*, the said treasurer of said board of trustees shall first enter into a good and sufficient bond, payable to the board of trustees, in such amount as the said board of trustees may direct, conditioned for the faithful safe keeping and disbursing of said taxes and other public school funds which may come into his hands for the use and benefit of said graded school district. Collection. Payment to treasurer. Proviso: bond of treasurer.

Sec. 8. That the provisions of this act shall be submitted to a vote of the qualified voters residing in the territory described in section one of this act, at an election to be held on the first Monday of May, 1911. That thirty days notice of such election, containing a brief synopsis of the provisions of this act, shall be published in one or more newspapers published in Robeson County, or by printed circulars posted at at least ten places in the above described territory. It shall be the duty of the board of county commissioners of Robeson County to appoint, to conduct the said election, a registrar and two judges of election, all of whom shall be qualified voters residing in said territory. It shall be the duty of said registrar to make a new registration of all the persons entitled to vote for members of the General Assembly, residing in the territory hereinbefore described, and to this end he shall, commencing on the fourth Saturday before the election, attend regularly, at some fixed place in the town of Parkton for four successive Saturdays, between the hours of eight a. m. and sundown, for the purpose of registering such persons as are entitled to vote for members of the General Assembly in said territory, and only those persons who are duly registered, in accordance with the provisions hereof, shall be deemed qualified voters under the provisions of this act. All challenges of voters may be entered on any registration day, and shall be passed on by the judges of election and registrar on the day of election. Said registrar shall receive, as compensation for his services, the sum of three cents for each voter registered by him, and three dollars for his attendance upon the election, and the judges of election shall receive the sum of three dollars each for their services on election day, including making the returns herein provided for. Said registrar shall post at Parkton, and at at least five other public places in said territory, notice of the days, hours and place of registration. For the purposes of this act the polls shall be opened at the regular voting place for the election of town officials in the town Act submitted to voters. Date of election. Notice of election. Election officers. New registration. Registration days. Voters. Challenges. Compensation of registrar. Pay of judges of election. Notice of registration. Hours and place of voting.

of Parkton, at the hour of eight a. m., and shall close at sundown.

Costs of election.

All costs connected with said election shall be paid from the funds of Robeson County, and it shall be the duty of the commissioners to pass upon bills for same.

Ballots.

Sec. 9. At said election, those who are in favor of the enlargement of said territory and the issuance of said bonds, shall vote a written or printed ballot, with the word "Approved" upon it, and those opposed to enlarging said territory and issuing said bonds shall vote a written or printed bollot with the words "Not approved" upon it.

Count and return of votes.

The number of voters registered and the number of ballots cast for and against the enlargement of said territory and the issuing of said bonds shall be counted and the result of said election certified and returned to the register of deeds of Robeson County, who shall

Certificate of returns.

furnish to the 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 election a majority of the qualified voters of said district shall vote

Trustees to qualify and issue bonds.

"Approved," then the said board of trustees shall at once qualify by first taking an oath to faithfully perform their duties as such trustees, and take such steps as may be necessary for the issuance and sale of the bonds herein provided for.

Trustees named.

Sec. 10. That J. G. Hughes, Collier Cobb, C. L. Johnson, J. B. McCormick, W. L. Stanton and A. H. Perry be and they are hereby constituted and appointed the board of trustees of Parkton graded school district, as herein provided for. Immediately after the ratification of this act by a majority vote of the qualified voters of said

Classes and terms of office.

district, 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, and until their successors are duly elected, as provided in section eleven of this act.

Election and term of successors.

Sec. 11. 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 Parkton graded school district, as above constituted, at an election to be held in conjunction with, and on the same day of, and under the same rules and regulations as govern elections for mayor and commissioners of the town of Parkton in said district. All vacancies in said board of trustees, caused

Vacancies.

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. The office of trustee shall not be deemed public

Trustees not officers.

office, under the provisions of the constitution of North Carolina.

Organization.

Sec. 12. That after the ratification of this act by a majority vote of the qualified voters residing in said territory, said board of trustees, at their first regular meeting, and annually thereafter, on the first Tuesday in June in each year, shall elect from their number a president and treasurer. The treasurer 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 fixed by said board, and give such bond as may be required by the said board of trustees. The said board shall also elect a secretary, who may or may not be one of the members of said board, as it shall deem best. Said secretary shall keep full minutes of all meetings of the board, and shall attest the signature of the president to all legal documents, and shall be the custodian of the corporate seal and shall issue, by order of the board, all orders for the payment of money.

Treasurer to report monthly.

Compensation and bond.

Election and duties of secretary.

Sec. 13. That it shall be the duty of the said board of trustees to make annually to the board of education of Robeson County, after the close of each school year, a full and complete report of the operations of said graded schools, together with a financial report, which shall show the receipts and disbursements, and shall also make such recommendations and estimates and plans for the future as in its judgment shall be advisable. Said trustees shall also include in their reports such data and other information as may be required under the general school law.

Annual reports.

Recommendations, estimates and plans.

Sec. 14. Said board of trustees shall not employ as a teacher in any of the public schools of said Parkton graded school district any person who shall not be entitled to teach in the public schools of Robeson County under the general school law.

Teachers.

Sec. 15. That it shall be the duty of the board of trustees of said Parkton graded school district, commencing with the fifth year after their first qualification, under the provisions hereof, 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 appropriated to said school district, a sum sufficient to fully pay off and discharge the principal of said bonds at their maturity, which sinking fund shall be kept securely invested or loaned out on first mortgage on real estate in Robeson County, worth not less than double the amount of the loan.

Sinking fund.

Investment of sinking fund.

Sec. 16. It shall be the duty of said board of trustees to provide for the payment, semi-annually, of the interest on said bonds, and, for that purpose, to set apart from the taxes collected for, or money appropriated to said district for public schools, a sum sufficient to pay the same.

Payment of interest.

Sec. 17. That all public school funds derived from the State and the county of Robeson, and which may, from time to time be collected and apportioned under the general school law for school purposes, for the children in said Parkton graded school 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 said board of trustees and shall be by him paid out by order of said board for the proper maintenance of the white

Apportionment from general fund.

and colored schools located in said Parkton graded school district and under the provisions hereof: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Effect of negative vote.

Sec. 18. That in case a majority of the qualified voters of the above described territory shall not vote "Approved," nothing herein contained shall interfere with the collection of the taxes for the special taxing district, which now constitutes a part of said territory, but, in such case, said special taxing district, and the trustees thereof, shall remain as at present constituted.

Further election.

Sec. 19. That in case a majority of the qualified voters shall not vote "Approved" at the election herein provided for, the board of commissioners of Robeson County, upon the petition of one-tenth of the qualified voters residing in the above described territory may order another election to be held, under the provisions hereof, first giving thirty days notice of such election, and shall appoint the judges and registrar for said election, the time and place of election to be determined by said board of county commissioners, and the machinery of said election, so far as applicable, to be as hereinbefore provided.

Sec. 20. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and this act shall be in full force and effect, subject to provisions hereof, from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 357.

AN ACT TO AMEND AN ACT RELATING TO THE SOUTHBOUND RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That H. B. 88, S. B. 816, entitled "An act to amend the charter of the Winston-Salem Southbound Railway Company," ratified February the twenty-fifth, one thousand nine hundred and eleven, be amended by adding at the end of section two the following:

Passenger rates.

"Sec. 3. Nothing in this act shall be construed as authorizing or permitting the Winston-Salem Southbound Railway Company, its lessees, assigns or operators, to charge, accept or receive a greater sum per mile for each passenger transported over its lines of railway than the sum said company, its lessees, assigns or operators would be authorized or permitted to charge, without the passage of this act."

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

Ratified this 6th day of March, 1911.

CHAPTER 358.

AN ACT FOR RELIEF OF JOHN LAWS, REGISTER OF DEEDS OF ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Whereas, it is alleged that John Laws, register of deeds of Orange County, did fail to record the substance of the return made on the marriage license issued by him on the twenty-fourth day of June, one thousand nine hundred and ten, for the marriage of W. B. Harrelson and Lucy Powell, as required by section two thousand and ninety-two of The Revisal of one thousand nine hundred and five: now, therefore, it is enacted that said John Laws, now of the age of eighty-six years, and who has been register of deeds of said county continuously since one thousand eight hundred and fifty-five, be relieved from the penalty of two hundred dollars allowed by said section to any person who shall sue for the same, on account of the failure to record the substance of this or any other marriage license prior to the passage of this act, except in cases in which judgment has been taken. Preamble. Relief from penalty.

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

Ratified this the 4th day of March, 1911.

CHAPTER 359.

AN ACT TO INCORPORATE THE DAVIDSON INTERURBAN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That S. E. Williams, J. H. Mock, W. O. Burgin, F. S. Lambeth, H. C. Grubb, J. T. Hedrick, Z. I. Walser, J. E. Foy, Jr., Dermot Shemwell, W. H. Phillips, their associates, successors and assigns, be and they are hereby created a body politic and corporate by and under the name of the "Davidson Interurban Electric Railway Company," and by that name shall exist for ninety years, and shall have the right to have and use a common seal, to sue and be sued, to contract and be contracted with, to purchase, or acquire, by gift or demise, property, real, personal and mixed; to hold, lease or sell the same as the interest of said company may require, and shall have all the rights, and shall enjoy all the privileges and immunities possessed and enjoyed by any other street railway or railroad company under the laws of the State of North Carolina. Corporators. Corporate name. Term of corporation. Corporate powers.

Sec. 2. The capital stock of said company shall be twenty-five thousand dollars ($25.000), to be created by subscription, contri- Capital stock.

Payment of subscriptions.

butions or donations by individuals, counties, townships, municipalities and other corporations, and such subscriptions may be paid for in money, labor, land, material, stocks, bonds or other securities,

Increase of stock.

the value of which the board of directors shall be the judge. Said company, by a concurrence of two-thirds in amount of all its stock, may increase its capital stock from time to time to an amount not

Proviso: increase granted by Secretary of State.

exceeding three million dollars: *Provided,* that said increase shall be granted by the Secretary of State upon application to him, and

Proviso: amount of subscription for organization.

the payment of the tax required by law: and *Provided, further,* that when one thousand dollars of the capital stock shall have been subscribed for, by solvent persons, the company shall have right to organize under this charter, and begin business, with all the powers,

Shares of stock.

privileges and franchises hereby granted. The capital stock herein provided for shall be divided into shares of ten dollars each, and each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company.

Power to borrow money and issue bonds.

Sec. 3. 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 interest not exceeding six per cent per annum; to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and

Security.

to secure the said bonds and interest thereon by deed of trust or mortgage conveying its roadbed, property and franchises, in whole or in part.

Power to construct, maintain and operate railroad.

Sec. 4. That said company is hereby given power and authority to make, construct, equip, operate and maintain a line or lines of railway with one or more tracks, and with such cars, trolley wires, cable posts, sidetracks, switches, appliances, crossings, bridges, turnouts

Termini and route.

and branches as may be necessary, commencing at a point in Davidson County, North Carolina, at or near the river bridge, and running thence by the most feasible and practical route, as may be determined upon by said corporation, to a point on the Thomasville-High Point public road at corporate limits of High Point, running by Lexington and Thomasville, in the county of Guilford, and also

Branch lines and extensions.

branch lines to its main line, or lines of extension or continuation thereof, to such other points as said company may select lying and being within fifty miles of any part of the main line of said railway.

Crossings.

Such company shall have authority to cross any track of any street railway or other railway company now incorporated or hereafter to

Proviso: conformity of grade.

be incorporated: *Provided,* it conforms to the grade of the track to be crossed: to erect and equip such stations, warehouses, offices,

Powers enumerated.

power plants, shops and other buildings as the board of directors may deem necessary; to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power in the form of electric current, hydraulic, pneumatic and steam pressure, and any and all other forms of power now or hereafter in use for driving machinery, propelling cars or carriages; to charge and collect such sums of

moneys for the carriage of passengers and transportation of property as the board of directors may reasonably fix as the fare or rate of transportation between points. The municipal authorities of all cities, towns and villages are hereby vested with authority and power to grant to the Davidson Interurban Railway Company the right, privilege, license and franchise to lay its tracks, erect its poles, maintain its lines along, under and upon the streets, avenues and highways of said cities, towns and villages for a period of ninety-nine years.

Municipalities may grant franchises to company.

Sec. 5. Said company shall have the right to accept subsidies from States, counties, townships or municipalities; to transmit, convey, transfer and deliver for hire, passengers, mail, express matter, freight, general merchandise and other property, and in all respects shall have authority to do and conduct a general railroad business.

Subsidies.

Transportation rights.

Sec. 6. Said company shall have the right to acquire by purchase or otherwise, own, hold, buy, sell, convey, lease, mortgage or encumber real estate or other property, personal and mixed. To survey, subdivide, plat, improve and develop land for purposes of sale, or otherwise, and to do and perform all things needful and lawful for the development and improvement of the same for residence, trade, agriculture or other business.

Powers to acquire and deal with property.

Sec. 7. Said company shall have authority to exercise within the State of North Carolina the right of eminent domain, and in the lawful exercise thereof to condemn for the use of said company, its successors or assigns, lands, tenements, hereditaments and water-courses and water-power for the purpose of utilizing the same as a right-of-way for said line of railway, and for the purpose of constructing thereon tracks, roadway, culverts, ditches, stations, offices, round-houses, power-houses and repair shops for said railway, together with dams, ditches, canals, plants and houses for generating electricity or steam power, or both, and for selling and conducting the same in such a manner and to such points, concerns and purposes as the said railroad company may select; and may construct dams over and across all streams, not navigable, in the line of said railroad, or in the immediate territory thereof, for the purpose of obtaining water-power for generating electricity or other motive power. Nothing contained in this act shall give to said company any rights or powers of eminent domain in excess of those given by the general laws of the State to like companies.

Right of eminent domain.

Limit of right.

Sec. 8. Whenever, from any cause, the said company hereby incorporated can not agree with the owners of the land sought to be used for any purpose mentioned in section seven of this act, for the purchase of the land for said purposes, or any of them, the said company may proceed to condemn and enter upon the same in the manner set out in chapter sixty-one, sections two thousand five hundred and seventy-five, two thousand five hundred and ninety-

Procedure for condemnation.

eight, inclusive, of The Revisal of one thousand nine hundred and five, and amendments thereto.

Books of subscription.

Sec. 9. Said incorporators shall have the power to open books of subscription, in person, or by agents duly appointed by a majority of them, at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient. Said incorporators may, when they deem proper, after ten days notice to subscribers, call together the subscribers of said shares of stock at any place in or out of the State, and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit; and at such meetings, and all other meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed to elect one of their number president, and to elect such other officers as the by-laws of said company may prescribe, and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting; said stockholders meeting to be annually; but if the day of annual election should under any circumstances pass without any election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Meeting for organization.

Directors and other officers.

Stock vote.

President and other officers.

Term of directors.

Annual meetings.

Election of directors.

Sec. 10. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company; and the persons receiving the greatest number of votes shall be duly elected a director; and at all elections, and upon all votes, at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation may prescribe.

Vacancies.

Sec. 11. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected.

President and vice-president.

The president of the company, and a vice-president, 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.

Secretary and treasurer.

The secretary and treasurer shall also be elected by the directors, and may be one and the same person; and any other officer may hold any additional office created by the by-laws of the company.

President and secretary pro tempore.

Sec. 12. In the absence of the president or secretary at any meeting of the directors they may appoint a president and secretary *pro tempore* to fill his place, except when the vice-president is present, and in that case the vice-president shall act.

Issue and transfer of stock.

Sec. 13. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Power of sale or lease.

Sec. 14. Said company may assign, lease or sell its property, franchises and privileges, or any part thereof, to any other railroad company, and the road so leasing or purchasing the 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; and the road so leasing or purchasing shall be entitled to all property, franchises, privileges and immunities belonging to or created by this act. The company shall have power to use any portion or section of its road before the same shall have been completed and charge for transportation of passengers and freight thereon.

Construction by sections.

Stockholders not personally liable.

Sec. 15. That the stockholders of said company, whether individuals, counties, townships, towns or cities, shall not be personally liable for the contracts, either for labor, materials or supplies, or for the torts of said company.

Lease of rolling stock.

Sec. 16. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company, firm or individual, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such company or companies, firms or individuals, for such time or times, and on such terms as may be agreed upon, and also to enter into agreements with any railroad company or companies, for the use of the locomotives, carriages, rolling stock and other movable property of such company or companies, and on such terms of compensation or otherwise as may be agreed upon.

Entry on land for surveys.

Sec. 17. The company is hereby authorized and empowered to enter upon and make surveys and levels of the land through which said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and in like manner of the water-power and sites for generating plants, dams, canals and power-houses.

Contracts for construction and equipment.

Sec. 18. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction and equipment of the railroad or any part thereof, including or excluding the purchase of the right-of-way, or for the construction or equipment of power-houses and power generating plants, with necessary dams, water-power, canaling and machinery, and may pay therefor, either in whole or in part, either in cash or bonds of the company, such sums as they may deem expedient, to the engineers, or for the right-of-way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of furthering the undertaking, or for the purchase of right-of-way, material

Contracts for promotion.

Proviso: contract authorized by shareholders.

or rolling stock, whether such promoters be provisional or elected directors or not: *Provided*, that no such contract shall be of any force and validity unless first authorized by resolution passed by the votes of the shareholders, either in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid.

Time for organization.

Sec. 19. The company hereby incorporated may organize at any time within two years from the ratification of this act.

Sec. 20. This act shall be in force from and after the date of its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 360.

AN ACT REGULATING THE ELECTION OF ALDERMEN IN THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the city of Raleigh be amended as follows:

Four wards.

The city of Raleigh is hereby divided into four wards, with centers of Hillsboro, New Bern avenue, Halifax and Fayetteville streets

First Ward.

as intersections, to wit: The northwest portion of said area included between the centers of Hillsboro street on the south and Halifax street on the east, and extended to the exterior boundaries of said city of the west and north, respectively, shall be known as the

Second Ward.

First Ward; the northeast portion of said area included between the centers of Halifax street on the west and New Bern avenue on the south, and extended to the exterior boundaries of said city on the north and east, respectively, shall be known as the Second Ward;

Third Ward.

the southeast portion of said area included between the centers of New Bern avenue on the north and Fayetteville street on the west, and extended to the exterior boundaries of said city on the east and south, respectively, shall be known as the Third Ward; and the re-

Fouth Ward.

mainder of said area between the centers of Hillsboro street on the north and Fayetteville street on the east, and extended to the exterior boundaries of said city on the west and south, respectively,

Proviso: Pullen park and Mount Hope cemetery.

shall be known as the Fourth Ward: *Provided*, that the territory embraced in "Pullen Park" and "Mount Hope Cemetery" shall be and compose a part of the Fourth Ward, and the territory embraced

Oakwood cemetery.

in "Oakwood Cemetery" shall be and compose a part of the Second

Carter tract.

Ward, and the territory embraced in the "Carter" tracts of land, used by the city for the purpose of a garbage farm and a smallpox hospital, shall be and compose a part of the Third Ward.

Sec. 2. That on the first Monday in May, nineteen hundred and eleven, and on the same Monday biennially thereafter, there shall be elected at large of and by the qualified voters of said city, a mayor, police justice, city tax collector, city clerk, and eight aldermen: *Provided, however,* that two of said aldermen shall reside in the First Ward, two of said aldermen shall reside in the Second Ward, two of said aldermen shall reside in the Third Ward, and two of said aldermen shall reside in the Fourth Ward; and the aldermen so elected shall constitute "the board of aldermen" of the city, and all of said officers so elected shall hold office for two years, until their successors are duly elected and qualified: *Provided,* that the registrars appointed under the provisions of this act for the election to be held on the first Monday in May, one thousand nine hundred and eleven, shall take a new registration of all qualified voters residing in the city of Raleigh if the board of aldermen shall so require.

City elections.

Proviso: residence of aldermen.

Terms of office.

Proviso: new registation.

On the second Monday preceding the general municipal election of the year one thousand nine hundred and eleven, and on the same Monday biennially thereafter, a primary election for the candidates of all parties for all elective officers in the city of Raleigh shall be held under and according to the provisions of chapter five hundred and seventy-five of the Public Laws of one thousand nine hundred and five, and the nomination for all elective officers in the city of Raleigh shall be made at large of and by the qualified voters of the city: *Provided, however,* that if said primary law shall be amended or repealed, or a primary law for Wake County or the city of Raleigh, or for the State at large, shall be enacted by the General Assembly of one thousand nine hundred and eleven, then such primary shall be held according to the provision of such act.

Primary election.

Nominations at large.

Proviso: existing primary law to govern.

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 4th day of February, 1911.

CHAPTER 361.

AN ACT TO AMEND CHAPTER TWENTY-ONE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE, RELATING TO THE CHARTER OF THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

Section 1. That chapter twenty-one, Private Laws of one thousand eight hundred and eighty-five, be amended by adding at the end of section thirty the following:

Extent of sanitary jurisdiction.

"That the authority of the health officer of the town, in so far as saintary matters are concerned, shall extend for one-half mile in every direction beyond the corporate limits: *Provided,* that nothing herein contained shall be construed to deprive the citizens of the territory described of the right to keep hogs on their premises."

Proviso: right to keep hogs.

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

Ratified this the 4th day of March, 1911.

CHAPTER 362.

AN ACT FOR THE RELIEF OF R. G. TAYLOR AND MISS CYNTHIA COX, OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Payments authorized.

Section 1. That the treasurer of Alleghany County is hereby authorized and directed to pay R. G. Taylor the sum of thirty dollars and seventy cents and Miss Cynthia Cox the sum of twenty-three dollars, out of any public school fund due or which may be due school district number seven in Prather Creek Township in said county: *Provided,* the said R. G. Taylor and Miss Cynthia Cox shall procure an order on the treasurer from the school committee of said district number seven, the said amount being a balance due them on a school taught for the years one thousand nine hundred and eight and one thousand nine hundred and nine for said school district: *Provided,* that the money may be paid out of the general school fund of the county, if approved by the county board of education: *Provided, further,* that said claims may be rejected if in the judgment of the board of education it should not be paid.

Proviso: order for payment.

Proviso: claims may be rejected.

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

Ratified this the 6th day of March, 1911.

CHAPTER 363.

AN ACT TO EXTEND THE TIME FOR THE COMPLETION OF THE WILMINGTON, BRUNSWICK AND SOUTHERN RAILROAD.

The General Assembly of North Carolina do enact:

Time for completion of work.

Section 1. That the time limit within which the Wilmington, Brunswick and Southern Railroad shall be completed in the county of Brunswick from Bolivia in said county via Lockwood's Folly and

Shallottee to the South Carolina line shall be extended one year from and after the expiration of the extended time granted to the said railroad company to complete the same by chapter three hundred and fifty, Private Acts of one thousand nine hundred and nine: *Provided,* that the said railroad company shall complete the construction of said road from Navassa to Southport and have the said road ready for operation as a common carrier within the time limit named in its charter and the acts amendatory thereto: and *Provided, further,* that the said railroad company shall have graded and ironed five miles of the road from Bolivia towards Lockwood's Folly within the time hereinbefore limited by Private Acts of one thousand nine hundred and nine, chapter three hundred and fifty.

Proviso: road from Navassa to Southport.

Proviso: road graded and ironed.

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 6th day of March, 1911.

CHAPTER 364.

AN ACT TO AMEND CHAPTER NINETY-ONE OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, PASSED AT ITS SESSION IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE.

The General Assembly of North Carolina do enact:

Section 1. That section thirty-seven of chapter ninety-one of the Private Laws of one thousand eight hundred and eighty-five, be amended by adding after the last word of said section the following: "And to collect all taxes of the town at such compensation as may be agreed upon between the said marshal or constable and the board of commissioners of the town of Warsaw.

Collection of taxes.

Sec. 2. That section thirty of chapter ninety-one of the Private Laws of one thousand eight hundred and eighty-five, be amended by striking out the words "one dollar" and inserting in lieu thereof the words "three dollars, which shall be a street or comutation tax and be levied upon all persons in the said town between the ages of eighteen and forty-five years, and collected by the town constable as follows: One dollar each and every four months; that is to say, the said tax shall be payable in installments of one dollar each for every four months."

Street commutation tax.

Sec. 3. That all laws or 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 4th day of March, 1911.

CHAPTER 365.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ENFIELD."

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-five of the Private Laws of North Carolina, session one thousand nine hundred and one, entitled "An act to establish graded schools in the town of Enfield," be amended by striking out section eight thereof and inserting in lieu thereof the following section, to wit:

Collection and settlement of tax.

"Sec. 8. That said taxes shall be collected by a tax collector of the town of Enfield 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 the board of trustees of the Enfield graded school district, which said treasurer shall be elected by the board of trustees of the Enfield graded school district at the regular meeting of said board in June, one thousand nine hundred and eleven, and biennially thereafter, said treasurer to hold such office until the election and qualification of his successor. And at the time of the election of said treasurer it shall be the duty of said board to fix the compensation of said officer, the amount of said compensation to be in the discretion of the said board. And said treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded school only upon warrant of the chairman and the secretary of the said board of trustees: *Provided*, that said tax collector and said treasurer shall enter into bond of such amount as said board of trustees shall direct, the former conditioned for the faithful collection and paying over, and the latter for the safe keeping and proper distribution of said taxes and other funds that may come into the hands of either for the use and benefit of said graded schools."

Election and compensation of treasurer.

Warrants.

Proviso: bond of tax collector and treasurer.

Board of trustees.

Sec. 2. That section fourteen of said chapter of the Private Laws of North Carolina, session one thousand nine hundred and one, be amended by striking out the words "town of Enfield" in line four thereof and inserting in lieu thereof the words "board of trustees of Enfield graded school district."

Town treasurer.

Sec. 3. That the treasurer of the town of Enfield shall be and remain treasurer of the board of trustees of Enfield graded school district until a treasurer of such board as provided in section one of this act shall be duly elected and qualified.

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 full force and effect from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 366.

AN ACT TO PROVIDE FOR A BOND ISSUE IN NORTH AND SOUTH CLINTON TOWNSHIPS, SPECIAL SCHOOL DISTRICT, SAMPSON COUNTY, FOR THE PURPOSE OF ERECTING SCHOOL BUILING.

The General Assembly of North Carolina do enact:

School committee incorporated.

Section 1. That the present members of the school committee in special tax school district number one of North and South Clinton townships, in Sampson County, be and they are hereby made a body corporate under the name of The Board of Trustees of Clinton Graded Schools, and as such may adopt and use a common seal and the members thereof shall hold office for the time they were appointed as school committeemen for said district, and their successors shall be appointed in the same manner and for the same term as is now provided by law for the appointment of school committeemen. The said corporation shall be vested with all the rights, privileges and powers heretofore held and enjoyed by, and be subject to all the duties and obligations, heretofore devolving upon the school committee of said special tax district.

Corporate name.

Corporate powers.

Power to issue bonds.

Limit of amount.

Denominations.

Interest.

Maturity.

Authentication.

Record.

Sec. 2. That said board of trustees is hereby authorized and empowered to issue coupon bonds in any amount not to exceed the sum of ($20,000) twenty thousand dollars, and in denominations of not less than twenty-five dollars nor greater than one hundred dollars each, bearing interest from date of bonds at a rate not to exceed six per cent per annum, payable semi-annually on the first day of January and first day of July each year, at such place as said trustees may designate until the said bonds are paid; that the said bonds shall be 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 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 the secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall be signed by the chairman and secretary of said board or by their facsimile signatures, as may be authorized by them. A record shall be kept of said bonds showing the numbers and denominations thereof and to whom sold, the date 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 such other data in relation to the same as the board may direct to be kept.

Sale below par and delivery before payment forbidden.

Sec. 3. 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 the county school fund of Sampson County, and his receipt to the purchaser produced as evidence of such payment, and said treasurer shall receive all such moneys paid in the purchase of said bonds in his official capacity as treasurer of the county school fund of said county, 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 board of commissioners of said county to see that the bonds of said treasurer shall 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 or increase his official bond as they may deem proper.

Treasurer to receive money.

Liability and bond of treasurer.

Separate accounts.

Sec. 4. That the said treasurer of the county school fund of said county shall keep a separate account of all moneys coming into his hands from the sale of said bonds, and said moneys shall be expended by the said board of trustees, in their discretion, either in making repairs upon the present school buildings now under their charge in said district, or in erecting, equipping and furnishing new buildings in their stead, as to said board of trustees may appear to be for the best interest of the schools of said district.

Expenditure of money.

Commission of treasurer.

Sec. 5. The treasurer of the county school fund shall receive as compensation for performing the duties conferred upon him by this act the same per centum for disbursing the moneys coming into his hands under the provisions of this act as is paid him for disbursing the general school funds of the county.

Sinking fund.

Sec. 6. That it shall be the duty of the board of education of Sampson County to provide a sinking fund for the payment of the principal of said bonds at maturity, as near as may be feasible, and further provide each year for the payment semi-annually of the interest on said bonds, and for such purposes to set apart each year from the taxes collected in or moneys appointed to said special tax school district for public schools a sum sufficient to pay the same.

Interest.

Question submitted to voters.

Call of election.

Sec. 7. The question of issuing of said bonds shall be submitted to the qualified voters of said special tax school district at an election to be held at such time and place as may be directed by the board of commissioners of Sampson County, who are required, upon a request from said board of trustees, to call the election and provide for holding the same. Notice of said election shall be published in one or more newspapers published in Sampson County once a week for at least four weeks prior thereto, and the election shall be held under the rules, regulations and directions governing elections in special tax school districts of this State and not inconsistent with the provisions of this act. At said election those who are in favor of issuing the said bonds shall vote a written or printed ballot with the words "For school bonds" upon it, and those opposed to issuing said bonds shall vote a written or printed bal-

Notice of election.

Law governing election.

Ballots.

lot with the words "Against school bonds" upon it. 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 Sampson County, who shall furnish to the chairman of said board of trustees a certified copy of said returns under his 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 election a majority of the qualified voters of said special tax school district shall vote "For school bonds," 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 of trustees for the purposes aforesaid. Count and return of votes. Certificate of returns. Issue of bonds.

Sec. 8. That if a majority of the qualified voters of said special tax school district shall vote at said election in favor of said bonds it shall be the duty of the board of commissioners of Sampson County, and they are hereby so required, to levy annually a special tax upon all taxable property and polls within said special tax school district not exceeding thirty cents on the one hundred dollars valuation of real and personal property and ninety cents on the poll, in addition to the special taxes now authorized and levied for school purposes in said special tax school district, and said tax shall be due and collected by the sheriff of Sampson County in like manner and at the time other school taxes are due and collected, and the said sheriff shall be subject to the same laws governing the collection and settlement of said taxes as of State and county taxes, and shall be subject to the same penalties as are prescribed by said laws, and shall give a good and sufficient bond to secure all taxes collected under this act, said bond to be approved by the said 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; the moneys derived from said taxes to be used in carrying out the provisions of this act: *Provided*, that if the result of said election is not in favor of the issue of said bonds the board of commissioners of said county shall order a new election to be held under the same terms, rules and regulations at any time after one year from the previous election. Special tax. Rate. Collection of tax. Compensation of sheriff. Proviso: new election.

Sec. 9. That for the purposes of this act and the holding of such election or elections, the board of commissioners of Sampson County shall order and provide for a new registration of the qualified voters in said special tax school district, and no voter shall be deemed a qualified voter within the meaning of this act except those whose names are duly registered under the provisions of this act. Said registration shall be subject to the general laws of the State governing the registration of voters. New registration.

Sec. 10. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 367.

AN ACT TO INCORPORATE THE TOWN OF ARTHUR, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the village of Arthur, in the county of Pitt, be and the same is hereby incorporated under the name and style of

Corporate name.

The Town of Arthur, and shall be subject to all the provisions con-

Corporate powers.

tained in chapter seventy-three (73), volume one (1) of The Revisal of one thousand nine hundred and five of North Carolina, and all amendments thereto, not inconsistent with this act.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at an iron pin, the northeast corner of a tract of land belonging to J. R. Nichols and being also a corner of the land of J. R. Strickland, and running from thence along said Strickland's line north thirty-two degrees west fifteen hundred and sixteen (1,516) feet to the center line of the Norfolk Southern Railroad; thence north nine (9) degrees and thirty (30) minutes west eleven hundred and ninety (1,190) feet to a stake; thence north fifty-seven (57) degrees east twelve hundred and fifteen (1,216) feet to a stake; thence south sixty-seven (67) degrees east twenty-two hundred and twenty-five (2,225) feet to a stake; thence south seven (7) degrees east six hundred and fifteen (615) feet to the center line of the Norfolk Southern Railroad; thence continuing the same course south seven (7) degrees east eight hundred (800) feet to a stake; thence south fifty (50) degrees west nineteen hundred (1,900) feet to a stake; thence north sixty-four (64) degrees west eight hundred and thirty-five (835) feet to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor and three commissioners, and such other officers as the board of commissioners may elect.

First officers named.

Sec. 4. That until the election hereinafter provided for, the mayor and three commissioners provided for in the preceding section of this act shall be as follows: mayor, J. R. Nichols; commissioners, J. W. Crawford, R. J. Tugwell and B. F. Crawford, who shall hold their respective offices until their successors are elected and qualified.

Town elections.

Sec. 5. There shall be held on the first Monday in May, nineteen hundred and eleven (1911), and biennially thereafter, in some convenient place in said town to be designated by said commissioners, an election for mayor and three commissioners, under the laws of the State prescribing the manner of election for municipal officers.

Power to open streets.

Sec. 6. That the board of commissioners for said town shall have power, from time to time, to open any new streets or alleys within said town, by paying the owner through whose lands the said streets or alleys may run such damages as may be sustained thereby, if any:

Provided, that if the said commissioners and owners of said land can not agree as to the amount of damages, it shall be left to three disinterested freeholders, citizens of said town, to be selected as follows: the commissioners shall name one, the owner of the land one, and the two thus selected shall name the third, and if the owner of the land will not name a man, then the commissioners shall name two and the two so chosen shall select the third man, and the three selected as above directed shall assess such damages: *Provided, further*, that either party being dissatisfied with the assessment, upon giving bond for the payment of costs may appeal to the superior court of Pitt County, where the same shall be determined. Proviso: assessment of damages. Proviso: right of appeal.

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

Ratified this the 6th day of March, 1911.

CHAPTER 368.

AN ACT TO AUTHORIZE THE TOWN OF EDENTON TO ISSUE BONDS AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Section 1. That the question of issuing bonds of the town of Edenton in an amount not exceeding twenty thousand dollars, to be expended for the purpose of establishing and maintaining a sewerage system for the said town as hereinafter provided, is hereby authorized to be submitted to the qualified voters of the said town of Edenton. Question of bond issue submitted to vote.

Sec. 2. That for this purpose there shall be held on the same day of May, one thousand nine hundred and eleven, under the same rules and regulations and on same day as are now prescribed for holding municipal elections in the said town of Edenton. Those in favor of issuing the said bonds shall vote a ticket having thereon the words "Bonds" and those opposed shall vote a ticket having thereon the words "Against bonds." Date of election. Tickets.

Sec. 3. That the result of such election shall be declared at the same time and in the same manner as is now prescribed for declaring the result of the municipal elections of the town of Edenton. If it shall appear that a majority of the qualified voters of the town shall have voted in favor of the bonds, then the board of council of the said town of Edenton shall cause the bonds to be prepared and issued, said bonds to be signed by the mayor of said town and countersigned by the clerk. The interest on same to be at a rate not to exceed five per cent per annum, payable annually, represented by coupons illustrated and numbered corresponding to the bonds of which they represent the interest. Declaration of result. Issue and authentication of bonds. Interest.

Special tax.

Sec. 4. That in order to meet the payment of the said bonds and the interest thereon, the said board of council are hereby authorized and empowered to levy and collect a special tax not exceeding fifteen cents on the one hundred dollars of assessed valuation of all the property, real and personal, and choses in action and solvent credits within the corporate limits of the said town and not exceeding forty-five cents on the poll.

Rate.

Sale of bonds.

Sec. 5. That the said bonds when issued shall be placed in the hands of a board of commissioners, which bonds shall be negotiated to the best advantage by the said board and the board of councilmen of the town of Edenton conjointly and the proceeds thereof shall be paid over to the treasurer of the town of Edenton, whose compensation may be fixed by the said commissioners and councilmen conjointly and used under the direction of the board of councilmen and the commissioners hereinafter named for the purpose of establishing a sewerage system in the town of Edenton: *Provided*, said bonds shall not be sold for less than par value.

Proceeds to treasurer.

Compensation of treasurer.

Proviso: sale below par forbidden.

Bond of treasurer.

Sec. 6. That the said board of commissioners hereinafter named and the councilmen of the said town shall require the treasurer thereof to execute such additional bond as to them may seem just and proper.

Denomination of bonds.

Sec. 7. That said bonds shall be of the denomination of one hundred dollars, five hundred dollars and one thousand dollars, as may be determined by the said board of aldermen, and bear interest at the rate of five per cent from the date of their issue, and shall run for a period of thirty years (30).

Interest.

Commissioners named.

Sec. 8. That Frank Wood, Dr. J. H. McMullan, R. N. Hines, J. A. Woodard, J. N. Pruden and W. J. Berryman, and the mayor of the town of Edenton shall be chairman *ex officio* of said board of commissioners, be and they are hereby appointed commissioners and they and their successors shall be authorized and empowered to negotiate the bonds herein authorized to be issued and to advise with the board of council of said town in establishing the sewerage system herein provided for and for which said bonds are issued. And in these matters they shall meet with the said board of council and no money shall be paid out of the fund arising from the sale of the said bonds, except by two-thirds vote of both the commissioners herein named and the councilmen of the town of Edenton.

Authority and power.

Payments of money.

Sewerage system.

Sec. 9. That after the sale of the bonds herein provided for and the completion of the said sewerage system, in accordance with the provisions of this act, the said system shall be turned over to and put in control of the board of public works of the town of Edenton as prescribed by the act of one thousand nine hundred and ninety, chapter one hundred and eighty-six, amending the charter of Edenton.

Vacancies.

Sec. 10. That in the event of the vacancy on account of the resignation or death of any member of the commissioners herein named,

or his removal from the said town, the said commissioners shall elect to fill his unexpired term.

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

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

Ratified this the 6th day of March, 1911.

CHAPTER 369.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF KENLY GRADED SCHOOL DISTRICT TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING A GRADED SCHOOL BUILDING AT KENLY, IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the school committee of Kenly school district, Beulah Township, in Johnston County, is hereby constituted and shall be hereafter known and designated "The Board of Trustees of the Kenly Graded Schools," and their successors in office shall be chosen by the board of education of Johnston County at the same times and in the same way as the school committees for other schools in said county are chosen. School committee constituted trustees. Election of successors.

Sec. 2. That the board of trustees of the Kenly 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 the debts and liabilities of, and subject to all the duties and obligations devolving upon the committee of the Kenly 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 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. Trustees incorporated. Corporate name. Corporate powers.

Sec. 3. That for the purpose of raising money to build and equip a graded school building for the Kenly graded school district, the board of trustees of said district is hereby authorized and empowered to issue bonds, to an amount not exceeding three thousand dollars, payable at such place as it may designate, which bonds shall bear interest, not exceeding six per cent per annum, payable an- Bond issue authorized. Amount. Interest.

nually at such time and place as said board may designate, and evi-
Authentication. denced by coupons attached to said bonds. Said bonds shall be signed in the name of the board of trustees of the Kenly graded school district, by the chairman of the said board, attested by its secretary,
Maturity. and shall mature in ten years from the date of their issue.

Sale below par and diversion of proceeds forbidden. 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
Proviso: responsibility of purchaser. act: *Provided*, the purchasers thereof shall not be required to look to the disposition of said proceeds. Said bonds shall be sold in
Denominations. such denominations as the board of trustees aforesaid may designate, to suit the purchaser or purchasers thereof.

Special tax. Sec. 5. That for the purpose of providing for the payment of the same at their maturity, the board of county commissioners of Johnston County shall, annually, at the time of levying other taxes,
Rate. levy and lay a special tax of ten cents on every one hundred dollars worth of property, and thirty 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
Collection and application. shall be collected by the sheriff of Johnston 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 selected.

Payment of interest. 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, and to loan any and all moneys, and the accruing interest on
Investment of sinking fund. 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 thereof shall be annually reloaned in the same way.

Order for election. Sec. 8. That for the purpose of submitting to the qualified voters of the Kenly graded school district, the question of issuing said bonds and levying and collecting the taxes hereinbefore provided for, the county board of commissioners of Johnston County, upon petition of the board of trustees of Kenly graded school district, shall
Place and date of election. order an election to be held in said district, at the usual polling place in Kenly, at the same time of the regular biennial town election
Election officers. in May, one thousand nine hundred and eleven, appoint a registrar
Notice of election. and two judges of election, and shall give thirty days notice in some newspaper published in Johnston County, and shall order an
New registration. entire new registration of voters for said election.

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," and those voting against the issuing of said bonds and levying and collecting said taxes, shall vote a written or printed ballot containing

the words "Against schools." Said election shall be held under the same rules and regulations as are now provided for the election of members of the General Assembly; and all expenses connected therewith shall be paid out of school funds of Kenly graded school district. Law governing election. Expenses.

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, and one to the county board of commissioners of Johnston County, and the board of commissioners shall order said returns recorded in the office of the register of deeds for said county. Canvass and return of votes. Record of returns.

Sec. 11. That if at the election a majority of the qualified voters of Kenly graded school district shall be for schools, 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. Issue of bonds.

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 tax hereinbefore provided for, the board of county commissioners 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 Kenly graded school district; and if at such election a majority of the qualified voters shall be for schools it shall have the same force and effect as if no election had been previously held. Further election.

Sec. 13. That in addition to three members of the board of trustees which are appointed from time to time by the county board of education, there shall be two more members of said board as incorporated by this act, the said additional two members to be elected from time to time by those members appointed by the county board of education, who for this purpose shall fill all vacancies as to the two additional appointees provided for by this section. That until the next appointment of school committee or trustees by the county board of education for said Kenly graded school district, W. T. Bailey and R. A. Hales are hereby appointed on said board of school trustees for said district. Additional trustees. Trustees named.

Sec. 14. That it shall be the duty of the enlarged board of trustees of Kenly graded school district to elect a treasurer, who may in their discretion, be one of their number and he shall be known as treasurer of Kenly graded school district, who shall give such bond and receive such compensation as said board of trustees may fix. Election, bond and compensation of treasurer.

Sec. 15. That all laws in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 370.

AN ACT TO CHANGE AND FIX THE BOUNDARY LINES OF SPECIAL TAX SCHOOL DISTRICT NUMBER SIX, IN McNEILL'S TOWNSHIP, MOORE COUNTY, BY TAKING A PORTION OF SPECIAL TAX SCHOOL DISTRICTS NUMBERS TWO AND THREE IN SAID TOWNSHIP.

The General Assembly of North Carolina do enact:

Lines changed.

Section 1. That the lines of Special Tax School District Number Six, in McNeill's Township, Moore County, North Carolina, be changed by taking in a portion of Special Tax School Districts Numbers Two and Three, in McNeill's Township, Moore County, and making the description of said Special Tax School District Number Six as follows: Beginning at the conjunction of Mill and McDeed's creeks, and runs down Shaddox Creek to Blue's bridge; thence with the road leading from Blue's bridge to Kelly's bridge, on Little River; thence down said river to the mouth of Rocky Branch; thence up said branch to its head; thence as the road which runs parallel with said branch to the Fayetteville and Carthage road; thence up said road to the Joel road; thence up the Joel road to the Pee Dee road; thence to and with the line of the Eureka school district to Mill Creek; thence down said creek to the Niagara and Thaggardsville graded road; thence with said road to McDeed's Creek; thence down McDeed's Creek to Persimmon Branch; thence up said branch to its head; thence south to the Lakeview and Southern Pines graded road; thence with said road to the head of Mill Branch; thence down said branch to W. M. Blue's west line; thence with said line and McDeed's Creek to the beginning.

Boundaries.

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, 1911.

CHAPTER 371.

AN ACT TO AUTHORIZE THE TOWN OF AULANDER, BERTIE COUNTY, TO ISSUE BONDS AND LEVY SPECIAL TAX FOR GENERAL TOWN IMPROVEMENTS.

The General Assembly of North Carolina do Enact:

Amount of bond issue to be voted on.

Section 1. That the question of issuing bonds of the town of Aulander in an amount not exceeding five thousand dollars to be

expended as hereinafter provided is hereby authorized to be submitted to the qualified voters of the town of Aulander.

Call and date of election.

Sec. 2. That an election for this purpose shall be called and held at the same time and in the same manner as is now provided for the election of mayor and commissioners of said town, which said election shall be held on the first Tuesday in May, one thousand nine hundred and eleven. Those in favor of bonds shall vote a ticket having the words thereon "For bonds" and those opposing shall vote a ticket having the words thereon "Against bonds." That the pollholders and registrars of election on the day after the same is held shall count and make an abstract of the votes cast and file the same with the board of commissioners of the town of Aulander at their first regular meeting after their election, at which time the said board shall examine the returns made to them as aforesaid and decide the result of the election. If it shall appear that a majority of the qualified voters of the said town shall have voted in favor of the bonds then said board of commissioners shall cause the same to be prepared and issued, said bonds shall be signed by the mayor of said town and countersigned by the clerk; the interest on said bonds shall be at the rate of six per centum per annum, payable annually, represented by coupons attached, lettered and numbered corresponding to the bonds of which they represent the interest.

Tickets.

Count and return of votes.

Canvass.

Issue of bonds.

Authentication.

Interest.

Special tax.

Sec. 4. That in order to meet the payment of said bonds and the accruing interest thereon, the said board of commissioners are hereby authorized and empowered to levy and collect a special tax not exceeding twenty cents on the one hundred dollars of assessed valuation of all the property, both real and personal, choses in action and solvent credits within the corporate limits of said town.

Tax rate.

Sale of bonds.

Sec. 5. That said bonds when issued shall be placed in the hands of the board of commissioners and shall be negotiated to the best advantage by and under the direction of the said town commissioners and the proceeds thereof shall be paid over to the town treasurer and used under the direction of the said town commissioners for the following purposes, to wit: To broaden, lay out, improve, pave and put in order the streets of Aulander and pay for the lands condemned and used for opening, widening and improving said streets in such a manner and to such extent as may seem best to said board of commissioners; and also setting out shade trees, putting in waterworks, purchasing sewer pipes and laying same, purchasing electric or gas light plant and installing same with all necessary wires and connections necessary to make same operative and effective: *Provided*, that said bonds shall not be sold for less than their par value.

Use of proceeds.

Proviso: sale below par forbidden.

Bond of treasurer.

Sec. 6. The said town commissioners shall have the power to cause the treasurer to increase his bond before the proceeds from the sale of said bonds shall go into his hands in such sum as they

may deem advisable not to be less than ten thousand ($10,000) dollars nor more than twenty thousand ($20,000) dollars.

Denomination and date of bonds.

Sec. 6. That said bonds shall be of the denomination of five hundred dollars each and shall bear interest from July first one thousand nine hundred and eleven, the date of issue.

Maturity.

Sec. 7. The said bonds shall mature and become due and payable in the following amounts and dates. $1,000.00 July first one thousand nine hundred and fifteen: $1,000.00 July first one thousand nine hundred and twenty; $1,000.00 July first one thousand nine hundred and twenty-five; $1,000.00 July first, one thousand nine hundred and thirty; $1,000.00 July first one thousand nine hundred and thirty-five.

Sec. 8. That all laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force from and after the date of its ratification.

Ratified this 6th day of March, 1911.

CHAPTER 372.

AN ACT TO ESTABLISH A LOCAL TAX SCHOOL DISTRICT IN WALNUT GROVE TOWNSHIP, WILKES COUNTY.

The General Assembly of North Carolina do enact:

District established.

Section 1. That there shall be established in Wilkes County a local tax school district, bounded as follows, the school to be taught in the new building recently erected near Brewers, North Carolina, by private funds raised by the citizens of the boundaries as hereinafter named: Beginning in the township line, near the pole bridge on the Traphill and Jefferson road, running with said township line to Payne and Deemer's land; thence with said land to J. T. Alexander's northwest corner; thence including all the land of J. T. and F. H. Alexander, to Roaring River; thence down said river to A. R. Truitt's line; thence crossing said river to Johnson Caudill deceased land; thence to the fifth school district; thence with said district line to Piney Grove district line; thence to and including A. J. Moxley; thence to Roaring River; thence up said river to the wagon ford near A. R. Truitt's; thence with the public road to said Truitt's line; thence with said Truitt's line to W. H. Truitt's line; thence with said Truitt's line to J. H. Joines' line; thence with said Joines' line to the public road; thence with said road to Pleasant Mountain lodge hall; thence on the northwest side of said Masonic hall and Double Creek church house to J. H. Joines' line; thence to said Joines' and Cicero Caudill's line; thence with said Joines' line to D. L. Holbrook's line; thence to

Boundary.

John W. Holbrook's line; thence with said Holbrook's line, crossing the public road near A. M. Holbrook's store place, to W. C. Walker's line; thence with said Walker's and Joines' line to Double Creek church; thence to John W. Holbrook's line; thence to F. C. Holbrook's line; thence to Harris Creek; thence down said creek, including the Brewer-Moxley mills to the fork of said creek; thence with M. F. Joines' line to W. A. Hutchison's line; thence with said Hutchison's line to Joines Creek; thence up said creek to the wagon ford on the public road, near E. E. Hutchison's; thence a direct line to the Two-mile Gap on Greenstreet's Mountain; thence with the township line, including Henry Cacy, J. T. McBride, I. B. Cacy and N. C. Clary to the beginning.

Special election.

Sec. 3. That the board of county commissioners of Wilkes County shall at their regular meeting in April, one thousand nine hundred and eleven, order a special election to be held during the month of May, one thousand nine hundred and eleven, upon the question of levying a special tax to be used in connection with the general school fund apportioned this district, upon a petition filed by a majority of the qualified voters of said district, and if a majority of said voters shall vote in favor of said special tax, then the commissioners of Wilkes County at their regular meeting in June, one thousand nine hundred and eleven, and annually thereafter levy a special tax not to exceed thirty cents on the one hundred dollars worth of real and personal property within said district.

Petition for election.

Rate.

School committeemen.

Sec. 2. That W. L. Brewer, F. C. Holbrook and A. L. Sidden are hereby appointed school committeemen for said district who shall hold office until their successors are elected by the board of education of Wilkes County.

Term.

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

Ratified this 6th day of March, 1911.

CHAPTER 373.

AN ACT TO ENLARGE THE POWERS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF POLLOCKSVILLE IN JONES COUNTY.

The General Assembly of North Carolina do enact:

Gates across roads.

Section 1. That the board of commissioners of the town of Pollocksville are hereby given authority to trect and maintain gates across the public roads leading into Pollocksville, when in their judgment they think it best to do so.

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

Ratified this 6th day of March, 1911.

CHAPTER 374.

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF WAKE TO RELIEVE NELSON ARNOLD, A PUBLIC SCHOOL TEACHER.

Preamble. Whereas, under the public school law, a teacher holding a third grade certificate may not teach except as an assistant teacher; and,

Preamble. Whereas, Nelson Arnold, a negro school teacher, taught a free public school and failed to receive higher than a third grade certificate; now, therefore,

The General Assembly of North Carolina do enact:

Payment authorized. Section 1. That the county board of education of Wake County be authorized to pay the said Nelson Arnold fifteen dollars per month for each and every month taught by him.

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

Ratified this 6th day of March, 1911.

CHAPTER 375.

AN ACT TO AUTHORIZE THE TOWN OF GRAHAM TO BORROW MONEY TO BE USED IN STREET IMPROVEMENT AND TO CREATE A STREET COMMISSION.

The General Assembly of North Carolina do enact:

Sum to be borrowed. Section 1. That the mayor and the commissioners of the town of Graham, Alamance County, North Carolina, are hereby authorized and empowered to borrow a sum of money not to exceed ten thousand dollars on such terms as may be agreed upon by them to be used in permanent street improvement in said town.

Street commission. Sec. 2. That for the purpose of relieving the commissioners of said town of the responsibility and care of supervising the constitution of the improvements and to prevent any interruption in the plans therefor H. W. Scott, C. P. Harden, W. R. Goley, J. C. Walker and A. Lacy Holt are hereby constituted and appointed a "street commission" and they and their successors, each of whom shall be a qualified elector of said town, shall, after their organization, have charge of the work and the improvements until it shall be finished, except as herein specified.

Qualifications.

Charge of work.

Copy of act to be certified to town. Sec. 3. That as soon as practicable after the ratification of this act a copy thereof shall be certified by the Secretary of State of the State of North Carolina to the mayor and town commissioners of the town of Graham who shall thereupon appoint a time and

place for the members of said "street commission" to meet and organize and notice thereof be served on said members by the town constable. That upon assembling as herein provided each member of said commission shall take and subscribe to the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties imposed on them by law; and after so qualifying they shall proceed to elect from their number a chairman who shall preside at all meetings of said commission and who, together with the secretary of said commission, shall execute all contracts and agreements made and entered into by said commission. That said commission shall elect a secretary and treasurer who shall be a resident of said town and may or may not be a member of said commission, and before entering upon his duties he shall enter into a bond with sufficient sureties to be approved by the town commissioners in such sum as said town commissioners shall require, conditioned upon the faithful discharge of his duties as clerk to said street commission, and faithfully accounting for and paying over all moneys that shall come into his hands, which bond shall be payable to the State of North Carolina and be duly proven and registered.

Meeting for organization.

Commissioners to qualify.

Organization.

Bond of secretary and treasurer.

Sec. 4. That not later than the fifteenth day of April, one thousand nine hundred and eleven, the said street commission and the board of town commissioners for said town shall, at the call of the mayor of Graham, meet in joint session at which meeting the mayor shall preside and shall at said meeting select and finally determine what streets shall be improved and to what extent, prescribe approximately the grade to be maintained, the drainage to be made, designate the streets first to be improved, the width of the streets, the width of the macadam, and fix the compensation for the secretary and treasurer, which in no event shall exceed one per centum for all sums that he shall pay out with nothing for collecting any sum, and after these matters shall have been settled by said joint meeting the matter of having said improvements made, inspected, received and ordered paid for, shall be left entirely in the hands of said street commission.

Joint meeting.

Details of work.

That the members of said street commission shall serve without compensation.

No compensation.

Sec. 5. That said street commission shall have power, in its discretion, to hire one or more foremen and engage labor and machinery and build the streets to be built, or, if deemed best it shall have the power to let the work to be done to contract, and to have done all things necessary to be done in either event.

Power of street commission.

Sec. 6. That if the same shall be let to contract the said street commission, its successors, agents, or employees shall not assume further control, supervision or management of the laborers or of the work than to see that the work is being done according to contract, and further than to exercise such supervision of the work as it

Control if work let to contract.

progresses as will keep them informed of the class of work being done they shall not interfere.

Inspections of contract work.

Sec. 7. That it shall be the duty of the members of said street commission to make such personal inspection from time to time of the work being done as it progresses as shall satisfy them that the contract is being fully complied with and the work properly done and that the work being done is of such a character as to produce a permanent, substantial and serviceable street, and to that end it shall be their duty to engage the services of some reliable engineer and expert road builder to advise and assist said commission in all matters necessary to insure proper grade, drainage, and construction and to aid them in the inspection and acceptance of the work and to advise with them in any and all matters necessary to fully inform them of the character of the work done.

Advice and assistance.

Payment of contract price.

Sec. 8. That when fully satisfied after consultation with their engineer that the work done has been done according to contract, the said commission may direct its treasurer to pay any part of the contract price as agreed upon in the contract and all sums to be paid out shall be paid only on the order of the commission in session.

Call and notice of meetings.

Sec. 9. That said street commission shall transact all of its business in meetings to be called by its chairman by a notice in writing which shall be served on all the members by the town constable, and four of said members shall constitute a quorum for the transaction of business.

Minutes.

The secretary shall make proper and full minutes of all meetings of said commission and when the said commission shall have performed all its duties and expended the sum of money placed in its hands by virtue of this act, all minutes, records and books kept by said board shall be turned over to the board of town commissioners after a full accounting and settlement has been had and the town commissioners shall preserve the same as their own records.

Dissolution.

After said accounting and delivering of records the said street commission shall be dissolved.

Vacancy.

Sec. 10. That if at any time there shall be a vacancy on said street commission the same shall be filled by the remaining members thereof in meeting called for the purpose.

Liability of town.

Sec. 11. That nothing in this act shall be construed to impose any liability on the town of Graham by reason of any misfeasance, nonfeasance, tort, injury or harm to any person, property or other thing or right caused directly or indirectly by any act, direction or otherwise of any person or thing whose actions and conduct and the manner of whose actions and conduct or management is not directly under the said town and under its direction and control.

Notice of meetings.

Sec. 12. That each member of said commission shall have at least two hours notice of each and every meeting of said street commission and the failure of any member to attend three successive meet-

ings for any cause whatever shall authorize said street commission to declare the membership of the defaulting member vacant and thereupon the said commission shall elect some citizen of Graham in place of said defaulting member. Absence authorizing vacation of office.

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

Ratified this 6th day of March, 1911.

CHAPTER 376.

AN ACT TO INCORPORATE THE CHIMNEY ROCK AND HICKORY NUT GAP TURNPIKE COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That G. W. Connor, C. Oates, W. F. Pryor, W. S. Freeman, T. W. Freeman, Joe L. Ashworth, Dr. M. H. Fletcher, Thos. W. Long, J. B. Freeman, Richard Ledbetter, Z. V. Taylor and W. F. Flack, and all other persons who may now or hereafter be associated with them, are hereby constituted, declared and created a body politic and corporate under the name and style of Chimney Rock and Hickory Nut Gap Turnpike Company, and by that name have a succession for a period of ninety-nine (99) years; may sue and be sued, adopt and use a common seal, make contracts, purchase or otherwise acquire, buy and sell property of all kinds, real, personal or mixed, mortgages or convey by deed of trust or otherwise encumber any or all of its property, adopt by-laws, issue its securities, provide for the payment thereof, guarantee the interest or dividend on its outstanding obligations and have such other rights, powers and privileges as are granted corporations by the general laws of the State. Corporators. Corporate name. Term of corporation. Corporate powers.

Sec. 2. The said company is authorized and empowered to build, construct, maintain and operate a turnpike toll road from that certain iron bridge across and over Broad River, near what is locally known as the "Long Ford" in Rutheford County to the Buncombe County line in Hickory Nut Gap via Mountain View, Bat Cave and Hickory Nut Gap, and to charge, collect and receive toll rates for use and travel thereon, as hereinafter set out. Construction of turnpike toll road. Termini and route.

Sec. 3. The capital stock of the company shall be fifty thousand dollars, to be divided into five thousand shares of the par value of ten dollars per share. Capital stock.

Sec. 4. The stockholders, at their first meeting or any subsequent meeting called for the purpose, may declare and create two classes of stock, common and preferred, and may declare what portion of the entire capitalization shall be common and what portion preferred stock, and may fix, determine and declare the annual dividend on the Classes of stock. Dividend.

preferred stock, which shall not exceed six per cent per annum, said dividend to be cumulative: *Provided*, however, that no preference shall be given any stock over that stock held by the State of North Carolina as hereinafter more fully expressed.

Proviso: no preference over State stock.

Subscription books.

Sec. 5. Within ten days after the passage and ratification of this act, the subscribers, or a majority thereof, shall meet at Bat Cave, or at such other point as may be determined upon, and open the subscription books.

Organization.

When two hundred shares of the capital stock shall have been subscribed, the subscribers, under the direction of the incorporators or a majority thereof, who must themselves be subscribers, shall proceed to organize the corporation by the election, from among the subscribers, of a board of not less than five (5) nor more than nine (9) directors, who shall hold their offices for the term fixed in the by-laws.

Number of directors.

By-laws.

Sec. 6. The subscribers to said stock shall also adopt such by-laws as they may deem necessary for the conduct and management of the business and affairs of the company, shall provide for the time of holding stockholders and directors meetings, manner of sale, issuing and transferring stock, and may in their discretion provide for the selection of an executive committee of three, from the directors, and define the powers and duties of said executive committee.

Meetings.

Stock regulations.

Executive committee.

Payment of subscriptions.

Sec. 7. The board of directors may make the payments of subscriptions to the capital stock, payable in such manner and amounts, and at such time or times as may be agreed upon with the subscribers. They are authorized to receive such payment either in cash or labor, materials, services, stocks, bonds, real or personal property, or other thing of value, and the valuation thereof agreed upon by a majority of the board of directors, shall, in the absence of fraud or collusion be conclusive as to the same, and stock delivered to the value so fixed shall be fully paid and non-assessable.

Manner of payment.

Power to issue bonds and execute mortgages.

Sec. 8. The company is authorized and empowered to issue its bonds, notes or other evidences of debt, to any amount necessary to the construction and upkeep of its turnpike and appurtenances, and the purchase of property necessary to its business and the development thereof, as in the judgment of the board of directors may be requisite. For the purpose of securing the payment of any such bonds, notes or other obligations or evidences of debt and the interest thereon, the said board of directors are authorized and empowered to make, execute and deliver any deed of trust, mortgage or other instrument of security, upon all or any part of the property of the company, real or personal, or the income and revenues of the company, from whatever source derived. The bonds, notes or other evidences of debt may be issued in such denominations, for such a term of years and at such a rate of interest as the board of directors may determine, and may sell and dispose of such se-

Denominations, term, interest and sale of bonds.

curities at such prices as may be by said board of directors fixed and agreed upon.

Principal office.

Sec. 9. The principal office and place of business of the company shall be at Bat Cave, in the county of Henderson, subject to change at any time by the subscribers or stockholders.

Directors to meet and organize.

President and other officers.

Executive committee.

Sec. 10. Immediately upon the adjournment of the stockholders meeting, the members elect of the board of directors shall meet and organize by the election of one of their number as president, and one or more vice-presidents, and shall also elect a secretary and treasurer, who may or may not be members of the board of directors, shall select an executive committee and such other officers as may be necessary or as provided in the by-laws, and when so organized shall have and possess all the powers, rights and authority of a corporation under any and all general laws of the State.

Enforcement of payment of subscriptions.

Sec. 11. In case any subscriber shall fail to pay the amount of his subscription after fifteen days notice, given in writing, the directors may sell said share or shares of stock so subscribed for by him at public auction or so many of them as may be sufficient to pay the amount of his subscription then remaining unpaid, and if a balance shall remain after applying the proceeds of the sale as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount remaining unpaid.

Procedure for condemnation of land.

Sec. 12. That whenever any lands may be required for said turnpike, either for a roadway or for toll houses or other appurtenances thereto, and an agreement can not be made with the owner or owners of such land, the company or owners may, in writing, apply to the clerk of the superior court of Rutherford or Henderson County to cause the damage of such owner, if any, to be assessed by three disinterested referees, one to be chosen by the owner, one by the corporation, and one by the clerk of the court for the county wherein the land lay; if either party or both shall fail to appoint after five days notice of the application to the clerk, then the clerk shall appoint instead. The referees so appointed, being duly notified by the clerk, shall, being first duly sworn by some person authorized to administer oaths, to act impartially, lay off a right-of-way forty feet in width or less as the company may elect, and also if required by the company, shall lay off a suitable site or sites for a toll house, and assess the damages, if any, to the owners of the land, taking into consideration any benefits or advantages 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 references or any two of them, when returned shall become a judgment of the superior court of said county, on which execution may issue as other judgments of the superior court, if the amount is not paid by said company within ten days after notice of such return. If either party is dissatisfied with the award of the referees, they

Right of appeal.

Entrance on land.

may appeal to the superior court as in other cases of appeal. 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 erecting such turnpike road or erecting toll houses, as the case may be. Except as above the procedure and condemnation cases shall be as provided in the general laws of the State.

Application for convict labor.

Sec. 13. When two hundred shares of the stock of the company has been subscribed for in good faith, by solvent parties, the corporation, through its president may make application to the Governor of the State to detail convicts to labor on said roads; said application shall be accompanied by a certificate, showing full organization of the company and the subscription to said two hundred shares.

Detail authorized.

If at the date of making such application to the Governor there be any convicts available for said work, the Governor is authorized

Limit of detail.

and empowered to detail not to exceed one hundred convicts for work on said road, until completed or until removed by the Gov-

Charge of convicts.

ernor. Said convicts shall be worked under the charge of sufficient guards and a superintendent or supervisor, to be selected by said board of directors of the North Carolina State Prison or penitentiary, and subject to the said board of directors and to the prison rules and regulations adopted or prescribed by said board as far as practicable, the said convicts to be furnished with the necessary quarters and tools and implements with which to work on said road or highway and transported to and from said highway and fed, clothed and maintained by said board of directors of the State Prison until the grading of said road or highway shall have been completed, the payment of such expenses to be made out of funds appropriated for the support of the penitentiary or out of moneys or assets otherwise coming or belonging to or standing to the credit of North Carolina State Prison, and whenever and as often as so much as one thousand dollars shall have been expended by the said

Stock in payment for convict work.

board of directors of the said State Prison under the provisions of this act, it shall be entitled to demand and receive, and said company shall deliver and issue to the said board of directors, a certificate for one hundred shares of capital stock of said company of the par value of ten dollars each, made out in the name of the State of North Carolina, which shall become hereby a stockholder in said company to the extent of such shares and shall be entitled to participate in the profits of said company *pro rata* with other stockholders and to be represented and to vote its shares in all meetings of the stockholders in the same manner as other stockholders may be entitled to vote through proxy to be named or ap-

Proviso: fractional payment.

pointed by the Governor of the State of North Carolina: *Provided*, that if at the completion of said road a fractional part of one thousand dollars shall have been expended by the said directors of the State Prison after the issue of the last certificate for one hun-

dred shares of stock, a corresponding amount of said capital stock, at its par value, shall be issued and delivered as aforesaid: and *Provided, further*, that upon delivery of said certificates of stock, so issued, to the State Treasurer, credit shall be given to the said board of directors of the North Carolina State Prison upon the books of the said State Treasurer for the par value of the shares of stock represented by such certificates. That the convicts shall not be granted if it interferes with the self-sustaining policy of the penitentiary nor if the granting thereof would interfere with the railroad work now in progress in which the State has an interest.

Proviso: credit to State Prison.

Interference with other plans and work.

Sec. 14. That whenever the board of county commissioners of Rutherford and Henderson counties, or either of them, shall decide or determine to make the road or highway constructed by said turnpike company a public highway for the free use of the public, or to maintain, control and prescribe the rates of toll over the same, such board of commissioners of said counties, or either of them, shall have power and they are hereby authorized to purchase the shares of the capital stock held and owned by the State of North Carolina and by private stockholders at a price not exceeding the par value thereof and upon payment or tender of payment of said value to the State Treasurer by said board of commissioners of said county or either of them, it shall be the duty of said State Treasurer to transfer and deliver the certificates representing said shares to the board or boards of commissioners making or tending such payment, and upon payment or tender of payment by said board of county commissioners or either of them to the private holder of any shares of said stock, or an amount equal to the par value thereof, it shall be the duty of such holder to transfer and deliver the certificate or certificates representing the share or shares of stock of such board or boards of commissioners making or tendering such payment, and in case of a refusal of such tender by such holder the board or boards, of county commissioners may pay to the treasurer of such company, for the use and benefit of such holder, an amount of money equal to the par value of his shares of stock, and the board or boards of county commissioners making such payment shall thereupon become the owner or owners of such shares of stock and shall be entitled to represent and vote the same in any meeting of the stockholders of the company. And to enable the said counties of Rutherford and Henderson, or either of them, to make such purchase of the said capital stock of said company for the purpose of declaring said road to be a public highway for the free use of the public, the board of county commissioners of either of said counties shall be and it is hereby authorized to issue the coupon bonds of said county to an amount necessary to purchase the said stock, or any part thereof, at not exceeding its par value, said bond to bear such rate of interest not exceeding five per cent per annum, and to be of such denomination and to mature at such date or dates as said

Purchase of road by counties.

State Treasurer to transfer stock.

Transfer by private holders.

Issue of bonds by counties.

Interest.

Denomination and maturity.

board of county commissioners may determine; and to provide for the payment of interest on said bonds, and the principal thereof at maturity, said board of county commissioners shall annually at the time of levying other county taxes, levy a special tax sufficient to pay said interest and provide a sinking fund for the payment of bonds at maturity: *Provided*, the county votes for the purchase. Said taxes shall be collected as other county taxes are collected, and shall be applied solely to the purpose for which they are levied.

Special tax.

Proviso: county to vote for purchase.

Preferred stock and mortgage as affecting stock of State.

Sec. 15. That the said company shall not issue any shares of preferred stock, whereby the holders thereof shall have any preference, either in the earnings or property of said company over the State of North Carolina, so long as it may be a stockholder; and shall execute no mortgage upon its property or franchise or earnings, unless out of the proceeds thereof the shares of stock held by the State of North Carolina shall be purchased, paid off or redeemed at their par value.

Tolls.

Sec. 16. That said company shall be authorized to demand, recover and receive from all persons using said highway such compensation, no greater than the following: For two-horse, two-mule or two-ox team, forty cents, and for such additional horse, mule or ox team, ten cents; for one horse, mule or ox team, twenty cents; one horse and rider, ten cents; loose horses or cattle, five cents; sheep and hogs, two cents; traction engines, ten cents per horse power; automobiles, forty cents for single and ten cents extra per passenger capacity: *Provided*, that half tolls may be charged for all traveling Reedy Patch, Grant Mountain, Broad River and Middle Fork road: *Provided, further*, that when either end is completed to Bat Cave half fare may be charged over the completed end. Any person who shall use any part of said road without paying the fare and toll due and payable for such use, and demanded by any officer or agent of said company at the established toll gate, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace of the county of Rutherford or Henderson shall pay a fine of not less than two dollars nor more than five dollars, and upon failure to pay such fine, together with the cost of proceedings against him, shall be imprisoned by the justice of the peace before whom the case shall have been tried, no less than five days nor more than ten days. All such fines may be collected, by virtue of the provisions of this section, shall be paid over to the county treasurer for the benefit of the school fund.

Proviso: half fare.

Proviso: half fare over completed section.

Use of road without payment misdemeanor.

Punishment.

Fines to school fund.

Toll gates.

Sec. 17. That said company is hereby authorized to erect a toll gate across said turnpike at one or more convenient places in each of the counties herein named, as the board of directors may select after said turnpike shall have been completed and at such place may demand, and recover the fare or toll authorized in this act.

Expenditure of tolls.

Sec. 18. That the fare or toll received for the use of said road shall be expended in keeping the toll houses, and in keeping the

said road in good repair, or so much thereof as may be necessary, and after an amount sufficient to keep said toll houses, and said road in good repair has been expended, the residue, if any, shall be declared a dividend for the benefit of the stockholders as herein above provided. Dividends.

Sec. 19. Any person who shall in any manner injure or obstruct the road of said company or any bridge, toll gate or toll house connected therewith, besides being liable for damages in a civil action, shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both in the discretion of the court. Injury and obstruction of road a misdemeanor. Punishment.

Sec. 20. The liability of the stockholders shall be limited to the unpaid balance of any subscription to the capital stock, or unpaid balance of stock delivered, but each and every subscriber or holder of stock shall be liable in an amount equal to the difference between the par value of the stock subscribed or delivered and the amount paid thereon. Liability of stockholders.

Sec. 21. That the location and construction and specifications of this turnpike shall be subject to the approval of the State Highway Commission. Approval of State Highway Commission.

Sec. 22. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 377.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE BLACK MOUNTAIN RAILWAY COMPANY," RATIFIED THE 24TH DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND ELEVEN.

The General Assembly of North Carolina do enact:

Section 1. Amend section thirteen of an act entitled "An act to amend the charter of the Black Mountain Railway Company," and ratified on the twenty-fourth day of February, one thousand nine hundred and eleven, by striking out the words in said section, "a majority of the votes cast," and insert in lieu thereof the following: "If a majority of the qualified voters in such county, township, city or town." Majority of voters.

Sec. 2. 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 7th day of March, 1911.

CHAPTER 378.

AN ACT TO AID IN THE COLLECTION OF ALL SPECIAL TAXES FOR EASTERN ACADEMY DISTRICT NUMBER FIVE, CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Special tax collector.

Section 1. That all taxes levied in Eastern Academy District Number Five, New Hope Township, in Chatham County, for local school purposes by virtue of the vote of the inhabitants of that district for the levying of special school taxes, shall be collected by a special collector to be selected by the school committee of said district who shall collect, pay over and account for the same in the same manner and for the collection of the same as the sheriff of Chatham County now has and who shall act for such service as special collector on a commission not exceeding two and one-half per cent upon the total amount collected.

Selection.

Commission.

Collector to give bond.

Sec. 2. That the said collector shall before entering upon his duties enter into a good and sufficient bond in an amount in the discretion and with surety which shall be satisfactory to the school committee of said district, said bond to be given to the county commissioners of said county for the faithful performance of his duty, and which said bond shall be liable for any and all sums collected by said special collector.

Liability of bond.

Reports.

Sec. 3. That said special collector shall as often as required by the school committee, render a report of the amount collected, amount due, amount previously paid to the school committee, the amount on hand, which said report shall be made in duplicate, one to the school committee of said district and one to the county commissioners of said county.

Payment to school committee.

Sec. 4. That said tax or taxes when collected shall as often as is in the discretion of the school committee outside be paid to the school committee direct, which school committee shall execute in duplicate its receipt for the same, forwarding one to county commissioners of said county and giving the other to the special collector.

Accounts.

Sec. 5. That the clerk of the board of county commissioners of said county shall keep in a book provided for that purpose, an account as shown by the said reports and recipts of all moneys collected by said collector, and paid over by him to the school committee and amounts shown on hand, which said books shall at all times be open to the inspection of any and all persons.

Books open to inspection.

Powers of tax collector.

Sec. 6. That the said special collector shall have the same power to levy on property for the collection of said taxes and sell the same as is at present given to the sheriff of Chatham County, and shall be bound by the law of levy and execution for taxes as if he were a sheriff of Chatham County.

Sec. 7. That the said special collector shall keep and maintain a special tax receipt book, which shall be furnished him by the register of deeds of the county, and charged to the expense of said school district and that the register of deeds of said county shall make up and forward said special collector as in other cases made and provided a book, showing the amount of taxes due in said district by each person, showing the property on which it is due in the same manner that he now makes up the sheriff's books of said county, and he shall be paid therefor out of the funds collected by said special collector an amount agreed upon by the commissioners of said county and the school committee of said district. Receipt book. Tax book. Payment to register of deeds.

Sec. 8. That the sheriff of said county will continue to collect all taxes for the year one thousand nine hundred and ten until the same have been collected in full and that the special collector shall, as herein provided, collect only those taxes for the year one thousand nine hundred and eleven and following years. Taxes for 1910. Taxes for 1911.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 379.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BRYSON CITY, SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and seven of the private laws one thousand eight hundred and ninety-one, be, and the same is hereby amended as follows: Strike out in lines one and two in section two the words, "as heretofore, to wit." Strike out the word "court-house," in line three of said section, and insert in lieu thereof the following: "center of the public square." Strike out in line three, section three, and in line six of section four, the words, "and a constable." Add at the end of section three the following: "That the board of aldermen shall, immediately after their qualification, appoint a town constable, who shall be subject to removal at any time for good cause; and the aldermen are hereby authorized and directed to remove any constable and appoint his successor at any time, when, in their opinion, it will be for the public good." Corporate limits. Election of constable.

Sec. 2. That this act will be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 380.

AN ACT TO PROHIBIT THE SALE OF WINE, NEAR-BEER OR ANY OTHER FERMENTED DRINKS OF ANY NAME OR NATURE, WITHIN THREE MILES OF SAND HILL COLORED BAPTIST CHURCH, IN ABBOTSBURG TOWNSHIP, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Prohibition.

Section 1. That it shall be unlayful for any person or persons to sell any wine, near-beer, or any other fermented drinks of any name or nature, within three miles of Sand Hill colored Baptist church in Abbottsburg Township, Bladen County.

Misdmeanor.

Punishment.

Sec. 2. That any person or persons violating this act shall be guilty of a misdemeanor, and upon conviction fined not more than fifty dollars or imprisoned not more than thirty days.

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

Ratified this the 6th day of March, 1911.

CHAPTER 381.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BATH, IN THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina do enact:

Incorporation.

Name.

Corporate powers.

Section 1. That the inhabitants of the town of Bath, in the county of Beaufort, shall be and continue as they heretofore have been, a municipal corporation and shall be known as The Town of Bath, and by that name may sue and be sued, plead and implead, contract and be contracted with, purchase, hold and convey all needful property.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a marked pine and iron post on Bath Creek, and running with Old Bath Creek down said creek to the mouth of Back Creek: thence with and up Back Creek to the mouth of Deep Run Branch; thence up said branch to the head of said branch; thence continuing with the back line of Bath Town commons to the Bath and Yeatesville public road: thence a straight line through the old Braswell field to the point of beginning.

Management of affairs.

Sec. 3. That the affairs of said town shall be managed by officers in like manner, as it heretofore has been managed.

New territory exempt from tax.

Sec. 4. That the new territory embraced in the above description of said town, which heretofore was not within the corporate limits

of said town, shall be exempt from town taxes for a period of ten years from the ratification of this act.

Land vested in town.

Sec. 5. That the town commissioners shall be seized in fee simple of that tract of land adjacent to Bath town, granted and surveyed for a common, for the use of the said town and bounded as follows: Beginning at a marked pine at the east branch of the Old Town Creek, running up Captain Barrow's line to a bound oak, west eight degrees north, two hundred poles; thence to a marked pine at David Perkins' corner, north eight degrees east, one hundred and three poles; thence to a hickory at the branch, north ten degrees east, one hundred and seventy-two poles; thence down the windings of the said branch and creek to the first station and are hereby empowered to sell, lease, or otherwise dispose of from time to time, as to them may seem most proper, all or any part of said commons for said town, and for the purpose of selling, leasing and disposing of said commons, the board of commissioners of said town and their successors in office are authorized to execute the proper deed of conveyance to convey title to said property.

Boundary.

Sale or other disposition authorized.

Execution of conveyance.

Sec. 6. That this act shall repeal all other acts of the Legislature in conflict with anything contained herein.

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

Ratified this the 6th day of March, 1911.

CHAPTER 382.

AN ACT TO AMEND CHAPTER THIRTY-SEVEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, BEING THE CHARTER OF THE TOWN OF SPENCER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That section two of chapter thirty-seven (37) of the private laws of one thousand nine hundred and five, be, and the same is hereby amended as follows: Strike out all of said section after the colon in line three and insert in lieu thereof the following: Beginning (1) where the right of way of the Southern Railway Company (lessee) intersects Lexington avenue; thence (2) with old line to intersection of Third street near J. H. Cobble store; thence (3) south with Third street, to intersection of Jordan avenue; thence (4) west with line of Jordan avenue to intersection of Sixth (6) street; thence (5) south with Sixth street to Henderson avenue; thence (6) with Henderson avenue to Eleventh (11) street; thence (7) with Eleventh street to Spencer avenue; thence (8) with Spencer avenue to Seventeenth street; thence (9) with

Seventeenth street on to the right of way of the Southern Railway Company south of new transfer shed; thence (10) with north side of Southern Railway's yards to Salisbury avenue to Surratt's store; thence (11) with south side of Salisbury avenue to Depot street; thence (12) southeast with Depot street to right of way of Southern Railway Company (lessee); thence (13) along the northern side of right-of-way of Southern Railway Company in an easterly direction to the beginning.

Sec. 2. That section three of said chapter thirty-seven, Private Laws of one thousand nine hundred and five, be, and the same is hereby amended as follows:

City physician.

At the end of said section change period to semi-colon and add the following: "To elect a city physician whose duties and compensation shall be fixed by said council."

Limit of debt.

Sec. 3. That section twenty of said chapter thirty-seven, Private Laws of one thousand nine hundred and five, be and the same is hereby amended as follows: In line two of said section at the end of said line strike out the word "ten" and insert in lieu thereof the word "twenty."

Pay of mayor and aldermen.

Sec. 4. That section twenty-eight of said chapter thirty-seven, Private Laws of one thousand nine hundred and five, be and the same is hereby amended as follows: Strike out line four of said section and insert in lieu thereof the following: "Be not more than five hundred dollars per annum, and the aldermen of said town shall receive not more than fifty dollars ($50.00) each per annum."

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

Ratified this the 6th day of March, 1911.

CHAPTER 383.

AN ACT TO VALIDATE A DEED FROM THE TRUSTEES OF THE MORGANTON MALE ACADEMY TO THE BOARD OF COMMISSIONERS OF MORGANTON.

Preamble.

Whereas, on the second day of June, one thousand nine hundred and six, J. H. Pearson, I. I. Davis, James W. Wilson, W. S. Pearson, P. K. Presnell, W. G. Turner, B. F. Davis, J. A. Claywell, J. L. Laxton, A. C. Avery, J. A. Dickson and R. B. Britain, as trustees of the Morganton Male Academy executed and delivered to the board of commissioners of Morganton a deed for the property known as the Morganton Male Academy property, which said property is fully described in said deed as recorded in the office of the register of deeds of Burke County in book A, number three, pages one hundred and twenty-one and one hundred and twenty-two, and which

is referred to for a perfect description of said property, and whereas, Preamble.
some doubt has been expressed as to the power of said trustees to convey said property, and whereas, the board of commissioners of the Preamble.
town of Morganton has expended several thousand dollars in making additions and improvements on said property and are anxious to have the title to the same perfected:

Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That said deed from said trustees above named to the Deed validated.
board of commissioners of Morganton for said property above described as recorded in the office of the register of deeds of Burke County in book A, number three, pages one hundred and twenty-one and one hundred and twenty-two, be in all respects validated, ratified and confirmed and declared to be binding upon the parties to the same.

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

Ratified this the 6th day of March, 1911.

CHAPTER 384.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ALBEMARLE, STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-one, Private Laws of one thousand nine hundred and seven, relating to the charter of the town of Albemarle, be amended as follows, to wit:

Sec. 2. *Corporate Powers:* The town of Albemarle shall have Corporate powers.
perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places, and in all matters whatever may take, hold and purchase lands as may be needed for corporate purposes for said town, and may sell any real estate and personal property owned by it: perform and render all public services, where deemed expedient; may condemn property for public use, and may hold, manage and control the same; such condemnation proceedings to be governed and controlled by the board of commissioners, and shall be subject to all the duties and obligations now pertaining to or encumbered upon said town, as a corporation, not in conflict with this act; and shall enjoy the rights and immunities, powers, privileges and franchises now possessed and enjoyed by said town and herein granted and conferred. When any land or right-of-way Procedure for condemnation of land.
shall be required for the purpose of opening new streets or for widening those already open, or for other public use 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, that same may be taken at a valuation to be made by three freeholders of the town, one to be chosen by the board of commissioners, one to be chosen by the property owner or owners and if these two cannot agree, they to choose a third person; and in making said valuation said freeholders, after being duly sworn by the mayor or 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 benefits or advantages such owner may receive from the opening or widening of such street or other improvements, and ascertain the sum which will be paid to the owner of said property, and report the same, under their hands and seals, to the board of commissioners, which report, on being confirmed by the board of commissioners and spread upon their minutes, shall have the effect of a judgment against said commissioners and shall pass the titles to the board of commissioners in their corporate capacity of the land so taken, and the land may at once be condemned and used by the town for the purpose intended: *Provided,* if any person whose land is thus taken, or the board of commissioners be dissatisfied with the valuation that is made, then in that case either party may have an appeal to the next term of the superior court of Stanly County: *Provided, however,* that such appeal shall not hinder or delay the board of commissioners from opening or widening such streets or creating such other improvements.

Proviso: right of appeal.

Proviso: appeal not to delay work.

Power to enact and enforce ordinances.

Sec. 3. *Powers of Ordinances:* The town of Albemarle shall have power to enact and enforce all ordinances necessary to protect health, life and property, and prevent and summarily abate and remove nuisances and to preserve and enforce good government, order and security of the town and its inhabitants; to protect the lives, health and property of all the inhabitants of said town, and to enact and enforce any and all ordinances upon any subject: *Provided,* that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina or inconsistent with the provisions of this act: and *Provided, further,* that the specifications of particular powers shall never be construed as the limitation upon the general powers herein granted, it being intended by this act to grant to and bestow upon the inhabitants of the town of Albemarle and the town of Albemarle full power of self-government; and it shall have and exercise all powers of municipal government not prohibited to it by this charter or by some general law of the State of North Carolina. All ordinances of the town, when printed and published and bearing upon the title page thereof the words "Ordained and published by the board of commissioners of the town of Albemarle" or words of like import, shall be *prima facie* evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

Proviso: ordinances to conform to law.

Proviso: general powers not limited.

Printed ordinances evidence.

Property, rights and privileges vested in town.

Sec. 4. *Real Estate, etc., Owned by Town:* All real estate owned in fee simple or held by lease, sufferance, easement or otherwise; all public buildings, schoolhouses, fire engine stations, public squares, all streets, alleys and all property of whatever kind, character and description which has been granted, and donated, purchased or otherwise acquired by the town of Albemarle, through any means or agency, and all causes of action, rights or privileges of every kind and character, and all property of whatever character or description which may have been held, controlled or used by said town of Albemarle for public use or in trust for the public, shall vest in and remain in and inure to the said corporation, the town of Albemarle, under this act; and all suits and pending actions to which the town of Albemarle heretofore was or is now a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act, but shall continue unabated.

Pending actions.

Powers as to streets.

Sec. 5. *Street Powers:* The town of Albemarle shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, embellish and ornament the streets, alleys, highways, sidewalks, squares, public grounds and places; put drains and sewers therein, provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit and suppress the unlawful interference therewith, whether on, above or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals and vehicles, in whatever way or for whatever purpose; to prevent, abate, and remove encroachments, obstructions, pollutions, or litter therein; to open new streets and highways, when necessary, and generally to make and force any and all regulations in respect thereof in the judgment of the commissioners requisite proper or expedient to promote and insure the health, safety and convenience of the inhabitants and public in said town.

Powers as to sidewalks.

Sec. 6. *Sidewalks:* The town of Albemarle shall have the right and power to lay out and construct sidewalks and cement and pave same.

Sewerage and waterworks.

Sec. 7. *Sewerage and Waterworks:* The town of Albemarle may buy, construct, establish, maintain, operate and regulate a system of sewerage and waterworks, make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets or elsewhere within said town or beyond the limits thereof, for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unnecessary waste of water or any injury of said waterworks, and to pass ordinances for the condemnation of property in accordance with law, for the purpose of establishing, enlarging or maintaining a system of waterworks, whether within or without the limits of said town; to adopt rules and regulations for the management of the town waterworks and sewerage systems, and make and establish a schedule of water and sewer rates and tolls, and prescribe the mode and manner of the con-

struction of the surface pipes, alley laterals and house connections with the water mains and sewer pipes.

Power to enforce connection with sewers.

Sec. 8. *Connect With Sewers:* The town of Albemarle may require all owners, tenants and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said town may construct, own or control, or that it may acquire by purchase or otherwise, to connect with such sewer or system of sewerage all water-closets, sinks or drains located upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage: *Provided*, that whenever any tenant or occupant shall be required under any ordinance of the town to make sewer connections or do any other things which the board of commissioners has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement, if the primary obligations to do the same were on the landlord, said lien to be enforced by competent proceedings in any court of competent jurisdiction; and the tenant or occupant may, when so entitled under the general principles of set-off, use such claim against his liability for rent.

Proviso: lien of tenant for reimbursement.

Nuisances.

Sec. 9. *Condemn Privies, Wells, etc.:* Said town shall also have the power to condemn as nuisances all buildings, cisterns, wells, privies, hog pens and other erections in the town which on inspection shall be found to be unhealthy, unsanitary or dangerous to persons or property, and cause the same to be abated or removed, at the expense of the owner, unless the owner thereof, at his or her own expense, upon notice and with the sanction and authority of the board of commissioners, shall reconstruct the same in such a manner as shall be prescribed by the laws of the town; and as to all buildings, cisterns, wells, privies, hog pens and other private improvements to be constructed in future, they shall have the power and it shall be their duty to have the same so constructed as not to interfere with the health of persons or the safety of persons or property within the town.

Building regulations.

Advertisement for granting franchises.

Sec. 10. *Franchises:* The board of commissioners shall have power by proper ordinances passed after same has been duly advertised in some newspaper published in the town of Albemarle for four successive weeks, setting forth in detail the nature of the franchise ordered; to grant, lease or right to use any of the streets, highways, public thoroughfares, avenues, parks, bridges, or other public places of said town, either on, along, through, across, under or over the same to any private corporation, association or individual for public utilities for a period not exceeding ten years: *Provided*, that if a longer franchise is desired and the board of commissioners deem it wise to grant same, that it submit it to a vote of the qualified voters of the town of Albemarle, either at a general election or special election called for the purpose: *Provided*, all franchises granted by the town of Albemarle shall be upon such terms and upon such con-

Limit of term.

Proviso: grant of longer franchise submitted to voters.

Proviso: terms and conditions of franchises.

ditions as the board of commissioners shall deem proper, and all public utilities operated in the town of Albemarle under any franchise from the same shall be under the control and supervision of the board of commissioners of said town, in so far as they are required to conform to the ordinances, rules and regulations of said town.

Control and supervision of public utilities.

Sec. 11. *Fires:* The town of Albemarle shall have the power to provide means for the protection against and the extinguishment of conflagrations, and for the regulation, maintenance and support of the fire department; and for the purpose of guarding against the calamity of fires may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden buildings within such limits of said town as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinances as fire limits shall be made or constructed of fireproof material, the kind, character, extent and quality of which may by ordinance be prescribed and fixed; also may prohibit the repairing of wooden buildings in fire limits, when the same shall have been damaged to within fifty per cent of value thereof, and may prescribe the manner of finding such damages, and may also declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such manner as the board of commissioners may prescribe, and may declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings or which may cause or promote fires to be nuisances, and cause the same to be removed in such manner as may be required, at the expense of the owner, and may further prescribe limits within which only fire-proof roofing may be used, and may impose a penalty for violations of such rules and regulations.

Fire limits.

Buildings as nuisances.

Sec. 12. *Markets:* Said town shall have the power to establish, lease, buy, erect, maintain, own, regulate and operate markets and market places, abattoirs, and to build, own and maintain buildings therefor, and to rent and lease the same.

Markets and abattoirs.

Sec. 13. *Charities and Corrections:* The town shall have the power to establish, maintain and regulate the town prison or prisons for vagrants, convicts and disorderly persons; and may use the common jail of Stanly County for a town prison or lock-up, by agreement with the county commissioners of Stanly County.

Town prison.

County jail.

Sec. 14. *Health:* (*a*) That the town of Albemarle shall have the power by ordinance to authorize the destroying of clothing, bedding, furniture and buildings infected with germs of any infectious or dangerous disease, when the public health requires the destruction of same, and may also in the same manner authorize the destruc-

Destruction of infected property.

tion or removal of buildings or other objects, after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said town.

Butchers.

(*b*) To regulate, license or prohibit butchers and prevent their slaughtering animals in the town limits, and revoke their license for malconduct of trade, and to regulate, license and restrain the sale of fresh meats, fruits and vegetables, and the slaughter of animals, and to license and regulate or prohibit slaughter houses within the town limits.

Hucksters.

Slaughter houses.

Police department.

Sec. 15. *Police Power:* The town of Albemarle shall have the power by ordinance duly passed to establish and maintain the Albemarle police department, prescribe the duties of policemen and regulate their conduct.

Public amusements.

(*a*) To permit, forbid or regulate theaters, balls, dance houses and other public amusements, and to levy a tax on same or to suppress the same whenever the preservation of order, tranquillity, public safety or good morals may demand.

Disorderly houses.

(*b*) To prohibit and punish keepers and inmates of bawdy-houses and variety shows; to prohibit, prevent and suppress assignation houses and houses of ill fame, and to determine such inmates and keepers to be vagrants, and to provide for the punishment of such persons.

Public houses and transfer business.

(*c*) To make all needful and proper regulations concerning keepers of taverns and other public houses, draymen, horse drivers and water carriers, omnibus drivers, hack drivers and drivers of baggage wagons and other vehicles; to establish maximum rates for all kinds of transportation within the town limits; to prevent extortion and to preserve order and prevent noise and confusion in or about the depots on arrival and departure of railway trains, and to provide how and where hacks or other carriers shall stand or take their position upon the streets adjacent or near to said depot, and where they shall stand when not receiving or discharging passengers.

Dairies and milch cows.

(*d*) To provide for the inspection of dairies and milch cows, whether kept within the town or without the town limits; from which milk is sold within the town limits; and to provide for the inspection of the milk and butter offered for sale and to prescribe the fees to be charged therefor.

Dogs.

(*e*) To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties upon the owners or keepers thereof.

Enumerated subjects of tax, license and regulation.

(*g*) To license, tax, regulate, prevent or suppress peddlers, pawnbrokers and keepers of theatrical or other exhibitions, shows and amusements; to license, tax and regulate or prohibit theaters, circuses, moving picture shows and exhibitions of natural or artificial curiosities, menageries and musical exhibitions and performances, and to regulate and license or prohibit street parades, pool tables,

striking machines, lung testers, doll racks, cane racks and exhibitions, devices and things for which a fee is charged.

(*h*) To regulate parapet walls, to prevent dangerous construction and conditions of chimneys, fireplaces, hearths, stoves, stovepipes, boilers, and other heating apparatus, and cause the same to be removed and made safe. Fire protection.

(*i*) To regulate the use of automobiles, motor cars, motor cycles or any motor vehicle and the speed thereof; to prescribe the proper lighting of same, when used at night; to issue permits for the use of such vehicles and to require the numbering of said vehicles. Automobiles.

(*j*) The town shall have the power to enforce the by-laws and ordinances for the town by a fine not to exceed two hundred dollars ($200): *Provided*, that no ordinance or by-law shall provide a lesser penalty than is prescribed for a like offense by the laws of the State. Enforcement of ordinances. Proviso: punishment prescribed by State.

(*k*) To exercise all the rights, powers, duties and privileges and to enforce the same by proper ordinance and by-laws, necessary for the good government, management, control, welfare, safety and health of the town of Albemarle: *Provided*, the special police powers herein granted shall be in no wise construed to limit, abridge or qualify or take from the powers granted to the town of Albemarle under the general law of the State of North Carolina or in the general provisions contained in this charter. General powers. Proviso: powers under general law not abridged.

Sec. 16. *Elective Officers:* All powers conferred on the town of Albemarle shall, unless otherwise provided in this charter, be exercised by a mayor and five commissioners, who, together, shall be known and designated as the "Board of Commissioners," each and all of whom shall be elected by the qualified voters of the town at large for a term of two years as hereinafter provided, and shall devote as much of their time to the service of the town as shall be necessary for the prompt and efficient management of the business affairs of said town. That mayor shall be *ex officio* president of said board of commissioners, and in case of a tie vote at any time he shall have authority to cast his vote on any subject or in any election of officers by the board in order to decide the question involved. Each member of the board of commissioners shall, in addition to the other qualifications prescribed by law, be at the date of his election a qualified voter of the town of Albemarle, and shall not be in arrears in the payment of taxes or other liabilities due the town. Powers exercised by mayor and commissioners. Election and term. Mayor president. Tie votes. Qualification of commissioners.

(*a*) The mayor shall be the chief executive officer of the town, and shall see that all the laws thereof are enforced. It shall be his special duty to see that all the franchises granted by the town are faithfully complied with, and that all contracts made with the town are faithfully executed. He shall have full power and authority to administer oaths, or affirmations, and all oaths required by law to be taken by the commissioners, school commissioners, police or other officers of the said town, and he shall continue to Mayor chief executive. Duties. Power and authority.

have all of the powers and other rights herein or heretofore conferred upon the mayor of said town, except judicial powers. He shall have general supervision over the streets, public water supply, town lights, sewerage, health, cleanliness and fire protection, and police department of the town, and to recommend to the board of commissioners, from time to time, the adoption of such measures as will promote the interests of the town and its inhabitants.

Recommendations.

Mayor and commissioners to qualify.

Meeting for organization.

Mayor pro tem.

(*b*) It shall be the duty of the mayor and the board of commissioners to take the oath of office prescribed by law within five days after their election, and the commissioners elected at any election shall meet and organize within five days next after their election, and at their first meeting shall elect one of their number mayor *pro tem.*, who in case of the death, absence, resignation or permanent disability of the mayor, or whenever a vacancy in the office of the mayor shall occur for any reason, shall act as mayor, and shall possess all rights and powers of the mayor and perform all the duties and receive his salary, during the time he shall serve.

Removal of mayor.

(*c*) In case of misconduct, inability or willful neglect in the performance of the duties of his office, the mayor may be removed from office by the board of commissioners, by a majority vote of all the commissioners elected, but shall be given an opportunity to be heard in his defense, in person or by counsel, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony; any commissioner may be impeached in like manner for misconduct, inability or willful neglect of the performance of the duties of his office.

Impeachment of commissioners.

Quorum.

Rules of proceedings.

(*d*) A majority of the members of the board of commissioners shall constitute a quorum to do business, and shall sit with open doors, and shall keep a journal of its own proceedings, which shall be public and constitute one of the archives of the town. The board of commissioners shall act only by ordinance, resolution or motion, and all ordinances, resolutions or motions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and ordinances making appropriations shall be confined to the subject of appropriations. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of its proceedings, and every ordinance, resolution or motion shall require a final passage the affirmative votes of the majority of all members of the board of commissioners. No ordinance or resolution shall be passed finally on the date it is introduced except in the case of public emergencies, 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 measure.

Proviso: no franchise to be passed as emergency measure.

Control and supervision of departments.

(*e*) The board of commissioners shall have control and supervision over all departments of the town, except as herein otherwise provided, and to that end shall have power to make and enforce

such rules and regulations as they may see fit and proper and concerning the organization, management and operation of all the departments of the town and whatever agencies may be created for the administration of its affairs.

Officers to be elected by commissioners.

(*f*) At the first regular meeting of the board of commissioners after the election and qualification in May, one thousand nine hundred and eleven, and biennially thereafter, they shall elect a recorder, a prosecuting attorney, who may also be attorney for the town, a chief of police, a treasurer, a clerk of the board of commissioners, superintendent of chain-gang, all of whom shall hold their office for two years; they shall also have power to create such other offices as they may deem necessary for the prudent and successful administration of the affairs of the town and elect or appoint persons to fill the various places of offices created by them. They shall have the right to fix the salaries of all the officers or persons appointed or elected by the board of commissioners: *Provided*, no officers elected by the board of commissioners shall be elected for a longer term than the next general election. The board of commissioners shall have the power to abolish, at any time, any office created by them and to designate the official duties and regulations of the persons occupying the same. If the board of commissioners shall fail to elect any of the officers above provided for at the time designated by the mayor of the town may appoint any officer *pro tem.* to discharge the duties of said position until one shall be elected by the board of commissioners. The board of commissioners shall have power to discharge any officers or employees of the town for reasons satisfactory to a majority of the board, after first giving said person ten days notice to appear and show cause: *Provided*, the recorder of the town shall be impeached or removed only for incompetency, gross immoralities, neglect or failure to discharge the duties of his office.

Other officers.

Salaries.

Proviso: limit of term.

Abolition and regulation of officers.

Appointments pro tem.

Discharge of officers and employees.

Proviso: removal of recorder.

Regular meetings.

(*g*) The board of commissioners shall meet at least once in every month in regular meeting, at such time as shall be fixed by said board of commissioners, at the city hall in said town, to consider and take under advisement and act upon such business as may come before them. A majority of said board of commissioners shall constitute a quorum, and no ordinance shall be passed or become effective without receiving the votes of at least three members of said board of commissioners. Special meetings may be called by the mayor or by any two members of the board of commissioners at any time, and notice thereof shall be given each member of said board of commissioners. All sessions of said board of commissioners, whether regular or called, shall be open to the public.

Quorum.

Special meetings.

Sessions open to public.

Further enumeration of powers of commissioners.

(*h*) The board of commissioners shall have the power from time to time to require further and other duties of all officers whose duties are herein prescribed, and to define and describe the powers and duties of all officers elected to any office under this act whose

duties are not herein specially mentioned, and to fix their compensation when not herein fixed. They shall also require bonds to be given to said town by all officers for the faithful performance of their duties, and shall require a new bond from any officer in the judgment of said board of commissioners the existing bond is insufficient and whenever such new bond is required he shall perform no official act until said bond shall be given and approved. The board of commissioners shall provide for the filling of vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

Vacancies.

Chain-gang.

Sec. 17. *Chain-gang:* The commissioners of the town of Albemarle are hereby authorized and empowered, in their discretion, to continue the present chain-gang in said town and to work the streets and other public works in said town by convict labor. The mayor, together with the concurrence of the majority of the commissioners, shall have full control of, and make all orders concerning the working of said streets that may be necessary for the improvements of the same. The commissioners are hereby authorized and empowered to make any orders, rules and ordinances that may be necessary for the proper conduct and management of said chain-gang and may compel convicts to perform reasonable duty under the direction of the superintendent of said chain-gang. The commissioners shall elect a superintendent of the chain-gang, who shall have immediate charge of the work, management and control of convicts.

Control of street work.

Rules and regulations.

Superintendent of chain-gang.

Recorder and superior court to sentence to street work.

(*a*) The recorder of the town of Albemarle and the judges of the different terms of the superior court of Stanly County and other counties of the State are hereby authorized, empowered and directed in their discretion to sentence persons convicted in their respective courts to work on the chain-gang in the town of Albemarle.

Justices to sentence to street work.

(*b*) The justices of the peace of the county of Stanly are hereby authorized and empowered to sentence persons convicted in their courts to work on the chain-gang in the town of Albemarle.

Convicts from other counties.

(*c*) The commissioners of the town of Albemarle are hereby authorized and empowered in their discretion to hire convicts from other counties upon such terms as they may deem reasonable and for the best interests of the town.

Power to hire out convicts.

(*d*) The commissioners of said town are hereby authorized and empowered in their discretion to hire said convicts to do work outside of the corporate limits of the town of Albemarle: *Provided*, they shall be worked under the direction and the supervision of the superintendent of the chain-gang.

Proviso: supervision of work.

Voters.

Sec. 18. *Voters:* That all resident citizens who are qualified voters of the State, within said corporation, who have resided in the county for six months, and in the town for four months next preceding any election held in said town, shall be entitled to vote, and shall be eligible to hold office in said corporation.

Voters eligible to office.

Terms of officers.

Sec. 19. *Terms of Officers:* That all officers at any election in the town of Albemarle shall hold office for the term of two years and

until their successors are elected and qualified; that in the absence of any officer of the town, or during the sickness of any of the officers, the commissioners may appoint a man to fill the office during his absence, or during his inability, and no longer. If the absence be caused by resignation, the board may appoint an officer to fill the unexpired term.

Appointments pro tem.

Vacancies.

Sec. 20. *Arrest Without Warrant:* That if any person shall be found violating the laws of this State or any of the town ordinances by any policeman, or other officer appointed to act within the corporate limits or in one mile thereof, he shall forthwith arrest the offender without a warrant, and immediately carry him before the recorder of said town to answer to the charge and be dealt with according to the law.

Power of arrest without warrant.

Sec. 21. *Penalty on Commissioners:* That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or call meeting, of which he shall have had notice, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town one dollar for each and every offense, and it shall be the duty of the trial justice to enforce such forfeitures as in all other criminal actions.

Penalty on commissioner not attending meeting.

Enforcement of forfeiture.

Sec. 22. *Salary of Mayor and Commissioners:* That the commissioners may allow the mayor such reasonable salary as they may see fit and proper, the amount depending upon the service rendered, and each member of the board shall receive two dollars for each regular meeting attended.

Salary of mayor and commissioners

Sec. 23. *Policemen:* The mayor and chief of police shall have the power and may, from time to time, appoint such special policemen as they deem necessary. Their appointments shall be good only until the next regular meeting of the board of commissioners, and the board may continue such special policemen in service for such time as they see proper. All special policemen shall serve under the direction and supervision of the chief of police.

Special policemen.

Sec. 24. *Bonds of Officers:* The board of commissioners shall require all officers of the town of Albemarle, except the recorder and prosecuting attorney, to give such bonds for the faithful performance of their duties as the board deem just and proper. All bonds shall be recorded in the office of the register of deeds for Stanly County in official bond book.

Bonds of officers.

Sec. 25. *Town Elections:* That an election shall be held in the town of Albemarle on Tuesday after the first Monday of May, one thousand nine hundred and eleven, and biennially thereafter, for the election of all elective officers herein provided for, and that such election shall be held under the general law for the election of officers in towns and cities as provided by chapter seventy-three of The Revisal of one thousand nine hundred and five, and all amendments.

Town elections.

Sec. 26. *Social Drinking Clubs:* That any person who shall, directly or indirectly, maintain or keep by himself or by associating with others or who shall in any manner aid, assist or abet in keep-

Maintenance of social drinking clubs a misdemeanor.

ing or maintaining a club room or other place where intoxicating liquors are received or kept for barter or sale or for distribution or for division among the members of any club or association by any means whatever shall be guilty of a misdemeanor.

Questions governed by general law.

Sec. 27. *Miscellaneous:* (*a*) All questions arising in the administration of the government of said town, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided.

Ordinances in force.

(*b*) All ordinances of the town of Albemarle shall remain in full force and effect until altered, amended or repealed by the board of commissioners.

Failure of officers to settle misdemeanor.

(*c*) Any officer of the town of Albemarle who shall on demand, fail to turn over to his successor in office the property, books, moneys, seals or effects of said 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.

Power to sell property.

(*d*) The board of commissioners shall have power, by a majority vote, to sell at public auction, after thirty days notice, to the highest bidder, any property, real or personal, belonging to the town, and when so sold a deed for the real estate may be executed by the mayor and attested by the town secretary or by two members of the board of commissioners, with the corporate seal of the town attached: *Provided, however,* that this section shall not be applied to plats in the cemetery, except as to the manner of executing deed.

Proviso: limit of power.

Repealing clause.

Sec. 28. That all laws inconsistent with this act are hereby repealed, as far only as they may affect the town of Albemarle: *Provided,* this act shall in no way repeal sections one to seven, inclusive, of page three hundred and forty-four, Private Laws of one thousand nine hundred and one; nor sections thirty-three to forty-three, inclusive, chapter seventy-one, Private Laws one thousand nine hundred and seven, nor in any manner whatsoever impair the validity of the bonds heretofore issued, or hereafter to be issued by the town of Albemarle under the provisions of either or both of said chapters: *Provided, however,* that any repeal shall not annul any ordinances, by-laws or rules of the town relating to bond issues or the granting of franchises, nor shall such repeal affect any act done or any right accruing or established, or any suit had or commenced in any case before the time when such repeal shall take effect; nor any franchises or permits heretofore granted by the town prior to August first, one thousand nine hundred and five; neither shall any rights, estate, duty or obligation possessed by or due to the town 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 said town by the name of The Town of Albemarle.

Proviso: laws not repealed.

Bonds validated.

Proviso: ordinances for bond issues or franchises.

Rights accrued.

Suits pending.

Vested rights.

Sec. 29. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 385.

AN ACT FOR THE RELIEF OF J. G. L. CROCKER, FORMER TREASURER OF NORTHAMPTON COUNTY.

Whereas, J. G. L. Crocker, former treasurer of Northampton County, in his settlement for the taxes of said county for the year one thousand nine hundred and nine, was not allowed any commissions; and, whereas, said commissions amounted to the sum of three hundred and three dollars; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the State Auditor is hereby directed to issue to said J. G. L. Crocker a warrant upon the State Treasurer for the payment of one hundred and twenty-one and twenty one-hundredths ($121.20) dollars, and said State Treasurer is hereby directed to pay said sum out of any funds in or coming into his hands not otherwise specifically appropriated. Payment authorized.

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

Ratified this the 6th day of March, 1911.

CHAPTER 386.

AN ACT TO AMEND SECTION SIX OF CHAPTER ONE HUNDRED AND SIX, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATIVE TO TRUSTEES OF THE GREENVILLE GRADED SCHOOL, AND TO AMEND SECTION ONE, CHAPTER TWO HUNDRED AND SIXTY-ONE OF PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, EXTENDING AND ENLARGING THE CORPORATE LIMITS OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

Section 1. That that portion of section six of chapter one hundred and six, Private Laws of the General Assembly of North Carolina of one thousand nine hundred and three, pertaining to the trustees of the Greenville graded school, be and the same is hereby amended as follows:

Sec. 2. That said board of trustees shall be composed of seven members, to be elected by the board of aldermen of the town of Greenville, at their regular monthly meeting in April, one thousand nine hundred and eleven, as follows: Two members whose term shall expire on July first, one thousand nine hundred and twelve; two Election of trustees. Terms.

members whose term shall expire on July first, one thousand nine hundred and thirteen; two members whose term shall expire on July first, one thousand nine hundred and fourteen; and one whose term shall expire July first, one thousand nine hundred and fifteen; and it is further enacted that as the term of each class as above named expires, the vacancy shall be filled by the board of aldermen at their regular monthly meeting in June of each year, and the members so chosen at said meeting shall hold office for four years beginning on July first, following the date of said election. It is *Further provided*, that at the election of trustees for said graded school in April, one thousand nine hundred and eleven, the board of aldermen shall select no persons who are not now members of the present board of trustees as constituted under the provisions of chapter one hundred and six of the Private Laws of one thousand nine hundred and three.

Election and terms of successors.

Selection of first board.

Nominations by trustees.

Sec. 3. It is further provided that after the aforesaid election of the board of trustees at April meeting of one thousand nine hundred and eleven, by the board of aldermen of the said town of Greenville, the board of trustees of the said Greenville graded schools shall submit a list of nominees composed of not less than three names for each vacancy occurring on said board of trustees by expiration of term, or otherwise, whenever any vacancy shall occur, or when such an election is due, and the board of aldermen shall elect such trustees from the names so furnished by the said board of trustees of the Greenville graded school.

Division of district.

Sec. 4. That the trustees of the Greenville graded school shall have full power and authority to divide the graded school district into such divisions or sub-divisions as it may deem best, and require children living within said division or subdivision to attend such schools as are provided by said board of trustees: *Provided, always,* that the trustees shall not discriminate in any way against one district, division or subdivision in favor of another.

Proviso: discrimination forbidden.

Repealing clause.

Sec. 5. That all acts or parts of acts in so far as they conflict with this amendment are hereby repealed, and the board of trustees of said graded school as now constituted shall be and the same is hereby abolished, from and after the election of the board of trustees by the board of aldermen of the town of Greenville as herein provided for at their regular monthly meeting in April, one thousand nine hundred and eleven.

When act to take effect.

Sec. 6. That this act, so far as it pertains to the election of the board of trustees by the board of aldermen, and the powers, duties and authorities herein granted to said board of trustees as so elected by the board of aldermen of the town of Greenville, at their regular April meeting of one thousand nine hundred and eleven, shall be in force and effect from and after said election of trustees by said board of aldermen, from and after the time for their regular April, one thousand nine hundred and eleven, monthly meeting of the said board of aldermen of the town of Greenville.

Sec. 7. That section one of chapter two hundred and sixty-one of the Private Laws of one thousand nine hundred and seven, be amended as follows: That the corporate limits of said town shall be enlarged as follows: Beginning at the east end of Fifth street where the corporate limits cross said street and running three hundred and ninety-six feet along the extension of said Fifth street so extended by enlarging the town limits herewith to a ditch running across and being the end of said Fifth street extension; thence along said ditch almost due south six hundred and fifty-four feet to an iron stake on said ditch; thence southwest across the school property of the East Carolina Teachers' Training School twelve hundred feet to the Savage and White corner, a stake; thence along said White's line almost due north six hundred and fifty-four feet to the present corporate limits of the said town of Greenville. Corporate limits.

Sec. 8. That all clauses and sections 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 6th day of March, 1911.

CHAPTER 387.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MURPHY, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter two hundred and thirty-nine of the Public Laws of one thousand eight hundred and eighty-nine be amended as follows: Strike out all of said section from the word "beginning" in line two down to and including the word "beginning" in line ten thereof, and insert in lieu thereof the following: "Beginning at the summit of the bluff on the west banks of the Hiwassee River below the confluence of said river and the Valley River, known as the Hitchcock Bluff; thence crossing said river and following in a northeastwardly direction the ridge opposite said bluff to a point in the public road between the Murphy furniture factory and Texana; thence a direct line to the head of the reservoir of the Murphy waterworks system; thence with the meanders of said reservoir so as to include the same and the dam at the lower end thereof to the branch running from said dam; thence down said branch with its meanders to the Valley River; thence down said river to the Meroney Bluff; thence a direct line to the Hiwassee River, one mile from the town of Murphy; thence up said river to a point opposite the mouth of the Sycamore lane; thence crossing said river with the line of said lane to a point in the public road near Alford Morgan's residence on top of the hill; thence a direct line in a westerly direc- Corporate limits.

tion, including the residence of Mr. Fleming, to a point in the branch between the residence of said Fleming and L. F. Beal, two hundred and fifty yards from where the public road crosses said branch; thence a direct line to the water tank on the Louisville and Nashville Railway Company above the old station; thence a direct line to the beginning.

Sec. 2. That section seventeen (17) of said chapter two hundred and thirty-nine of the Public Laws of one thousand eight hundred and eighty-nine, be and the same is hereby repealed.

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

Ratified this the 6th day of March, 1911.

CHAPTER 388.

AN ACT CREATING A WATERWORKS COMMISSION FOR THE TOWN OF MAXTON.

The General Assembly of North Carolina do enact:

Waterworks commission created.

Election.

Section 1. The "waterworks commission" of the town of Maxton North Carolina, is hereby created and shall consist of three members, citizens and freeholders of said town, who shall be annually elected by the voters of said town at the regular municipal election in May of each and every year and under the same rules and regulations governing the election of a mayor and commissioners of said town.

Control of water and sewer systems.

Power and authority.

Sec. 2. That said "waterworks commission" shall have control of and supervision over the physical properties constituting the water and sewer systems of the said town of Maxton, and also of all taxes, revenues and funds, when the same shall have been collected by the constable, derived from or through the said waterworks and sewerage system or the act authorizing the collection of a tax with which to pay the interest and create a sinking fund on the bond issue authorized by chapter 56 of the Private Laws of North Carolina, session 1907, and said "waterworks commission" is hereby invested with full power and all authority heretofore conferred upon the board of commissioners of the said town of Maxton by said chapter 56 of the Private Laws of North Carolina, session 1907, so far as concerns said waterworks and sewerage system, except the power and authority to levy and collect the taxes authorized by said act: *Provided*, that such taxes, when collected, shall be paid over to the secretary and treasurer of the said "waterworks commission," and shall thereafter be under the control and management of said "waterworks commission."

Proviso: control of taxes.

Transfer of powers and duties.

Sec. 3. The powers and duties heretofore imposed and conferred upon the "committee on waterworks and sewerage" of said town by

the ordinances of said town are hereby transferred and delegated to the "waterworks commission" herein created.

Sec. 4. The "waterworks commission" shall elect one of its members as chairman and another as secretary and treasurer, the duties of secretary and the duties of treasurer to be performed by one and the same person, and all vacancies on said "waterworks commission" caused by death, resignation or otherwise, shall be filled by the remaining members thereof. Before entering upon the duties of their office, the members of said "waterworks commission" shall take and subscribe an oath that they will faithfully and impartially discharge the duties thereof as provided by law to the best of their skill and ability. No member of said "waterworks commission" shall be eligible to serve as mayor or commissioner of said town while a member of said "waterworks commission." The position of member of said "waterworks commission" shall not be considered an office within the meaning of article fourteen, section seven, of the constitution of North Carolina.

Organization.

Vacancies.

Commissioners to qualify.

Members not eligible as mayor or commissioner.

Position not an office.

Sec. 5. The said "waterworks commission" shall hold regular meetings, at least once in each month, at a time to be selected by it, and special meetings as often as may be deemed necessary; special meetings may be called by the chairman or by any two members in writing. The secretary and treasurer shall keep a proper record of the proceedings of said meetings, and shall perform such other services as may be required of him by said "waterworks commission," and shall be paid such compensation for his services as said "waterworks commission" may deem fair and just. No other member of said "waterworks commission" shall receive any compensation for his services. Said secretary and treasurer shall at all times be required to make and keep a bond sufficient to cover all moneys which may come into his hands, and the chairman of said "waterworks commission" shall take charge of and preserve said bond.

Regular meetings.

Special meetings.

Duty and pay of secretary.

Commissioners not paid.

Bond of secretary and treasurer.

Sec. 6. All ordinances and police regulations necessary for the protection and care of said waterworks and sewerage system and for the maintenance and operation thereof shall be enacted by the board of commissioners of said town.

Ordinances and police regulations.

Sec. 7. That said "waterworks commission" 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 the public, and cause the same to be posted ten days before the day of the annual election in five public places in said town, and the members of the said "waterworks commission" failing to comply with the duties provided in this section, shall forfeit and pay for the use of the town and him who will sue therefor the sum of one hundred dollars.

Annual reports.

Penalty.

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 6th day of March, 1911.

CHAPTER 389.

AN ACT AMENDING THE LAW RELATING TO THE GRADED SCHOOLS OF THE TOWN OF LINCOLNTON.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter three, of the Private Laws of one thousand nine hundred and five, and section one of chapter one hundred and seventy of the Private Laws of one thousand nine hundred and seven, be and the same are hereby repealed, and the following shall be substituted therefor:

Board of trustees.

Sec. 2. That H. E. Reid, Edgar Love, R. A. Yoder, J. L. Lineberger and Julius Suttle be and they are hereby appointed a board of trustees of the public schools of said graded school district, and

Official designation.

shall be known and designated as "The Board of Trustees of the Lincolnton Graded School District." That wherever in said acts the governing body of said district is designated as "school committee" or "graded school committee" or otherwise, they shall be so amended as to read "The Board of Trustees of the Lincolnton

Terms of trustees.

Graded School District." That the term of office of H. E. Reid shall expire on the first Monday in July, one thousand nine hundred and eleven; the term of office of Edgar Love shall expire on the first Monday in July, one thousand nine hundred and twelve; that the term of office of J. L. Lineberger shall expire on the first Monday in July, one thousand nine hundred and thirteen; that the term of office of R. A. Yoder shall expire on the first Monday of July, one thousand nine hundred and fourteen, and the term of office of Julius Suttle shall expire on the first Monday in July, one thousand nine hundred and fifteen.

Election and term term of successors.

Sec. 2. That the successors shall be elected to take the place of the trustees as above provided for when their term of office shall expire, for a term of five years each, from the resident qualified electors of said graded school district, as follows: Whenever the regular term of office of any trustees shall expire on the first Monday in July next after the date as now provided for holding the regular municipal election in the town of Lincolnton, then at such regular election held in May of such year there shall be elected, in the same manner, at the same time and place, as now provided by law for the election of town officers, and in a separate box provided therefor, one trustee whose term shall begin, upon his duly qualifying, on the first Monday of July following. Whenever the regular term of office of any trustee shall expire on the first Monday in July of any year when there is no regular municipal election as now provided by law in the town of Lincolnton, then the board of aldermen of the town of Lincolnton shall, at their regular meeting in June of such year, elect one trustee whose term shall begin, upon his duly qualifying, on the first Monday in July next thereafter.

Sec. 3. That in case of a vacancy occurring by death, resignation, or otherwise, among the members of said trustees, such vacancy, for the unexpired term thereof, shall be filled by the remaining members of the board of trustees of said district. Vacancies.

Sec. 4. That section seven of chapter three, Private Laws of one thousand nine hundred and five, be amended by adding at the end thereof the following, to wit: That the general county board of education, having authority under the general school law of the State, shall in all apportionments of the State and county school funds, apportion to the Lincolnton graded schools such sums of money as will be produced by dividing the whole sum to be apportioned in the county of Lincoln by the total number of school children, of school age, in said county, and then multiplying the result by the number of children of school age within the Lincolnton graded school district. Apportionment from general fund.

Sec. 5. That section eight of chapter three, Private Laws of one thousand nine hundred and five, be amended by striking out in lines one and two and after the word "elect" in line one, and before the word "who" in line two the words "one of their number as treasurer," and insert in lieu thereof the words "a treasurer, who may be a member of the board of trustees or not"; and by striking out in line four after the word "monthly" and before the word "his" in line five the words "to the school committee," and insert in lieu thereof the words "in writing to the said board of trustees of the Lincolnton graded school district." That the treasurer elected by said board of trustees shall before entering upon the duties of his said office give a good and sufficient bond in a sum not less than five thousand dollars, to be fixed and approved by the board of trustees for the faithful performance of the duties of his office and the faithful accounting to them for all moneys which come into his hands by virtue of said office. Election and reports of treasurer. Bond of treasurer.

Sec. 6. The books of said treasurer shall be examined annually by said trustees or a committee appointed therefrom, and an itemized statement of all receipts and disbursements shall be annually published by such treasurer in a newspaper published in the town of Lincolnton. That such examination shall be made at the close of the school year, which time is fixed at June thirtieth of each year, and such statement shall be published on or before the first day of August thereafter. Audit of accounts and publication of statement.

Sec. 7. That the failure of the treasurer of said graded school trustees to make and publish the statement above provided for shall render his office vacant and besides he shall be guilty of a misdemeanor and upon conviction therefor may be fined and imprisoned, in the discretion of the court. Penalty for failure to make statement.

Sec. 8. That chapter three, Private Laws of one thousand nine hundred and five, be amended by adding at the end thereof a section designated as 19 (*a*), as follows: That the superintendent elected by the board of graded school trustees as provided for in said act Superintendent.

shall supervise the graded public schools of said school district, and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Sec. 9. That chapter three of the Private Laws of one thousand nine hundred and five, be further amended by adding to the end thereof and designated as section 19 (*b*) the following: That said board of graded school trustees are hereby authorized, in their discretion, to fix and prescribe the curriculum of studies and to adopt text-books for said graded schools, supplementary to those prescribed by State adoption; to provide for instruction, other than that included in the prescribed course and to 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, and fix the rate of tuition to be charged for those attending from without the district.

Curriculum and text-books.

Nonresident students.

Sec. 10. That chapter three, Private Laws of one thousand nine hundred and five, be further amended by adding at the end thereof a section designated as 19 (*c*), the following: That any and all outstanding contracts and obligations of the Lincolnton graded school committee of whatever nature shall be assumed and are hereby declared to be valid obligations and debts of the board of trustees of the Lincolnton graded school district, and shall by said trustees be paid out of the funds belonging to said school district which may come into its hands or be subject to its control and direction from time to time until all such obligations are paid. That the title to all property now vested in the graded school committee of said district shall by virtue of this act be vested in the board of trustees of the Lincolnton graded school district.

Outstanding contracts and obligations.

Property vested.

Sec. 11. That the position of trustee or treasurer of said graded school district shall not constitute an office within the meaning of article 7, section fourteen, of the constitution of North Carolina.

Trustees and treasurer not officers.

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 6th day of March, 1911.

CHAPTER 390.

AN ACT TO CHANGE THE BOUNDARY LINE OF SCUPPERNONG SPECIAL TAX SCHOOL DISTRICT IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Territory added.

Section 1. That the boundary lines of Scuppernong special tax school district in Tyrrell County, be and the same is hereby changed

so as to include the following territory in addition to what is already embraced in said district: Beginning at J. L. Sawyer's line on Scuppernong River and running along said river to Albemarle Sound; thence along the Albemarle Sound to the boundary line of J. B. Walker; thence eastwardly up the J. B. Walker line to the main road; thence northeast along said road to a marked pine; thence southwest to the line of the Scuppernong special tax school district in the center of the Chapel Swamp; thence along the line of the Scuppernong special tax school district to the beginning. Boundary.

Sec. 2. That there shall be annually levied and collected in the territory herein added to said special tax school district, the same special school taxes on property and polls as is levied in the rest of said special tax school district. Special tax.

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

Ratified this the 6th day of March, 1911.

CHAPTER 391.

AN ACT FOR THE RELIEF OF W. J. HAYNES, TOWN TAX COLLECTOR FOR THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

Section 1. That W. J. Haynes, tax collector for the town of Waynesville, be and is hereby authorized and empowered to collect all the remaining taxes due and unpaid in the town of Waynesville for the years one thousand nine hundred and nine and one thousand nine hundred and ten. Collection of arrears authorized.

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

Ratified this the 6th day of March, 1911.

CHAPTER 392.

AN ACT FOR THE RELIEF OF MRS. ALMA THOMPSON ANDREWS, A PUBLIC SCHOOL TEACHER IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the county board of education of Randolph County be authorized to pay to Mrs. Alma Thompson Andrews the sum of twenty-seven dollars ($27), out of any funds that may be apportioned to District No. 2, Franklinville Township, Randolph County, in consideration of the fact that Mrs. Andrews taught a Payment authorized.

longer term of school in the year one thousand nine hundred and nine to one thousand nine hundred and ten than the funds of said district justified.

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

Ratified this the 6th day of March, 1911.

CHAPTER 393.

AN ACT TO PERMIT THE TOWN OF WRIGHTSVILLE BEACH TO ISSUE BONDS TO CONSTRUCT A SEWERAGE SYSTEM.

Preamble.

Preamble: whereas, the town of Wrightsville Beach, in the county of New Hanover, has no inhabitants save summer residents and has grown greatly within the last few years, and the sewerage system at present existing is totally inadequate to the needs of the town, and is a serious menace to the health of the residents therein, and it is necessary to construct a modern system of sewerage:

The General Assembly of North Carolina do enact:

Construction of sewerage system.

Section 1. That the mayor and aldermen of the town of Wrightsville Beach, in the county of New Hanover, are hereby authorized and empowered to construct a sewerage system for the said town at a cost not exceeding fifteen thousand dollars, and to assess the cost of the same ratably among the property owners on said beach in proportion to the benefits accruing to the said property owners, which assessment is to become due and payable as hereinafter provided.

Limit of cost.

Assessment of cost.

Bond issue authorized.

Amount.

Denominations.

Proviso: interest.

Maturity.

Sale below par forbidden.

Sec. 2. That in order to provide a cash fund for the immediate construction of the said sewerage system, the mayor and aldermen are authorized and empowered to issue bonds not to exceed fifteen thousand dollars, under such rules and regulations and in such denominations as may be prescribed by the mayor and aldermen: *Provided, however,* that 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 date of their issuance, and shall not be sold for less than par.

Question submitted to property owners.

Sec. 3. Said bonds shall not be issued, however, until the proposition for their issuance and sale has been submitted to the property owners of said town for their approval or rejection.

Petition.

Sec. 4. Upon petition being filed before the said mayor and aldermen of one-fifth of the property holders in said town, including corporations, each of which for this purpose shall be entitled to one vote and shall vote by resolution of the board of directors, the mayor and aldermen shall take a vote of the property owners of said town on

Vote to be taken.

the question whether the said bonds shall be issued and sold, and if a majority of the property holders shall vote in favor of the issuance of said bonds then they shall be issued and sold by the mayor and aldermen and their proceeds used for the construction of the sewerage system herein and hereby authorized. Effect of favorable majority.

Sec. 5. That the balloting of said question shall be taken in the city of Wilmington, and shall be by ballot deposited with the clerk of said town, on the first day of April, A. D. one thousand nine hundred and eleven, or within three days thereafter, as provided by the charter of said town, chapter three hundred and five, Private Acts of one thousand eight hundred and ninety-nine, for selection of mayor and aldermen, except that females owning property shall be allowed to cast their ballots, and each corporation owning property therein shall have one vote, and shall vote by resolution of their respective boards of directors. And those in favor of the issuance of said bonds shall vote a ballot on which is written the words "For bonds," and those opposed to it shall vote a ballot on which is written the words "Against bonds." Ballot taken in Wilmington. Deposit of ballots. Females and corporations to vote. Ballots.

Sec. 6. In order to more effectually carry out the authority by this act delegated to issue bonds for the purpose of constructing, and to construct, the said sewerage system, the mayor and aldermen shall have the right to assess the total cost of the sewerage system on the real estate in said town in proportion to the benefits accruing to the said real estate, all of which is hereby declared to be benefited thereby. And their determination of the amount to be charged against each piece of property as the benefit accruing thereto, shall be *prima facie* correct: *Provided, however,* that each property owner feeling himself aggrieved may contest the amount, regularity and legality of the assessment in any proper action. Assessment of cost. Proviso: contest of assessment.

Sec. 7. The amount of the assessment for the improvements herein authorized on each piece of real estate, shall be a lien on such real estate and the amount of said lien and the said assessment shall become due and payable at the time and in the manner of payment determined by the mayor and aldermen of said town: *Provided, however,* that no more of said assessment shall become due and payable each year than shall be necessary to pay the interest upon the bonds herein authorized and to provide a sinking fund for the payment of said bonds within thirty years from their issuance. Assessment a lien on property. Proviso: assessment due annually.

Sec. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 394.

AN ACT TO INCREASE CAPITAL STOCK OF SOUTHERN ASSEMBLY FROM TWO HUNDRED AND FIFTY THOUSAND DOLLARS TO FIVE HUNDRED THOUSAND DOLLARS.

The General Assembly of North Carolina do enact:

Section 1. That Section 11 of Chapter 419 of the Public Laws of 1909 be stricken out and the following substituted therefor, to-wit:

Capital stock.

"The total authorized capital stock of the said corporation shall be not less than two hundred and fifty thousand dollars nor more than five hundred thousand dollars, divided into two thousand five

Shares.

hundred shares or shares to the number of five thousand of a par value of one hundred dollars each, and at least three-fourths of the capital stock of said corporation shall be held by members of the Methodist Episcopal Church, South."

Sec. 2. That this act shall be considered in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1911.

CHAPTER 395.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-FOUR PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO THE CHARTER OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. That section five of chapter three hundred and forty-

Policemen.

four, Private Laws of nineteen hundred and seven, be amended by striking out the word "four" in line forty-three and inserting in lieu thereof the word "six."

Sec. 2. That paragraph (c) of section twenty-five of chapter three

Jurisdiction of superior court.

hundred and forty-four, Private Laws of nineteen hundred and seven be amended by striking out the period at the end of said paragraph and substituting therefor a colon, followed by the following: *Provided*, that nothing in this paragraph shall be construed to prevent the superior court of Cabarrus County from assuming concurrent jurisdiction of all the offenses of which said superior court would have had jurisdiction but for this act, whereof, exclusive original jurisdiction is now given to the police justice's court, if said police justice's court, within sixty days after the commission of the offense, shall not have proceeded to take official cognizance of the same:

Proviso: reports of police justice.

Provided, further, that said police justice shall furnish to the clerk

of the superior court on the first Monday of each term for the information of the solicitor and grand jury a list of all offenses disposed of by said police justice, with the dates thereof, except the violation of the ordinances of the city of Concord.

Tax on dealers in fireworks.

Sec. 3. That section eighty-nine of chapter three hundred and forty-four, Private Laws of nineteen hundred and seven be amended by striking out the word "two" in line eighteen and inserting in lieu thereof, the word "one."

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

Ratified this the 7th day of March, 1911.

CHAPTER 396.

AN ACT TO PROVIDE A PROSECUTING ATTORNEY FOR THE RECORDER'S COURT OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Office created.

Section 1. That the office of prosecuting attorney for the recorder's court of Monroe, created by chapter eight hundred and sixty of the Laws of one thousand nine hundred and seven and amended by chapter six hundred and eighty-three of the Public Laws of one thousand nine hundred and nine, be and it is created, and it shall be the duty of the aldermen of the city of Monroe and the board of county commissioners of the county of Union, on the first Monday in April, one thousand nine hundred and eleven, to elect a licensed attorney as a prosecuting officer for the recorder's court of Monroe, whose duties it shall be in every respect similar to those of the solicitor elected to prosecute criminals in cases in the superior courts; and the said prosecuting attorney shall take the oath of solicitors, shall attend upon the daily sessions of the recorder's court, prepare warrants when required, to be issued by the recorder or sub-recorder, cause subpœnas to be issued for such witnesses as shall be necessary and generally to do any and all such acts and things as shall be necessary for the prosecution of violations of the criminal laws of the county and bringing offenders to justice; that the prosecuting attorney shall not be partner of any firm of attorneys practicing in Union County, appearing for defendants in cases cognizable by the recorder and he shall receive as his compensation forty dollars per month to be paid equally by the city of Monroe and the county of Union: that in every case where there shall be a conviction of the person charged with crime there shall be taxed as a part of the cost a prosecuting attorney's fee of two dollars for each person convicted, which when collected, shall be divided equally between the city of Monroe and the county of Union, and shall be paid to their respec-

Election.

Duties.

Attorney to qualify.

Duties.

Compensation.

Tax fee.

tive treasurers, and where any person convicted by the recorder or sub-recorder shall appeal to the superior court and again be convicted or become liable for the costs in that court, the clerk of the superior court shall tax the said fee for the prosecuting attorney, in the recorder's court in the same manner and pay the same as provided herein to the city of Monroe and the county of Union in equal portions.

Election to fill vacancy.

Sec. 2. That in event there shall occur a vacancy in the office of prosecuting attorney as herein created, by death, resignation or otherwise, it shall be the duty of the board of county commissioners of Union County and the board of aldermen in joint meeting to elect a successor to fill the unexpired term.

Term of office.

Sec. 3. That said prosecuting attorney when elected as herein provided shall hold office until the next general election and until his successor is duly qualified and elected.

Election and term of successor.

Sec. 4. That at the next general election the said prosecuting attorney for the recorder's court of the city of Monroe shall be elected in the same manner as it is now provided for the election or recorder, and his term of office shall be the same as that of recorder and each succeeding two years thereafter he shall be in like manner elected.

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

Ratified this the 7th day of March, 1911.

CHAPTER 397.

AN ACT TO CHANGE THE BOUNDARY LINE OF THE DALLAS SPECIAL SCHOOL DISTRICT, IN DALLAS TOWNSHIP, GASTON COUNTY.

The General Assembly of North Carolina do enact:

Lands transferred.

Section 1. That the lands hereinafter described, to-wit: the lands of P. A. Summey, lying on the northwestern side of said Dallas special school district, and which are bounded by the lands of Mrs. Mary Rhyne, C. T. Payson, S. T. Wilson and Andrew Cloninger, Sr., be and the same are hereby transferred from the Dallas special school district, in Dallas township, Gaston County, to public school district number three in Dallas township, Gaston County.

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

Ratified this the 7th day of March, 1911.

CHAPTER 398.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHADBOURN, COLUMBUS COUNTY, REGULATING THE HOLDING OF ELECTION FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the town of Chadbourn as chartered under the Private Laws of one thousand eight hundred and eighty-three, chapter ninety-three, be, and at the same is hereby placed under the revisal of one thousand nine hundred and five, chapter seventy-three, governing cities and town, except that the town of Chadbourn shall hold its election on the first Tuesday in April, one thousand nine hundred and eleven, and biennially thereafter. Town elections.

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 7th day of March, 1911.

CHAPTER 399.

AN ACT TO ALLOW THE REMOVAL AND RE-INTERMENT OF CERTAIN DEAD BODIES AT CLIFFSIDE, IN RUTHERFORD COUNTY.

Whereas, there have in years long past been interred at a place now known as Cliffside, in Rutherford County, certain dead bodies, and the identity of the surviving relatives, as well as the names of the persons, whose bodies are so interred, have become lost and diligent inquiry fails to disclose the identity of such body or bodies or the names of any of the survivors, and, whereas, there was constructed before the knowledge of the existence of any grave or graves in the vicinity, certain cotton mills at Cliffside, and, whereas. the said graves are located among the buildings erected by such cotton mill company, and, whereas, it is unlawful to remove or disturb any such dead bodies, or to remove same from their present place of interment, therefore, Preamble. Preamble. Preamble. Preamble.

The General Assembly of North Carolina do enact:

Sec. 1. That it shall be lawful for the Cliffside Cotton Mill Company. of Cliffside, Rutherford County, at its own proper expense and trouble to open any and all graves of ancient date, and the identity of whose survivors are unknown which are now located in the imme- Removal and re-interment.

diate vicinity of the Cliffside Cotton Mill Company's plant, and remove them from among the buildings of said mill company together with such dead bodies, any and all other things interred therewith, and to convey all such remains of such dead body or bodies, together with any article found therewith, to the public cemetery, known as the Cliffside cemetery, and there properly, and promptly and respectfully re-inter the same.

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

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

Ratified this the 7th day of March, 1911.

CHAPTER 400.

AN ACT TO ESTABLISH AN ADDITIONAL SCHOOL DISTRICT IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Establishment of district authorized.

Section 1. That the board of education of Stokes County is hereby authorized and empowered to establish an additional school district

Territory.

in Stokes County within territory to be cut off from districts numbered one and two, in Beaver Island Township, and number four in Snow Creek Township, and the said board is authorized and empowered to locate boundaries of the said new district.

Site for schoolhouse.

Sec. 2. That said board of education of Stokes County shall, through the county superintendent of public instruction of Stokes County, locate a site for a new schoolhouse in said new district

Committeemen.

and build a schoolhouse thereon, and shall appoint committeemen

Apportionment.

for said school district under the general law, and shall apportion the funds to said new district under the same rules as to other free school districts in said county.

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

Ratified this the 7th day of March, 1911.

CHAPTER 401.

AN ACT TO INCORPORATE THE METHODIST PROTESTANT CHURCH, ROCKY MOUNT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Trustees.

Section 1. That C. W. Coghill, H. A. Avent and John M. Ricks and their associates and successors who may from time to time be

elected as trustees by that body of religious worshipers, known as the Methodist Protestant Church, in the city of Rocky Mount, Nash County, North Carolina, be and they are hereby created a body politic and corporate under the name and style of "The Methodist Protestant Church of Rocky Mount." Incorporation. Corporate name.

Sec. 2. That the property of said Methodist Protestant Church is hereby vested in said corporation and the said corporation shall have the power to receive by gift, purchase, hold and acquire real and personal property and shall have the power and authority to sell and convey all and singular or any part of its real, personal and mixed property, and to re-invest the proceeds of such sale in such way and manner as to the said board of trustees hereinbefore named, or their associates and successors may seem best and expedient. Property vested. Powers of corporation.

Sec. 3. That said corporation shall in addition to the powers hereinbefore vested in them by section two, have and possess all and singular the powers, rights and privileges vested in religious societies, under and by virtue of chapter sixty-three of The Revisal of one thousand nine hundred and five, of North Carolina. Powers under general law.

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

Ratified this the 7th day of March, 1911.

CHAPTER 402.

AN ACT TO AMEND SECTION TWO, CHAPTER ONE HUNDRED AND NINETY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, ENTITLED: "AN ACT TO EMPOWER THE CITY OF FAYETTEVILLE TO SELL OR LEASE ITS ELECTRIC LIGHT PLANT, OR CONTRACT FOR THE OPERATION THEREOF."

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter one hundred and ninety-one of the private laws of one thousand nine hundred and seven, be amended by striking out all of said section after the word "than" in line four thereof, and by inserting after the said word "than" in said line, the following: "A majority vote of the board of aldermen and a majority vote of the board of audit and finance of said city: *Provided*, that in case of a tie vote by said board of aldermen, the deciding vote shall be cast by the mayor of said city." Majority vote. Proviso: tie votes.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repealing clause.

Sec. 3. That this act shall be in force from and after June first, one thousand nine hundred and eleven. When act effective.

Ratified this the 7th day of March, 1911.

CHAPTER 403.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-ONE, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO TRUSTEES OF THE GRADED SCHOOL OF GOLDSBORO, ISSUING BONDS.

The General Assembly of North Carolina do enact:

Time for election.

Section 1. That section nine of chapter three hundred and seventy-one private laws of one thousand nine hundred and nine, be and the same is hereby amended as follows: Strike out the word "two" in line four of said section and insert in lieu thereof the word "six."

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

Ratified this the 7th day of March, 1911.

CHAPTER 404.

AN ACT AMENDATORY OF THE ACT ESTABLISHING THE GUILFORD GRADED SCHOOL IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Additional territory.

Sec. 1. 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 theretofore known as district number five in Friendship Township, Guilford

Boundary.

County: namely, on the west beginning at a sycamore in the graded school line running south with the mill road one hundred and forty-one poles to a stone, Hinshaw's southeast corner; thence west fifty-four and one-half poles to a stone, Hinshaw's southwest corner; thence north one hundred and forty-one poles to a stone in the graded school line.

On the southeast, beginning at the southeast corner of the graded school district, south of and near to the railroad about one quarter of a mile east of Guilford College station and running south sixty-two degrees, east ninety-two poles to a stone or stake; thence south thirty-two degrees, east one hundred and six poles to Dr. Reeves' line; thence south with his line forty-two poles to a stone or stake; thence east two hundred and nineteen poles to a stone or stake; thence north fifty poles to a stone or stake; thence west one hundred and thirty-three poles to a stone or stake; thence south thirty-one degrees west twenty poles to a stone or stake; thence west forty poles to Simmons' corner; thence north five and one-half degrees east one hundred and thirty-four poles to a stone

or stake; thence north three and one-half degrees east sixty-three and one-half poles to a stone or stake; thence south eighty-six and one-half degrees east eighteen poles to a stone or stake; thence north three and one-half degrees east twenty-five poles to a stone or stake; thence north eighty-six and one-half degrees west forty-two poles to a stone or stake; thence south five and one-half degrees west one hundred and thirty poles to a stone in Simmons' line; thence north forty degrees west one hundred and fifty-four poles to a stone in the graded school line.

Election for ratification of section.

Sec. 2. For the ratification of the above section of amendment, namely, section one, 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 thousand nine hundred and eleven, at which the qualified voters in said added parcels of territory shall vote, those in favor of adding the territory, tickets on which are printed the words, "For annexation," and those opposed tickets on which are printed or written the words, "Against annexation."

Date.

Tickets.

Effect of affirmative vote.

Sec. 3. If a majority of the qualified voters in the said added territory shall vote for annexation, then the additional territory herein described shall become a part of the Guilford graded school district and become subject to the same laws of taxation and government as were enacted in the original bill enacted in one thousand nine hundred and one, constituting the Guilford graded school district and establishing said school.

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

Ratified this the 7th day of March, 1911.

CHAPTER 405.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-SIX, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO A GRADED SCHOOL IN GATES COUNTY.

The General Assembly of North Carolina do enact:

Name changed.

Section 1. That chapter one hundred and ninety-six of the Private Laws of one thousand nine hundred and nine, be amended by striking out the words "graded schools" wherever it appears and substituting therefor the words "public high school."

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

Ratified this the 7th day of March, 1911.

CHAPTER 406.

AN ACT TO INCORPORATE MOUNTAIN SPRINGS BAPTIST CHURCH IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Name. Incorporation. Corporate rights. Power of prohibition. Penalty.

Section 1. That Mountain Springs Baptist church in Union County, North Carolina, 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; and the said officers shall have the right to prohibit the selling or otherwise disposing of cider or other intoxicating beverages within four miles of said church, and in their discretion may prescribe any other limits within four miles of said church, within which such beverages may not be sold, and to prescribe a penalty of not exceeding fifty dollars or imprisonment for not exceeding thirty days for any violation under this act.

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

Ratified this the 7th day of March, 1911.

CHAPTER 407.

AN ACT TO INCORPORATE "THE FARMERS' EDUCATIONAL AND CO-OPERATIVE UNION OF NORTH CAROLINA, INCORPORATED."

The General Assembly of North Carolina do enact:

Corporators. Corporate name. Corporate powers.

Section 1. That H. Q. Alexander, A. C. Shuford, J. M. Templeton, P. P. W. Plyler, W. H. Moore, I. P. Coggins, Dr. T. J. Smith, J. Z. Green and E. C. Faires and their associates be and they are hereby incorporated under the name and style of "The Farmers' Educational and Co-operative Union of North Carolina, Incorporated," and by that name they and their successors may and shall have continual succession and a corporate seal to be adopted by them, which may be altered at will, and they shall have the power to sue and may be sued, or may plead and be impleaded, and may contract and be contracted with and may acquire, hold and convey and dispose of by way of mortgage, deed, bill of scale or otherwise, property real and personal, and shall have power as such corporation to elect such officers as may be necessary for the conduct of its business, and as may be prescribed by the constitution and by-laws which may be adopted in pursuance of the provisions of this act, and which they may deem advisable for the proper government of

such corporations; provided same are consistent with the laws of the State of North Carolina and with the provisions of this act; and said corporation shall have the power generally conferred upon corporations and such rights and privileges as are incident and necessary to the functions of the corporation hereby created, and such as are proper and convenient to the exercise of the powers and enjoyment of the rights and privileges given by this act and necessary for the conduct and management of the business affairs here contemplated to be performed. Proviso: by-laws consistent with law. Powers under general law.

Sec. 2. That the said corporation is created and formed primarily to promote the educational, moral and industrial welfare of the farming interests and classes in North Carolina, and particularly to increase the interest and scientific knowledge in farming and marketing, and is hereby authorized and empowered to establish schools, hold institutes and such county or local assemblages as it may deem necessary for the purpose of carrying out the primary purposes and provisions of this act; and incidentally to exercise all the powers and have the authority specified in section one or any other section of this act. That such corporation may further elect and have power and authority to establish co-operative warehouses, stockyards, grain elevators and packing establishments; to manufacture and deal in guano and other fertilizers and to conduct an official newspaper or newspapers, to establish and carry on cotton-seed oil mills and to manufacture other products of the farm, and generally to conduct and carry on such enterprises and transactions and to do such business as may seem necessary or advisable, or as it may seem to the advantage or profit of the members of this corporation, or wherever it may seem such business will in the judgment of the incorporators and their associates contribute to the accomplishment of the general designs and purposes for which this corporation is formed. Object of corporation. Powers. Business powers.

Sec. 3. That this corporation hereby created may take over money, assets, good will and other things belonging to and pertaining to the association existing in North Carolina, known as "The North Carolina Division of the Farmers' Educational and Co-operative Union of America," upon such terms and in such manner as may be agreed upon between such association and this corporation acting through its properly constituted officers, and this corporation is hereby created shall have the power upon such conditions as may be agreed upon by such association and this corporation to become the successor to and assume the obligations of this association, including authority to guarantee the payment of specific sum or sums to be agreed to be paid to the Farmers' Educational and Co-operative Union of America (the national body of which the said association above referred to is a division). Absorption of existing corporation.

Sec. 4. That the authorized capital stock of this corporation is $100,000 (one hundred thousand dollars), consisting of 100,000 (one hundred thousand) shares of the par value of $1.00 (one dollar) Capital stock. Shares.

Annual assessments.

Limit.

each, and said corporation shall have power to levy annually assessments on such stock either greater or less than the par value thereof, provided the assessment so levied per annum will not exceed in any case $2.00 (two dollars) per share, and such assessment shall be levied only at annual meetings of the stockholders and members, or by the officers of this corporation in pursuance of authority granted at the annual meeting of such stockholders

Rights of stockholders and members.

and members, and that every person to whom stock is issued and who pays the assessments herein provided for shall be a stockholder and member and entitled as such stockholder and member to participate in the election of officers and to do and perform all things therein permitted or allowed stockholders and members.

Certificate of stock.

That the certificate of stock contemplated to be issued by the corporation herein created may be in the form of a receipt for such stock subscription and assessment by the officers of this corporation or the secretary of any local union, which union is hereinafter provided for, when such secretary is duly constituted under the corporate seal of this corporation as the local agent of this corporation herein created.

Liability of stockholders.

Sec. 5. That the incorporators and those who may become associated with them as stockholders and members of this corporation under the provisions of this act, shall be liable for the par value of the stock issued to them and for such assessment on such stock as

Proviso: retirement of stockholders.

may be levied under the provisions of this act: *Provided, however,* that any stockholder and member may cease to be such stockholder and member and cease to be liable for such assessments in the event he gives one month's notice of his purpose to retire as a stockholder and member of this corporation and pays his assesments and stock subscription up to and including the day of such notice: *Provided,* that each stockholder and member may be assessed at the beginning of each year for full year's dues for assessments: *Pro-*

Proviso: assessment for full year's dues.

vided, however, that no other liability than that herein prescribed shall attach to the stockholders and members of this association.

Local unions.

Sec. 6. That the president and secretary of this corporation by and with the consent of the directors or stockholders, or by and with the consent of the executive committee of this corporation are hereby authorized and empowered for the purpose of interesting farmers in better agriculture and in scientific farming and in agricultural education, to issue to the citizens of the various counties in the State and in any of the localities, or in any of the townships or other localities within the State of North Carolina or to any number of such citizens charters or license to organize themselves into an association or associations of a fraternal or quasi fraternal nature, and prescribe such rules and regulations for the government of such fraternal organization as the directors or executive com-

Proviso: local unions not to engage in commercial business.

mittee of this corporation may think proper: *Provided, however,* such county, or local unions and fraternal organizations and associ-

ations shall not be empowered by reason of such license or charter granted by this corporation to engage in any commercial business or trade for profit: *Provided, further,* that the members of such county and local unions shall be from the stockholders and members of this corporation and only such stockholders and members of this crporation shall be eligible to membership in such county and local unions, and there shall be no further liability to pay dues or assessments on account of membership in such county and local unions that the stock assessments that are provided for to be paid to this corporation.

Proviso: members of local unions.

No further liability.

Sec. 7. That this corporation and the stockholders and members thereof shall be free and non-liable in every respect whatever for the obligations or debts of the county or local union and the members of such county or local unions, if any should be contracted in violation of the terms of the licenses or charters issued by this corporation. That nothing herein provided shall prevent this corporation herein incorporated and known as "The Farmers' Educational and Co-operative Union of North Carolina, Incorporated," from contracting in writing, and under its official seal, to pay any obligations it may assume for said county or local union or any other corporation or person, but it shall become liable in no other manner.

Corporation and members not liable for debts of local unions.

Corporation may contract to pay debts of local unions.

Sec. 8. That upon the payment by any stockholder and member of this corporation of the par value of his stock and of the dues and assessments imposed upon such member as herein provided, this corporation shall have the power by such rules or regulations as it may prescribe in its constitution and by-laws to appropriate as a gift or otherwise to the respective county or local unions of which such person is a member, such part of said sum as it may provide and as it may elect.

Appropriations to local unions.

Sec. 9. That every stockholder and member of this corporation who has paid his stock subscription and the assesments thereon, as provided by this act, and as provided by the constitution and by-laws of this corporation, not inconsistent with this act, shall be entitled to all the privileges and benefits in any fraternal features of this corporation, as are or may be accorded to any other such stockholder and member.

Privilege of fraternal features.

Sec. 10. If there are any sum or sums of money which may be accumulated and any property which may be owned by this corporation, at the time of and in the event of dissolution of this corporation, or in the event it shall cease to do business for more than two years, it shall be the duty of the last officers of the said corporation by a majority vote, to wit: A majority of those who last held office of president, secretary and treasurer, and the executive committee, or such other governing board of committee as may succeed to the powers, rights and duties of the executive committee, to appropriate and use such money and property for agricultural education in the State of North Carolina.

Appropriation or agricultural education.

Relationship not severed.

Sec. 11. That the relationship now existing between the "Farmers' Educational and Co-operative Union of America" (the national organization of that name), and the North Carolina division of that organization shall not be severed by the mere passage of this act, but it may be done in a manner to be prescribed by the laws of this corporation.

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

Ratified this the 7th day of March, 1911.

CHAPTER 408.

AN ACT AMENDATORY OF THE CHARTER TO THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and one of the Private Laws of North Carolina, session one thousand eight hundred and eighty-seven, be and the same is hereby amended as follows: By inserting the words "or advisable" between the word "necessary" and the word "and," in line three of section twenty-six of said chapter one hundred and one on page nine hundred and eighty-two; by adding after the word "constable" wherever it may occur in said section twenty-six the words "or other officer"; by inserting the word "three" in lieu of the word "six," in line eleven on page nine hundred and eighty-three of said section twenty-six of said chapter one hundred and one; by inserting after the word "assessed" in said section twenty-six, in said chapter one hundred and one on page nine hundred and eighty-three, after the word "assessed" the words "by said jurors or a majority of them."

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

Ratified this the 7th day of March, 1911.

CHAPTER 409.

AN ACT TO REGULATE THE POWERS OF POLICE AUTHORITY IN THE VILLAGE OF PINEHURST.

The General Assembly of North Carolina do enact:

Conduct constituting misdemeanor.

Section 1. That any person found drunk or intoxicated or using loud, profane or vulgar language on the public highways, streets or

any public place or meeting within one mile of the Pinehurst public school building, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars or be imprisoned not exceeding thirty days. Punishment.

Sec. 2. That the watchmen for the village of Pinehurst are hereby given the authority of policemen to arrest any person violating the provisions of this act or any of the laws of North Carolina: *Provided* they take the oath required of officers of this class. Authority as policemen.

Sec. 3. That this act shall apply only to the village of Pinehurst and shall be in force from and after its ratification. Application of act.

Ratified this the 7th day of March, 1911.

CHAPTER 410.

AN ACT TO CONTINUE IN FORCE AND EFFECT CHAPTER FOUR HUNDRED AND FIFTY-ONE, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and fifty-one, public laws of one thousand eight hundred and ninety-five, being an act entitled "An act making it a misdemeanor to cause false fire alarms in the city of New Bern, North Carolina," be and the same is hereby re-enacted and declared to be in continuous force and effect. Law re-enacted.

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

Ratified this the 7th day of March, 1911.

CHAPTER 411.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION TO PURCHASE WITH THE USE OF THE GENERAL SCHOOL FUND FOR SAID COUNTY, A PART OF THE LOT AND SCHOOL BUILDINGS IN WESLEY CHAPEL GRADED SCHOOL DISTRICT AND TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF THE SCHOOL IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the board of education is hereby fully authorized and empowered to purchase from the board of trustees of the Wesley Chapel special school district of Union County, that certain lot and the school building thereon, owned by the school authorities in Purchase authorized.

said district, containing near two acres, deeded to the board of trustees by A. J. Price and wife and to pay the purchase price thereof out of the general school fund of said county. The said trustees are hereby fully authorized and empowered to sell and convey the said property to the said board of education, or as the said board may direct.

Sale authorized.

Act for management of school.

Sec. 2. That the said school district and the schools therein shall be managed and controlled under and by virtue of the provision of chapter four hundred and twenty-one of the Public Laws of North Carolina, enacted in one thousand nine hundred and one, and all amendatory acts thereto, jointly, by three trustees hereafter to be appointed, and their successors in office and by three committeemen to be appointed by the board of education of Union County as school committeemen are appointed under the general school laws, and by the chairman of the board of education of said county: *Provided*, but one school shall be established in said district.

Proviso: only one school.

Trustees named.

Sec. 3. That chapter four hundred and twenty-one of the public laws of one thousand nine hundred and one shall be amended by striking out the names of the trustees in section seven thereof, and insert in lieu thereof the following names: "W. D. Hawfield, H. L. Price and R. H. Howie," who shall be the trustees until their successors shall have been appointed, with full right and authority to elect their successors or fill any vacancy which may occur in said board of trustees.

Vacancies.

Settlement of disagreements.

Sec. 4. That in event the said board of trustees and the committee herein provided for to jointly manage and control the said school in said school district, shall disagree or be unable by reason of an even vote to settle any question, such question shall be finally decided and settled by the chairman of the board of education, who shall not be required to attend the meetings of said joint board, except upon the request of any member thereof, and in event of a disagreement or inability of said board to agree.

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

Ratified this the 7th day of March, 1911.

CHAPTER 412.

AN ACT TO AMEND THE CHARTER OF ROCKINGHAM COMPANY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of Rockingham Company, a corporation organized under the laws of the State of North Carolina, with its principal office at Spray, in Rockingham County, be and the same is hereby amended by adding thereto the following: "In furtherance and not in limitation of the powers conferred by stat-

ute, the board of directors of Rockingham Company is expressly authorized: To hold its meetings, to have one or more offices and to keep the books of the company within or without the State of North Carolina, but the company shall always keep at its offices in North Carolina a transfer book in which the transfers of stock shall be made and entered, and also a stock book containing the names and addresses of the stockholders and the number of shares held by them respectively, which shall be at all times during business hours open to the inspection of the registered stockholders in person; to determine from time to time whether and, if allowed, under what conditions and regulations the accounts and books of the company (other than the stock and transfer books), or any of them, shall be open to the inspection of the stockholders, and the stockholders' rights in this respect are and shall be limited and restricted accordingly."

Offices within or without the State.

Transfer and stock book.

Inspection of books and accounts.

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

Ratified this the 7th day of March, 1911.

CHAPTER 413.

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

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and forty-eight (148) of the Private Laws of one thousand eight hundred and ninety-nine be amended as set out herein, to wit:

Sec. 2. That section two (2) of chapter one hundred and forty-eight (148) of the Private Laws of one thousand eight hundred and ninety-nine be stricken out and in lieu thereof the following be inserted to wit:

"That Thomas L. Craig, mayor; J. O. White, S. M. Morris, A. M. Dixon, J. H. Separk and John O. Rankin, aldermen elected on the first Monday in May, 1909, shall continue to hold their office until the regular election for mayor and aldermen as provided by law, and that in addition thereunto C. L. Chandler and A. B. Elliott be appointed aldermen, and shall hold their office until their successors are elected on the first Monday in May, 1911, and until said successors have duly qualified.

Aldermen continued.

Additional aldermen.

"B. F. S. Austin, A. M. Smyre, S. N. Boyce, D. E. McConnell and J. P. Reid, school commissioners, elected on the first Monday in May, 1909, shall continue to hold their office until the regular election for mayor, aldermen and school commissioners on the first Monday in May, 1911, as is provided by law; and in addition thereunto T. M. McEntire and S. Settlemeyer shall be appointed school commissioners and shall hold their office until their successors are elected on

School commissioners continued.

Additional school commissioners.

the first Monday in May, 1911, and until said successors have duly qualified."

Sec. 3. That section three (3) of chapter one hundred and forty-eight (148) of the private laws of one thousand eight hundred and ninety-nine be stricken out and in lieu thereof the following inserted to wit:

Corporate limits.

"That the corporate limits of the town of Gastonia shall be as follows, to wit: Beginning at a stone three-fourths (3-4) of a mile due north of the crossing of the Southern Railroad and the Carolina and Northwestern Railroad in the present town of Gastonia, running due east twenty-eight hundred and forty (2,840) feet to a stone; thence south fifty-three (53) degrees each three hundred and ten (310) feet to a stone; thence north sixty-six (66) degrees west six hundred (600) feet to a stone in the line of the present corporate limits; thence with the old line of the corporate limits south fifty-three hundred and sixty-four (5,364) feet to a stone; thence west thirty-eight hundred and twenty (3,820) feet to a stone; thence south thirteen hundred and twenty (1,320) feet to a stone; thence west twelve thousand and twenty (12,020) feet to a stone; thence north fifty-three (53) degrees and thirty (30) minutes east sixty-six hundred (6,600) feet to a stone; thence east one (1) mile to the beginning."

Sec. 4. That section four (4) of chapter one hundred and forty-eight (148) of the Private Laws of one thousand eight hundred and ninety-nine, be stricken out and in lieu thereof the following be inserted, to wit: "That the said town shall be divided into seven (7) wards, to be known as follows, to wit:

Division by wards.

Ward Number One.

"That portion of the town bounded on the north by the line of the corporate limits, on the east by the corporate limits, on the south by the Southern Railroad, on the west by Marietta street and the extension of said Marietta street to the corporate limits, shall be known as Ward Number One; that portion of the said town bounded on the north by the line of the corporate limits, on the east by Marietta street and the extension of Marietta street to the line of the corporate limits, on the south by the Southern Railroad, and on the west by the line of the corporate limits, shall be known as Ward Number Two; that portion of the said town bounded on the north by the Southern Railroad, on the west by the line of the corporate limits, on the south by the corporate limits, on the east by the street just east of Settlemeyer's store and MacKee Bradley's store and residence, and from the railroad crossing to the corporate limits shall be known as Ward Number Three; that portion of the town bounded on the north by the Southern Railroad, on the east by the old limits of the town (chapter 148 of the Private Laws of 1899) on the south by the corporate limits, on the west by the street east of Settlemeyer's and MacKee Bradley's store and residence, shall be known as Ward Number Four; that portion of the town bounded on the north by the Southern Railroad, on the east by York street, on the south by the line of the

Ward Number Two.

Ward Number Three.

Ward Number Four.

Ward Number Five.

corporate limits, on the west by the line of the old corporate limits, shall be known as Ward Number Five; that portion of the town bounded on the north by the Southern Railroad and on the east by Oakland street and the extension of Oakland street to the corporate limits, on the south by the corporate limits, on the west by York street and the extension of York street, shall be known as Ward Number Six; that portion of the town bounded on the north by the Southern Railroad, on the east by the corporate limits, on the south by the line of the corporate limits, and on the west by Oakland street, shall be known as Ward Number Seven." Ward Number Six. Ward Number Seven.

Sec. 5. That section five of chapter one hundred and forty-eight (148) of the Private Laws of one thousand eight hundred and ninety-nine be stricken out and in lieu thereof the following be inserted, to wit:

"That on the first Monday in May, 1911, and biennially thereafter there shall be an election held as provided by law for mayor of the town of Gastonia and seven aldermen and seven school commissioners, one aldermen and one school commissioner to reside in each ward." Election. Residence of aldermen and school commissioners.

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

Ratified this the 7th day of March, 1911.

CHAPTER 414.

AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF RED OAK HIGH SCHOOL IN NASH COUNTY TO REMOVE AND RE-INTER CERTAIN DEAD BODIES.

The General Assembly of North Carolina do enact:

Section 1. That the school committee of Red Oak high school in Nash County, be and they are hereby authorized and empowered to take up and remove, at the expense of the said school committee, the dead bodies now interred on the lands belonging to said Red Oak high school and re-inter them at some other suitable place: *Provided, however,* that the school committee of said Red Oak high school shall not exercise the power herein conferred upon them, until the expiration of six months from the ratification of this act and within which time the relatives or friends of the persons interred on the lands belonging to said Red Oak high school may re-inter said dead bodies in such place or places as they may select. Removal and re-interment authorized. Proviso: limitation.

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

Ratified this the 7th day of March, 1911.

CHAPTER 415.

AN ACT TO AMEND CHAPTER FIFTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND EIGHT, EXTRA SESSION, CREATING A SCHOOL DISTRICT OF CRAIGROWNIE, NORTH CAROLINA, AND TO MAKE MORE CERTAIN AND DEFINITE THE BOUNDARIES OF SAID DISTRICT.

The General Assembly of North Carolina do enact:

Territory.

Section 1. That chapter fifty-nine, Private Laws of one thousand nine hundred and eight, extra session, be amended by striking out all of section one in said act and substituting in lieu thereof the following, which shall be known as section one of this act. That the following territories of the counties of Montgomery, Richmond and Moore shall constitute and make a free school district to be known as school district number seven, Rocky Springs township.

Boundaries.

The boundaries of said district to be as follows: Beginning at Drowning Creek, the mouth of Poole's Mill branch, thence with said branch and its general direction to the Montgomery and Richmond line, thence direct to the A. H. Sanders mill site, thence in southeasterly direction to south corner of W. H. Carpenter's land, thence to north head of the Graham Mill branch, down general direction of said branch to Drowning Creek, with said creek to Miry Branch, thence with said branch to Keyser road, with said road to and including the J. B. Clark place and continued with said road to the Markham log landing, thence to the ford of the James L. Currie shop branch, with said branch to Drowning Creek, the beginning point; to be established as school district number seven, Rocky Springs township.

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

Ratified this the 7th day of March, 1911.

CHAPTER 416.

AN ACT TO VALIDATE THE ELECTION OF TOWN OFFICERS OF THE TOWN OF GOLDSTON, NORTH CAROLINA.

Preamble.

Whereas, an election for mayor and commissioners of the town of Goldston, Chatham County, North Carolina, was held on the first Monday in May, one thousand nine hundred and nine, and J. M. Stinson received a majority of the votes cast for mayor, and J. E. Harbour, George E. Rives, J. G. Goldston, W. P. Kirkman and

O. Z. Barber received a majority of the votes cast for commissioners, and J. W. Knight received a majority of the votes cast for marshal of said town;

And, whereas, by reason of said election having been held on the first Monday in May, one thousand nine hundred and nine, instead of on Tuesday after the first Monday in May, one thousand nine hundred and nine, as provided in chapter one hundred and eight, Private Laws of one thousand nine hundred and seven, incorporting said town of Goldston, some question has arisen as to the validity of the acts of said town officers so elected: therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the election held in the town of Goldston, North Carolina, on the first Monday in May, one thousand nine hundred and nine, is hereby declared valid and all acts done in pursuance of said election by the officers of said town then elected are hereby declared valid: *Provided,* that nothing contained in this act shall allow said board of commissioners in any way to change or alter the location of the street leading from the post-office in said town in a southeastern direction in front of the residence of J. T. Paschall before the next town election. Election declared valid. Acts declared valid. Proviso: change of street forbidden.

Sec. 2. That the levy of town taxes for the year one thousand nine hundred and ten heretofore made by the commissioners elected at said election is hereby declared valid. Tax levy validated.

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

Ratified this the 7th day of March, 1911.

CHAPTER 417.

AN ACT TO ENLARGE THE BOUNDARIES OF THE OAK SHADE PUBLIC SCHOOL DISTRICT OF GUILFORD COUNTY, SO AS TO INCLUDE A PART OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the boundaries of the Oak Shade public school district of Guilford County, which voted a special tax on February fourteenth, one thousand nine hundred and six, returns of said election being made to the board of county commissioners of Guilford County, be enlarged so as to include that territory in Randolph County adjacent to the said Oak Shade school district, which voted the same rate of special school tax May, one thousand nine hundred and ten, and the returns of said election being made to the county commissioners of Randolph County. Boundaries enlarged. Territory included.

Sec. 2. That the board of education of Randolph County cause to be paid annually to the treasurer of Guilford County the per School fund.

capita apportionment of the children who reside in Randolph County and are embraced in the Oak Shade public school district, as enlarged, and that the special tax collected in the part of the said district, which lies in Randolph County shall, upon collection, be paid over to the treasurer of Guilford County, and both the per capita apportionment, and the money collected from the special levy shall be placed by the treasurer of Guilford County to the credit of the Oak Shade school.

Supervision and control of district.

Sec. 3. That the county board of education of Guilford County shall have exclusive supervision and control over the Oak Shade public school district, as enlarged by this act, in as full and ample a manner as they have over the public school districts wholly in Guilford County: *Provided, however,* that at least one of the school committeemen of the Oak Shade public school district shall reside in Randolph County.

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

Ratified this the 7th day of March, 1911.

CHAPTER 418.

AN ACT TO INCORPORATE THE CENTRAL CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That P. H. St. Clair, W. H. Fitts, J. W. Cunningham, Jesse Carter and W. J. Edwards, all of Lee County, North Carolina, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate under the name of the Central Carolina Railroad Company, and as such may sue and be sued, plead and be impleaded in the courts of the state, and shall have the powers herein granted. Said company shall have the power and authority to make by-laws; to buy, hold, use, sell, mortgage or otherwise transfer all such personal and real estate as may be necessary to and will advance the interests of said company; to elect or appoint all necessary officers and prescribe their powers and duties; and to have and use a common seal which it may change at pleasure, and to have and exercise all and every other power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this State or the provisions of this act.

Corporate name.

Corporate powers.

Power to survey, construct, equip and operate railroad.

Sec. 2. That said company be and hereby is authorized and empowered to survey, lay out, construct and equip, maintain and operate, by steam or other motive power, a railroad with one or more tracks from some point at or near Goldsboro, in the county of Wayne, westwardly by such route or routes as the directors of said company may determine, through the counties of Wayne, John-

Termini and route.

ston, Harnett, Lee, Moore and Montgomery, and thence to or in the direction of Concord, Salisbury or Charlotte, and thence westwardly to the Tennessee State line. Said company may also build, own and operate branch roads, trams, etc. Branch and tram roads.

Sec. 3. That for the purpose of surveying, constructing, maintaining and operating said lines of railroads, said company is hereby empowered: First. To cause such examination and surveys to be made as shall be necessary to the selection of the most advantageous route or routes, and for such purposes its officers and agents, servants and employees, may enter upon the lands or waters of any person. Second. To take and hold such voluntary grants of real estate, or other property, as may be made to it to aid in the construction, maintenance and operation of its road. Third. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its roads or stations, and all other accommodations necessary to accomplish the objects of its incorporation, and to lease or buy lands necessary for its uses. Fourth. To lay out its road, not exceeding two hundred feet in width, to construct the same; and for the purpose of cutting any embankments, and for obtaining gravel and other materials, may take as much land as may be necessary for the proper construction, operation and security of the roads, or to cut down any trees that may be in danger of getting on the track, or obstructing the right of way. Fifth. To construct its roads across, along, or upon any streams of water, watercourses, streets, highways, canals, etc., which the route of the roads intersect or touch. Sixth. To cross, intersect or join or unite its road with any railroad heretofore or hereafter to be constructed, at any point on its route, or upon the ground of any other railroad company, with the necessary turnouts, sidings and switches or other conveniences necessary in the construction of its roads. Seventh. To take and convey persons or property over their roads by the use of steam or any mechanical power, and to receive compensation therefor, and to do all things incident to railroad business. Eighth. To erect and maintain convenient buildings, warehouses, wharves, docks, stations, fixtures and machinery, whether within or without a city, town or village, for the accommodation and use of its passenger and freight business. Ninth. To regulate the time and manner in which its passengers and freight shall be transported, and the compensation to be paid therefor, subject to any laws of this State upon the subject. Tenth. To borrow such sum or sums of money at such rates of interest not contrary to law, and upon such terms as such company or its board of directors shall agree upon and deem necessary or expedient, and may execute one or more trust deeds or mortgages, or both, if occasion may require on its roads, branches, or both, in process of construction by said company, for the amount or amounts borrowed or owing by said company, as its board of directors shall deem expedient. Said company may make deed or mortgage for

Entry on land for surveys.

Voluntary grants.

Power to purchase land.

Right-of-way and material.

Watercourses, streets and highways.

Crossing and joining other roads.

Rights of carriage.

Buildings and warehouses.

Schedules.

Power to borrow and secure money.

transferring their railroad track or tracks, depots, grounds, rights, privileges, franchises, immunities, machine houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in connection with its roads in any manner then belonging to said company or which shall thereafter belong to it, as security for any bonds, debts or sums of money as may be secured by said trust deeds or mortgages, as they shall think proper.

Capital stock.

Power of increase.

Shares.

Stockholders not individually liable.

Books of subscription.

Meeting for organization.

Board of directors.

Sec. 4. That the capital stock of said company shall be one hundred and twenty-five thousand dollars, and the same may be increased from time to time, as a majority of the stockholders may determine, up to one million dollars. The stock of said company shall be in shares of one hundred dollars each, for which, when fully paid for, certificates shall be issued, which shall be non-assessable, and each share shall entitle the holder to one vote, and the stockholders shall not be individually liable for the debts of the corporation. Books of subscription shall be opened by the corporators, or a majority of them, as such time or times, place or places, and under such rules and regulations as they, or a majority of them may prescribe. Said corporators or a majority of them, acting in person or by proxy, after the sum of five thousand dollars shall have been subscribed, shall call a meeting 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 shall elect a board of directors, consisting of not less than three nor more than eleven members, who shall immediately elect one of their number president of the company.

Payment for subscriptions.

Enforcement of payment.

Sec. 5. That subscriptions to the capital stock of said company be made in money, land or material, 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, and if any subscribers shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereon to the benefit and use of said company; but before so declaring it forfeited said stockholder shall have been served upon him a notice in writing, in person, or by depositing said notice in the post-office, postage paid, directed to him at the post-office nearest his usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is within named; said notice shall be served or mailed sixty days prior to the day on which payment is required to be made.

Power of merger.

Sec. 6. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property, with those of any other railroad or steamboat company or companies chartered by and organized under the laws of this or any other State whenever a majority of the stockholders of the company hereby chartered

shall so desire, when the two or more railroads so to be merged shall and may form a continuous line of railroad with each other by means of intervening road or roads; and said consolidation may be effected by its directors in such manner, and on such terms and conditions, and under such name and style as a majority of the stockholders may determine or approve.

Other companies may purchase or guarantee stock or bonds.

Sec. 7. That it shall and may be lawful for any railroad or transportation company, created by the laws of this or any other State, from time to time to subscribe for, purchase or hold the stock and bonds, or either, of the company incorporated by this act, or to guarantee or endorse such bonds or stock, or either of them; and it shall and may be lawful for any railroad or transportation company or companies to purchase, use or lease the road, property or franchises of the company hereby incorporated for such time and upon such terms as may be agreed upon.

Or may purchase or lease road.

Meetings of stockholders.

Sec. 8. That the meetings of the stockholders shall be held annually at such time and place, in this or other State, as may be determined by them, and at all such annual meetings the president and directors shall render to the stockholders an account of the affairs of the company.

Vice-president and other officers.

Sec. 9. That the president and board of directors of said company, shall have the power of appointing a vice-president, treasurer and such other officers and agents as may be necessary for conducting the construction and management of its railroad. The directors shall be elected by the stockholders annually and shall remain in office for one year, or until their successors are elected, and in case of vacancies occurring by death or resignation in the office of directors, the same may be filled by the directors until the next meeting of the stockholders.

Election and term of directors.

Vacancies.

Expenditure and debts.

Sec. 10. The president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of its railroad and business. And authority is hereby given to the said company to borrow money to such extent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest as may be authorized by its stockholders, and to pay thereon such rates as may be deemed advisable, which are not contrary to law, and to issue therefor such bonds, whether coupons or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and secure such loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income or franchise of the company, either, or any part thereof.

Power to borrow money and secure debts.

Powers under general law.

Sec. 11. That said company shall enjoy all of the benefits and be subject to the provisions of sections two thousand five hundred and seventy-five to two thousand five hundred and ninety-eight, both

inclusive, of chapter sixty-one, volume one, of The Revisal of one thousand nine hundred and five of North Carolina, in respect to the acquisition of land by condemnation.

Counties and municipalities may subscribe to stock.

Sec. 12. That it shall and may be lawful for any county, township, city or town, in or through which the said railroad may be located or which is interested in its construction, to subscribe to the capital stock or bonds of such company, such sum or sums, in bonds or money, as a majority of their qualified voters may authorize the county commissioners of such county or the municipal authorities of such town to subscribe.

Representation of municipal stock.

Sec. 13. That in all conventions of stockholders of said company, such counties, townships or towns as may subscribe to the capital stock shall be represented by one or more delegates to be appointed for such purpose by the corporate authorities of such towns, or the county commissioners of the respective counties, or townships in such counties.

Subscriptions to other companies.

Sec. 14. That it shall and may be lawful for such railroad company from time to time to subscribe for, purchase and hold the stock and bonds of any other company incorporated under the laws of this State, or to guarantee or endorse such bonds or stock, or either of them, and to lease, use or purchase the road, property or franchises of any such company, for such time and upon such terms as shall be agreed upon.

Corporation formed by merger domesticated.

Sec. 15. In the event of the consolidation of said corporation with any other corporation or corporations, the said corpration so formed by said consolidation shall be a corporation of this State and amenable to the courts of the same, and shall have the same powers in every respect as herein set out.

Sec. 16. That all laws and clauses of laws in conflict with this act are hereby repealed so far as the same may apply to the company herein incorporated.

Sec. 17. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, 1911.

CHAPTER 419.

AN ACT TO INCORPORATE THE MONROE SOUTHERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That W. S. Blakney, E. C. Williams, L. A. Kerr, J. W. Miller, T. P. Smith and W. E. Cason, 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, under and by the name of Monroe Southern Railroad Company, and by said name may sue and be sued, adopt a common seal and change same at will, adopt by-laws, and shall have and enjoy all the rights, powers and privileges that are granted to railway corporations by the general laws of this State, and all such powers necessary or incidental thereto as may not be inconsistent with the laws of this State. Corporate name. Corporate powers.

Sec. 2. That said corporation shall have such officers, with such duties and terms of office as the by-laws of the corporation may from time to time prescribe. There shall not be less than six nor more than twelve directors of the company elected by the stockholders, whose duties and terms of office shall be as prescribed in its by-laws. Officers. Directors.

Sec. 3. The capital stock of the corporation shall be one hundred and fifty thousand dollars, divided into six thousand shares of the par value of twenty-five dollars each; but said capital may from time to time be increased, upon the payment to the Secretary of the State of all fees and charges therefor, to such an amount as a majority in value of the stockholders shall determine, not exceeding six hundred thousand dollars. Such increase, if any, shall likewise be divided into shares of the par value of twenty-five dollars each. 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, and any of said shares may be transferred as is provided in the by-laws of said company. Said corporation may commence business when ten thousand dollars of its capital stock has been subscribed for. Capital stock. Shares. Increase of capital. Preferred and common stock. Transfers. Capital to commence business.

Sec. 4. Said corporation shall have the right and power to construct, own, maintain and operate a line or lines of railroad from any point on the North and South Carolina line, in the counties of Chesterfield, in South Carolina, and Union, in North Carolina, to the city of Monroe, in North Carolina, and thence to some point on the Southern Railway, in Mecklenburg, Cabarrus, Stanly, Rowan or Davidson counties, in North Carolina, in each direction as may be decided by the board of directors of said corporation; and shall have the power to pass through any of said counties at such points, places or portions as may be decided by the board of directors; and along all of said routes 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 purposes, and in the operation of its said railroad or railroads, the said company shall have the right to use such motive power as it may desire. Power to construct, maintain and operate railroad. Termini and route. Power to acquire lands. Motive power.

Sec. 5. The said company shall have the right to construct, maintain and operate such lateral and branch lines, not exceeding fifty Branch lines.

miles in length, in the counties named in this act, as may in its opinion be necessary or advantageous to the extension, completion and successful operation of said railroad, and for these purposes and for the purposes of its main line, it shall have the power to construct dams, culverts, trestles and bridges over or across streams, valleys and depressions. The said company is hereby authorized and empowered to build, maintain and operate telegraph and telephone lines on its right-of-way or any part thereof, and to lease or let said lines, and to connect them with other lines by contract or by leasing such other lines.

Dams, culverts, trestles and bridges.

Telegraph and telephone lines.

Leases and connections.

Meeting for organization.

Sec. 6. That when ten thousand dollars shall have been subscribed to the capital stock of said company, the said incorporators, or a majority of them, shall within a reasonable time thereafter appoint a time and place for the meeting of said stockholders, of which time and place ten days notice in some newspaper published in the city of Monroe, North Carolina, shall be given, and notice shall also be mailed to each subscriber to said capital stock at least one week before the time fixed for such meeting, at which time and place the stockholders shall proceed to the organization of said company by electing a board of six directors, who shall hold their office for twelve months and until their successors are elected. Such board of directors shall have the right to make all necessary by-laws, and shall have all such other powers and authority as are conferred in chapter sixty-one of The Revisal of one thousand nine hundred and five.

Notice of meeting.

Election of directors.

Powers of directors.

Power to condemn land.

Sec. 7. That said company shall have the right to condemn land necessary for the purposes of building and operating its road, including a right-of-way, depots, warehouses, shops and all other necessary purposes, and to increase the same at any time when necessary, and shall have the right and full power and authority to connect with or cross any and all other railroads on its line, and shall have the right, privilege and power necessary for the purpose of acquiring such lands and right-of-way as are given under the general law of this State, the proceedings for which, if necessary to condemn, shall be as provided in chapter sixty-one of The Revisal of one thousand nine hundred and five, and it shall have the benefit of every process or proceeding as now provided by law in such cases, and shall have the authority and right to own in fee simple or otherwise, and take the same by grant, deed or otherwise, and lands necessary for its use.

Connecting and crossing other roads.

Proceedings for condemnation.

Payment of subscriptions.

Sec. 8. That the subscription to the capital stock of the said company may be made in money, land, material or labor, as the subscriber may deem proper or expedient.

Exclusive right of transportation.

Sec. 9. The said company shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches at such rates 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. Express. Mail.

Sec. 10. Said company is authorized and empowered to purchase, lease to or from, or to consolidate with any railroad company now existing or which may exist under the laws of this State or any other State, with which its lines connect: *Provided*, that any corporation or company resulting from a consolidation under the foregoing provisions of this act shall be a domestic corporation and subject to the laws and jurisdiction of North Carolina; or said company may lease or sell its road or 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 consolidation, all of the rights, powers, privileges, immunities and franchises, of each corporation shall pass to and vest in the consolidated company upon whose property there is any encumbrance, or in the event of encumbrance on this company, 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 road and works and other property of any other railroad corporation, or the capital stock of any other railroad corporation, and pay for the same with its own capital stock or otherwise, and the issue of its capital stock for such purposes is hereby fully authorized. Power of purchase, lease or consolidation. Proviso: domestication. Power of sale or lease. Proviso: vote for consoliation. Consolidated company. Power to purchase other roads.

Sec. 11. The said company shall have power and authority 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 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 part of its corporate property and franchises, on such terms and conditions as a majority in value of its stockholders may deem proper. Power to issue bonds. Limit of amount. Security.

Sec. 12. Any of the counties of Union, Mecklenburg, Stanly, Cabarrus, Davidson or Rowan, and any township, city or town in any of the said counties along or near the line of the constructed or proposed road of this company may subscribe to the capital stock of the company in the following manner: Upon presentation of a petition, in writing, signed by not less than twenty-five per centum of the qualified and registered voters of the county, township, city or town, to the board of commissioners of such county, in case it is a county or township for which the application is made, or to the Counties and municipalities may subscribe to stock. Procedure for subscription.

proper authorities of said city or town in case it is a city or town for which application is made, requesting them to submit to the qualified voters of the county, township, city or town where such petitioners may reside a proposition to subscribe a definite sum, to be named in said petition, to the capital stock of this company, the board of commissioners of said county, or the proper authorities of said city or town, as the case may be, shall within thirty days after the said presentation of such petition, order an election to be held in such county, township, city or town within sixty days after the making of such order, 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 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 held and conducted in the same manner and subject to the same rules and regulations as are provided for the election of county, township, city or town officers by the general election law of this State, the county commissioners being hereby authorized to perform such duties necessary for such elections as would be under the general law required of the board of elections for such county or township in which an election is held. 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 court-house door of said county and at every polling 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 commissioners of said county or the proper authorities 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 of said city or town, shall immediately make such subscription to the stock of the said company and shall issue coupon bonds to the amount of such subscription in order to pay the same, and the bonds shall indicate upon their face on 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. 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, by the mayor and one of the commissioners or aldermen of such city or town.

Order for election.

Ballots.

Law governing election.

Notice of election.

Returns.

Subscription in bonds.

Denomination of bonds.

Term and interest.

Authentication.

Special tax for interest.

Sec. 13. The county authorities in any 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 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 poll 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, preserving in all such levies the constitutional equation of taxation, which said tax shall not exceed one dollar on the one hundred dollars worth of property and three dollars on each poll. 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 the 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 and apart from all other taxes, and shall be used for the purpose for which levied or collected, and for no other purpose. 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: *Provided,* 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 thereof. In the event that the properties, rights and franchises, or any part thereof, of this county are hereinafter 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 and they are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof, with the consent of the board of commissioners of any county making such subscription, or in which there is a township making such in the case of county or township bonds, or by consent of the proper authorities of any city or town making such subscriptions, in the case of city or town bonds.

Special tax for sinking fund.

Constitutional equation.

Limit of rate.

Collection.

Taxes kept separate.

Specific appropriation.

Investment of sinking fund.

Proviso: investment in bonds.

Transfer of subscription.

Sec. 14. For the purposes of this act, all of the said counties of Union, Mecklenburg, Stanly, Cabarrus, Davidson and Rowan, and all the townships in all of the said counties, which may vote to subscribe to the capital stock of the said company, as provided by this act, shall be and they 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 contracts 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

Counties and townships incorporated.

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 the corporate agents of said township so incorporated for the purpose of issuing the bonds of said township, and to provide for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds, and to provide for the sinking fund hereinbefore mentioned.

Corporate agents.

Payment of subscriptions.

Sec. 15. That subscription to the capital stock of said company may be made and paid in money, land, labor, 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 shall have 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 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 of him, if payable in labor, 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 upon such share or shares of stock, and all charges of the sale, out of the proceeds thereof, the said president and directors shall pay the surplus over to the delinquent owner or his legal representative; and if the said stock shall not bring at such sale the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover 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 assigns, or either of them, at the option of the 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.

Enforcement of collection.

Term perpetual.

Sec. 16. The corporate existence of this company shall continue perpetually from and after the date of the ratification of this act.

Stockholders not individually liable.

Sec. 17. That the stockholders in said company or the subscribers thereto, whether private citizens or other corporations, public or private or municipal, shall not be individually liable for any debt, default or liability of the said company beyond the amount of their unpaid individual subscription to its capital stock.

Sec. 18. That all laws and clauses of laws in conflict with the

provisions of this act be and the same are to the extent of such conflict repealed.

Sec. 19. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, 1911.

CHAPTER 420.

AN ACT TO AMEND CHAPTER FORTY-TWO, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AND CHAPTER TWENTY-FIVE OF PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, THE SAME BEING AN ACT TO INCORPORATE THE PAMLICO INSURANCE AND BANKING COMPANY AND TO EXTEND THE SAME.

Whereas, by section four of chapter forty-two of Private Laws of Preamble.
one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, as re-enacted by chapter twenty-five, Private Laws of one thousand nine hundred and five, the Pamlico Insurance and Banking Company was and is authorized to issue certificates of stock to purchasers of its corporate stock upon the payment of a part of the par or face value of said stock and take satisfactory bonds or notes for the unpaid par or face value of same, as is fully set out in said section, the face or par value of said stock to be one hundred dollars for each share; and, whereas, said Preamble.
corporation has issued eleven hundred and thirty-two shares of its stock as therein provided, on which has been paid by the stockholders thirty per cent of the par value and have taken the bonds or notes of its stockholders for seventy per cent of the unpaid par value thereof; and, whereas, said stockholders now desire that they Preamble.
be permitted to change the number of shares of capital stock from eleven hundred and thirty-two shares to two hundred and fifty shares and make the same fully paid stock, and cancel and surrender the bonds or notes of the stockholders for the unpaid face value of the stock so issued; now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That chapter forty-two, Private Laws of one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five, as re-enacted and extended by chapter twenty-five of Private Laws of one thousand nine hundred and five, be and the same is hereby amended and re-enacted as follows: Strike out section two, four and ten of said act and insert in lieu of section four thereof the following: The capital of said corporation shall be Capital.
twenty-five thousand dollars ($25,000), which may be increased at Increase.
the pleasure of the stockholders thereof to any sum not exceeding

Shares.
Purchase and retirement of stock.

one hundred and twenty-five thousand dollars, such capital stock to be divided into shares of one hundred dollars each. That to enable the said corporation to put into effect this amendment, the president and the cashier of said corporation are hereby directed and empowered to purchase at book value thereof one hundred and thirty-two shares of the old stock and pay for same out of the surplus capital of said "The Pamlico Insurance and Banking Company," and to call in all the remaining certificates of capital stock heretofore issued to its stockholders and issue to each one-fourth of a share of fully paid stock for each share he or she now has in said corporation and cancel and surrender the bond or note now held against said stockholder for the unpaid balance of the stock so surrendered:

Proviso: purchase pro rata.

Provided, that the purchase of the one hundred and thirty-two shares of old stock shall be made *pro rata* from all stockholders willing to sell: and *Provided, further*, that this act shall not affect pending suits or the rights of existing creditors or adversely affect the rights or interests of any stockholders in said bonds or notes for the impaired part of the par value of the stock.

Proviso: pending suits.

Term of corporation.

Sec. 2. That section thirteen be and the same is hereby amended so as to read "the corporate powers herein granted shall continue for ninety years from the ratification of this act, and upon the dissolution of said corporation by expiration of said term or otherwise, it shall be continued a body politic and corporate for five years thereafter for the purpose of settling up its business and disposing of its property and effects.

Dissolution.

Law re-enacted.

Sec. 3. That chapter forty-two, Private Laws of one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five, as amended hereby, is re-enacted.

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

Ratified this the 7th day of March, 1911.

CHAPTER 421.

AN ACT TO INCORPORATE APPALACHIAN HIGHWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That John L. Patterson, Joseph Hyde Pratt, C. P. Ambler, Donald McRae, W. L. Spoon and Geo. L. McKay, and all other persons who may now or hereafter be associated with them, are hereby constituted, declared and created a body politic and corporate under the name and style of Appalacian Highway Company, and by that name shall have succession for a period of ninety-nine

Corporate name.
Term of corporation.

(99) years, may sue and be sued and have all the rights of any corporation or individual in all courts of law and equity, make and use a common seal and alter the same, may make contracts, buy and sell property, take by gift or devise, have right of eminent domain, issue securities, borrow money and have all and every other right of a corporation given and granted by the laws of the State of North Carolina, it being expressly provided that the powers herein granted shall not limit nor restrict the general powers conferred on corporations by the laws of the State now in force, or that may hereafter be enacted. Corporate powers.

Sec. 2. The objects and purposes of this corporation is to construct a substantial and safe turnpike roadway along the crest of the Blue Ridge Mountains, in the State of North Carolina, so as to make it possible and safe to travel along the crest of said mountains by team or other vehicle; to connect the said turnpike with established public highways and such towns and cities as are feasible and practicable; provide a suitable scenic highway entirely across the State along said mountains; provide a way by which the citizens of the State and elsewhere may be enabled to reach and enjoy the mountains; connect the road at the north and south with other roads, to the end that tourists and travelers may be induced to visit the said mountains, and provide a through route from north to south, aid in advertising the State and its resources and possibilities; provide for the care and entertainment of travelers, develop the natural resources of the section traveled by the road, and aid in the establishment of a great State park, resort, play ground and place of rest and recreation. Objects of corporation.

Sec. 3. The said company is hereby given and granted the right, power and authority to survey, locate, build, construct, maintain and operate a turnpike toll road, beginning at or near the city of Asheville, in Buncombe County, in the State of North Carolina, to the crest of the Blue Ridge Mountains, at or near Buck Creek Gap, and upon and along or near said crest of the said Blue Ridge Mountains, as now surveyed or subsequently located, to Linville, and to build, construct, maintain and operate branch lines to or near Hickory Nut Gap to the Hendersonville plateau, to Hendersonville and in a southerly direction along or near the crest or ridge of the mountains, any distance it may decide; a line along or upon or near Craggy Mountain, and all such other branch toll roads and turnpikes in any directions and of such length or distance as may be determined by the board of directors necessary and proper to open up to travel the mountain ranges, spurs and foothills of the western part of the State of North Carolina, together with such other toll roads and turnpikes from the easterly or westerly sides of said mountain ranges, and from such towns and cities in the lowlands or valleys to a connection with public roads as the board of directors may deem necessary and advisable, and of such length as they may Power to survey, construct and operate turnpike toll road. Termini and route. Branch lines.

Extensions.

determine, so as to enable travel in any vehicle to reach the aforesaid road or turnpike on the crest of said mountains, and to build, construct, buy, lease or otherwise acquire, maintain and operate such further extensions of any such mountain crest turnpikes as may be determined upon by said board of directors, so as to constitute a turnpike toll road from the north line of the State to the south line thereof, and into any other State; the said turnpike road to be constructed and maintained in a safe, substantial and good traveling condition, with buttresses, guards and other necessary appliances for safety on all bridges, embankments, fills, hillsides and abrupt angles, curves and turns.

Details of construction.

Hotels and other accomodations.

Sec. 4. The said company is authorized and empowered to build, construct, maintain and operate hotels, restaurants, inns, road houses, livery stables, garages and other industries for the care, comfort and convenience of tourists, travelers or guests traveling upon said road or resorting to or upon said mountains.

Powers as water company.

Sec. 5. The said company is vested with the right, power and authority to buy, lease, otherwise acquire, sell, enjoy and develop water rights and water-powers, to build, construct and maintain dams, sluiceways, spillways and gates over and across any streams, watercourse and waterway, with ponds, reservoirs and other devices for the storage of water, and to transmit any such water by flume, ditch, pipe line, conduit or other means, as may be necessary for the proper use thereof for the purposes herein set forth; may construct, maintain and operate wheels, wheel houses, pits, raceways, tail races, pumps, hydraulics and all other necessary buildings and devices. It may furnish and supply water to consumers, public or private, for domestic, power or other uses or purposes, and may lay pipes, erect settling basins, reservoirs, pondage, filters, purifiers, pumps, hydraulics and other necessary devices, and may fix and charge and collect such reasonable rates, rents and tolls for such water, water-power or other water rights as may be determined by the board of directors, and shall have all other rights granted to water companies or corporations by the general laws of the State.

Rights as power company.

Sec. 6. The company is granted the right, power and authority to produce, manufacture or generate and to buy, sell, distribute and furnish electricity, electric current or other force, fluid, gas, power or other energy or substance for light, heat, power or other uses and purposes, and set poles, string and suspend wire or wires, erect power-houses, plants, resorts, containers, chargers, storage batteries, buildings, and all necessary appliances and machinery for the purpose and successful manufacture, generation, production, distribution and sale of such electricity, electric current or other force, fluid, gas, power or other energy or substance, and may fix, charge and collect such rents, rates and tolls therefor as may be determined by the board of directors: *Provided*, that before the company shall so sell in any incorporated city or town a franchise therefor shall be obtained from the board of aldermen or other governing body thereof.

Proviso: municipal franchises.

Telegraph and telephone lines.

Sec. 7. The company shall have the right, power and authority to buy, lease, otherwise acquire, build, construct, maintain and operate telegraph and telephone lines along its said turnpike or contiguous thereto, and to charge and collect rent, rates and tolls for the transmission of dispatches or messages or the use of said telegraph or telephone lines; to connect with any telegraph or telephone lines owned by any other person, company or corporation in or out of the State of North Carolina: *Provided,* that in the operation of any telegraph or telephone line or lines the company shall be governed by the laws of the State relative to such lines and have all rights and powers granted to telegraph and telephone companies or corporations.

Proviso: application of general laws.

Rights as development and improvement company.

Sec. 8. The company shall have the power and authority to buy and sell and to develop and improve real estate; may lay out and plat bungalow sites, resident sites, camping grounds and towns and other sites along its turnpike or contiguous thereto, and sell and dispose of such lots, blocks, sites or grounds on such terms and subject to such restrictions as may be determined by the board of directors, and may engage in any business along its proposed line, manufacturing, merchandising, milling or any other industry, and may buy, sell and otherwise deal in any and all kinds of real, personal and mixed property.

Details of construction.

Sec. 9. The company shall have the power to construct its road over, under or across any highway, road or railroad at grade or otherwise, and to construct, maintain and use bridges, culverts, trestles or other structures over and across any stream, depression or valley: *Provided, however,* that no street, avenue or alley of any town or city shall ever be part or parcel of any such turnpike toll road so as to permit the company to charge for the use thereof.

Proviso: streets.

Gates and bars.

Traffic regulations.

Sec. 10. The said company is authorized and empowered to erect entrance and exit gates, toll gates, bars or barricades at such points along its turnpike road or roads as it may determine, to make and establish and enforce road rules, speed rules for common safety, traffic, limitations, load limits of bridges, fix rules as to the use of the turnpike by traction engines, log wagons and other vehicles that are destructive to the road or a menace to the safety of other users of said turnpike or travelers thereon, or that tend to alarm and frighten horses and so endanger the lives or limbs of travelers or users of said road, and prohibit the use of said turnpike by such engines, log wagons or destructive vehicle.

Rates and tolls.

Sec. 11. The said company is authorized and empowered to fix, determine, charge and collect rates and tolls for the use of its said turnpike and travel thereon, at any and all entrance gates, toll gates, bars or barricades, such rates or tolls to be fixed and determined by the board of directors based on mileage traveled on the road, character of vehicle, number of passengers, animals, tonnage

Proviso: printed list posted.

Proviso: control of rates.

or other determination of the said board of directors: *Provided*, that at such entrance and exit gate, toll gate, bar or barricade a printed list of the said rates, tolls and charges shall be conspicuously posted for the information of the public: and *Provided, further*, that rates and tolls shall be under the control of the State Corporation Commission.

Right of eminent domain.

Sec. 12. The company shall have and exercise the right of eminent domain in its various departments as herein set out, and said right shall be exercised in accordance with the general laws of the State, except as hereinafter qualified as to board of appraisers, the company to have and exercise such rights as a turnpike company, electric light and power company, water company and telegraph and telephone company. Nothing contained in this act shall be construed to give the company in its capacity as an electric light and power company or water company or telegraph and telephone company, any powers or rights of eminent domain in excess of those conferred by the general laws of the State.

Right as conferred by general law.

Limit of land condemned.

Sec. 13. The right of the company to take and condemn land for its several purposes shall be limited to the amount provided for in the general laws of the State, applicable to the several aforesaid companies, except, that for the right-of-way for turnpike the company may condemn a strip of land sixty feet wide, and except in case of high embankments, deep cuts, sharp declivities and angles and other places where the safe construction of the road may require it, the company may condemn so much in addition to said sixty feet wide as to enable the company to construct and maintain said road in a safe and substantial manner.

Procedure for condemnation of land.

Sec. 14. If the owners of any lands needed by the company for its road, flumes, ditches, reservoirs, settling basins, pole lines or other purposes as herein expressed, necessary to the business of the company, and the said company are unable to agree on the purchase thereof, or the damages to be sustained or the compensation to be paid, the company may have the said land condemned to its use and purpose and the purchase price, damages or compensation determined and declared in the manner hereinafter set out.

Entry on land for survey.

Procedure for condemnation.

Sec. 15. In all cases mentioned in section fourteen of this act and for the purposes of preparing the petition hereinafter mentioned, the company shall have the right to enter upon any such premises and by actual survey ascertain and determine the amount of land desired to be condemned and shall thereupon file a petition in the office of the clerk of the superior court of the county in which the land is situated, setting forth that the lands, describing them, are needed for the purposes of the company, stating the purposes, and that the owner or owners thereof and the company are unable to agree in the purchase price, damages or compensation, and that it desires to appropriate and condemn the said described lands. A copy of the said petition shall be served upon the owner or owners

of said land as summons are served: *Provided,* the said owner or owners or any of them are residents of the county in which the land is situated or can be found in the State of North Carolina so as to make personal service thereof. If the said owner or owners are not residents of the county in which land is situated or the company is unable to locate the said party within the State of North Carolina, then the said notice shall be served by publication thereof in a newspaper published in said county, and if no newspaper is published therein, then in a newspaper published in the city of Raleigh and of general circulation, said notice to be published once each week for four successive weeks, and shall mail a copy thereof to his last known place of address. In case the said owner or owners are minors or insane or under legal disability, the service of said notice shall be made upon guardian, if any, next friend or person with whom said party may be living, or as may be ordered and directed by the judge of the superior court of the county in which said land is situated.

The company shall also, at the same time, serve upon the owner or owners of said land, in the manner above described, a notice that upon a day fixed in said notice which shall not be more than twenty days after the date of service in case of personal service, and not more than thirty days in case of service by publication, the company will apply to the clerk of the superior court in which said petition has been filed, asking for the appointment of a jury of three disinterested freeholders of the county in which the said land is situated, to assess the value of the property to be condemned or the damages or compensation to be paid.

Jury of view.

Sec. 16. Upon the date appointed in said notice the said clerk of the court shall appoint a jury of three disinterested freeholders of the said county in which the land is situated, who shall take and subscribe on oath to well and truly try, determine, assess and fix the purchase price, damages or compensation to be awarded the owner or owners of said land, for the amount thereof taken and condemned by said company. The clerk of the court shall also fix the time said jury shall meet to determine the questions aforesaid: *Provided, however,* that the said jury shall not finally determine or assess damages, purchase price or compensation until sixty days after the said turnpike, road or highway shall have been completed: and *Provided, further,* that upon the completion of said road over said land the company shall serve a notice upon said jury so appointed notifying them of the completion of said turnpike, road or highway. In considering the question of damages, purchase price or compensation to be paid on the condemnation of said land, the said jury shall take into consideration the benefits to the landowner from the construction of said turnpike, road or highway and any enhancement in the value of his property abutting upon said road and their verdict shall be for such amount, if any, as the damages may exceed the benefits.

Proviso: final assessment.

Right of appeal.

Sec. 17. Either party may appeal from the award of said jury to the superior court and the issues upon said condemnation shall be tried by the judge thereof, unless a jury is demanded by either party, and in the trial of said action the only question to be considered shall be of the damages and the benefits and if the landowner or owners shall fail to recover more than the amount fixed by the jury appointed by the clerk such owner or owners shall pay all the costs of the appeal.

Right to enter on possession.

Sec. 18. Upon filing such petition for condemnation of any lands as aforesaid and serving the notice for the appointment of aforesaid jury of appraisers, the company is authorized and empowered to immediately enter into the possession of the land sought to be condemned and construct thereon the turnpike, road or highway or make the other improvements for the purposes of which condemnation is sought, and no action of ouster nor injunction shall be maintained against the company until final determination of the purchase price, damage or compensation, and failure on the part of the company to pay the same.

Application of general laws.

Sec. 19. Except as herein stated and modified the further proceedings in condemnation and the exercise of eminent domain shall be as provided for in the general laws of the State.

Subscriptions to and by other companies.

Sec. 20. The company is authorized to subscribe to and to purchase and own the stock, bonds or other securities of other corporations, and in like manner other corporations may subscribe to, purchase and own the stocks, bonds and other securities of this corporation, and to consolidate or sell and dispose of all or any part of its business.

Right of consolidation and sale.

Right to contract debts.

Sec. 21. The company is authorized to issue its bonds, notes, debentures or other evidences of debt in any amount necessary for its business and the development of the industries herein provided for; such bonds, notes, debentures or other evidences of debt to be in such denominations for such term of years and at such a rate of interest as the board of directors may determine; and for the purpose of guaranteeing or securing the payment of principal and interest thereon is authorized to make, execute and deliver mortgages, deeds of trust or other instrument of security on all or any part of its property, and to sell said securities at such price as may be agreed upon.

Security for debts.

Examinations and surveys.

Sec. 22. For the purpose of making examinations and surveys for its turnpikes, highways or other properties the company shall have the power by its officers, agents and servants to enter upon any lands or water of any person, subject to responsibility to answer for all real damage which shall be done thereto.

Capital stock. Increase.

Sec. 23. The capital stock of the company shall be one hundred thousand dollars, with the right and power to increase the same to any amount, at any time or from time to time, as in the judgment of the board of directors the company may require, by a vote of a majority of the board of directors, and the adoption of a reso-

lution of increase, and the filing a certified copy of the said resolution of increase in the office of the Secretary of State and the payment of the fees and charges fixed by law, the said certificate of increase to be attested by the president and secretary of the company with the seal attached. The stockholders may provide for two classes of stock, common and preferred, determine the par value of each class, the preference given the preferred, the interest on preferred, whether cumulative or not, if profit sharing the ratio thereof, the voting power and whether stock shall be registered: *Provided*, the par value of the common stock shall not be less than ten dollars per share, and that of the preferred may be fifty dollars per share: and *Provided, further,* that when the amount of each class of stock, the terms and the preference thereof, the par value of each class and all other matters relative thereto as herein expressed have been determined as aforesaid, the resolutions passed and adopted concerning the same shall be certified to the Secretary of State over the hands of the president and secretary of the company, attested by the corporate seal.

Common and preferred stock.

Proviso: par value.

Proviso: certificate to Secretary of State.

Sec. 24. Ten days after the ratification of this act the incorporators named therein or a majority thereof shall meet and open the subscription books of the company and when stock to the amount of two thousand dollars shall have been subscribed in good faith, then the subscribers under the direction of the incorporators or majority thereof, who must themselves be subscribers, shall meet and organize a stockholders meeting.

Subscription books.

Meeting for organization.

Sec. 25. At such meeting the subscribing stockholders shall make, publish and declare and adopt such by-laws not inconsistent with the laws of the State and United States as may be necessary to the proper management and regulation of the business and affairs of the company, said by-laws shall provide the time of holding stockholders meetings, manner of voting, stock entitled to vote, number of directors not less than five (5), duration of term of office and do all other such things, provide for all things and have such power and authority as conferred and given in charge by the general laws of the State.

By-laws.

Sec. 26. The stockholders may provide for an executive committee and the manner of electing or choosing the same, define the duties thereof, and the powers vested in such committee, provide for election or appointment of all other officers and elect the members of the board of directors, either to serve an equal term or in classes.

Executive committee.

Sec. 27. The members-elect of the board of directors shall meet immediately upon the adjournment of the stockholders meeting and shall elect one of their number president and one or more vice-presidents, and they shall also elect a secretary and treasurer, who may or may not be members of the board of directors, and when so organized shall have and exercise all the rights, powers and authority conferred upon corporations by the laws of the State and this act.

President, vice-president and secretary.

Payments of subscriptions.

Sec. 28. The board of directors may receive cash, stocks, bonds, labor, material, services, real or personal property, or other things of value for the stock of the company, and in the absence of fraud or collusion the value fixed by the board of directors of any such stock, bonds, labor, material, services, real or personal property or other things of value shall be conclusive. They may fix and determine the manner, amounts, terms and times of payments on subscriptions to the capital stock and all things in connection with the sale thereof.

Liability of stockholders.

Sec. 29. The liability of the stockholders of the company shall be limited to the unpaid balance on any subscription or the unpaid balance on any stock delivered, but each and every stockholder shall be liable to the company for any unpaid balance either on stock or subscription in a sum equal to the difference between the amount actually paid and the par value of the stock subscribed for or received.

Principal office.

Sec. 30. The principal place of business in the State of North Carolina shall be at Asheville, but the same may be changed at any time on a vote of the board of directors and said company may establish and maintain other offices, either in or out of the State, and may hold its directors meetings, either in or out of the State.

Directors meetings.

Change of name.

Sec. 31. The said company may change its name at any time upon a vote of a majority of the stockholders, but shall certify any such change to the Secretary of State.

General powers.

Sec. 32. The said company shall have all such further powers and authority as may be incident, necessary, inherent, suitable or proper for 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 corporation, its stockholders or creditors, and to enhance its services or facilities for the benefit of the public, and not in conflict with the general laws of the State.

Conduct declared misdemeanor.

Sec. 33. Any person who shall in any manner injure or obstruct any road, highway or turnpike, owned, leased or operated by this company, or any road, public or private, with the upkeep of which the company is charged, or displace, destroy or interfere with any guardrail or other protection, device, or injure any bridge or crossing or interfere with the use of said road by travelers thereon or with any toll gate keeper, officer, agent or servant of said company, or shall use any such road, highway or turnpike without paying the established toll thereon, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than fifty dollars or imprisonment in the county jail for not more than thirty days, and shall also be liable for damages in a civil action.

Punishment.

Damages.

Interference with survey misdemeanor.

Sec. 34. If any person shall in any manner interfere with any surveyor, engineer or other person engaged in working any survey

for any such road, highway or turnpike while lawfully engaged in the business of the company, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not more than fifty dollars or imprisonment in the county jail for not more than thirty days. Punishment.

Sec. 35. If any person shall fail or neglect or refuse to pay any subscription to stock, the amount thereof may be recovered by civil action, and any stock held by such person may be sold to pay any such arrears, or so much thereof as may be necessary to pay the owner, the proceeding for such sale to be fixed and established by the by-laws of the company. Sale of stock for unpaid subscription.

Sec. 37. Any county or township may convey by lease or otherwise any public road or roads in such county or township to said company, to be made a part and parcel of its turnpike toll road, where the county commissioners or township board of trustees or other governing body determine that such county or township are unable to keep any such road in proper repair and deem it expedient to so lease or convey said road or roads, and it shall be part of any such lease or conveyance that the company shall keep any such road or roads in good repair and passable condition, and may charge toll thereon; all such leased or conveyed roads shall be governed by all the provisions of this act and at the expiration of any such lease shall be returned to said county or township in good repair and all toll gates, bars or barricades removed. Conveyance of roads by counties or townships.

Sec. 38. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, 1911.

CHAPTER 422.

AN ACT TO CHANGE THE BOUNDARY LINES OF SPECIAL TAX SCHOOL DISTRICTS NUMBERS ONE AND THREE IN ALFORDSVILLE TOWNSHIP, ROBESON COUNTY, AND TO CREATE A NEW SCHOOL DISTRICT IN SAID TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That the boundary lines of special tax school districts numbers one and three in Alfordsville Township, Robeson County, be and the same are hereby changed, so that hereafter the following territory which is now a part of the said special tax school districts, shall be excluded therefrom and shall not form a part thereof, to wit: Boundary changed.

Beginning where the Alfordsville Township line crosses the Alma Railroad and runs on the east side of the railroad to First swamp; thence down First swamp to where it strikes J. R. Johnson's land; thence with the northern line of Johnson's land to Martin Monroe's land; thence with Monroe's line to Smother's land; then with the Boundary.

Smother's line to McPhaul's line; thence as McPhaul's line to First swamp; thence down First swamp to against the old Baker road; thence with the old Baker road to the Alma Lumber Company's land; thence around the Alma Lumber Company's tract of land (known as the Hamer land) to the McDonald land; thence with the McDonald line to Shoe Heel Creek; thence a straight line by Cottingham's old sawmill to the Maxton Township line; thence with the said township line to the beginning.

New district.

Sec. 2. That the land and territory which is excluded from the boundaries of special tax school district numbers one and three of Alfordsville Township, Robeson County, as described in section one of this act, shall constitute and form a new school district in Alfordsville Township, to be known and designated as White School District Number Five of Alfordsville Township, Robeson County, and the board of education of Robeson County shall proceed to appoint the school committeemen for said district as provided by law.

Appointment of school committeemen.

Special tax.

Sec. 3. That upon compliance with the general law by the citizens of the school district created by section two of this act, and after the holding of the election as prescribed by the general law of the State, the board of commissioners of Robeson County shall have power to levy a special tax for school purposes for the district hereby created.

Taxes heretofore levied.

Sec. 4. Nothing in this act shall be construed to prevent the collection of any and all special taxes for school purposes heretofore levied in special tax school districts numbers one and three in Alfordsville Township, Robeson County, but the sheriff of said county shall proceed to collect all such taxes and account for same in the manner now provided by law.

Sec. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed in so far as the same apply to the county of Robeson.

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

Ratified this the 7th day of March, 1911.

CHAPTER 423.

AN ACT TO AMEND THE BOUNDARIES OF BEULAVILLE SPECIAL TAX DISTRICT, IN DUPLIN COUNTY, BY ELIMINATION OF CERTAIN TERRITORY FROM THE SAME.

The General Assembly of North Carolina do enact:

Territory excluded.

Section 1. That the boundaries of Beulaville special tax district, in Duplin County, be and the same are hereby changed so as to exclude from the said special tax district, and from the operation of the special tax levied in the said district from year to year to run

a special school, the following territory now in the special tax district: Beginning at C. J. Davis's northwest corner of his land, on the Hallsville and Muddy Creek public road, north of the run of Hanty Branch; thence with said Davis's northern line to the run of Muddy Creek; thence up the run of said creek to J. S. Thomas's corner; thence with his southeast line to W. I. Thomas's west line; thence down the Gallberry Branch to the run of Muddy Creek; thence up the run of said creek to B. H. Edwards' corner; thence his south and southeast lines to B. H. Edwards' corner; thence said Edwards' south and southeast lines to Henry Hunter's lines; thence his east line to Jesse Jackson's line; thence with his line north to the run of Muddy Creek; thence down the run of said creek to the mouth of the Haystack Branch; thence up the run of said branch to the Onslow road; thence with the said road eastward to the Felix Edwards road; thence with the said road southward to the run of Stephens' Swamp; thence down the run of the said swamp to the run of the Muddy Creek; thence with the run of the said creek to the mouth of Hanty Branch; thence up the run of the said branch to the Hallsville and Muddy Creek road; thence with the said road north to the beginning. Boundary.

Sec. 2. That the territory in Duplin County, described in section one hereof, shall no longer be subject to the special tax district in Duplin County known as the Beulahville special tax district, but shall hereafter be under the general school law of North Carolina, as if it had never been in the special tax district. Special tax.

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

Ratified this the 7th day of March, 1911.

CHAPTER 424.

AN ACT SUPPLEMENTAL TO AN ACT HERETOFORE RATIFIED BY THE GENERAL ASSEMBLY AND ENTITLED "AN ACT TO REVISE, AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF STATESVILLE."

The General Assembly of North Carolina do enact:

Section 1. That in line three of section four of Senate Bill number one thousand eighty and House Bill number one thousand eight hundred and nine there shall be stricken out after the words "elected a mayor" the word "and" and inserted the words "of said city, and at same election there shall be elected"; also that after the words "thereafter a mayor," in line four of said section, there shall be stricken out the word "and" and inserted the words "of said city, and at said elections there shall be elected." City elections.

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

Ratified this the 7th day of March, 1911.

CHAPTER 425.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter three hundred and twenty-nine, Laws of one thousand eight hundred and ninety-nine, be amended as follows: That the words "and collected" be stricken out of line eleven and all of line twelve after the word "Dobson" and lines thirteen, fourteen and fifteen, and down to and including the word "taxes" in line sixteen be stricken out, and the following inserted in lieu thereof: "That the sheriff of Surry County shall collect said taxes under the same rules and regulations as other taxes are collected by him, and pay the same to the treasurer of the Dobson high school board at the time of payment of the county school taxes."

Collection and payment of tax.

Sec. 2. This act shall not apply to any taxes heretofore levied by the school board of the town of Dobson.

Tax heretofore levied.

Ratified this the 7th day of March, 1911.

CHAPTER 426.

AN ACT TO RE-CHARTER, RE-INCORPORATE AND CONTINUE THE TALCUM PUFF COMPANY.

Preamble. Whereas, on the eleventh day of October, one thousand nine hundred and two, the Talcum Puff Company was duly incorporated under the general law by filing with the Secretary of State of the State of North Carolina the certificate of incorporation or the articles of agreement for the incorporation thereof, duly signed and executed by John F. Roland, G. D. Hull, Henry B. Stevens, Richard H. Roth and Philip R. Moale, the incorporators therein named, under which certificate of incorporation or articles of agreement said Talcum Puff Company was thereafter duly organized; and,

Preamble. Whereas, said certificate of incorporation or articles of agreement have since that date been amended from time to time; and,

Preamble. Whereas, under said certificate or articles of incorporation and the amendments thereo, said Talcum Puff Company has been doing business; and,

Preamble. Whereas, said charter of said Talcum Puff Company, in its present form, has become utterly inadequate to its needs and insufficient for its purposes; and,

Whereas, the objects of this corporation can not be attained under the general laws relating to corporations now in force in North Carolina; now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That S. Westray Battle, Frank R. Hewitt, M. V. Moore, Chas. S. Jordan and Louis M. Bourne, and all other present stockholders of the Talcum Puff Company, their associates, successors and assigns, be, and are hereby created a body politic and corporate, and are hereby continued as such body politic and corporate without limit as to time under the name and style of Talcum Puff Company, and under that name and style shall be capable of suing and being sued; of pleading and being impleaded; contracting and being contracted with; of having and using a corporate seal; and of altering and changing the same at pleasure; of making and adopting such by-laws and regulations as may be deemed by it expedient or necessary for the purposes of its government; and of altering, amending and repealing the same from time to time as may be deemed necessary; but no new organization of said company other than that now in existence shall be required or deemed necessary by the terms of this act. Corporators. Corporate name. Corporate powers.

Sec. 2. That the total amount of the authorized capital stock of this corporation shall be two hundred and fifty thousand dollars, divided into ten thousand shares of the par value of twenty-five dollars each, of which all or any portion may be common stock, in the discretion of the board of directors of said company, or any portion of which may be preferred stock, in the discretion of the board of directors; said stock to be issued upon such terms, conditions, provisions, privileges and restrictions as said board may at any time, or from time to time, prescribe; it being the intention of this act to vest absolutely in said board of directors the power and discretion to create preferred stock out of any portion of the authorized capital stock of said company, not now issued and outstanding, upon such terms and conditions as said board may deem best. Capital stock. Shares. Preferred stock.

Sec. 3. That said company shall have the right, privilege and power of acquiring, holding and selling the stock of other corporations, both domestic and foreign, and the right and power of purchasing, leasing or otherwise acquiring and holding the property or properties of other corporations, and of operating the same, with all the rights and privileges of the corporations whose property or properties may be acquired. Rights as to other corporations.

Sec. 4. That said company shall have the right, privilege, power and authority of owning and holding lands to any extent it may desire. Right to hold lands.

Sec. 5. That the affairs and business of said company shall be managed by a board of directors, consisting of not less than three nor more than seven members, all of whom shall be stockholders of Board of directors.

Election and term.

said company, and one of whom shall be president of said corporation; which board of directors shall be chosen annually or biennially by the stockholders under such rules and regulations as may be prescribed in the by-laws of said company: *Provided, however*, that this provision shall in no wise interfere with the present management of said corporation, nor with the term of office of its present officers.

Proviso: present management.

Privileges and powers.

Sec. 6. That said corporation shall have the authority, privilege and power of manufacturing and selling the Velvet Talcum Puff or any other forms of talcum puffs, and of manufacturing and selling talcum powder, talcum pencils, and all other forms of talc, either in the raw or manufactured state; of manufacturing and dealing in soaps of all kinds, tooth powders and all other forms of toilet articles; of buying, selling and dealing in heavy chemicals of all kinds and kindred products; of preparing, manufacturing and selling all forms of powders or articles for the ease and comfort of the human feet, body or face; to buy, sell and deal in any merchandise and manufactured articles of all kinds, minerals, precious stones, or other kindred articles; to have all the powers and privileges, proper, convenient or necessary, to accomplish the objects hereinbefore set forth, or for the purpose of mining, smelting, prospecting, exploring and manufacturing, buying and selling, all kinds of ores, minerals, stones and chemicals; and said company may carry on and conduct any mercantile or manufacturing business, and shall have all the privileges and powers incident to mining, smelting, and working all minerals, ores, metals, stone and earth, including the reduction of the same, and may erect such mills, buildings, machine shops, dwellings and houses, and other works and structures as may be requisite or necessary to carry on such kinds or branches of industry as this act may provide for or allow; to acquire and own mines and mining lands, and to operate the same; to lay out, construct and operate such roads and tramroads as may be necessary or convenient for the transportation of the products of their mills, mines or factories, or for the transaction of their business.

Powers as mining company.

Mercantile and manufacturing business.

Further enumeration of powers.

Term unlimited.

Change of name.

Sec. 7. That said corporation shall continue to exist without limit as to time, and may change its corporate name and use any other selected and authorized from time to time by resolution of its stockholders: *Provided, however*, not less than sixty per cent of its outstanding capital stock, excluding any preferred stock, shall authorize such change in name: and *Provided, further*, that such change of name shall be advertised once a week for four successive weeks in some newspaper published in Asheville, N. C., and that a copy of the resolution of its stockholders changing its name as aforesaid shall be filed with the Secretary of the State of the State of North Carolina.

Proviso: regulation of change of name.

Officers.

Sec. 8. That the officers of said company shall be a president, one or more vice-presidents, a secretary and a treasurer, or a secretary

and treasurer as one officer of said company; and may also elect or appoint such other officers and agents as the business of the company may require; the directors and officers to hold their offices or positions until their successors shall have been duly chosen in accordance with law and with the by-laws of the company, but in no vent shall the existence of the company be in any wise affected by reason of the failure to elect officers. Terms of office.

Sec. 9. That at all meetings of the company every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote in person or by proxy: *Provided, however,* that the holders of preferred shares of stock only shall not have the privilege of voting at any such meeting. Stock votes. Proviso: preferred stock.

Sec. 10. That the election of the directors of said company shall be by ballot or otherwise, as may be prescribed in the by-laws of said company, and vacancies occurring in the board of directors may be filled by said board from time to time as may be deemed necessary from among the qualified shareholders of the company. Election of directors. Vacancies.

Sec. 11. That said company may borrow money from time to time upon a pledge of its property or without such pledge, and may create, execute and deliver mortgages, deeds in trust and bonds with or without coupons, at the legal rate of interest of the State and may sell the same at such prices and on such terms as may be deemed proper by its board of directors, and may also hypothcate the same as its business may require. Power to borrow money and secure debts.

Sec. 12. That the shareholders, or stockholders in said company shall not be individually or personally liable or responsible for any act or liability of the company or for any engagement, debt, claim, payment, loss, injury or other obligation of said company. Stockholders not individually liable.

Sec. 13. That the company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive in respect of any share or shares of its capital stock, and the receipt of the stockholder in whose name the same stands on the books of the company shall be a valid and binding discharge of the company for any dividend or money payable in respect of such shares or shares, and said company shall not be bound to see to the application of the money paid out upon such receipt. Responsibility as to trust funds.

Sec. 14. That every person who pledges or hypothecates his stock may, neverthless, represent the same at all meetings of the company and may vote said stock as if it had not been hypothecated or pledged. Representation of pledged stock.

Sec. 15. That said company shall always maintain an office within the State of North Carolina, but it may establish its principal office either within said State, or elsewhere, as its board of directors may determine upon: *Provided, however,* that it shall always have a designated agent at one of its offices in this State upon whom process may be served, and with whom any notices may be left. Offices.

Sec. 16. That said company may keep its stock books and other Books.

books at its principal office, or at its other offices, as its board of directors may from time to time determine; but if kept beyond the limits of the State they shall be returned to said State from time to time upon the lawful order of any court of competent jurisdiction of said State or upon the vote of stockholders owning a majority of the capital stock of said corporation or the Secretary of State or Attorney General of the State of North Carolina and shall be turned to said State at least once annually upon the written request of stockholders owning twenty-five per cent of its said capital stock, for purposes of inspection by any stockholder but not otherwise, and said company may hold its corporate meetings at its principal office, or at any of its branch offices as its board of directors may from time to time determine: *Provided,* that the failure of Talcum Puff Company to comply with the provisions or requirements of this act shall work a forfeiture of all rights under this charter.

Corporate meetings.

Proviso: forfeiture of charter.

Acceptance to avoid old charter.

Sec. 17. That upon the acceptance of this charter, not less than two years from the ratification of this act, by a majority vote of the stockholders of the Talcum Puff Company, heretofore chartered under the general laws of this state, the old charter of said company shall be and become null and void, and said company shall thereafter conduct its business by virtue of the authority and power and according to the provisions herein contained.

Sec. 18. That all laws and clauses of laws in conflict with the provisions of this act are hereby declared null and void in so far as it affects the corporation herein re-chartered, or the charter of which is herein continued in existence.

Sec. 19. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, 1911.

CHAPTER 427.

AN ACT TO AUTHORIZE THE ALDERMEN OF THE CITY OF GOLDSBORO TO ISSUE BONDS.

Preamble.

Whereas, the city of Goldsboro is indebted in the sum of fifteen thousand dollars contracted for necessary expenses; and whereas, the said city of Goldsboro desires to issue bonds in a sufficient amount to pay off 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 city of Goldsboro, the board of aldermen of the city of Goldsboro are authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of fifteen thousand dollars of

such denominations and in such proportions as the 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 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 ten 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 indebtedness of the city of Goldsboro, contracted for necessary expenses of said city. Amount. Interest. Maturity.

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. Sale below par forbidden.

Sec. 3. That the bonds authorized to be issued by section one (1) hereof and their coupons shall not be subject to taxation by the 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 the 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. Exempt from city tax. Coupons receivable for 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 times 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 levy and lay taxes for any purpose whatever, said particular tax not to be less than three nor more than five cents on the one hundred dollars assessed valuation on property, and not less than nine nor more than fifteen cents on each poll. The taxes provided for in this section 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 city taxes, and shall be applied exclusively to the purposes for which they are levied and collected. So much of said tax as may be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase or discharge of the said bonds, shall be invested as to secure the payment at the maturity of the principal of the said bonds; and to insure the due investment of the amount collected from year to year in excess of that required to pay the said interest, the board of aldermen shall appoint some suitable person to be styled "commissioner of the sinking fund of the city of Goldsboro," who shall hold his office for six years, and whose duty it shall be, under such rules and regula- Particular tax. Tax rate. Investment of sinking fund. Commissioner of sinking fund. Term and duty.

tions as said board of aldermen shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds, and to do and perform all such other services, in connection with said bonds, as said board of aldermen may prescribe; and such commissioner shall give bond and receive such compensation for his services as said board of aldermen may determine.

Bond and compensation.

Sec. 5. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

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

Ratified this the 7th day of March, 1911.

CHAPTER 428.

AN ACT TO INCORPORATE THE RALEIGH, CHARLOTTE AND SOUTHERN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That J. S. Efird, D. A. Tompkins, W. L. Mann, Arthur H. London, W. C. Hammer, A. C. Heath, T. M. Bland, J. D. Ross, S. H. Hearne, Fred C. Williams, Marvin Kearnes, R. L. Smith, Leon T. Lane, M. W. Parrish, A. L. Cornell, Bennett Nooe, W. I. Lee, R. L. Brown, O. R. Cox and H. M. London 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 the "Raleigh, Charlotte and Southern Railway 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 power to adopt a common seal and to change the same at will, and shall be capable of taking, by purchase, gift or any other way, real or personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes hereinafter enumerated, and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States or of the State of North Carolina. It may build branch roads from any part of its main line not exceeding sixty miles in length.

Corporate name.
Corporate powers.

Power to construct, maintain and operate railroad and telegraph lines.

Sec. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from Raleigh, North Carolina, through the counties of Wake, Chatham, Orange, Durham, Alamance, Randolph, Guilford, Moore, Lee, Davidson, Montgomery, Richmond, Anson, Stanly, Union, Cabarrus, Rowan and Mecklenburg, or through any parts of

Termini and routes.

either of said counties, to Charlotte, North Carolina: *Provided, however*, the said road shall not be run parallel to the North Carolina Railroad, or approximately parallel said road within five miles of said road at any section for a greater distance than ten miles. Proviso: not to parallel North Carolina Railroad.

Sec. 3. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of its shareholders to an amount not exceeding eight millions of 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 section ninety-seven of chapter two of Public Laws of one thousand nine hundred and one, 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 ten thousand dollars shall be the minimum subscription on which said company may be organized. Capital stock. Increase. Proviso: leave of Secretary of State. Stock votes. Subscription for organization.

Sec. 4. That said incorporators shall have the power to open books of subscription, in person or by agents duly appointed by a majority of them, at such place or places as they may deem proper, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient. Said incorporators may, when they deem proper, after twenty days notice to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State; and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit; and at such meeting, and all other meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share or by his proxy; and the said directors shall thereupon proceed to elect one of their number president, and to elect such other officers as the by-laws of said company prescribe; and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting. Said stockholders' meeting to be annually, but if the day of annual election should under any circumstances pass without any election the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place. Books of subscription. Meeting for organization. Board of directors. President and other officers. Term of directors. Time and place of meetings. Annual meetings.

Sec. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons receiving the greatest number of votes shall be duly elected directors; and at all elections and upon all votes, when at any meeting of the stockholders, each share of stock Election of directors. Stock vote.

Proxies.

shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe.

Vacancies.

Election and term of president and vice-president.

Sec. 6. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected. The president of the company and a vice-president 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 shall also be elected by the directors and may be one and the same person. In the absence of the president or secretary at any meeting of the directors, they may appoint a president and secretary pro tempore to fill its place, except when the vice-president is present; in that case the vice-president shall act.

Secretary and treasurer.

Temporary officers.

Certificates of stock.

Transfers.

Sec. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Powers of sale, consolidation and purchase.

Sec. 8. The said company shall have power to take, by purchase, lease or otherwise, the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It shall have power to consolidate its franchises and property with any other road under such name as shall be agreed upon. It may assign or lease its property and franchises or any part thereof to any other railroad, and the road so leasing or 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; and the road so leasing or purchasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: *Provided*, nothing in this act shall be construed to allow the said railroad company to become the channel through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. 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 the same. It shall have power to use any section or portion of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereof.

Proviso: consolidation of competing lines.

Exercise of powers.

Subscriptions to other companies.

Use of sections of road.

Rights as to roads and railroads.

Sec. 9. The said company shall have the right, when necessary, to construct their said road across any public road or other railroads, or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company and which has been accepted by the board of county commissioners.

Proviso: obstruction of public roads.

Sec. 10. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroads shall go, for the purchase of the land for the right-of-way, yards, shops, depots or other railway 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; or may file a petition before the clerk of the superior court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plot thereof, as provided for in Revisal of one thousand nine hundred and five. The clerk of the superior court shall thereupon issue a summons or notice to the owner, with copy of petition and plot, returnable to a day certain after ten days notice, and after a hearing shall, if sufficient cause is not shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and after being duly sworn, assess the damage of the land or right-of-way taken. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto; but general benefits pertaining to the public shall be considered in reduction of damages. The appraisers 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 damages assessed, and shall have the force and effect of a deed. 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 of the approval or disapproval of the clerk.

Procedure for condemnation of land.

Right of appeal.

Sec. 11. The right of said company to condemn and take land under this act shall be limited to the space of not less than fifty feet on each side of their road bed, measuring 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; but for yards, shops and depots they may condemn as much land as may be necessary for such purposes and to properly care for the business expected to be handled by the company: and in all cases where lands or right-of-way have been condemned, and where the owner shall petition for assessment of damages within two years from condemnation, and not after, except in case of legal disabilities, and in such case within two years from the removal of such disabilities.

Limit of land condemned.

Sec. 13. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of the said company. or for bonds issued by the same, in the following manner:

Counties and municipalities may subscribe to road.

Petition for election.

Upon presentation of 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, 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 or bonds of said company, 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 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 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 court-house door of said county and at every polling 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 commissioners of said county or proper authorities of said city or town.

New registration.

Election to be ordered.

Ballots.

Law governing election.

Notice of election.

Returns.

Subscriptions in bonds.

Sec. 15. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription and shall issue such coupon bonds to the amount of said subscription, in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city 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 from such number of years and bear such rate of interest as the petition and order of election shall indicate.

Denomination.

Term and interest.

Tax for interest.

Sec. 14. The county authorities in any county voting for subscription, or in which there is a township 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, city or town, to pay for 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 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 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 by the proper authorities of such city or town issuing such bonds.

Tax for sinking fund.
Collection.
Tax kept distinct.
Specific appropriation.
Investment of sinking fund.

Sec. 15. It shall be lawful for the said Raleigh, Charlotte and Southern Railway Company chartered by this act to issue bonds in such denomination and running for such a time and having interest at such a rate and payable at such a time and places as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure 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 may 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; and it is hereby provided that the registration of any mortgage or mortgages provided to be executed in this section may be made in Wake County, and, upon registration in Wake County, it shall be a lien on such property and franchises conveyed in such mortgage or mortgages as fully and completely as if the same were registered in each and every county through which the road passes.

Power to issue bonds and make mortgages.
Registration of mortgages.

Sec. 16. That the board of directors of the penitentiary may, on the application of the president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than two hundred and fifty in number, to be worked in construction of said road, on such terms as may be agreed upon; the said convicts to be guarded and superintended by the authorities of the penitentiary and to be hired to said company as provided by law.

Convicts hired from pentitentiary.

Sec. 17. That the stockholders of said company, with the private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company.

Stockholders not personally liable.

Sec. 18. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, 1911.

CHAPTER 429.

AN ACT TO INCORPORATE CAROLINA COLLEGIATE AND AGRICULTURAL INSTITUTE.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Rev. Henry A. Atkinson, Atlanta, Ga., Dr. J. B. Shamburger, Star, N. C., John Leach, Star, N. C., Henry C. Newell, Demorest, Ga., J. R. Page, Biscoe, N. C., T. N. Stewart, Atlanta, Ga., J. R. Blair, Troy, N. C., and their associates and successors, be and they are hereby created a body politic and corporate to be styled the Carolina Collegiate and Agricultural Institute, and by that name to remain in perpetual succession, with full power to sue and be sued, to plead and be impleaded, to acquire, hold and convey property real and personal, to have and use a common seal, to alter and renew the same at pleasure, to make and alter from time to time such by-laws as they may deem necessary for the government of said institution, its officers, students and servants: *Provided,* such by-laws shall not be inconsistent with the constitution and laws of the United States and of this State. Also to have power to confer on those whom they may deem worthy such honors and degrees as are usually conferred in similar institutions: *Provided, further,* that said trustees shall not be individually liable for their acts and doings as trustees.

Corporate name.

Corporate powers.

Proviso: by-laws consistent with law.

Honors and degrees.

Proviso: trustees not individually liable.

Object of institution.

Sec. 2. The object of this institution shall be to teach the branches of learning relating to industrial and agricultural arts and such other scientific and classical studies as the board of trustees may elect to have taught, and to promote moral and practical education to the male and female white race.

Management and control.

Board of trustees.

Terms of office.

Terms of successors.

Sec. 3. That management and control of the Carolina Collegiate and Agricultural Institute shall be vested in a board of trustees to consist of nine members, and that the corporators mentioned in this act shall constitute said board of trustees; and said trustees shall hold office as follows: The three whose names are first mentioned successively above shall hold office for two years from and after the ratification of this act, the three whose names next appear successively shall hold office for four years, and the three whose names are last mentioned for six years from and after the ratification of this act. The trustees are thus divided into three classes and the successors of each of said classes shall hold office for a term of six years, or until their successors are elected: *Provided,* that in case of death or refusal to act, expiration of term of office or from any other cause there becomes a vacancy, the remaining trustees shall elect some person to fill the same. The board shall elect a president for the board.

Proviso: vacancies.

Meetings of trustees.

Sec. 4. The board of trustees shall meet annually in the town of Star, or at the institute, at such time as it may fix and at

such other times as it may deem expedient for the good of the institute. It shall elect from its members an executive committee of three persons, of whom one shall be president, which committee shall meet at the call of the president and perform such duties as may be assigned to them. Executive committee. President.

Sec. 5. The board of trustees shall use as in its judgment may be proper, for the purpose of such institute and for the benefit of education in industrial and agricultural arts any funds, buildings, lands, laboratories and other property which is or may come into its possession. The said board of trustees shall have the power to accept and receive and hold all manner of lands, tenement rents, annuities and other hereditaments, which at any time or times hereafter may be granted, bargained, sold, released, devised or otherwise conveyed to said corporation forever. Also the said corporation at all times hereafter shall be able and capable to purchase, have, receive, take, hold and enjoy in fee simple, any lands, tenements, rents, annuities or interest in real property by the gift, grant, bargain, sale, or devise of any person, persons, or bodies, corporation or politic capable to make the same; further shall be able to receive and possess all moneys, goods and chattels that have been given or shall hereafter be given, sold, released or bequeathed by any person or persons for the use of said institute. And same to apply according to the will of the donors. The said corporation shall have, hold, possess and use the same for the purpose of establishing and endowing said institute for the education of males and females of the white race. Use of school funds and property. Power to receive and hold property. Powers as to real estate. Powers as to personal property. Application and use.

Sec. 6. That the board of trustees are authorized to establish a demonstration farm to be used for conducting investigation and for instruction in trucking, fruit growing, commercial fertilizers, diversified farming and other subjects pertaining to practical agriculture. Demonstration farm.

Sec. 7. The lands and other property necessary for school purposes belonging to the corporation shall be exempt from taxation. Property exempt from taxation.

Sec. 8. The board of trustees shall have the power to appoint the president, professors, instructors and other officers and servants as they may deem necessary and proper, whom they may remove for misbehavior, inability, neglect of duty or other good reasons. And make such laws and regulations for the government of the institute as may appear to them necessary for the preservation of order and good morals therein, and as are usually made in such institutions and are not contrary to the laws of this State. School officers and employees. Laws and regulations.

Sec. 9. The president and instructors under the direction and supervision of the trustees shall have power to confer such degrees or certificates or marks of merit as may be deemed proper. And arrange curriculum of the institute into courses of study necessary to be pursued in order to obtain the respective degrees provided for by the board. Degrees and certificates of merit. Curriculum.

Admission.

Sec. 10. The board of trustees shall admit to the privileges of the institute only upon evidence of good moral character and capacity to receive instruction.

Application of funds.

Sec. 11. The board of trustees shall faithfully apply all funds by them collected and received according to their best judgment, in erecting suitable buildings, supporting the necessary officers, instructors and agents, and in procuring books, implements, machinery, maps, charts and other apparatus necessary to the well-being and success of the institute and in accordance with the expressed wishes of any donor as far as practicable.

Bonds of officers.

Sec. 12. The treasurer shall always and all other agents when required before entering on the duties of their appointments, give bonds for the security of the corporation and the public in such penal sums as the board of trustees may direct and with such securities as they shall approve.

Annual examination and report.

Sec. 13. The executive committee, or special committee appointed for the purpose, shall annually, as soon after the close of the collegiate year as practicable, investigate the affairs of each department of the institute, and of the entire institution, and report to the next session of the board its condition, with such recommendations as they deem expedient.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 430.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FIFTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, PERTAINING TO THE MUNICIPAL COURT OF GREENSBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter six hundred and fifty-one of the public laws of one thousand nine hundred and nine be and the same is hereby amended as follows:

Salary of judge.

(1) By striking out all of section three (3) after the word "courts" in line eight thereof, and inserting in lieu thereof the following: "and shall receive a salary of not less than one thousand dollars per annum to be paid by the city of Greensboro in equal monthly installments, which said salary the board of commissioners may increase at any time if in their judgment the business and usefulness of the court justifies such increase."

Jurisdiction.

Sec. 2. By striking out in section five (5) thereof lines one, two and three down to and including the word "Greensboro" and in-

serting in lieu thereof the following: "The court shall have final and exclusive original jurisdiction of all misdemeanors occurring or committed within one mile of the corporate limits of the city of Greensboro, Guilford County, North Carolina.

Jurisdiction. Sec. 3. By striking out the word "twenty" in line six of section five of said chapter and inserting in lieu thereof the words "one hundred."

Jurisdiction. Sec. 4. By inserting between the words "dollars" and "failure" in line seven of section five the following: "embezzlement of money, goods or other thing wherein the value thereof does not exceed one hundred dollars; retailing cocaine without a license."

Jurisdiction. Sec. 5. By striking out all of section five (5) after the word "have" in line twenty-seven of said section and substituting the following: "final and exclusive original jurisdiction in the territory included in the city of Greensboro and extending one mile beyond the said city in all directions as to all criminal matters and proceedings arising under the laws of the State or ordinances of Greensboro wherein the mayor or justices of the peace has heretofore had jurisdiction."

Issue of process. Sec. 6. By striking out all of section seven down to and including the word "Carolina" in line six of said section and inserting in lieu thereof the following: "The clerk of the municipal court or his deputy shall issue all processes of said court on affidavit to be returnable forthwith to said court and in case of the absence of said clerk or his deputy the prosecuting attorney or chief of police may issue said warrant."

Issue of process. Section 7. By striking out the first line of section fifteen down to and including the word "process" in said line and inserting in lieu thereof the following: "the processes of said court may be issued."

Substitute judge. Sec. 8. By striking out all of section sixteen down to and including the word "who" in line five of said section, and inserting in lieu thereof, the following: "It shall be the duty of the board of commissioners at their first session after being inducted into office or at any adjourned meeting thereof to elect a fit substitute judge, learned in the law, for a term of two years to act in the place and stead of the judge of said court when said judge is prevented from attending to his duties on account of sickness or other disability or by absence from the city of Greensboro. He shall not be debarred from practicing in said court except in matters which come up before him as such judge. And said substitute judge."

May practice law.

Salary of clerk. Sec. 9. By inserting after the word "of" and before the word "three" in line fourteen, section eighteen, the words "not less than."

City attorney and prosecuting attorney. Sec. 10. By striking out all of section nineteen down to and including the word "be" in line two and inserting in lieu thereof the following: "The office of city attorney and prosecuting attorney

may be held by one and the same person or by two different persons in the discretion of the board of commissioners. It shall be the duty of the prosecuting attorney."

Construction.

Sec. 11. That the words "board of aldermen" wherever the same occur in said chapter (651) six hundred and fifty-one of the public laws of nineteen hundred and nine (1909), be and the same are hereby construed to mean the "board of commissioners" or the governing and legislative body of the city of Greensboro.

Sec. 12. By adding at the end of said chapter the following:

Judge may practice law.

"Sec. 31. That the judge of the municipal court shall not by reason of his office be prohibited from practicing the profession of an attorney at law in any court or courts of the State or United States, except as to matters connected with or growing out of said municipal court."

Enlargement of territory.

Sec. 13. That the board of commissioners of the county of Guilford and the board of commissioners of the city of Greensboro, may, if satisfactory arrangements can be had as to defraying the expenses of said court, so enlarge the territory over which said court has jurisdiction as to include Morehead and Gilmer townships.

Sec. 14. That this act shall be in effect from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 431.

AN ACT TO INCORPORATE THE WHITEVILLE MEMORIAL ASSOCIATION.

Incorporation.

The General Assembly of North Carolina do enact:

Section 1. That J. D. Maultsby, Mrs. Etta Powell, I. B. Tucker, Mrs. J. I. Williamson, Dr. W. H. Crowell and Mrs. Annie P. High and other persons as may associate themselves with them for the purposes hereinafter mentioned and their successors, be and they

Corporate name.

are hereby made a body politic and corporate under the name

Corporate powers.

and style of The Whiteville Memorial Association, and by that name may sue and be sued, plead and be impleaded in all the courts of this State, contract and be contracted with and have a common seal.

Power to hold land for cemetery.

Sec. 2. That the said corporation may acquire and hold by purchase, gift or otherwise, as much land as may be deemed necessary for the purpose of establishing and maintaining a cemetery near the town of Whiteville, Columbus County, and may sell or dispose of land and suitable burial lots to be used exclusively for a

Burial lots.

place of the burial of the dead (white), of said town and all such other white people as the officers of said association may permit to be buried therein.

Property exempt from taxation.

Sec. 3. That the real estate of said corporation and the burial lots and plots conveyed by said corporation to individuals shall be exempt from assessment and taxation and shall not be liable to be sold under execution.

Dedication.

Sec. 4. That the land acquired by said corporation by purchase or otherwise shall remain forever dedicated for the purpose of a cemetery. Any lot or lots thereon which said corporation shall convey to any individual proprietor shall be so conveyed as to the right to limit the number of interments to be made therein and to restrict interments in such lots of such person or persons or class of persons as may be designated in the conveyance and not inconsistent with section two of this act under which such lot or lots may be originally taken or held.

Limits and restrictions in conveyances.

Use of funds.

Sec. 5. That all the moneys derived from the sale of said lots or otherwise shall be used, disbursed and expended for the purpose of keeping up, maintaining and beautifying said cemetery.

Execution of conveyances.

Sec. 6. That all conveyances of the real estate of said corporation shall be signed by its president, and attested by its secretary, and its common seal affixed thereto.

Officers.

Sec. 7. The officers of this corporation shall consist of a president, a secretary and five directors who shall be elected by the members of said Memorial Association, whose terms of office shall be fixed by the by-laws of said corporation.

General powers.

Sec. 8. This corporation shall have all such powers as are necessary to carry out the objects for which it is created.

Sec. 9. This act shall take effect from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 432.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-ONE PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO TRUSTEES OF THE GRADED SCHOOL OF GOLDSBORO, ISSUING BONDS.

The General Assembly of North Carolina do enact:

Time for election.

Section 1. That section nine, chapter three hundred and seventy-one Private Laws of one thousand nine hundred and nine, be and the same is hereby amended as follows: strike out the word "two" in line four of said section and insert in lieu thereor the word "six."

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

Ratified this the 7th day of March, 1911.

CHAPTER 433.

AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO ISSUE BONDS FOR THE PURPOSE OF BUILDING AND ESTABLISHING PUBLIC DOCKS AND WHARVES.

Preamble. Whereas, the board of aldermen of the city of Washington, desires to be empowered by law to submit to the voters of the said city the question of issuing bonds for the purpose of establishing

Preamble. and building docks and wharves in said city; and whereas, they desire to be empowered to condemn private property for the purpose of establishing docks and wharves in said city; now therefore,

The General Assembly of North Carolina do enact:

Power of purchase. Section 1. That the board of aldermen of the city of Washington be and it hereby is empowered to purchase property in said city for the purpose of building and establishing public docks and wharves in said city; and whenever said board of aldermen and the owner of any property, desired by the said board of aldermen for the purpose of establishing docks and wharves shall fail to agree upon a price for same, then and in that event, the said board of aldermen are hereby given the power to condemn said property in

Power of condemnation. the manner hereinafter set forth.

Bond issue authorized. Sec. 2. That for the purpose of paying for any property purchased by said board of aldermen or condemned by them, as provided for in this act, said board of aldermen of the city of Washington, is hereby authorized to issue coupon bonds in an amount

Amount. not to exceed twenty-five thousand dollars, and in denominations of

Denominations. not less than $100 nor more than $1,000, bearing interest from

Interest. date of the bonds at a rate not to exceed five (5) per cent per annum, payable semi-annually on the first days of January and July of each year, at such place as the board of aldermen may direct.

Maturity. That the principal of said bonds shall be payable at a time and place to be fixed by the said board of aldermen, and to be named therein, not to be less than twenty years nor more than fifty years

Proviso: bonds may be classified. from the date thereof: *Provided*, that said board of aldermen may divide said bonds into classes as they may deem best and have them mature at different dates between the limits, aforesaid. That

Authentication. said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the city of Washington, North Carolina, and countersigned by the clerk of the board of aldermen, and have the corporate seal of said city of Washington affixed thereto, and the coupons attached thereto shall be signed by the said

Record. mayor of the city of Washington. A record of said bonds be kept, showing the numbers and denominations thereof, and to whom sold, the date of issue thereof, and when the same will mature, and such other data in relation to the same as the board of aldermen

may direct to be kept. That said bonds, when issued, and the interest accumulated thereon, shall be fully binding upon said city and its property and said bonds shall show upon their face the purpose for which they were issued. Bonds binding on city.

Sec. 3. That said bonds and coupons, herein provided for, shall not be subject to taxation by the city until after maturity and tender made and if the holder fails to present the bonds and coupons for payment at maturity, they shall not draw interest after maturity; said bonds shall be sold under the direction of the board of aldermen, and shall not be sold for less than the par value thereof. That the proceeds arising from the sale of said bonds, less the necessary expense of issuing the same and holding the election herein provided for, shall be paid into the treasury of said city to be applied for the purpose herein set forth. Exemption from city tax. Sale of bonds. Sales below par forbidden. Application of proceeds.

Sec. 4. That said bonds shall not be issued nor the taxes herein authorized levied, nor the purchase or condemnation of land, herein provided for, made until authorized by a majority of the qualified voters of the city of Washington, North Carolina, at an election to be held in said city. That said board of aldermen shall order said election upon a written petition of as many as one hundred citizens who are qualified voters in municipal elections in said city. Said board of aldermen shall, upon said petition being filed with it, order said election at such time as it shall deem best, within four months from the date of filing said petition with it. Said board of aldermen may, if it deems it advisable, order a new registration for said election, and if it does order a new registration, notice of such new registration shall be given twenty days before the books are open for registration by publishing a notice thereof in some newspaper in the said city, and the registration books shall be open thirty days before the date of election, and shall stay open for a period of twenty days. Said election shall be advertised by the said board of aldermen for thirty days, prior to the date of election, in one or more newspapers, published in said city, and such advertisment shall specify the amount of bonds for which electors shall vote, and the purpose for which same are to be issued; and such election shall be held in accordance with the provisions of the charter of said city for holding elections for mayor and board of aldermen, as far as the same may be applicable thereto, and all the provisions of the charter of the said city relating to elections and qualifications of voters shall be supplied, unless manifestly repugnant to the clear intent of this act, and the returns of the results of said election shall be made and certified by said election officials to the board of aldermen of said city, and the results thereof shall be canvassed by the said board of aldermen and the results duly declared. At such election those who are in favor of issuing said bonds and levying taxes therein provided for shall vote ballots on which shall be Bond issue and purchase of land subject to election. Petition. Order for election. New registration. Notice of registration. Registration. Notice of election. Law governing election. Returns. Canvass. Ballots.

written or printed the words, "For public wharves," and those opposing the issuing of said bonds shall vote ballots, upon which shall be written or printed the words "Against public wharves." That if at said election a majority of the qualified voters shall cast their ballots "For public wharves," the said board of aldermen shall proceed at once to issue said bonds in the amount called for in the notices of election.

Effect of election.

Tax for interest and sinking fund.

Sec. 5. That in order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the board of aldermen of said city of Washington, shall levy and collect such a special tax upon all subjects of taxation which are now or may hereinafter be embraced in the subject for taxation under the charter of the said city, as may be necessary for that purpose, observing the equation of taxation between property and polls fixed by law; and the money paid into the city treasury received from the taxes levied under this act shall be appropriated for the purpose of paying said bonds and interest, and for no other purpose whatsoever; and it shall be a misdemeanor, punishable by fine or imprisonment in the discretion of the court for any official of said city or other person to wrongfully misapply or divert said special taxes from the purpose required by this act: *Provided*, that all moneys remaining in the treasury, belonging to said funds, after all the aforesaid bonds and coupons shall have been redeemed, may then be ordered by the board of aldermen transferred to the general fund of the city of Washington. The taxes herein provided for shall be collected in like manner as other taxes in said city.

Specific appropriation.

Diversion a misdemeanor.

Proviso: surplus to general fund.

Procedure for valuation of land.

Sec. 6. That when any land shall be required by said city for the purpose, herein declared, and for want of agreement as to the value thereof, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the city, to be chosen by the aldermen, who shall receive a per diem of $1.00 each; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace for Beaufort County, or a clerk of a court of record, shall take into consideration the value of said land, and loss or damage which may accrue to the owner or owners in consequence of the land being surrendered; also any special benefit or advantage such owner or owners may receive from the establishment of the dock or wharf as herein provided, and shall state the value and amount of each, and the excess of loss or damage, over and above the advantage shall constitute the measure of valuation of said land: *Provided, nevertheless,* that if the owner or owners of the property, which is taken, or the board of aldermen shall be dissatisfied with the valuation thus made, then and in that case, either party may appeal to the next term of the superior court to be held thereafter; and the said freeholders shall return to the court, to which the appeal

Proviso: right of appeal.

is taken, their valuation, with the proceedings thereon; and the land so valued by the freeholders shall vest in the city so long as it may be used for the purpose herein provided, as soon as the valuation fixed thereon shall be paid to the owner or owners, or placed in the hands of the clerk of the superior court in case of its refusal by the owner or owners of the land: *Provided*, that if the land shall revert to the owner or owners the city may remove any improvement erected under its authority and expense within sixty days after such reversion. Land to vest in city. Proviso: reversion.

Sec. 7. That all laws and clauses of law 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 8th day of March, 1911.

CHAPTER 434.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND SIXTY-FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, AND TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED AND FIFTY-SIX, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-THREE, RELATIVE TO AMENDMENT OF THE CHARTER OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and sixty-five of the Private Laws of one thousand nine hundred and three, be and the same is hereby repealed. Law repealed.

Sec. 2. That section one of chapter one hundred and fifty-six of the Private Laws of one thousand eight hundred and ninety-three, entitled: "An act to amend the charter of the town of Waynesville," be and the same is hereby amended by striking out all of said section after the word "following" in line four and inserting in lieu thereof as follows: "Beginning at a point in the center of Main street in front of the building known as the old court-house and extending therefrom six thousand feet in every direction, so as to make the limits of the said corporation a circle with the point of beginning as the center, excepting however, from aforesaid boundary any portion thereof which might lap on the corporate limits of the town of Hazlewood." Corporate limits.

Sec. 3. That this act shall not take effect and become in force until after it has been submitted to a vote of the qualified voters of the entire territory concerned and been adopted and ratified by said voters, including all qualified voters in the corporate limits of Act submitted to vote.

said town of Waynesville and those living in the territory to be taken in by this act, and said election shall be held under the same rules and regulations as those governing the election of mayor and board of aldermen of said town, and shall be held on the same day that election of officers for said town is held next May. Those favoring the extension of the limits of said town shall vote either a written or printed ballot with the words "For extension," and those opposed to the extension of the limits of said town will vote a similar ballot with the words "Against extension." The vote shall be canvassed and the result ascertained and the returns thereof made in manner as near as may be as now provided for the election of mayor and board of aldermen of said town. If at said election a majority of the qualified voters shall fail to ratify said extension, then it shall be the duty of the mayor and board of aldermen of said town at any time after four months from election held as aforesaid, to order another election to be held for the same purpose as that above set forth and in same manner: *Provided*, a petition is presented to them signed by at least fifty qualified voters of said town or territory concerned: and *Provided, further*, that thirty days notice shall be given in some newspaper published in said town of Waynesville prior to the calling of said second election. So much of this act as provides for the holding of said election shall be in force from and after its ratification.

Law governing election.

Date.

Ballots.

Canvass and returns.

Further election.

Proviso: petition for election.

Proviso: notice of election.

When act effective.

Sec. 4. That the remainder of this act shall be in full force and effect from and after its ratification by a majority of the qualified voters at an election held thereunder.

Ratified this the 8th day of March, 1911.

CHAPTER 435.

AN ACT TO INCORPORATE THE ORGANIZATION OF THE GRAND UNITED ORDER OF SOUTHERN PILGRIMS.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Simon Brown, Martha Reeves, Donas Walker, James Benjamin, Louisa Neal, Winnie Purdy, Lloyd Street, Liddy Walker, Tom Brown, Mary Gibbs, Hannah Mallett, Lizzie Gibbs, Jane Benjamin, Rosa Ann Joyner, Tom Purdy, Edward Gibbs, George Neal, Jos. Reeves, Mary Street, Augusta Brown, Dempsey Woodin, Martha Williams, Mary Mallett, Hester Atkinson, Simon Bunting, Francis Foster, Harriet Benjamin and Harriet Woodin, of Leland, Brunswick County, State of North Carolina, their associates and successors, be and are hereby made a corporation by the name of "The Grand United Order of Southern Pilgrims," and by said name and title shall exist for a period of fifty years, and

Corporate name.

be capable in their said corporate name to sue and be sued, to have a corporate seal, which they may alter at pleasure, to elect in such manner as they shall determine to be proper, all necessary officers, and to define their duties and obligations, and to make a constitution and by-laws, rules and regulations, consistent with the laws of North Carolina and the United States, for the due and orderly conduct of their affairs, and the management of their property. Corporate powers.

The said corporation is hereby authorized to establish branch lodges in this State, and to establish lodges in any other State of the United States, subject to the laws of the State in which such lodge or lodges may be established. Branch lodges.

Sec. 2. The object of the incorporation shall be to promote the cultivation of its members socially, morally and intellectually, and to extend aid and benefit to dependent members, to help and minister to the sick, the poor and the destitute, to aid the widows and the orphans, and to bury the dead members. Object of incorporation.

Sec. 3. That the corporation may receive donations from any source by gift, deed, grant or devise, for the promotion of the object of the corporation. Donations.

Sec. 4. That the corporation may acquire title to and hold lands and other property, free of taxation, for the purposes of establishing and maintaining homes for the infirm or indigent and invalid persons. Power to hold land free from taxation.

Sec. 5. That the private and individual property of the members of the corporation shall be exempt from the corporate debts of the association. And said corporation shall be exempt from any privilege, State, county, city, or town taxes. Members not individually liable. Exemption from taxation.

Sec. 6. That the general office and place of business of the corporation shall be at Leland, Brunswick County, North Carolina. Location.

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

Ratified this the 8th day of March, 1911.

CHAPTER 436.

AN ACT TO CREATE A SPECIAL SCHOOL DISTRICT OUT OF PARTS OF CARVER'S CREEK TOWNSHIP, IN CUMBERLAND COUNTY AND STEWART CREEK TOWNSHIP IN HARNETT COUNTY, TO BE KNOWN AS LINDEN GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the following described territory lying and being in the counties of Cumberland and Harnett, bounded as follows, to wit: Territory.

Boundary.

Beginning on the west bank of the Cape Fear River, in Cumberland County, at the southwestern corner of W. P. Collier's land, running thence in a northern direction, with Collier's line, to the river road in Cumberland County, thence by direct line to a point where the neighborhood road from Wood's schoolhouse crosses the Raleigh and Southport Railroad track, thence by this Wood's schoolhouse road to the swamp next to Jacob Giles' residence; thence northwardly by this swamp to its intersection with the road leading from Jacob Giles' residence to W. M. Walker's residence, thence by this latter road to its intersection with the road leading through the old McSwain place (or Briggs Smith place), thence by this latter road along the western line of Mrs. Lucas' home tract to the Smith's ferry public road, thence by this road in an easterly direction to the Fayetteville road, running through the plantation of W. L. Williams, thence by this Fayetteville road in a northerly direction to the turn of the road in W. L. Williams' field at or near the Red Banks, thence by direct line to Little River at Red Banks, thence up the various courses of Little River to the timber landing on J. H. Williams' place in Harnett County, thence from this timber landing on lower Little River, with the western boundary of J. H. Williams' land to his northwest corner, thence due north to the Bunnslevel line, thence east with said Bunnslevel district to a point in John Williams' line, thence with said line between J. S. Byrd and John Williams to C. L. Smith's corner in said line, thence with the line between John Williams and C. J. Smith to the upper corner of McBryde's land, thence with the eastern line of said McBryde's land to the Averysboro road, thence in a southwesterly direction to the eastern line of E. S. Smith's land, thence with the line of E. S. Smith in a southeast direction to G. D. Elliott's and E. S. Smith's corner, thence with the line between E. S. Smith and G. D. Elliott to the original corner of the James P. Hodges, Morrisy and Dr. F. Smith corner, thence with the line between the original tracts of land of James P. Hodges to lower Little River, thence down the various courses of Little River and Cape Fear river to the beginning corner, be incorporated into and established as a special tax school district for the white race, to be known as Linden Graded School District.

Name of district.

Control and supervision.

Sec. 2. That said district shall be under the control and supervision of the Cumberland County board of education and said board of education shall, at their regular meeting on the first Monday in July, one thousand nine hundred and eleven, appoint two committeemen and the board of education of Harnett County, at its meeting on first Monday in July one thousand nine hundred and eleven, shall appoint two committeemen, all residents of the district hereby created, who, together with a fifth committeeman to be selected by the four committeemen hereinbefore provided for, shall constitute the school committee of the Linden graded school;

Apportionment of committeemen.

the powers, duties and qualifications of said committeemen shall be the same as those provided by law for school committeemen; and they shall be appointed as follows: One of those from each county for a term of two years; one from each county for a term of four years, and the fifth committeeman, to be selected by the other four and who shall act as chairman, shall serve for a term of four years; and at the expiration of the term of any committeeman, his successor shall be elected in the same manner and for a term of four years: *Provided*, that, in case of death or resignation of any committeeman, his successor shall be appointed in same manner as the original appointment, but for the unexpired term only.

Powers, duties and qualifications.

Terms of office.

Election of successors.

Proviso: vacancies.

Sec. 3. That the cost of maintaining the school to be established in the said district shall be shared *pro rata* by the county of Harnett and the county of Cumberland, based upon the taxable value of the property in each of said counties included in said district.

Apportionment of cost.

Sec. 4. That the board of education of Cumberland County, annually, at their regular meeting on the first Monday in July, shall apportion to said district sufficient funds to give said school the same length of school term as other schools in Cumberland County, having due regard to the grade of work to be done, the course of studies taught and the qualifications of teachers required in such school, as provided in section four thousand one hundred and sixteen, public school law of North Carolina. And the secretary of the Cumberland County board of education shall certify to the Harnett County board of education, as soon as possible thereafter, the amount apportioned said school, and thereupon it shall be the duty of the Harnett County board of education to pay over to the treasurer of Cumberland County board of education their proportionate part of said funds, which shall be ascertained upon the basis of the assessed valuation of the property, real and personal, in the said county of Harnett and in the said county of Cumberland included within the boundaries of said district.

Apportionment to school.

Sec. 5. That in addition to the apportionment required by this act, the said board of education of Cumberland County, at its annual meeting held the first Monday in July nineteen hundred and eleven shall apportion sufficient funds to erect all necessary school buildings in said district, and shall, from time to time, make all necessary apportionments for the repairs and maintenance of the same, and said expense shall be shared *pro rata* by the respective counties of Harnett and Cumberland upon the same basis as provided for the support of said school in this act.

Apportionment for buildings, repairs and maintenance.

Sec. 6. That the board of commissioners of Cumberland County, after thirty days notice published at the court-house door in the counties of Cumberland and Harnett and three public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed district whether there shall be levied

Election for special tax.

Rate. in said district a special annual school tax of not more than thirty-five cents nor less than ten cents on the hundred dollars assessed valuation of property, and not more than one dollar and five cents nor less than thirty cents on the poll, the rate to be fixed by the board of commissioners of Cumberland County upon recommendation of the board of education of said county, to supplement the public school fund apportioned to said district as herein provided. The said board of county commissioners shall appoint a registrar and two pollholders and shall designate a polling place for holding an election in said district, and shall order a new registration for such election; said election shall be held on the first Tuesday in May, nineteen hundred and eleven, under the law governing general elections, as near as may be, and the registrar and pollholders shall duly certify the returns to the board of commissioners of Cumberland County at their next regular or special meeting after said election is held, who shall canvass said returns and declare the result of such election, and the same shall be recorded in the records of said board of commissioners, and a copy thereof shall be duly certified to the board of commissioners of Harnett County, and to the board of education of said county: *Provided*, the expense of holding said election shall be paid out of the general school fund of Cumberland County. At such election those who favor the levy and collection of the tax shall vote a ballot on which shall be printed or written the words "For special tax," and those who are opposed shall vote a ballot on which shall be printed or written the words "Against special tax." In case a majority of the qualified voters of said district vote in favor of the tax, the same shall be annually levied by the commissioners of Cumberland and Harnett counties in the manner prescribed by law for the levy of other taxes, and when so levied shall be collected by the sheriffs of the respective counties and paid over to the treasurer of Cumberland County, whose receipt shall be a sufficient voucher for all collections made under this act. All moneys levied and collected under the provisions of this section shall be placed to the credit of the school committee of said district, and such school committee shall apportion the money among the schools of said district in such manner as in its judgment shall equalize school facilities.

Election officers and polling place.

New registration.

Date of election.

Returns.

Canvass.

Record.

Proviso: expense of election.

Ballots.

Effect of election.

Further election. Sec. 7. That in the event a majority of the qualified voters of said district shall fail to vote in favor of said tax, then the said commissioners of Cumberland County shall again submit the question to the qualified voters of said district at such time and place as the board of education of Cumberland County shall direct.

Sec. 8. That all laws and parts of laws 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 8th day of March, 1911.

CHAPTER 437.

AN ACT TO INCORPORATE TEACHEY'S HIGH SCHOOL AND GRADED SCHOOL, DUPLIN COUNTY, AND PROVIDE A FUND FOR ITS MAINTENANCE.

Whereas, the qualified voters living in the territory embraced within the boundaries hereinafter set out have voted to establish a public graded school to be located at Teachey's, Duplin County, and to levy a special tax to support the same, according to the provisions of section seventy-two of chapter four, 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. 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 township line near Miss Mary J. Wells' line, thence her eastern line to B. F. Fussell's line, thence his eastern line to R. S. Alderman's line, thence his eastern line to W. A. Southerland's line, thence his east line to G. B. Carr's line, thence his west line to Murray Branch, thence down Murray Branch to the Raleigh road, thence down said road to where the township crosses, thence the township line to Rock Fish Creek at the mouth of Doctor's Creek, thence up Rock Fish Creek to W. A. Southerland's western line, thence his west line to J. D. Young's line, thence his west line to D. H. James' line, thence his west line to his corner, thence his east line to Duff's Creek, thence up Duff's Creek to the mouth of Fussell's Creek, thence up Fussell's Creek to the W. & W. Railroad, thence with Cook's Branch to R. H. Rouse's west line, thence with his west line to his north line to the Tim Boney road, thence with said road to the Rose Hill road, thence with the Rose Hill road to the new road leading to Mt. Zion from Teachey's, thence down said road to Island Creek, thence with said creek to E. W. Teachey's west corner, thence with E. W. Teachey's west line to Mrs. D. T. Boney's north line, thence with their line to John Southerland's west line to Street's Branch, thence with Street's Branch to Teachey's road, thence with Teachey's road to the fork of Wilmington road, thence down the Wilmington road to Hilton railroad, thence with south line of Hilton's right-of-way to the W. & W. Railroad, thence with the Wallace school line running west to the Teachey's road, thence Francis Savage's south line to Sallie A. Wells' line, thence her east line to the P. P. Johnson line, thence his east line to the township line running north to Miss Mary J. Wells' line to the beginning, and the same is hereby incorporated and known as the Teachey's High School and Graded School District in Island Creek Township, Duplin County. Territory. Boundary. Incorporation. Corporate name.

School trustees.

Sec. 2. That L. S. Wells, L. W. Moore, H. S. Wells, J. T. Turner, L. E. Wells, B. F. Fussell and W. A. Southerland, be and they are hereby appointed and constituted a board of school trustees for said Teachey's high school and graded school for a term commencing on the first day of July, one thousand nine hundred and eleven.

Beginning of term.

Terms.

The term of the first named trustees shall be for two years, and for the second named trustees shall be for four years, and the term for the third named trustees shall be two years and for the fourth named trustees shall be for four years, and for the fifth named trustees shall be for two years, and for the sixth named trustee shall be four years and for the seventh named trustee shall be for two years; at the expiration of the terms of office of said trustees their successors shall be elected by the qualified voters of said district for a term of four years each; and any vacancy that 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: *Provided, however,* that there shall not be at any time more than two trustees of any one religious denomination on said board.

Election of successors.

Vacancies.

Proviso: religious denominations.

Date of election.

Said trustees shall be elected on the first Monday in May in an election held under the general election law as provided for the election of representatives of the General Assembly, but the return of such election shall be made to the board of trustees of said school district and the result thereof declared by said board of trustees.

Returns.

Sheriff to collect and pay over taxes.

Sec. 3. That it shall be the duty of the sheriff of Duplin County to collect all taxes levied in pursuance of the election which was held in said school district and turn over the same to the treasurer of Duplin 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 Teachey's high school and graded school and shall be paid out by the treasurer of Duplin County only upon the warrant or order of said board signed by the chairman and secretary of said board of school trustees and countersigned by the superintendent of public schools of Duplin County: *Provided, further,* that the treasurer and secretary of the said Teachey's high school and graded school shall report annually on the first day of 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 for the use of said school, and for what it was spent.

School fund.

Warrants.

Proviso: annual reports.

Property vested in trustees.

Sec. 4. That all the public school property of said district shall become the property of said Teachey's high school and graded school and shall be vested in said board of trustees and their successors in trust for said Teachey's high school and graded school.

Exclusive control of school.

Sec. 5. That the board of 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 school, and shall have power to provide for the teaching of any of the higher branches of study not usually taught in public schools, free of charge, to the children of school age living within said district, and shall have power to fix rules and regulations under which pupils not entitled by law to the benefits of the high school and graded school may be admitted, if in their judgment it shall be wise to admit them, and to fix the price to be charged to said person. Said board of school trustees shall be a body corporate under the name of The Board of School Trustees of Teachey's High School and Graded School, with power to sue and to 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 trustees.

Employment and compensation of officers and teachers.
Higher branches.
Outside pupils.
Incorporation.
Corporate name.
Corporate powers.
Conveyances and other instruments.

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.
Statements posted annually.

Sec. 7. The said board of trustees of the said Teachey's high school and graded school, be and the same are hereby authorized to issue bonds not to exceed in amount the sum of twenty thousand dollars and in denominations not less than twenty-five dollars and not more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed six per cent per annum, and payable annually on the first day of June of each year until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by the said board of trustees and named therein, not less than three nor more than thirty years from date thereof.

Bond issue authorized.
Amount.
Denominations.
Interest.
Maturity.

Sec. 8. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the treasurer of said school district shall receive all such moneys paid in for the purchase of said bonds, and he shall give a good and sufficient bond, and he and the sureties on his bond shall be liable to account for and pay over the same as provided in this act.

Sale below par forbidden.
Treasurer to receive proceeds.
Bond of treasurer.

Sec. 9. That the money arising from the bonds as provided in this act shall be used for the building, equipment and improving of said high school: *Provided, however*, that this question shall be submitted to the qualified voters of the said Teachey's high school and graded school district as described in this act for their ratification,

Use of proceeds.
Proviso: question submitted to voters.

Advertisement of election.

Law governing election.

Returns.

Canvass.

Ballots.

Record of result.

Effect of election.

at an election to be held at such time and place as may be designated by said board of trustees; the said election shall be advertised by said board of trustees of said district for thirty days prior to the day of election, in one or more public places in said district, and said election shall be held under the same rules and regulations provided for the election of members of the General Assembly, except as herein provided, and the returns of said election and the result thereof shall be made and certified to the board of trustees of said district, and in like manner the returns and result thereof of said election shall be canvassed by the said board of trustees and the result declared. At said election those who are in favor of issuing said bonds shall vote a ballot "For school bonds" and those opposed shall vote a ballot "Against school bonds" on written or printed ballots; that the number of the ballots cast for and against the said bonds and deposited in the box provided for that purpose, shall be counted and the result of the said election certified and returned to the said board of trustees of the Teachey's high school and graded school district, and the same, when canvassed and declared, as aforesaid, shall be enrolled on the minutes of said board of trustees of said district. If at said election a majority of the qualified voters of said district of Teachey's high school and graded school district are cast "For school bonds," then the said board of trustees of Teachey's high school and graded school district shall proceed at once to issue and sell the bonds as herein provided for, or as many thereof as shall be necessary in the judgment and discretion of said board of trustees of the Teachey's high school and graded school district, for the purposes aforesaid.

Tax for sinking fund.

Rate.

Constitutional equation.

Taxes kept separate.

Control and management.

Sec. 10. In order to create a sinking fund to pay the principal and interest of said bonds of the Teachey's high school and graded school district issued under the provisions of this act, the board of trustees of the said Teachey's high school and graded school shall annually levy and collect a special tax not exceeding the sum of thirty cents on each hundred dollars worth of taxable property in said district and ninety cents on each poll, observing the constitutional equation of taxation between property and polls fixed by the constitution for the purpose of county and State taxation, and the money paid into the said school treasury received from the taxes under this act shall be set apart and applied to the payment of the bonded indebtedness of said district, as it shall become due; and that the taxes collected for the purposes specified in this act shall be under the control and management of the said board of trustees of said Teachey's school.

Tax collector.

Bond.

Sec. 11. The board of trustees may appoint a tax collector at any time to collect the tax levied under this act. The said tax collector shall be required to give a good and sufficient bond in the sum of five hundred dollars, and the said tax collector shall faithfully account for all taxes collected and turn over to the treasurer of the

said board of trustees heretofore named in this act, or their successors in office.

Election on special tax.

Sec. 12. The board of trustees are hereby authorized to submit an election in said district to the qualified voters of said district under the rules and regulations for holding an election in section nine of this act, except the ballots used at such election shall be "For special tax" and "Against special tax," and that the maximum levy shall be fifteen cents on each one hundred dollars valuation of property and forty-five cents on each poll, and that the tax shall be used for purposes of maintenance or employment of such additional or necessary expenses.

Ballots.

Limit of rate.

Sec. 13. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 438.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, AND CHAPTER ONE HUNDRED AND SEVENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE.

Preamble.

Whereas, the proceeds derived from a sale of the bonds voted for and issued under the provisions of an act of the General Assembly of North Carolina, being chapter one hundred and seventy-four of the Public Laws of its session of one thousand nine hundred and five, for the erection and equipment of a building to be used as and for the Morganton graded school, was insufficient for that purpose, and the said graded school has since been burdened with an indebtedness of two thousand dollars or more incurred in carrying out the provisions of said act;

Preamble.

And, whereas, the number of pupils attending said graded school have so increased as to render the enlargement of said building or the erection or improvement of other buildings and an addition to its grounds requisite and necessary to meet the needs and requirements of the said school; now, therefore,

The General Assembly of North Carolina do enact:

Election on bond issue.

Section 1. That the Morganton graded school be and it is hereby authorized and empowered, at any time when a majority of its trustees shall deem it wise and expedient, to order an election to be held in said graded school district to determine whether coupon bonds, running twenty years from date of issue, bearing interest at

Maturity.

Interest. Amount.

a rate not to exceed six (6%) per cent per annum, payable semi-annually, in an amount not to exceed five thousand dollars, shall be issued to pay the existing indebtedness of said corporation and the cost of enlarging its present school building or the improvement or erection of other buildings and the purchase of other lots of land needed in making additions to its grounds, such question to be submitted to the qualified voters of said graded school district in the manner hereinafter provided.

Notice of election.

Sec. 2. That upon the ordering of said election by said trustees the secretary of their board shall post ten days notice of the time and place of holding the same at the court-house door in the town of Morganton, in said district, and shall prior to the holding thereof insert such notice in at least one issue of a newspaper published in Burke or an adjoining county; and those favoring the issue of such bonds shall vote in the said election a ticket whereon is written or printed the words "For school improvements," and those opposing the issue of such bonds shall vote therein a ticket whereon is written or printed the words "Against school improvements"; and if upon such election being held a majority of the qualified voters of said graded school district shall vote "For school improvements," then the said trustees shall cause the said bonds to be issued in the name of the said The Morganton Graded School, to be signed by its chairman and attested by its secretary and sealed with the common seal of said corporation; such bonds to be in the denominations and in the amounts, not exceeding in the aggregate the sum of five thousand dollars, as said board of trustees may designate, and to run and bear interest as provided in section one (1) of this act.

Tickets. Bond issue. Authentication. Denominations. Amount. Interest and maturity.

New registration.

Sec. 3. That the trustees of said graded school are hereby authorized and empowered prior to the holding of any election under the provisions hereof, to order a new registration of voters in the said Morganton graded school district for the purpose of ascertaining the number of persons duly qualified to vote in such election, and to this end it shall be the duty of said trustees at least thirty days prior to the holding of such election to appoint a registrar and two judges to hold the same and to cause notice of such appointments to be served by the sheriff, and thereupon the said registrar shall post notice for four successive weeks at the court-house door in the town of Morganton, North Carolina, of the time and place when such registration of voters is to be made, and shall keep his books open for the registration of such voters on each and every of the four several Saturdays next preceding the holding of such election and shall register all persons qualified to vote in the said graded school district who shall apply for registration thereon; and none others than those so registered shall be entitled to vote in said election, and the said judges and registrar shall proceed when ordered by said trustees to hold said election, and shall ascertain, declare and report the result thereof to said trustees, who

Election officers. Notice of registration. Registration. Report of result.

shall cause the same to be spread upon their minutes and order the payment of the expense of holding said election out of the funds belonging to said school. Record.

Sec. 4. That if the said registrar and judges of election shall declare and report to the said board of trustees that a majority of the qualified voters in the election held by them have voted "For school improvements" and the said trustees shall issue the bonds herein provided for, it shall be the duty of the board of commissioners of Burke County, upon the request of said trustees, to add to the several tax levied provided for in section six of chapter four hundred and fifty-five of the Public Laws of one thousand nine hundred and three, and that provided for in section seven of chapter one hundred and seventy-four of the Public Laws of one thousand nine hundred and five, respectively, such per cent as said trustees may recommend, not exceeding ten cents on the one hundred dollars valuation of property in said graded school district and thirty cents on each of the taxable polls therein, for the purpose of paying the interest on said bonds and of creating a sinking fund to be applied to the discharge of the principal sums thereof at maturity; the taxes so levied shall be collected and paid over to the treasurer of said graded school in the manner provided for the collection and payment of other taxes levied and collected for the support and maintenance of said school, and shall be used by said trustees for the payment of the interest on said bonds and the creation of said sinking fund as aforesaid. Special tax for interest and sinking fund. Limit of rate. Collection and appropriation.

Sec. 5. That in case the bonds herein provided shall be issued by said trustees the same shall be sold for not less than par and the proceeds and avails thereof shall be applied to the purposes mentioned in section one (1) of this act and none other. Sale below par forbidden. Application of proceeds.

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

Ratified this the 8th day of March, 1911.

CHAPTER 439.

AN ACT TO INCORPORATE THE TOWN OF ROXOBEL, IN BERTIE COUNTY.

Whereas, the charter heretofore granted the town of Roxobel, in Bertie County, has been forfeited by nonuse; therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the town of Roxobel, in the county of Bertie, and the inhabitants now living within the limits hereinafter prescribed, are hereby incorporated as a town under the name and style of the Incorporation. Corporate name.

Corporate powers. town of "Roxobel," with all the rights, powers, privileges and immunities and subject to all the provisions set forth in the general laws of the State, now in force or hereafter enacted relating to incorporated towns and cities, except as herein provided.

Corporate limits. Sec. 2. That the limits of the town corporation shall extend from a point in the center of Ruby street opposite J. C. Tynes' residence, south one thousand yards, east one thousand yards, west one thousand yards, north six hundred yards.

Town officers. Sec. 3. The officers of said town shall consist of the mayor and four commissioners, a town constable and a town treasurer. The duties of the town constable shall be the same as those prescribed for town constables under chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina. The following named persons shall fill the offices of mayor and commissioners, constable and treasurer until the first Monday in May, one thousand nine hundred and eleven (1911), and until their successors are duly elected and qualified: Mayor, Dr. A. Capehart; commissioners, C. C. Tyler, John E. Peele, L. C. Hedspeth and A. T. Liverman; constable, N. W. Minton; treasurer, S. J. Fore.

Duties of constable.

First officers named.

Town elections. Sec. 4. That there shall be an election held for the various officers mentioned in this act on the first Tuesday after the first Monday in May, one thousand nine hundred and eleven (1911), and every two years thereafter, under the regulations and provisions contained in chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina, under sub-division seven, entitled "Elections," and the qualifications of voters within the limits of said town shall be such as are prescribed by law.

Voters.

Powers and duties of mayor and commissioners. Sec. 5. The mayor and commissioners of said town shall have all the powers, rights and privileges and be subject to the duty prescribed under chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina.

Vacancies. Sec. 6. That whenever a vacancy occurs in said office the town commissioners shall appoint one of their number mayor *pro tempore*, and shall appoint any good citizen of said town to fill the other offices which may be vacant.

Officers to qualify. Sec. 7. That it shall be the duty of the officers appointed by this act, within thirty days after its ratification, to go before some justice of the peace of Bertie County, or other officer therein authorized to administer oaths, and take the oath of office prescribed by law for such officers.

Power and jurisdiction of mayor. Sec. 8. The mayor is hereby empowered with the right to impose fines and penalties for the violation of the ordinances established by the commissioners of said town and shall have the jurisdiction to hear and determine all violations of the ordinances and regulations of the town and all other criminal offenses which are or may hereafter be given to justices of the peace.

Limit of tax rate. Sec. 9. That the maximum tax rate shall not exceed, levied for

town purposes, ten cents on the one hundred dollars valuation of real and personal property, and the poll tax shall not exceed one dollar.

Sec. 10. The commissioners of said town of Roxobel shall fix and require of the treasurer and constable whatever bond they may think proper for the faithful performance of their duties. Treasurer and constable to give bond.

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 force from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 440.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-NINE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AND TO PROTECT TOWNSHIPS AND COUNTIES ISSUING OR VOTING BONDS TO BUILD THE SALISBURY RAILROAD.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and ninety-nine, Private Laws of one thousand nine hundred and nine, be and it is hereby amended by adding after section fifteen and before section sixteen of said section the following: Any bonds voted or issued under the provisions of this act by any township in Union County, North Carolina, under or by virtue of any election now called or hereafter called, or issued by any such township upon any authority for such purposes as mentioned in said act, shall be void and of no effect, unless the proposed road, for which such bonds are or may be issued or caused to be issued, shall have been completed to Monroe, North Carolina within three years next after such bonds shall have been issued. Bonds void if road not completed.

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

Ratified this the 8th day of March, 1911.

CHAPTER 441.

AN ACT TO CREATE A SPECIAL SCHOOL DISTRICT OUT OF PARTS OF BLADEN AND CUMBERLAND COUNTIES, TO BE KNOWN AS BLADEN UNION GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the following described territory lying and being in the counties of Bladen and Cumberland, bounded as follows, to Territory.

Boundaries.

wit: Beginning in the Robeson County line, a corner of Cumberland and Bladen counties, and running thence north in a direct line to Willis Creek; thence down the meanderings of said creek to the Cape Fear River; thence westwardly with the county line of Bladen and Cumberland to a stake in the eastern line of Daniel Tyson where it intersects said county line; thence southwardly with the eastern line of Tyson's land to his southeast corner; thence due south about two hundred yards to a road; thence southwardly with said road to W. A. Whitted's line, where it first intersects said road leading south; thence southwardly in a direct line across the lands of W. A. and T. R. Whitted about one mile to a road leading from Tolarsville to Prospect Hall, at a point where the rural free delivery mail route comes into said road; thence southwest with the Tolarsville and Prospect Hall road to the Robeson County line; thence northwardly with the Robeson County line to the beginning, be incorporated into and established as a special tax school district for the white race, to be known as the Bladen Union graded school district.

Incorporated as school district.

Name.

Control and supervision of district.

Sec. 2. That said district shall be under the control and supervision of the Bladen County board of education, and said board of education shall, at their regular annual meeting on the first Monday in July, nineteen hundred and eleven, appoint five committeemen, not less than two of whom shall be residents of Cumberland County, residing within the district hereby created, who shall be known as the school committee of Bladen union graded school, of Bladen County: the powers, duties and qualifications of said committeemen shall be similar to those of other school committeemen. They shall be appointed as follows: Two for a term of two years, two for a term of four years, and one for a term of six years, and at the expiration of the term of any committeeman, his successor shall be appointed for a term of six years: *Provided*, that in case of the death or resignation of any committeeman, his successor shall be appointed for the unexpired term only.

Powers, duties and qualifications.

Terms of office.

Terms of successors.

Proviso: vacancies.

Apportionment of cost.

Sec. 3. That the cost of maintaining the school to be established in the said district shall be shared *pro rata* by the county of Bladen and the county of Cumberland, based upon the taxable value of the property in each of said counties included in said district.

Apportionment to school.

Sec. 4. That the board of education of Bladen County, annually, at their regular meeting on the first Monday in July, shall apportion to said district sufficient funds to give said school the same length of term as other schools in Bladen County, having due regard to the grade of work to be done, the course of study taught, and the qualifications of teachers required in such school, as provided in section four thousand one hundred and sixteen, public school law of North Carolina. And the secretary of the Bladen County board of education shall certify to the Cumberland County board of education, as soon as possible thereafter, the amount ap-

portioned said school, and thereupon it shall be the duty of the Cumberland County board of education to pay over to the treasurer of the Bladen County board of education their proportionate part of said funds, which shall be ascertained upon the basis of the valuation for taxation of the property, real and personal, in the said county of Bladen and in the said county of Cumberland included within the boundaries of said district.

Apportionment for buildings, repairs and maintenance.

Sec. 5. That in addition to the apportionment required by this act the said board of education of Bladen County, at its annual meeting held the first Monday in July, nineteen hundred and eleven, shall apportion sufficient funds to erect all necessary school buildings in said district, and shall, from time to time, make all necessary apportionments for the repairs and maintenance of the same, and said expense shall be shared *pro rata* by the respective counties of Bladen and Cumberland upon the same basis as provided for the support of said school in this act.

Election on special tax.

Notice of election.

Limit of rate.

Election officers and polling place.

New registration.

Date of election.

Returns.

Canvass and record.

Proviso: expense of election.

Ballots.

Levy and collection of tax.

Sec. 6. That the board of commissioners of Bladen County, after thirty days notice published at the court-house door in the counties of Bladen and Cumberland and three public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed district, whether there shall be levied in said district a special annual school tax of not more than thirty-five cents nor less than ten cents on the hundred dollars assessed valuation of property, and not more than one dollar and five cents nor less than thirty cents on the poll, the rate to be fixed by the board of commissioners of Bladen County, upon recommendation of the board of education of said county, to supplement the public school fund apportioned to said district as herein provided. The said board of county commissioners shall appoint a registrar and two pollholders and shall designate a polling place for holding an election in said district, and shall order a new registration for such election; said election shall be held on the first Tuesday in May, nineteen hundred and eleven, under the law governing general elections, as near as may be, and the registrar and pollholders shall duly certify the returns to the board of commissioners of Bladen County at their next regular or special meeting after said election is held, who shall canvass said returns and declare the result of such election, and the same shall be recorded in the records of said board of commissioners, and a copy thereof shall be duly certified to the board of commissioners of Cumberland County, and to the board of education of said county: *Provided*, the expense of holding said election shall be paid out of the general school fund of Bladen County. At such election, those who favor the levy and collection of the tax shall vote a ballot on which shall be printed or written the words "For special tax," and those who are opposed shall vote a ballot on which shall be printed or written the words "Against special tax." In case a majority of the qualified voters in said

district vote in favor of the tax, the same shall be annually levied by the commissioners of Bladen and Cumberland counties in the manner prescribed by law for the levy of other taxes, and when so levied shall be collected by the sheriffs of the respective counties and paid over to the treasurer of Bladen County, whose receipts shall be a sufficient voucher for all collections made under this act.

School fund. All moneys levied and collected under the provisions of this section shall be placed to the credit of the school committee of said district,

Apportionment to schools. and such school committee shall apportion the money among the schools of the said district in such manner as in its judgment shall equalize school facilities.

Effect of negative vote. Sec. 7. That if a majority of the qualified voters of said district shall fail to vote in favor of establishing the same and levying said tax as herein provided, then and in such event the territory embraced within the boundaries of said proposed district shall remain as before the passage of this act.

Sec. 8. That all laws and parts of laws 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 8th day of March, 1911.

CHAPTER 442.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ORIENTAL, NORTH CAROLINA, IN THE PUBLIC SCHOOL DISTRICT NUMBER ONE, TOWNSHIP NUMBER FIVE, IN THE COUNTY OF PAMLICO.

The General Assembly of North Carolina do enact:

Territory. Section 1. That the following described territory, lying in Number

Boundaries. Five Township, Pamlico County, to wit: Beginning on Neuse River at the westward line of the Perkins farm; thence northwardly with the line of the Perkins farm to Hog-pen Creek; thence down Hog-pen Creek to Green's Creek; thence a direct line to the southern corner of the Thos. McCleese (now Wm. Messic's farm); thence with the southern line of the McCleese (now Messic's) farm to the T. C. Midyett lands; thence with the south and east lines of the Midyett lands to the A. S. McCleese bridge; thence with A. S. McCleese's lead ditch to Samuel McCleese's line; thence with Samuel McCleese's south line and continuously to Pearce's Creek run; thence down

School district. Pearce's Creek to Neuse River; thence up Neuse River to the beginning, shall be and hereby constituted a public school district for white and colored children, to be known as the Oriental Graded

Name. School District. Said territory comprising the present public school

District Number One, Township Number Five, for the white race, as laid out by the board of education of Pamlico County.

Bond issue authorized.

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 denominations 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 per annum, with interest coupons attached, payable annually, at such time or times and at such place or places as may be deemed advisable by the said board of trustees. Said bonds to be in such form and tenure 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 trustees may determine.

Amount.

Denominations.

Interest.

Maturity.

Expenditure of proceeds.

Sec. 3. That the proceeds arising from the sale of said bonds or such part thereof as may be necessary shall be expended by the said board of graded school trustees in providing by purchase or otherwise such graded school buildings as in the opinion of the said school trustees may be required and in furnishing the same with school furniture and other necessary equipment. That said board of graded school trustees may also purchase real estate sufficient in their opinion to carry out the purpose of this act.

Purchase of real estate.

Sale of bonds below par forbidden.

Sec. 4. That none of the said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for a less price than their par value nor shall said bonds nor their proceeds be used for any other purpose than that declared in section three of this act.

Bonds exempt from town tax.

Sec. 5. That said bonds and their coupons shall not be subject to taxation by any town now incorporated or that may be incorporated within the territory described in section one of this act until after they shall become due and tenure of payment shall be made.

Particular tax.

Sec. 6. 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 commissioners of Pamlico County shall annually and at the time of levying the State and county taxes, commencing with the fiscal year beginning the first Monday in June, one thousand nine hundred and eleven, and every year thereafter, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district on which the said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever. Said particular tax shall be in addition to and supplemental of the particular or special tax already authorized in the territory described in section one of this act levied under and by authority of an election held in said district or territory under section four thousand one hundred and fifteen, chapter eighty-nine, volume two of The Revisal of one thousand nine hundred and five

Tax additional and supplemental.

of North Carolina, and now in force in said district or territory.

Limit of rate. Said particular or special tax to be levied under the provisions of this act to be not more than thirty cents on the one hundred dollars assessed value on property and not more than ninety cents on each taxable poll in said district or territory.

Collection and settlement. Sec. 7. That said taxes shall be collected by the sheriff or tax collector of Pamlico County at a time and in the manner that the public, county, poor and school taxes are collected, and said sheriff or tax collector shall pay over the said taxes to the treasurer of Pamlico County, who shall keep the funds levied from said taxes

Warrants. separate and apart from all other funds. The said treasurer shall pay out said taxes and any other funds which may come into his hands for the use of said graded schools only upon warrant of the chairman and secretary of said board of graded school trustees. Said warrants shall also be approved by the county superintendent of schools of Pamlico County in the manner now provided by law

Proviso: bonds of officers. for approval of other school warrants: *Provided,* that all bonds hereafter executed by such sheriff or tax collector and county treasurer for the faithful paying over of said taxes on the part of the sheriff or tax collector and for the safe keeping and proper disbursement of the same on the part of the county treasurer shall be in an amount sufficient to cover the taxes provided for in this act.

Provisions submitted to vote. Sec. 8. That the provisions of sections two and six of this act shall be submitted to a vote of the qualified voters of the said graded school district at an election to be held in the town of

Place and time of election. Oriental on the first Monday in May, one thousand nine hundred and eleven, at the same time and place for the election of the officers

Notice of election. of the town of Oriental. That thirty days notice of such election containing a copy of the provisions of sections two and six of this act shall be advertised at the court-house door in Pamlico County and three public places in the said graded school district and in all

Law governing election. other respects said election shall be held and conducted under the provisions of the law governing elections for members of the General Assembly of North Carolina except that the board of commissioners of the town of Oriental in said district are authorized and

Appointment of election officers. directed to appoint the necessary election officers, registrars and judges of election, and any other officers necessary for properly conducting such election, and at the same time that the said town commissioners may appoint the election officers for the election of the

Ballots. town officers of the said town. Those qualified voters approving the issue of bonds provided for in section two and the levying and collection of the particular or special tax provided for in section six 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."

Effect of election. If a majority of such voters shall vote "For schools," it shall be deemed and held that a majority of the qualified voters of the said

graded school district are in favor of granting the aforesaid board of graded school trustees authority to issue such bonds and to the board of commissioners of Pamlico County authority to levy such particular or special taxes, and the said board of trustees and the 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 election officers shall certify the said election to the board of commissioners of the town of Oriental on the third day after the holding of such election, and the said board of commissioners of the town of Oriental shall hold a special meeting on said third day after said election to receive and canvass the returns of said election, and shall declare the results thereof, and the results of such election duly ascertained as above provided shall be enrolled upon the minutes of the said board of commissioners of the said town of Oriental, and the mayor and secretary or clerk of said town of Oriental shall certify the result of such election duly ascertained as above provided to the board of commissioners of Pamlico County, who shall cause the same to be enrolled upon the minutes of the board of commissioners of Pamlico County and also upon the records of elections of said county. That the said board of commissioners of the town of Oriental shall, after canvassing the returns, declare the result thereof at their usual place of meeting in the town of Oriental, and likewise the chairman of board of commissioners of Pamlico County, upon receipt of the result of said election, certified by the mayor and town clerk as aforesaid, shall declare the result of such election at the court-house door in Pamlico County on the same day and as soon as they shall have received the same. After twenty days from the date of the enrollment of the results of such election by the commissioners of the town of Oriental, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited, and shall not thereafter be open for attack for any cause: *Provided, further*, that if a majority of the qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular or special taxes, said board of commissioners of the town of Oriental 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 trustees, and if at such 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.

Proviso: returns.

Canvass.

Certificate and record.

Declaration of result.

Record conclusive after twenty days.

Proviso: further election.

Sec. 9. That H. L. Gibbs and A. F. Midyette, together with the public school committee appointed by the county board of education, shall be and are hereby constituted a board of trustees for the public schools of said graded school district. That the said trustees shall hold office until the first Monday in July, one thousand nine

Board of trustees.

Term of office.

Election of trustees.

hundred and thirteen. That the two trustees shall be elected by a majority vote of the qualified voters of the said district at the regular election held in the town of Oriental for the election of the town officers of said town, and shall be elected every two years and their terms of office shall begin the first Monday in July following such elections, and the election of such trustees shall be certified by the mayor of the town of Oriental and the clerk of the board of town commissioners to the board of education of Pamlico County:

Proviso: vacancies.

Provided, 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

Proviso: trustee not an officer.

trustees: *Provided*, that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen of the

Proviso: first election.

constitution of this State: and *Provided, further*, that the first election of said trustees to succeed the two trustees hereby appointed shall be at the regular election to be held by the town of Oriental in May, one thousand nine hundred and thirteen.

Incorporation.

Sec. 10. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by

Corporate name.

the name and style of "The Board of Graded School Trustees of

Corporate powers.

Oriental," and that by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift or purchase, 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 or change at pleasure.

Trustees to establish schools.

Sec. 11. That it shall be the duty of said board of graded school trustees to establish graded public schools for the white and colored children of said graded school district, and said board shall use and

Use and appropriation of funds.

appropriate the funds derived from said particular or special taxes and from all other sources in such manner as shall be to them reasonable and just to both races, giving to each school such facilities as they think just and reasonable, due regard, however, being had to the cost of establishing and maintaining the graded schools, of each race, the amount of said tax paid by each shall be taken in

Control of schools and property.

consideration. That the board of trustees provided by this act shall have entire and exclusive control of the public schools and

Rules and regulations.

property in the said graded school district; shall prescribe rules and regulations for their own government of the schools not inconsistent with the provisions of this act; shall enjoy and fix compensation of officers and teachers of the public schools; shall make

Employment and compensation of officers.

School census.

an accurate census of the school population of said district as required by the general public school law of the State, and do all other acts that may be just and lawful in the management of the public

Proviso: free tuition.

school interests in said district: *Provided*, that all children resident in said district between the ages of six years and twenty-one years shall be admitted into said schools, the white children into the

schools established for the white race and the colored children into the schools established for the colored race, free of tuition charges; and those desiring admission into said schools as pay students may be admitted upon such terms as the said board may determine. The said board may admit pupils residing out of said territory of said graded school district upon such terms as the said board of trustees may deem just and reasonable: *Provided*, that the said two trustees herein and hereby provided for shall act in conjunction with the committee appointed by the board of education of Pamlico County for the colored race for the purpose only of employment of teachers, regulation of schools, taking of census and prescribing rules and regulations for the government of the colored schools in said district, which shall be the only duties of the said committee so appointed for said race in said graded school district.

Pay students.

Nonresident pupils.

Proviso: action as to colored schools.

Sec. 12. That all public school funds derived from the State and Pamlico County for the use and benefit of the public schools in said graded school district shall be kept by the treasurer of Pamlico County separate and apart from all other funds in his hands for the use and benefit of the graded public schools in said district, and by said treasurer disbursed in the manner provided in section seven of this act. Said district shall receive at all times the said proportion of the school fund from State and county, and the same general special and supplemental, that is now levied or which may be levied for the same in addition to the particular tax hereby provided for. That the property, both real and personal, of the public schools embraced within the bounds of said graded school district, whether heretofore belonging to the white or colored public schools, shall become the property of the said public graded schools, and shall be vested in said board of trustees in trust for said schools, and said board may sell the same, or any part thereof, if deemed necessary or advisable, and apply the proceeds of such sale for the benefit of said graded public graded schools.

School funds kept separate.

Disbursements.

Apportionment from general funds.

Property vested in trustees.

Power of sale.

Sec. 13. That the said board of graded school trustees shall elect annually, at least thirty days before the opening of the fall term of said public graded schools, a superintendent or superintendents, who shall supervise the graded public schools of said graded school district, and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Election of superintendent.

Sec. 14. That said board of public school trustees are hereby authorized, in their discretion, to fix a curriculum of studies and to adopt text-books for said graded public schools, in addition to the text-books now provided for the public schools of the State under State school law whenever the course of studies adopted for the said graded public schools makes the adoption of additional books necessary.

Curriculum and text-books.

Sec. 15. That it shall be the duty of said board of graded school trustees to make to the county board of education of Pamlico

Annual reports.

County annually, after the close of each school year, a full report of the operations of the graded public schools of said graded school district, which report shall contain an account of the receipts and disbursements of the public school funds of said graded school district for such school year.

Power to use funds.

Sec. 16. That the said board of graded school trustees shall have power, in their discretion, to use the sum of one hundred dollars out of the particular or special taxes levied in said graded school district for the year one thousand nine hundred and eleven, under an election heretofore held in said district under section four thousand one hundred and fifteen of the general public school law for the purpose of paying in advance, if such payment in advance will facilitate the selling of such bonds or the interest for one year on the bonds provided for in section two of this act.

Copies of act.

Sec. 17. That a properly certified copy of this act, under seal of the Secretary of State, shall be mailed to the board of commissioners of Pamlico County and to the board of commissioners of the town of Oriental immediately after its ratification, and the election provided for in this act shall be called by the said board of commissioners of the town of Oriental at the time hereinbefore provided.

Call of election.

Sec. 18. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 443.

AN ACT TO INCORPORATE THE TOWN OF McDONALD'S, IN THE COUNTY OF ROBESON.

The General Assembly of North Carolina do enact:

Incorporation.

Section 1. That the town of McDonald's, in the county of Robeson, be and the same is hereby incorporated under the name and

Corporate name.

style of the town of McDonald's, and in and by that name may sue

Corporate powers.

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 aldermen may deem necessary and expedient.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows, to wit: Beginning at the bridge across Horse Swamp, between McDonald's and Mrs. Sue McLeod's, and runs north up the swamp to the first branch that empties into the swamp from the west; thence up said branch to the Atlantic Coast Line Railroad; hence west so as to take in Edgar Toon's lot; thence west to a point straight with J. L. and L. T. Townsend's line; thence with their line to Mrs. Lizzie McCormack's corner; thence McCormack's and J. L. Townsend's line to Horse Swamp; thence up the said swamp to the beginning.

Sec. 3. The officers of said town shall consist of a mayor and three aldermen, who shall be styled the Board of Aldermen of McDonald's, and the said mayor and the aldermen shall be elected by the qualified voters of said town on the first Monday in May, one thousand nine hundred and eleven, and annually thereafter, under the same rules and regulations as are prescribed by the laws for holding such elections under chapter seventy-three of The Revisal of one thousand nine hundred and five of North Carolina, a constable and secretary and treasurer, to be chosen by the board of aldermen immediately after its organization, to hold office one year or until their successors are duly elected and qualified; and until the first Monday in May, one thousand nine hundred and eleven, Spurgeon McLean shall fill the office of mayor; F. M. Davis, A. L. Hall and F. M. Townsend shall act as aldermen; Foster Williams shall act as constable: and T. S. Gryard shall act as secretary and treasurer.

Mayor and aldermen. Election. Officers elected by aldermen. First officers named.

Sec. 4. The board of aldermen of said town shall have authority to assess and collect annual taxes for municipal purposes on all taxable persons and property within the corporate limits which are taxed for State and county purposes, under such rules and regulations as they may adopt: *Provided*, that the basis of taxation between persons and property shall be the same as established by the constitution of the State, and the taxes so assessed and collected shall not exceed twenty-five cents on the one hundred dollars of property and seventy-five cents on the poll.

Power to levy taxes. Proviso: constitutional equation. Limit of rate.

Sec. 5. That the board of aldermen of the town may pass all ordinances they may deem necessary for the good government, quiet, peace, health and safety of the town, not inconsistent with the constitution and laws of the State of North Carolina and of the United States.

Power to pass ordinances.

Sec. 6. That the willful and unlawful 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.

Violation of ordinances misdemeanor. Limit of punishment.

Sec. 7. That the mayor of said town, within the limits thereof, shall have and exercise the jurisdiction and power which are or may hereafter be conferred upon such officer 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 or may be hereafter conferred by the 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 or marshal.

Jurisdiction of mayor. Authority of constable.

Sec. 8. That the town constable shall collect and pay over to the secretary and treasurer all taxes imposed by the board of aldermen, all fines and costs, when execution is issued to him for that purpose, and return the same in due time to the secretary and treasurer. He

Constable to collect taxes.

Further duties of constable.

shall see that the ordinances of the town are enforced, and report all breaches thereof to the mayor. He shall preserve the peace of the town by suppressing all disturbances in his presence and apprehending offenders and taking them before the mayor, or if they are intoxicated or in any way not in a condition to be brought before the mayor he may confine them there until they are in a condition to be brought before the mayor. He shall execute all process directed to him by the mayor within the limits of the said town, and make due return thereof, and in the execution of any criminal process he may call to his aid such assistance as he may deem necessary; and whenever the board of aldermen may deem it necessary they may appoint as many additional constables as they see proper. He shall have the same fees for his services as are now allowed the sheriff for similar services, and such additional compensation as the board of aldermen may allow.

Additional constables.

Fees.

Duties of secretary and treasurer.

Sec. 9. The secretary and treasurer shall act as clerk of the board of aldermen and of the mayor's court. He shall keep minutes of the proceedings of all trials before the mayor, of all fines imposed, preserve the books, papers and all other articles committed to his charge, keep a strict account of all moneys coming into his hands, from any and all sources whatever, belonging to said town; pay the same out upon the order of the board of aldermen, signed by the mayor; and at the expiration of his term of office shall turn over to his successor all books, papers, money and other property belonging to said town; and for his services he shall receive such compensation as the board may allow.

Compensation.

Bond.

Sec. 10. That the secretary and treasurer, before entering upon the duties of his office, shall enter into bond, conditional upon the faithful performance of his duties, in a sum not to exceed five hundred dollars, payable to the State of North Carolina, with surety to be approved by the board of aldermen, and the town constable shall enter into like bond before entering upon his duties. And the board of aldermen shall institute suit in the name of the town of McDonald's upon the relation of the State of North Carolina for any violation of said bond.

Suit on bond.

Powers of mayor.

Sec. 11. That the mayor shall have power to commit any offender who is sentenced to imprisonment for misdemeanor or violation of the town ordinances, or for contempt of the mayor's court, or upon failure to pay fine or costs, to the common jail of the county, and the sheriff or jailer shall receive such prisoners as are committed by the mayor, and shall charge the same fees as in case of other prisoners; or the mayor shall have power, under such rules and regulations as the board of aldermen may adopt, to require any person who fails to pay fines and costs to work on the streets of the town till the fines and costs are paid.

Street work in payment of fines.

Mayor to qualify.

Sec. 12. That the mayor, immediately after the election, and before entering upon the duties of his office, shall, before a justice of

the peace, or other person qualified to administer an oath, 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.

Aldermen to qualify.

Sec. 13. That each alderman, before entering upon the duties of his office, shall take before the mayor or some justice of the peace or other person qualified to administer an oath, the oath 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 office.

Sec. 14. That the mayor and aldermen shall hold their offices respectively until the next ensuing election and until their successors are elected and qualified. The mayor, when present, shall preside at the meetings of the board of aldermen, but shall not be entitled to vote upon any question except in case of a tie. In the absence of the mayor the board may appoint one of their number mayor *pro tempore*. The said board shall have power also to fill all vacancies which may occur.

Mayor to preside. Vote on ties. Mayor pro tem. Vacancies.

Forfeit for failure to qualify.

Sec. 15. Any person qualified to serve and elected mayor or aldermen, either by the electors at their annual election or by the board, to fill a vacancy, or otherwise, who shall not take the oath of office within five days after his election, or who having qualified, shall fail to serve during the term for which he may be elected (inability from sickness, removal from the town, or resignation excepted), shall forfeit and pay fifty dollars to be recovered before any justice of the peace of Robeson County, in the name and for the benefit of the town of McDonald's.

Powers of aldermen as to streets

Sec. 16. That the board of aldermen shall have power from time to time to open out any new streets and alleys within the limits of said town by paying the owners through whose land the said streets and alleys may run, the damages, if any there be: *Provided*, that if the said aldermen and the owners of said land can not agree as to the price of the same, it shall be left to three disinterested persons, to be selected as follows: the aldermen shall select one and the owner of the land one, and the two thus selected shall select the third man, and the persons thus selected shall assess the damages; and if the owner of the land shall fail or refuse to select a man, then the aldermen shall select two men, and the two thus selected shall select the third, and the three shall assess the damages to the land: *Provided*, that either party being dissatisfied with the decision of the persons thus selected by giving bond for the payment of costs, may appeal to the superior court.

Assessment of price.

Proviso: right of appeal.

Terms of office.

Sec. 17. That the mayor and aldermen and constable and secretary and treasurer named in this charter shall hold said offices, with all the powers, privileges, rights and responsibilities which this charter gives, until their successors are elected and qualified.

General law applicable.

Sec. 18. That in addition to the rights, franchises and immuni-

ties conferred by the foregoing sections, the town of McDonald's shall have and be subject to all the provisions contained in The Revisal of North Carolina, of one thousand nine hundred and five, chapter seventy-three, not inconsistent with this act.

Sec. 19. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 444.

AN ACT TO VALIDATE THE ELECTION OF OFFICERS IN THE TOWN OF WEBSTER.

The General Assembly of North Carolina do enact:

Preamble.

Section 1. That, whereas, an election was held for the town of Webster on the seventh day of May, one thousand nine hundred and ten, for the election of a mayor and board of aldermen, and there is some question as to the regularity of the same: Now, it is enacted that the said election be and the same is hereby in all respects ratified, validated and confirmed, and the acts of the officers then elected are hereby validated and confirmed.

Election validated.

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

Ratified this the 8th day of March, 1911.

CHAPTER 445.

AN ACT TO AMEND THE CHARTER OF THE FARMERS' MUTUAL FIRE INSURANCE ASSOCIATION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Limit of amount insured.

Section 1. That chapter three hundred and forty-three of the Acts of the General Assembly of North Carolina, ratified on the sixth day of March, eighteen hundred and ninety-three, entitled "An act to incorporate the Farmers' Mutual Fire Insurance Association of North Carolina," be amended by striking out section six (6) of said act.

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

Ratified this the 8th day of March, 1911.

CHAPTER 446.

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 SIX, ONE THOUSAND NINE HUNDRED AND ELEVEN.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and forty-one, Private Laws of one thousand nine hundred and nine, entitled "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 six, one thousand nine hundred and nine," be amended by striking out section two of said act and inserting in lieu thereof:

Sec. 2. That section twenty-four of chapter four hundred and three of the Private Laws of nineteen hundred and five, be and the same is hereby repealed, and the following inserted in lieu threof:

"Sec. 24. That unless the work be commenced under this charter within two years from and after the sixth day of March, one thousand nine hundred and eleven, then this charter shall become null and void." Time for beginning work.

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

Ratified this the 8th day of March, 1911.

CHAPTER 447.

AN ACT TO PROVIDE A PROPER LOCATION FOR A PUBLIC SCHOOL BUILDING IN DISTRICT NUMBER EIGHT FOR BERTIE COUNTY, JUST ACROSS THE COUNTY LINE AND IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

That for the purpose of procuring a suitable location for a public school building for School District Number Eight, White Race, Roxobel Township, in Bertie County.

Section 1. The county board of education of Bertie County is hereby permitted and authorized, if in their judgment they find it necessary for said school site, to purchase or otherwise procure the said location just across the county line and Hertford County, not over one hundred and fifty yards from said county line on the public road leading westward from town of Aulander, near or about three miles from said town of Aulander. Purchase of land outside of county.

Pupils.

Sec. 2. Any child of white race living or residents within the territory embraced in said District Number Eight, in Hertford County, shall have the privilege of attending and being enrolled as pupils of said District Number Eight, of Bertie County.

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

Ratified this the 8th day of March, 1911.

CHAPTER 448.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-TWO, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE INCORPORATION OF FUQUAY SPRINGS.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. That section two of chapter two hundred and ninety-two of the Private Laws of one thousand nine hundred and nine, be stricken out and the following inserted in lieu thereof: "That the corporate limits of said town shall be as follows: Beginning at the present southwest corner of the incorporation of Fuquay Springs; thence in a southerly direction five hundred and ten yards to a stake in .... Jones's line, being corner of Bexton's and Wilborn's line; thence east with Jones's and Winborn's line one thousand two hundred and ninety-six yards to a stake; thence north two thousand one hundred and sixty yards to a stake in Enniss' land; thence due west one thousand seven hundred and twenty-eight yards to a stake on Aiken's land; thence due south one thousand seven hundred yards to a stake in Powell's and Jones's line; thence easterly with said line one hundred and forty-six yards to Powell's and Jones's corner; thence one hundred and forty yards in a southeasterly direction to Sexton's and Wilborn's corner, the second call."

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

Ratified this the 8th day of March, 1911.

CHAPTER 449.

AN ACT TO PROVIDE A SALARY FOR THE SUBSTITUTE RECORDER IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter six hundred and eighty-three of Public Laws of one thousand nine hundred and nine, section two, be

amended as follows: In line fourteen strike out all after the word "recorder" down to and including the words "provided by law," the same being lines fourteen to twenty, and insert in lieu thereof the following: "That beginning April first, one thousand nine hundred and eleven, the sub-recorder shall be paid equally by the city of Monroe and the county of Union the sum of two dollars for each case tried by him which has been removed upon affidavit of either party to the action: *Provided,* the sub-recorder shall not receive more than twenty dollars as sub-recorder for any one calendar month."

Pay of sub-recorder.

Proviso: limit.

Sec. 2. That in each and every case where the defendant is convicted by the recorder or sub-recorder, a fee of fifty cents, to be known as the sub-recorder's fee, shall be taxed in the bill of costs in addition to the other costs, which fee shall be paid to the city of Monroe and county of Union in equal proportions.

Tax fee.

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

Ratified this the 8th day of March, 1911.

CHAPTER 450.

AN ACT TO AMEND PRIVATE LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND FIVE, CHAPTER THREE HUNDRED AND FORTY-NINE, SECTION TWO, PAGE EIGHT HUNDRED AND NINETY-FOUR, ENTITLED AN ACT TO INCORPORATE THE BELHAVEN GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the graded school committee of the Belhaven graded school district, as set forth in section one of the Private Laws of North Carolina of one thousand nine hundred and five, chapter three hundred and forty-nine, page eight hundred and ninety-four, shall consist of five members, whose duties shall be the same as set forth in the Private Laws of one thousand nine hundred and five, above referred to, who shall be elected by the majority of qualified voters in said graded school district, at the time of holding the election of the town officers for the town of Belhaven, on the first Monday in May, one thousand nine hundred and eleven, to hold office until the next general election for State and county officers, when said committee shall be re-elected to hold office for a term of two years, or until their successors shall qualify. Said committee shall be elected every two years thereafter at the time of holding general elections to elect State and county officers. When any vacancy shall occur in said committee or otherwise than by

Graded school committee.

Election.

Term.

Election of successors.

Vacancies.

expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by said committee.

Sec. 2. That all laws and parts of laws inconsistent 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 8th day of March, 1911.

CHAPTER 451.

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

The General Assembly of North Carolina do enact:

Power to enforce sidewalk improvements.

Section 1. That the board of commissioners of the town of Reidsville, in the county of Rockingham, shall have, and is hereby granted, authority and power to require and compel the owners of lots of land in said town to pave the sidewalks as far as said sidewalks may extend along said lots, and to the street adjacent to said lot, under such rules and regulations as the said board of commissioners may adopt, the said work to be done under the supervision of such person as may be designated by the board of commissioners, and on failure of said owner to do as required in regard to said paving under this act within twenty days after written notice to such owner by such person as may be designated by the said board of commissioners, if said owner can be found, or if he can not be found, then after publication of a notice to the said owner by the mayor of the town of Reidsville or such other person as may be designated by the board of commissioners of the town of Reidsville once a week for two weeks in some newspaper published in the town of Reidsville, notifying the said owner to do and perform such acts as may be required of him by the said board of commissioners, the said board of commissioners may cause the said work hereinbefore specified to be done, and such part of the expenses thereof shall be paid by the owner of said lot as the board of commissioners may require of him, and the said expenses shall be a lien on said lot, and if not paid within two months after the completion of said work, said lot may be sold to pay the expenses aforesaid under the same rules, regulations and rights of redemption as are provided in the charter of the town of Reidsville for unpaid taxes: *Provided, however*, that the board of commissioners, in order to secure uniformity in the work to be done, may, after giving notice to the owner of said land in the manner hereinbefore prescribed, have all the work done by the city forces or by contract and charge such part of the actual cost of such work to the owner of the abutting property, and said charge shall be a lien on said abutting property and paid by the owner and collectible as hereinbefore provided:

Lien on lots.

Proviso: work done by city.

Lien on property.

Provided, further, that if the property owner shall elect, and give notice of the fact in writing to the board of commissioners within the two months hereinbefore prescribed, he shall have the privilege and option of paying his part of said expenses in five equal annual installments, each installment to be a lien on the abutting property and to bear interest at the rate of six per cent per annum from the date on which the said work is done and completed, up to the time when the same shall be paid, and the said installments shall be a lien on said abutting property and be paid by the owner thereof, and in case of the failure or neglect of any property owner to pay either of said installments when it shall be due and collectible, then and in that case, each of the said installments shall become due and payable and collectible as provided above: *Provided, further,* that whenever the board of commissioners of the town of Reidsville has had any of the said work done, it shall give the owner of the abutting property ten days notice of the amount charged against his said property if he can be found, or if he can not be found, the mayor of the town of Reidsville, or such other person as may be designated by the board of commissioners, shall publish a notice of such charges once a week for two weeks in some newspaper published in the town of Reidsville, and if the said owner is dissatisfied with the amount so charged against him, he may give written notice to the board of commissioners of the town of Reidsville within the ten days aforesaid, that he appeals to the next term of the superior court of Rockingham County, and shall within five days thereafter serve a written statement on the said board of the 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 to the said court from any order or act of the board of commissioners, made or done under this section, but said appeals shall not delay, stop or hinder the said improvements.

Proviso: payment in installments.

Proviso: notice to landowner.

Right of appeal.

Sec. 2. That the board of commissioners of the town of Reidsville may adopt ordinances imposing penalties on persons failing or refusing to make the improvements mentioned in this act.

Penalties for failure to make improvements.

Sec. 3. That the board of commissioners of the town of Reidsville is hereby authorized and empowered to construct a system of sewerage, erect septic tanks, obtain and construct drains and outlets and cut ditches for said sewerage, acquire and hold rights-of-way, water rights, light privlieges, or any other right for any kind of public improvements, whether within or without the corporate limits of the town of Reidsville, and may condemn land for these purposes and the proceedings for condemnation of said land shall be as provided in section four of this act.

Sewerage system.

Rights-of-way.

Sec. 4. That when any land shall be required for the purpose of opening new streets or widening or changing those already opened, for obtaining rights-of-way or for the purpose of erecting septic

Process for condemnation of land

tanks, for obtaining water rights and light privileges, for constructing a system of sewerage and obtaining and constructing drains and outlets and cutting ditches for the same, or for any other purpose or public improvements, whether within or without the corporate limits of the town of Reidsville, and for want of agreement as to compensation therefor to the owner of said land, the same can not be purchased from the owner or owners at the price the board of commissioners of the town of Reidsville may consider reasonable and just, the said land or other property may be condemned and taken by the said board of commissioners at a valuation to be made by three disinterested freeholders of the town of Reidsville, one of whom shall be chosen by the board of commissioners of the town of Reidsville, and one by the owner or owners of said land, and in case these two do not agree as to the price, then the two thus chosen shall select a third freeholder, and in case the owner or owners or any of them fail or refuse to choose a freeholder as above mentioned for five days after being notified in writing by the mayor of the town of Reidsville so to do in case the said owner can be found, or if he can not be found, then by publication by the said mayor of such notice once a week for two weeks in some newspaper published in the town of Reidsville, then it shall be the duty of the said board of commissioners to appoint a disinterested freeholder to act on the part of said owner or owners, and after notice to the owner of said land by the mayor of the town of Reidsville in case the owner can be found, or if he can not be found, then by the publication of a notice by the said mayor in some newspaper published in the town of Reidsville, once a week for two weeks of the time and place when and where the said land shall be condemned, and after the said freeholders have been duly sworn by some person authorized to administer oaths to act impartially and fairly, the said freeholders shall proceed to condemn the said land for any of the purposes hereinbefore specified for which they may be called to condemn the same, and they shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right-of-way, or right for water, lights, sewerage, septic tanks, drains, outlets and ditches for said sewerage or other objects of public improvements being taken and surrendered, also such benefit or advantage which the owner may receive from the improvements aforesaid or either one of them for which said condemnation is made, and ascertain the sum, if any, which shall be paid to the owner of said property and make their report under their hands to the board of commissioners of the town of Reidsville, which report, on being confirmed by the said board, shall be spread upon their minutes and the title to the said land or other property so taken shall at once pass to and be vested in the town of Reidsville, and the said land or other property may at once be taken by the board of commissioners of the town of Reidsville for the purpose intended, and the amount, if any, reported by the freeholders to be due the owner of said land, shall be paid

him by the said board of commissioners: *Provided*, that if any person whose land or other property is taken under this act, or the board of commissioners of the town of Reidsville, shall be dissatisfied with the valuation thus made, then and in that case, either of said parties may appeal to the next term of the superior court of Rockingham County, but said appeal shall not stop, hinder or delay the board of commissioners of the town of Reidsville from beginning or continuing the aforesaid work or making the said improvements: *Provided*, the party appealing shall serve notice of appeal on the opposite party within ten days after the report of the freeholders aforesaid is filed with the board of commissioners of the town of Reidsville. Proviso: right of appeal. Proviso: notice of appeal.

Sec. 5. That the board of commissioners of the town of Reidsville is hereby authorized and empowered to require all persons on a line of sewer to connect their premises with the said sewer with proper fittings and plumbings, and under such rules and regulations as the said board may adopt, and in case of neglect of such owner to connect his premises as aforesaid, after notice in writing from the mayor of the town of Reidsville so to do, in case he can be found, or if he can not be found, by the publication of a notice by the said mayor in some newspaper published in the town of Reidsville, once a week for two weeks, the said commissioners may have the said work done and the owner of said premises shall pay such part of said expenses as the board of commissioners may require of him, under the rules and regulations as they may adopt, and the expense of said work, if the owner shall be required to pay any part thereof, shall be a lien on the said premises of said owner, and shall be paid by him, and in case of his failure to pay said expenses within two months after the completion of said work, the said premises may be sold under the rules, regulations and rights of redemption provided in the charter of the town of Reidsville for the sale of land for unpaid taxes. Enforcement of sewer connections. Work done by city. Expense a lien on premises. Enforcement of payment.

Sec. 6. That all laws and parts of laws so far as they conflict with this act are hereby repealed.

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

Ratified this the 8th day of March, 1911.

CHAPTER 452.

AN ACT TO INCORPORATE THE DIME SAVINGS BANK.

The General Assembly of North Carolina do enact:

Section 1. That J. W. Jones, J. S. Fitts, Winston Rucker, M. P. Matthews, Chas. T. Hampton, S. G. Atkins, and their associates, successors and assigns, be and they are created a body politic and corporate under the name and style of the Dime Savings Bank, and by Incorporation. Corporate name.

Corporate powers. such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State, have a common seal and succession of sixty years.

Rights incident to savings banks. Sec. 2. This company is especially invested with the powers and privileges usually incident to savings banks; may receive deposits in very small sums, and may pay interest thereon.

Limits of capital. Sec. 3. The capital stock of said company shall not be less than ten thousand dollars, but may be increased from time to time, not Shares. to exceed thirty thousand dollars, in shares of ten dollars each, to be paid in as follows: fifty per cent of each share subscribed shall be Payments for stock. paid in cash and ten per cent each year in monthly installments, or otherwise, as may be deemed expedient. Such corporators may, however, commence the business of banking when five thousand dollars Capital to begin business. of the capital stock has been paid in.

Books of subscription. Sec. 4. The corporators named above, or any five of them, may open books of subscription, and after one thousand shares of ten dollars each have been subscribed the subscribers may meet and Organization. organize by the election of a board of seven directors, who shall manage the affairs of the company for one year and until their successors are elected, and who shall elect all necessary officers of the corporation, including a president, vice-president and cashier, provided no person shall be a director in said corporation without first taking at least five shares of stock.

Duty of directors. Sec. 5. It shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government of the corporation, to elect officers, prescribe their duties, fix salaries, fill vacancies, take bonds for officers of the company, and generally do and perform such duties as the regulations and by-laws shall prescribe.

General banking business. Sec. 6. Said company shall have the right to do a general banking business, subject to the State banking laws, to receive deposits, to make loans and discounts, to procure loans for others. It shall Enumeration of powers. have power to borrow money in such amounts as the board of directors may determine, and to issue certificates of deposit. It may receive money on deposit on open account or on certificate of deposit, and pay interest thereon or not. It may act as guardian, executor, administrator, or trustee of estates. It may loan money on mortgage or deed of trust or other security. It may receive Deposits of minors. money deposited by a minor, and such money may be withdrawn by the minor without the consent of the parent or guardian of such minor, and his or her check or receipt therefor shall be as binding upon such minor as though he or she were of age.

Power to act as fiduciary. Sec. 7. Said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, person or persons; it shall have power to accept any grant, assignment, transfer, devise or bequest, and to execute the same on such terms as may be agreed upon. It may receive funds in litigation, and pay such interest thereon as may be agreed upon.

Sec. 8. Stock held by any one shall be transferred only on the books of said corporation either by person or by power of attorney, and no stockholder shall transfer his stock except by the consent of the directors, or if he is indebted to the corporation as principal, surety or otherwise, until such indebtedness is paid off and discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of such stockholder. Transfer of stock. Lien on stock.

Sec. 9. Should any subscriber to the capital stock, after he or she has made a payment or payments thereon, fail or refuse to pay the balance due on such subscription as the same may be called for, the board of directors may, after reasonable notice to such delinquent subscriber or representative of such, sell the interest of such subscriber in this company at public outcry at the door of the office of the company after ten days notice, and out of the proceeds pay any delinquency so far as it may go. Collection of subscriptions.

Sec. 10. The principal office of this company shall be at Winston-Salem, North Carolina. Principal office.

Sec. 11. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 453.

AN ACT TO CREATE SUMMERVILLE SCHOOL DISTRICT IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the following territory in Harnett County is hereby erected into Summerville school district, to wit: Summerville school district.

Beginning at mouth of Fish Creek, in Upper Little Township, on Cape Fear River, and running up the various courses of said creek to mouth of Watery Branch; thence direct line to head of Duncan's Creek; thence down the various courses of said creek to Lillington and Johnsonville road; thence with said road to Cross Roads at Lewis Brown's; thence with Summerville road about north to Lillington and Jonesboro road at "Little Italy"; thence direct line to point on river road leading from Lillington to Norval, where line between lands of Hector Atkins and A. F. Johnson cross said road; thence with said line to Cape Fear River; thence up the various courses of said river to the beginning. Boundary.

Sec. 2. That Summerville school district shall displace and be held as established in lieu of "District Number 1, White Race, Upper Little River Township," and shall in all particulars be deemed and held as one of the public school districts of Harnett County, and subject to the same regulations and entitled to same benefits; and none of the property in said district shall be liable to any special or local district school taxes for the benefit of the school subjects of any other district than the said Summerville school district. Displacement of former district.

Act not effective until ratified by voters.

Sec. 3. That this act shall not become effective until and unless there shall be called an election as provided for in section four thousand one hundred and fifteen of The Revisal of one thousand nine hundred and five, as amended, and unless a majority of the qualified voters in said election shall vote "for special tax."

Sec. 4. That all laws and clauses of laws in conflict with this act, in so far as they conflict herewith, are repealed.

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

Ratified this the 8th day of March, 1911.

CHAPTER 454.

AN ACT TO LEGALIZE THE MARRIAGE OF S. W. COOPER AND ELIZA PUGH.

Preamble.

Preamble.

Whereas, the term of office of Dallas Cahoon as a justice of the peace for Tyrrell County expired the first day of December, one thousand nine hundred and six; and whereas, the said Dallas Cahoon being ignorant of the fact, did during the month of February, one thousand nine hundred and seven unite in marriage S. W. Cooper and Eliza Pugh, as authorized by marriage license issued by the register of deeds of Tyrrell County; and, whereas, it is desired that said marriage be legalized; now therefore,

Preamble.

The General Assembly of North Carolina do enact:

Marriage declared valid and lawful.

Section 1. That the said marriage contracted and solemnized between S. W. Cooper and Eliza Pugh, be and the same is declared to be lawful and valid from the date the said marriage was solemnized.

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

Ratified this the 8th day of March, 1911.

CHAPTER 455.

AN ACT TO INCORPORATE LIBERTY POINT MONUMENT ASSOCIATION AT FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Preamble.

Section 1. That whereas, on the twentieth day of June, one thousand seven hundred and seventy-five, as authenticated in Wheeler's History of North Carolina, page one hundred and twenty-five, certain citizens of the county of Cumberland, therein named, met at what is known as "Liberty Point," at the junction of Bow and Person streets, in the city of Fayetteville, and adopted what is known as

"Liberty Point Resolutions," in which they declared their purpose and intent to become independent of the then existing government of Great Britain, and pledged their lives and fortunes for the promotion thereof and establishment of self-government; and the said organization of ladies has for the purpose of annually celebrating the event and for the erection of a monument to commemorate the bravery and patriotism of the men who participated therein, as an everloving reminder of the valor and patriotism, the following named persons and such others as are now and may become associated with them, to wit: Mrs. Clifton Rankin, Mrs. L. G. Ayer, Mrs. A. E. Dixon, Mrs. C. D. Sedberry, Miss Kate D. Smith, Mrs. W. G. McLaughlin, Mrs. W. N. Williams, Mrs. J. Sprunt Newton, Mrs. J. H. Currie, Mrs. H. S. Sedberry, Mrs. R. H. Buckingham, Mrs. E. H. Jennings, Mrs. A. S. Huske, Mrs. R. C. Haigh and Mrs. J. R. McKeithan, are hereby constituted and declared to be a body politic and corporate by the name and style of "Liberty Point Monument Association," with all the powers, rights and privileges incident or belonging to said corporation as set forth in chapter twenty-one of The Revisal, and amendments thereto, except as herein provided. Corporators. Corporate name. Corporate powers.

Sec. 2. That said corporation shall be located in the city of Fayetteville, North Carolina, and the corporate powers of the same shall be vested in and exercised by a board of lady managers to consist of not less than fifteen persons, and the said board shall have the power at each annual meeting to elect a president, vice-president, secretary, treasurer and such other officials as may be deemed best; and at all meetings of the said board five members of the same shall constitute a quorum, and until the association is regularly organized under this act and officers elected, the ladies named in section one of this act shall constitute a board of managers, and they shall meetin the city of Fayetteville at any time before the first Monday in July, one thousand nine hundred and eleven, and elect the officials herein provided for. Notice of the time and place of meeting shall be given in one or more newspapers published in the city of Fayetteville for ten days prior to the said meetings, and at said meetings any five of the said ladies named in this act shall constitute a quorum. Location. Exercise of powers. Election of officers. Quorum. First board named. Meeting for organization. Notice of meeting. Quorum.

Sec. 3. That the membership fee of said corporation shall be the sum of one dollar, and any person paying the same shall upon application become a member thereof. Membership fee.

Sec. 4. That there shall be a regular annual meeting of said corporation held on the first Tuesday of May of each year, after the year one thousand nine hundred and eleven, and at such meeting the board of lady managers shall be elected by those present and shall have the management of the affairs of the association and elect the officers provided for; and at all annual or other meetings of the association five ladies shall constitute a quorum. Annual meetings. Election of managers. Quorum.

Sec. 5. That the said board of lady managers shall have power Powers of managers.

to make such by-laws, rules and regulations not inconsistent with this act for the government of the association and the management and disposition of its funds in the erection of a monument at "Liberty Point," in the city of Fayetteville as from time to time they may deem proper.

Subscriptions and donations.

Sec. 6. That said association may have power to receive subscriptions in money or property of any kind by donation or otherwise, and such subscriptions or donations of money or property shall be faithfully applied towards the erection of the said monument.

Rights heretofore granted.

Sec. 7. That the said association shall succeed to all the rights and privileges heretofore granted by the city of Fayetteville or other authorities, to be controlled and used by said "Liberty Point Monument Association," in the erection of said monument and the maintenance of the grounds surrounding same.

Orders upon treasurer.

Sec. 8. That all orders for money upon the treasurer shall be signed by the president and countersigned by the secretary.

Sec. 9. That this act shall take effect and be in force from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 456.

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:

Territory.

Section 1. That the following described territory lying and being in Hertford County, in Ahoskie Township, bounded as follows, to wit:

Boundary.

Beginning at Bonner's bridge, running thence northwardly along the county road to the dividing line, between the bounds of L. Taylor's heirs and J. E. Britt, thence eastwardly to the run of 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 southwardly along the east side of the said railroad's right-of-way to the First avenue in the town of Ahoskie, thence eastwardly along said avenue to Rue street, thence northwardly along said Rue street to Third avenue, thence eastwardly a line through the woods to the original school district line, thence southwardly 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 right-of-way, thence a westwardly course up said swamp's meandering course to

the east side of the Atlantic Coast Line Railroad's right-of-way, thence southwardly 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 to be known as the "Ahoskie School District Number Eleven." Incorporation as school district. Name.

Sec. 2. That the said board of trustees hereinafter named shall within ninety days after the ratification of this bill, submit to the qualified voters of said district above created the question of establishing a special tax school district. The said trustees shall give thirty days notice of said election, by notices posted at four 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 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 the election of members of the General Assembly. Election within ninety days. Notice of election. Election officers. Law governing election.

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" and the results of the election shall be declared by the same rules that govern the election of members of the General Assembly. That said election shall be held at the schoolhouse in 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 eleven, and annually thereafter, a special tax not to exceed fifty cents on the one hundred dollars valuation of all the taxable property of said school district and not to exceed one dollar and fifty cents upon each taxable poll. The tax so levied shall be collected as other 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 settlements 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 approved 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. Tickets. Returns. Polling place. Levy of tax. Rate. Collection. Bond of collector. Compensation.

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 trusteees for the graded schools of said district. Tax paid over to treasurer.

Sec. 4. That the following persons be and they are hereby ap- Trustees.

pointed trustees for said school district, as follows: "E. J. Gerrock, A. E. Garrett, J. A. Williams, J. R. Garrett, J. H. Mitchell, and L. T. Sumner, who as soon as practicable after the ratification of this act shall meet and elect one of their number as chairman and another secretary, and shall divide themselves by lot into three classes, two of whom shall hold office for two years, two for four years and two for six years, and until their successors are duly elected and qualified, as provided in section five of this act.

Organization.

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 of a majority vote thereof, until the next general election, when such vacancies shall be filled by election as hereinbefore provided.

Vacancies.

Trustees incorporated.

Corporate name.

Corporate powers.

Sec. 6. That said board of trustees of Ahoskie graded school district shall be and remain a body corporation under that name, and may adopt 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 and agreements.

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.

Bond issue authorized.

Amount.

Denominations.

Interest.

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 bonds at a rate not to exceed six 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,

Maturity.

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

Authentication.

the bonds shall be signed by the chairman of said board and countersigned by its secretary, and have the corporate seal of said

Record.

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 dates of issuing thereof, the amounts 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.

Sec. 8. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said board or 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 the receipts to the purchaser produced as an 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 bonds 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 sums and with satisfactory sureties as they may require, and in default thereof to remove him from his office as treasurer.

Sale below par and delivery before purchase forbidden.

Treasurer to receive proceeds.

Liability on bond.

Bond of treasurer.

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 school sites, in erecting suitable buildings and furnishing the same with necessary equipments for the accommodations of the graded schools of said district, and for such other school purposes as the trustees may order.

Moneys kept separate.

Expenditures.

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 the 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 or real estate worth not less than double the amount of the loan.

Sinking fund.

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.

Payment of interest.

Sec. 12. The question of issuing said bonds shall be submitted to the qualified voters of Ahoskie 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 advertised by the trustees of said district for thirty days prior to the day of election in the Hertford County Herald, and by notices posted in four public places in said didstrict, and the said election shall be held under such rules and regulations as prevail 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

Election on bond issue.

Advertisement of election.

Law governing election.

Ballots.

shall vote a written or printed ballot with the words "Not approved" upon it. 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 Hertford County, who shall furnish the chairman of 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 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 purposes aforesaid.

Returns.

Certificate of result.

Effect of election.

Election of treasurer.

Sec. 13. That said board of trustees at their first regular meeting in one thousand nine hundred and eleven 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.

Monthly reports.

Compensation.

Employment of teachers and officers.

Sec. 14. The said trustees shall have power to employ all teachers, select all officers necessary for the management of said schools and shall have power upon such terms as may seem just to allow children outside of said territory to attend such schools.

School funds to trustees.

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.

Use.

Sec. 16. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 457.

AN ACT PROVIDING FOR IMPROVEMENTS IN SIDEWALKS, ETC., IN THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Lot owners to improve sidewalks, streets and gutters.

Section 1. That every owner of a lot on a street in the town of Rockingham, if so ordered by the board of commissioners of said town, shall improve, curb, pave or repair, in such manner as the board of commissioners may direct, such sidewalks as far as it may extend along such lots; and shall, also, if so directed by the board of commissioners, macadamize, pave or otherwise improve the gutters adjoining the said sidewalks and one-fourth of the streets adjoining with such materials and in such manner as may be required by the board of commissioners, and all work done under this sec-

tion shall be done under the strict supervision of the superintendent of streets or of the street committee; and on failure to do as directed within twenty days after the notice of the superintendent of streets or of the chief of police to said owner, or, if he be a nonresident of the county of Richmond, 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 Richmond County calling on the owner to make such repairs, the board of commissioners or superintendent of streets may cause the same to be repaired or improved as directed by the board, and the expense shall be paid by the person in default. Said expense 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 by law for the sale of land for unpaid taxes: *Provided, however,* that the board of commissioners, 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 centum 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 collected; and in case of the failure or neglect of any property owner to pay such 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 said owner of the said abutting property ten days notice of the amount charged against his said property, and if said owner is dissatisfied with the amount of the said charge he may give notice to the board of commissioners within ten days, aforesaid, that he takes an appeal to the next term of the superior court of Richmond County and shall within five days thereafter serve a statement of facts upon which he bases this 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 commissioners made or done under this section, but said appeal shall not delay or stop the said improvements.

Supervision of work.

Work done by town on failure.

Expense a lien on lot.

Collection.

Proviso: option of town to do work.

Cost charged to owner. Lien on lot.

Proviso: payment in installments.

Enforcement of payment.

Proviso: right of appeal.

Trial on appeal.

Penalties for failure to make improvements.

Sec. 2. In addition to the above provisions, the board of commissioners 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 commissioners.

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

Ratified this the 8th day of March, 1911.

CHAPTER 458.

AN ACT TO PROTECT TOWNSHIPS IN UNION COUNTY THAT HAVE OR MAY HEREAFTER VOTE BONDS FOR THE BUILDING OR CONSTRUCTION OF RAILROADS.

The General Assembly of North Carolina do enact:

Bonds void unless road completed.

Section 1. That any bonds voted or issued under the provisions of the act of the General Assembly, chapter two hundred and ninety-nine, Private Laws, one thousand nine hundred and nine or other act of the General Assembly that have been or may hereafter be issued by any township in Union County under any election that has been or may hereafter be called shall be void and of no avail unless the proposed road for which such bonds have or may be voted or issued, shall have been completed to Monroe, North Carolina within three years after such bonds shall have been issued.

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

Ratified this the 8th day of March, 1911.

CHAPTER 459.

AN ACT TO ESTABLISH AND MAINTAIN A SCHOOL OF CORRECTION AND DETENTION FOR JUVENILE OFFENDERS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Establishment and maintenance of school authorized.

Section 1. That the board of aldermen of the city of Asheville, or their successors in office, be. and they are, hereby authorized and empowered to establish and maintain on the lands and premises owned by the city of Asheville on the Swannanoa River, known as the old city waterworks, a school for the training and moral and industrial development of delinquent children of the city of Asheville under the age of sixteen years.

Sentences to school.

Section 2. That the police justice of the city of Asheville and the judges holding the superior courts of Buncombe County, after such

school shall have been established, shall have the authority to sentence to such a school such delinquent and criminal children under the age of sixteen years as may be convicted of any misdemeanor, or of the crimes of larceny or perjury, within the city of Asheville: *Provided,* that such judges shall be of the opinion that it would be best for such person and the community that such person should be so sentenced: *Provided, further,* that this act shall not be so construed as to interfere with the power or authority of the police justice of the city of Asheville, or the judges holding the superior courts of Buncombe County, contained in the Public Laws of North Carolina, session of 1907, chapter 509.

Proviso: discretion of court.

Proviso: authority of judges.

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

Ratified this the 8th day of March, 1911.

CHAPTER 460.

AN ACT TO AMEND THE CHARTER OF THE WINTERVILLE HIGH SCHOOL, BEING CHAPTER FIFTY-EIGHT, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ONE.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifty-eight Private Laws one thousand nine hundred and one, entitled "an act to incoporare the Winterville High School" be and the same is hereby amended as follows:

In section one, line seven strike out word "Neuse" and insert words "Neuse-Atlantic and Roanoke" and add to word "Association" the letter "s."

Associations.

In section three, line two insert in place of word "Neuse" the words "Neuse-Atlantic or Roanoke" and in line three insert after word "association" the letter "s" and add to the word "session" the letter "s."

Associations and sessions.

Add to section three, the following: "Eight of said trustees shall be selected from the said Neuse-Atlantic Association and seven of them from said Roanoke Association and from the last respective meetings of said associations A. G. Cox, Rev. M. A. Adams and G. A. Norwood of the Neuse-Atlantic and Rev. C. W. Blanchard, Noah Biggs and W. H. Ragsdale of the Roanoke Association shall serve three years and A. D. Ward, R. H. Hunsucker and M. Leslie Davis, of the Neuse-Atlantic and G. J. Dowell and I. M. Mercer of the Roanoke Association shall serve two years and J. D. Cox and Rev. F. A. Clark, of the Neuse-Atlantic and Rev. N. H. Shepherd and Montgomery Spier of the Roanoke Association shall serve for one year and until their successors are elected.

Selection of trustees.

Trustees and terms of office.

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

Ratified this the 8th day of March, 1911.

CHAPTER 461.

AN ACT TO PROMOTE THE WELFARE AND PROSPERITY OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Appropriation for advertising.

Section 1. That the city council of the city of Wilmington, be and they are hereby authorized and empowered to set aside, appropriate and expend each year a sum or sums of money not to exceed

Amount.

in the aggregate ten thousand dollars in any one year, under such rules and regulations as the said council shall establish from time to time and as occasion may require, for the purpose of advertising, exploiting, benefiting, or increasing the industries, enterprises, business interests or welfare of the said city of Wilmington or the county of New Hanover, or locating or endeavoring to locate industries, enterprises and business interests in, near or adjoining the said city or within said county.

Details.

Sec. 2. That said sums of money may be set aside, appropriated and expended at and during such times as the said council may

Proviso: limit of amount.

deem best and advantageous: *Provided, however,* that such appropriations and expenditures shall not exceed the sum of ten thousand dollars in any one year.

When act effective.

Sec. 3. That this act shall be in full force and effect from and after June first, one thousand nine hundred and eleven.

Ratified this the 8th day of March, 1911.

CHAPTER 462.

AN ACT FOR THE RELIEF OF S. H. DUNLAP.

Preamble.

Whereas, on or about the ——— day of February, one thousand nine hundred and eleven, one Lewis West, alleged to be the leader of a band of thieves and desperadoes who had committed housebreaking and burglaries in Maxton, Fayetteville, Dunn and other towns of the State, was indicted in the superior court of Wilson County for the murder of George Mumford, deputy sheriff of Wilson County, while such officer was engaged in performing his duty in endeavoring to effect the arrest of said Lewis West and others of his

Preamble.

alleged gang, and whereas, the said Lewis West did then and there escape and was hunted by numerous posses of officers and citizens in various counties of the State, but without being apprehended, and,

Preamble.

whereas, the character and reputation of the said Lewis West was so dangerous and terrible as that he was outlawed by the authorities

Preamble.

of the county of Cumberland and of Wilson County, and, whereas, the crimes charged against him were so monstrous and outrageous

as to cause the Governor of the State to offer a reward of two hundred and fifty dollars ($250) for his capture and delivery, and whereas, a brave and fearless officer of the town of Maxton, one Preamble.
S. H. Dunlap, taking his life in his hands, did arrest and capture the said Lewis West and cause to be taken from his person much property alleged to have been stolen and many dangerous weapons, and did cause said Lewis West to be safely conveyed and delivered at the State's Prison in Raleigh, to the great satisfaction of the public at large, and whereas, the law of the State does not permit Preamble.
the payment of a reward by the Governor directly to an officer for an arrest, but whereas, the said S. H. Dunlap has performed a serv- Preamble.
ice to his State that deserves material recognition on account of the unusual and dangerous circumstances attending the capture referred to and the results accomplished, and whereas, the convey- Preamble.
ance of said Lewis West under guard to the State's prison was attended by expense to the said S. H. Dunlap; now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the sum of two hundred and fifty dollars ($250) Appropriation.
is hereby appropriated to be paid to the said S. H. Dunlap by the State Treasurer out of any funds in his hands available for that purpose.

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

Ratified this the 8th day of March, 1911.

CHAPTER 463.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-THREE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE DUNN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and seventy-three, Private Laws of one thousand nine hundred and nine be and the same is hereby amended as follows: Strike out all of section two thereof after the words "and S. J. Hooks" and insert in lieu thereof the following: "That on the first Tuesday in January, one thousand nine Election of trustees.
hundred and thirteen, and every four years thereafter the board of trustees of Dunn graded school and the mayor and board of commissioners of the town of Dunn shall meet jointly and elect four trustees to succeed the first four trustees above named, and the trustees of said Dunn graded school and the mayor and commissioners of the town of Dunn shall meet jointly on the first Tuesday in January, one thousand nine hundred and fifteen, and every four years thereafter and elect three trustees to succeed the last three

Beginning of term. trustees above named; that the term of office of the trustees so elected shall begin on the first day of July following their election; that all vacancies in said board caused by death, resignation or otherwise shall be filled in like manner: *Provided*, that no trustee shall have any voice in the re-election of himself or any person to succeed himself, but at each of such elections that class of trustees whose term of office is about to expire shall be elected by the remaining members of the board of trustees and the mayor and commissioners of the town of Dunn acting jointly.

Vacancies.

Proviso: electors.

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

Ratified this the 8th day of March, 1911.

CHAPTER 464.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-FOUR OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, IN REGARD TO THE PUBLIC SCHOOLS OF REIDSVILLE SCHOOL DISTRICT, ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and twenty-four of the Laws of one thousand eight hundred and eighty-seven (1887), entitled "An act in relation to the public schools of Reidsville School District, Rockingham County, North Carolina," be and the same is hereby amended as provided in the following sections.

Boundary line on north side.

Sec. 2. That the boundary line on the north side of said district be extended as follows: Beginning at a pine at or near the northeast corner of the old graded school district; thence north twenty-five degrees east, three thousand nine hundred and seventy feet to a stake two hundred and sixty feet north of Bennett's spring branch; thence north fifty degrees west four thousand and ninety-two feet, crossing the Danville road and the Southern Railroad to a poplar in the line between the lands of N. C. Thompson and Thos. Burton, deceased; thence north sixty-four degrees west three thousand four hundred and fifty feet crossing three branches and one road to the bridge across Terry's Creek on the Leaksville road; thence up the creek as it meanders to its intersection with the line of old graded school district near the ford on the Wentworth road; thence along the northern line of the old district to the place of beginning: *Provided*, that an election to be held in this additional territory, that a majority of the qualified voters in this additional boundary shall vote in favor of annexation to the Reidsville school district.

Proviso: vote in favor of annexation.

Call of election.

Sec. 3. That the board of education of Rockingham County, North Carolina, shall and they are hereby authorized to submit

to the qualified voters of the territory described in section two of this act, under such rules and regulations as said board may prescribe, the question of whether the said territory shall be added to the Reidsville school district, or not, and that the ballots shall be written or printed "For annexation to the Reidsville school district" and "Against annexation to the Reidsville school district," and if a majority of the qualified voters cast their votes "For annexation to the Reidsville school district," then the boundaries shall be enlarged as specified in section two of this act, and all regulations applying to the present Reidsville school district shall apply to this also: *Provided*, that if said election fails to carry that the boundaries of the Reidsville school district shall remain as they now are. Question submitted. Ballots. Effect of favorable vote. Proviso: effect of negative vote.

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

Ratified this the 8th day of March, 1911.

CHAPTER 465.

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS BY LIBERTY SCHOOL DISTRICT IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That any special school districts formed by the county board of education as prescribed by section four thousand one hundred and fifteen of The Revisal, which have been heretofore formed, or which may be hereafter formed, may hold an election upon the question as to whether bonds shall be issued by such district for school purposes in the following manner and upon the following conditions: Such election shall be ordered by the board of county commissioners provided one-fourth of the freeholders within any special tax district petitions the board of county commissioners for such election upon the issuance of bonds, stating in such petition the amount of bonds to be issued and the rate of interest such bonds are to bear and the minimum amount at which such bonds may be sold; and provided the county board of education shall in its discretion endorse the said petition and recommend to the board of commissioners that an election upon the question of issuing such bonds be held, then in that event the board of county commissioners shall order an election to be held, and cause the same to be advertised for thirty days at the court-house door in the county in which such election is to be held, and at three public places in the proposed district, in which advertisement the amount of the bonds, the rate of interest, and the minimum amount that such bonds shall be sold for shall be stated, and they shall cause such election to be held to ascertain the will of the people within the proposed special school district as to whether there shall be issued such bonds and whether there shall be levied and collected an amount of tax sufficient to Election on bond issue authorized. Order for election. Petition. Endorsement of petition. Advertisement.

pay the interest on said bonds, and provide a sinking fund to pay the same by maturity. The ordering of such election by the board of county commissioners shall conclusively presume that all precedent conditions, and provisions of this act have been complied with. The board of county commissioners shall appoint a registrar and two pollholders, and shall designate the polling place, and shall order a new registration for such district and the election shall be held in the district under the law governing general elections, and the registrar and pollholders shall convass the vote cast and declare the result, and shall duly certify the returns to the board of county commissioners, and the board of county commissioners shall record in the records of the said board of county commissioners such result, and shall upon the request of the county board of education issue such bonds in the denomination as may seem to them best, and they shall state on the face of such bonds the rate of interest they shall bear, and the minimum amount at which such bonds are to be sold; and the issuance of such bonds by the board of county commissioners in the manner above provided for shall be conclusive proof that the advertisement herein provided for to be made before the election held upon the question of issuing said bonds, has in all things been made as herein provided: *Provided*, the expense of holding such election shall be paid out of the general school fund of the county. At such election those who are in favor of the issuance of such bonds and of the levying and collection of the taxes necessary to pay the interest and provide a sinking fund to pay such bonds by maturity 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." In case a majority of the qualified voters at the election is in favor of the issuance of such bonds, the same shall be lawfully issued by the board of county commissioners in the manner above prescribed and it shall be the duty of the board of county commissioners thereafter to levy annually and collect in the manner prescribed for the levy and collection of other taxes, the necessary tax in said school district to provide for the payment of the interest on said bonds, and for the accumulation of a sufficient fund to pay said bonds by the date of their maturity, and the board of county commissioners shall have power, with the approval of the board of education in such county or counties in which such special tax or school district is situated to make orders for the security of the money raised as a sinking fund to pay said bonds and for the investment of the same, or for the redemption of said bonds at maturity; or by and with the consent of the bondholders, before maturity. All money realized from the sale of such bonds shall be placed to the credit of the school committee in such special district which committee shall be appointed by the county board of education; and said school committee shall apportion the money among

Order conclusive.

Election officers and polling place.

New registration.

Law governing elections.

Canvass and returns.

Record of result.

Bond issue.

Denominations.

Interest.

Discount.

Proviso: expense of election.

Tickets.

Levy and collection of tax.

Investment of sinking fund.

Money paid to school committee.

Apportionment.

the schools in such district in such manner as in its judgment will best promote school facilities of such district, and it is hereby empowered to use said funds for permanent improvements of such school buildings, or for the erection of such school buildings, or for such other educational purposes as to it seems proper: *Provided*, this act shall apply only to Liberty school district in Randolph County.

Proviso: application of act.

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

Ratified this the 8th day of March, 1911.

CHAPTER 466.

AN ACT TO AUTHORIZE THE ISSUING OF BONDS BY THE CHADBOURN SUPPLEMENTAL SCHOOL DISTRICT NUMBER THREE FOR THE WHITE AND COLORED RACES OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of Columbus County, upon a written application of a majority of the board of trustees of "Chadbourn Supplemental School District Number Three for the White and Colored Races," hereinafter called the Chadbourn district, is authorized and directed to submit on the first Tuesday in May, one thousand nine hundred and eleven, to the qualified voters of said Chadbourn district, under such rules and regulations as now exist or may be hereafter established for the election of members of the General Assembly, the question of issuing bonds for the erection of a suitable school building in said district, to take the place of the building recently destroyed by fire, and at such election each voter shall be entitled to vote a written or printed ballot with the words "For building bonds" or "Against building bonds" thereon.

Election on application of trustees.
Date of election.
Law governing election.
Question.
Ballots.

Sec. 2. In the event a majority of the qualified voters of said Chadbourn district shall cast ballots upon which are written the words "For building bonds," then and in that event it shall be lawful for the board of trustees of said Chadbourn district to issue bonds in an amount not exceeding ten thousand dollars, said bonds to be signed by the chairman and attested by the secretary of said board, to be in denominations of five hundred dollars, each to bear interest at a rate not exceeding six per cent, payable semi-annually, and to run for a period of thirty years. The said bonds shall be sold at not less than par and the proceeds derived from the sale used in the erection of a suitable school building in said district in lieu of the said building recently destroyed.

Bond issue.
Amount.
Authentication.
Denominations.
Interest.
Maturity.
Sale below par forbidden.
Use of proceeds.

Sec. 3. That for the purpose of paying the interest and providing a sinking fund for the payment of the principal of said bonds it

Tax for interest and sinking fund.

shall be the duty of the board of commissioners of Columbus County, in the event that a majority of the qualified voters of the said Chadbourn district shall vote "For building bonds," to levy a tax to be collected in the same manner as provided by law for the levying and collection of State and county taxes. The sheriff of Columbus County shall collect the taxes of said school district so levied and shall pay over the same to the treasurer of Columbus County, under the same liabilities as are now provided by law for the collection and paying over of county school taxes: and *Provided*, that the special tax so levied and collected shall be only on the property in said district and shall not exceed thirty cents on each one hundred dollars worth of real and personal property, and ninety cents on each poll in said district.

Collection and settlement.

Proviso: tax in district. Rate.

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

Ratified this the 8th day of March, 1911.

CHAPTER 467.

AN ACT FOR THE RELIEF OF R. R. DEES.

Preamble. Whereas, by chapter five hundred and three of the Public Laws of nineteen hundred and three, the North Carolina State Veterinary Medical Association was incorporated; and, whereas, section eleven of said act allowed all persons who had previously practiced veterinary medicine or surgery to continue their profession by filing the proper affidavit and having their names registered in the office of the clerk of the superior court; and,

Preamble. Whereas, Rowland Dees has been practicing veterinary medicine and surgery in Robeson County regularly for twenty years, but has neglected to register as provided by said law; therefore,

The General Assembly of North Carolina do enact:

Time for registration extended. Section 1. That said Rowland R. Dees shall be allowed until March fifteenth, nineteen hundred and eleven, to file the proper affidavit and register his name in the office of the clerk of the superior court of Robeson County, and that J. F. Bunn shall be allowed until March fifteenth, one thousand nine hundred and eleven, to file the proper affidavit and register his name in the office of the clerk of the superior court of Cabarrus County, as provided in section eleven of chapter five hundred and three of the Public Laws of nineteen hundred and three. To allow Joseph W. Bunn, of Rowan County, to register before the clerk superior court of Rowan County.

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

Application of act. That the provisions of this act shall also apply to Dr. Duncan, of Alexander County.

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

Ratified this the 8th day of March, 1911.

CHAPTER 468.

AN ACT TO ESTABLISH MOUNT HOLLY SUPPLEMENTAL SCHOOL DISTRICT, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all the territory embraced in the following boundaries: Beginning at Western Prong bridge on Fair Bluff and Elizabeth road near Western Prong church, running with said road in a westerly direction to H. B. White's corner on north side of road; thence with the various courses of his line to Fair Bluff and Elizabeth road at his home; thence with said road to P. D. Collier's corner on south side of road; thence with his line to J. W. Powell's corner, near Andrew Hordan's house; thence with Powell's line to Whiteville and Lumberton road near P. D. Collier's house; thence with said road to W. H. Collier's corner on north side of road; thence with his line to D. J. Lewis' and Ed Ward's line; thence with their line to run of Prong Swamp; thence down run of said swamp to the beginning, shall be and is hereby constituted a public school district, and shall be called the "Mount Holly Supplemental District." Territory. Boundaries. Name.

Sec. 2. That the board of commissioners of Columbus County, upon the written application of a majority of the board of trustees of said school district, is hereby authorized and directed to submit on the first Tuesday in May, nineteen hundred and eleven, to the qualified voters of said school district embraced in said county of Columbus under such rules and regulations as exist for the election of members for the General Assembly, the question whether an annual tax shall be levied therein for the support of supplemental public schools for white and colored of said district. Each voter shall vote a written or printed ballot with the words "For schools" or "No schools" thereon. Election on application of trustees. Date for election. Law governing election. Question. Ballots.

Sec. 3. That in the event a majority of the qualified voters of said district shall vote in favor of such tax the same shall be levied by the board of commissioners of Columbus County, and collected in the same manner as provided by law for the levying and collecting of State and county taxes. The sheriff of Columbus County shall collect the taxes of said school district and pay over the same to the treasurer of Columbus County under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, that the special tax so levied and collected shall not exceed thirty cents on each one hundred dollars worth of real and personal property and ninety cents on each poll in said district. Levy and collection of tax. Proviso: limit of rate.

Sec. 4. That in order to ascertain the value of lands and other real property situated in said school district, when the whole of said lands and other real property does not lie in said school dis- Assessment of lands.

trict, but part in another district, county commissioners shall appoint three disinterested freeholders and residents of said district, who shall assess the part or parts of land and other real property, which shall lie in said school district for taxes and shall report the value so assessed by them to the authorities legally empowered to levy taxes and the value so reported shall be the basis on which said special taxes to be levied under this act shall be levied, and in all cases where the whole of any lands or other property lies within the boundaries of said school district, the value of the same as assessed for State and county taxes shall be levied under this act for school purposes.

Use of funds.

Sec. 5. That the special taxes thus levied and collected from the taxable property and polls of said school district shall be expended in keeping up public schools in said district for the white and colored races of both sexes between the ages of six and twenty-one (6 and 21) years of age, and the said special tax shall be so used and expended so as to give to the children of each race an equal number of months of school.

Trustees and terms of office.

Sec. 6. That T. F. Collier, G. E. Collier and A. Thompson be, and they are hereby constituted a board of trustees for said school district, and shall hold their offices till the first Tuesday in May, nineteen hundred and eleven, and until their successors are duly elected and qualified as hereinafter set out, and they are hereby authorized and directed to establish at least two public schools in said district. One district to be separate and apart for the white race, and the other separate and apart for the colored race. That said board shall have power to fill all vacancies that may occur in said board during the year; to employ teachers and do all such acts as may be necessary to carry on said school and shall receive no compensation for their services.

Establishment of schools.

Segregation of races.

Powers of trustees.

Apportionment from general fund.

Sec. 7. That the per capita part of the school fund of the county raised under the general school law shall be applied to keeping up the public schools established by this act in said district, and shall be by said board of trustees disbursed as set out in section five of this act.

Trustees not to be teachers.

Sec. 8. That no trustee of said school shall while acting as such be a teacher therein.

Purchase of lands authorized.

Sec. 9. That the board of trustees are authorized and empowered to purchase and hold for the purpose of said schools, buildings and suitable grounds or to purchase suitable lots and erect buildings thereon within the corporate limits of the Mount Holly supplemental school district, and pay for the same out of the public school money for said district: *Provided, however,* that said schools shall not be located nearer each other than five hundred yards.

Proviso: distance between schools.

Nonresident pupils.

Sec. 10. That the board of trustees aforesaid and their successors may admit as pupils in said schools children who reside out of the boundaries of said school district upon the payment of such sum as shall be fixed by said board of trustees.

Prices for special instruction.

Sec. 11. That the board of trustees aforesaid may fix a scale of prices for subjects other than those required to be taught under the general school law for the requirements of public schools, the said prices to be paid by the pupils resident in said school district, and such others as may be admitted under the provisions of section ten.

Assessment for incidentals.

Sec. 12. That the said board of trustees shall have the right to assess each pupil of the said district in a sum not exceeding one dollar for each term of public school for incidental and other purposes.

Salary of teachers.

Sec. 13. That the board of trustees of said school district shall not be subject to any restrictions or limitations as the salary of teachers employed by them prescribed by any law or statute, but may pay the teachers employed such compensation as the board of trustees may deem just and proper.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this 8th day of March, 1911.

CHAPTER 469.

AN ACT AUTHORIZING THE NORTH CAROLINA-VIRGINIA RAILWAY COMPANY OF NORTH CAROLINA TO SELL ITS PROPERTY AND FRANCHISES TO THE NORTH CAROLINA-VIRGINIA RAILWAY COMPANY OF VIRGINIA, AND AUTHORIZING THE NORTH CAROLINA-VIRGINIA RAILWAY COMPANY OF VIRGINIA TO OPERATE THE SAID RAILWAY IN THIS STATE.

The General Assembly of North Carolina do enact:

Sale, conveyance and dissolution authorized.

Section 1. That the North Carolina-Virginia Railway Company of North Carolina, authorized to build and operate a line of railway from the town of Spray, Rockingham County, North Carolina, and the town of Ridgeway, county of Henry, Virginia, be and it is hereby authorized to sell and convey to the North Carolina-Virginia Railway Company of Virginia all of its rights, privileges, franchises, powers and property of whatsoever kind. And upon such sale being consummated to be dissolved in the manner prescribed by law. Upon the consummation of such purchase and sale, the North Carolina-Virginia Railway Company of Virginia is authorized to conduct the business of a railway corporation in this State, and it shall succeed to all the rights, privileges and franchises of the North Carolina-Virginia Railway Company of North Carolina: *Provided, however*, that the North Carolina-Virginia Railway Company of Virginia shall upon entering this State be subject to all the laws and regulations of this State in the same manner as if it were a corporation of this State.

Purchaser to succeed to rights and franchises.

Proviso: domestication.

Ratified this the 8th day of March, 1911.

CHAPTER 470.

AN ACT TO AMEND CHAPTER SEVENTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-SEVEN, RELATING TO AN ACT TO INCORPORATE THE GRAND LODGE, KNIGHTS OF PYTHIANS, OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Name corrected.

Section 1. That chapter seventy-three of the Public Laws of one thousand eight hundred and ninety-seven, be and the same is hereby amended by striking out the word "Pythians" in the title and body of said act whenever it occurs and insert in lieu thereof the word "Pythias."

Sec. 2. That all laws and clauses of laws in conflict with chapter seventy-three of the Public Laws of one thousand eight hundred and ninety-seven, as herein amended, are hereby repealed.

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

Ratified this the 8th day of March, 1911.

CHAPTER 471.

AN ACT TO INCORPORATE THE FORSYTH AND YADKIN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That P. H. Hanes, G. W. Hinshaw, H. E. Fries, J. T. Benbow, H. G. Chatham, A. G. Page, A. H. Eller, H. R. Starbuck, F. T. Baldwin, F. P. Alspaugh, J. K. Norfleet, A. F. Sams, G. F. Dwire, A. E. Holton, C. B. Watson, of Forsyth County, and F. W. Haynes, D. M. Reece, W. M. Wilmouth, A. Dinkins, George Stellman, W. A. Hall, L. B. Davis, Isaac Shore, J. C. Pinnix, and W. T. Fletcher, of Yadkin County, and such other persons as may be associated with them, are hereby declared a body politic and corporate, with sixty years succession, under the name and style of The Forsyth and Yadkin Railway 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 power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift, or any other way, real or 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

Term of corporation.
Corporate name.
Corporate powers.

which corporate bodies may lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States or of the State of North Carolina.

Officers, duties and terms.

Sec. 2. That said corporation shall have such officers, with such duties and terms of office as the by-laws of the corporation may from time to time prescribe. There shall not be less than six nor more than twelve directors of the company elected by the stockholders, whose duties and terms of office shall be as prescribed in its by-laws.

Directors.

Capital stock.

Shares.

Power of increase.

Shares.

Preferred and common stock.

Capital for beginning business.

Sec. 3. The capital stock of the corporation shall be one hundred and twenty-five thousand dollars, divided into twelve thousand and five hundred shares of the par value of one hundred dollars each; but said capital may from time to time be increased, upon the payment to the Secretary of State of all fees and charges therefor, to such an amount as a majority in value of the stockholders shall determine, not exceeding five million dollars. Such increase, if any, shall likewise be divided into shares of the par value of one hundred dollars each. 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, and any of said shares may be transferred as is provided in the by-laws of said company. Said corporation may commence business when five thousand dollars of its capital stock has been subscribed for.

Power to construct, maintain and operate railroad.

Termini and route.

Power to acquire land.

Motive power.

Sec. 4. Said corporation shall have the right and power to construct, own, maintain and operate a line or lines of railroad from any point at or near Winston or Salem and in Forsyth County in a west or northwesterly direction through Forsyth, Yadkin, Iredell, Wilkes, Surry, Ashe, Alleghany and Watauga counties, to any connection with any other railroad now constructed or to be constructed or to any point on the North Carolina-Tennessee or North Carolina-Virginia State lines and in such direction as may be decided by the board of directors of said corporation; and shall have the power to pass through any of said counties at such points, places or portions as may be decided by the board of directors; and along all of said routes 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 purposes, and in the operation of its said railroad or railroads the said company shall have the right to use such motive power as it may desire.

Further routes.

Sec. 5. The said company shall have the right to construct, own, operate and maintain a line or lines of railroad in an easterly direction from a point at or near Winston or Salem through the counties of Forsyth, Davie, Rowan, Davidson, Guilford, Randolph, Rock-

Branch lines.

ingham, Caswell, Person, Granville, Vance and Warren, and maintain and operate such lateral and branch lines and to construct spur track not exceeding fifty miles in length, in the counties named in this act as may in its opinion be necessary or advantageous to the extension, completion and successful operation of said railroad, and for the purposes of its main line it shall have the power to construct dams, culverts, trestles and bridges over or across streams, valleys and depressions. The said company is hereby authorized and empowered to build, maintain and operate telegraph and telephone lines on its right-of-way or any part thereof, and to lease or let said lines, and to connect them with any other lines by contract or by leasing such other lines.

Dams, culverts, trestles and bridges.

Telegraph and telephone lines.

Meeting for organization.

Sec. 6. That when five thousand dollars shall have been subscribed to the capital stock of said company, the said incorporators, or a majority of them, shall, within a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which time and place ten days notice in some newspaper published in the city of Winston, North Carolina, shall be given, and notice shall also be mailed to each subscriber to said capital stock at least one week before the time fixed for such meeting, at which time and place the stockholders shall proceed to the organization of said company by electing a board of directors, who shall hold their offices for twelve months and until their successors are elected. Such board of directors shall have the right to make all necessary by-laws, and shall have all such other powers and authority as are conferred in chapter sixty-one of The Revisal of one thousand nine hundred and five.

Notice of meeting.

Organization.

Powers of directors.

Right to condemn land.

Sec. 7. That said company shall have the right to condemn land necessary for the purposes of building and operating its road, including a right-of-way, depots, warehouses, shops and all other necessary purposes, and to increase the same at any time when necessary, and shall have the right and full power and authority to connect with or cross any and all other railroads on its line, and shall have the right, privilege and power necessary for the purpose of acquiring such lands and right-of-way as are given under the general law of this State, the proceedings for which, if necessary to condemn, shall be as provided in chapter sixty-one of The Revisal of one thousand nine hundred and five, and amendments thereto, and it shall have the benefit of every process or proceeding as now provided by law in such cases, and shall have the authority and right to own in fee simple or otherwise, and take the same by grant, deed or otherwise, any lands necessary for its use.

Connections with other roads.

Proceedings for condemnation.

Payments on subscriptions.

Sec. 8. That the subscription to the capital stock of the said company may be in money, land, contracts, material or labor, as the directors may deem expedient and of fair value.

Exclusive right of transportation.

Sec. 9. The said company shall have the exclusive right to carry and transport passengers and freight over and along said road and

its branches at such rates 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, 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.

Purchase, lease or consolidation.

Sec. 10. Said company is authorized and empowered to purchase, lease or farm out, or to consolidate with any railroad company now existing or which may exist under the laws of this State or any other State with which its lines connect: *Provided*, that any corporation or company resulting from a consolidation under the foregoing provisions of this act shall be a domestic corporation and subject to the laws and jurisdiction of North Carolina; or said company may lease or sell its road or property to any other person, persons or 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 consolidation with any corporation upon whose property there is any encumbrance, or in the event of encumbrance on this company, 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 road and works and other property of any other railroad corporation, or the capital stock of any other railroad corporation, and pay for the same with its own capital stock or otherwise, and the issue of its capital stock, bonds or other securities for such purposes is hereby fully authorized.

Proviso: domestic corporation.

Power to lease or sell.

Proviso: approval of stockholders.

Existing encumbrances.

Power to issue bonds and secure payment.

Sec. 11. The said company shall have power and authority to issue, negotiate and sell its bonds, either coupon or registered, for the construction or equipment or management or operation of its roads, 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 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 part of its corporate property and franchises, on such terms and conditions as a majority in value of its stockholders may deem proper.

Counties and municipalities may subscribe.

Sec. 12. That any county, township, city or town along or near the line of railroad 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 twenty-five freeholders and resident taxpayers of the county, township, city or town, to the board of county commissioners of said county, or to the

Petition for election.

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 or bonds of said company, which subscriptions may be conditioned upon the completion of the whole or any part of the proposed line of railroad, the board of commissioners of said county, or proper authorities of said city or town, shall 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 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 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, 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 or proper authorities of said city or town.

New registration.

Order for election.

Ballots.

Law governing election.

Notice of election.

Returns.

Tax for bonds and interest.

Sec. 13. The county authorities in any 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 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 may also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levies the constitutional equation of taxation, which said tax shall not exceed one dollar on the hundred dollars worth of property and three dollars on each poll. 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 the 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 and apart from all other taxes and shall be used for the purpose for which levied or collected and for no other pur-

Sinking fund.

Tax rate.

Collection and settlement.

Tax kept separate.

Specific appropriation.

pose. 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: *Provided*, 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 thereof. In the event that the properties, rights and franchises, or any part thereof, of this company are hereinafter 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 and they are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof, with the consent of the board of commissioners of any county making such subscription, or in which there is a township making such subscription, in the case of county or township bonds, or by consent of the proper authorities or any city or town making such subscription, in the case of city or town bonds.

Investment of sinking fund.

Proviso: investment in bonds.

Transfer of subscription.

Sec. 14. For the purposes of this act, all of the said counties of Forsyth, Yadkin, Ashe, Surry, Wilkes, Watauga, Randolph, Rowan, Guilford, Rockingham, Caswell, Person, Granville, Vance and Warren, and all of the townships in all of the said counties which may vote to subscribe to the capital stock of the said company as provided by this act, shall be and they 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 contracts of indebtedness for the payment of said subscription, and have generally all the powers 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 the corporate agents of said township so incorporated for the purpose of issuing the bonds of said township, and to provide for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds, and to provide for the sinking fund hereinbefore mentioned.

Counties and townships incorporated.

Corporate agents.

Sec. 15. The authorities of any county, township, city or town shall have the right to execute and deliver to the said railway company or the agent or assigns the bonds voted by said municipality as the work on the railroad progresses within the territory for which said bonds were voted; that is to say, that upon the completion of the laying of the rails of each mile of road, the amount of bonds shall be delivered to the said railway company equal to the average amount of subscription per mile.

Delivery of bonds.

Sec. 16. That subscription to the capital stock of said company may be made and paid in money, land, labor, material or services,

Payments of subscriptions.

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 power and authority to require from the stockholders such payments on their shares from time to time as the wants of the company may demand, until the whole of their subscription shall be paid.

Enforcement of payment.

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 of him, if payable in labor, 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 upon such share or shares of stock, and all charges of the sale, out of the proceeds thereof, the said president and directors shall pay the surplus over to the delinquent owner or his legal representative; and if the said stock shall not bring at such sale the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover 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 assigns, or either of them, at the option of the 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.

Stockholders not individually liable.

Sec. 17. That the stockholders in said company, or the subscribers thereto, whether private citizens or corporations, public or private or municipal, shall not be individually liable for any debt, default or liability of the said company beyond the amount of their unpaid individual subscription to its capital stock.

Sec. 18. That all laws and clauses of laws in conflict with the provisions of this act be and the same are to the extent of such conflict repealed.

Sec. 19. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1911.

CHAPTER 472.

AN ACT TO INCORPORATE THE PIEDMONT-FORSYTH RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That R. H. Wheeler, C. F. Tomlinson of Guilford County, H. R. Starbuck, W. A. Blair, Gilbert T. Stephenson, George

F. Dwire, J. E. Alexander of Forsyth County, and such other persons as may be associated with them, are hereby declared a body politic and corporate, with sixty years succession, under the name and style of The Piedmont-Forsyth Railway 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 power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift, or any other way, real or 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 lawfully exercise, and may have all necessary regulations for its government not inconsistent with the laws of the United States or of the State of North Carolina.

Term of corporation.
Corporate name.
Corporate powers.

Sec. 2. That said corporation shall have such officers, with such duties and terms of office as the by-laws of the corporation may from time to time prescribe. There shall not be less than six nor more than twelve directors of the company elected by the stockholders, whose duties and terms of office shall be as prescribed in its by-laws.

Officers, duties and terms.
Directors, duties and terms.

Sec. 3. The capital stock of the corporation shall be one hundred and twenty-five thousand dollars divided into twelve thousand and five hundred shares of the par value of one hundred dollars each; but said capital may from time to time be increased, upon the payment to the Secretary of State of all fees and charges therefor, to such an amount as a majority in value of the stockholders shall determine, not exceeding five million dollars, such increase, if any, shall likewise be divided into shares of the par value of one hundred dollars each. 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, and any of said shares may be transferred as is provided in the by-laws of said company. Said corporation may commence business when five thousand dollars of its capital stock has been subscribed for.

Capital stock.
Shares.
Increase of capital.
Preferred and common stock.
Capital for beginning business.

Sec. 4. Said corporation shall have the right to construct, own, maintain and operate a line of railroad from Winston or Salem in Forsyth County to High Point in Guilford County, and from any point at or near Winston-Salem in Forsyth County in a northwesterly direction through Forsyth, Yadkin, Surry, Wilkes, Ashe or Alleghany counties to any connection with any other railroad now constructed, or to any point on the North Carolina-Virginia State boundary line, and in any such direction as may be decided by the board of directors of said corporation, and to construct, own, maintain and operate a line or lines of railroad from any point at or near High Point in Guilford County in a southeasterly direction to any point in the counties of Brunswick, New Hanover, Onslow

Power to construct, maintain and operate railroad.
Termini and route.

or Carteret, and shall have the power to pass through any of said counties at such points, places or portions as may be decided by the board of directors, and along all of said routes the said company shall have the right and is empowered to locate and 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 in the operation of its said railroad or railroads the said company shall have the right to use such motive power as it may desire.

Power to acquire land.

Motive power.

Dams, culverts, trestles and bridges.

Sec. 5. The said company shall have the power to construct dams, culverts, trestles and bridges over or across streams, valleys and depressions; the said company is hereby authorized and empowered to build, maintain and operate telegraph and telephone lines on its right-of-way or any part thereof, and to lease or let said lines, and to connect them with any other lines by contract or by leasing such other lines.

Telegraph and telephone lines.

Meeting for organization.

Sec. 6. That when five thousand dollars shall have been subscribed to the capital stock of said company, the said incorporators, or a majority of them, shall within a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which time and place ten days notice in some newspaper published in the city of Winston, North Carolina, shall be given, and notice shall also be mailed to each subscriber to said capital stock at least one week before the time fixed for such meeting, at which time and place the stockholders shall proceed to the organization of said company by electing a board of directors, who shall hold their offices for twelve months and until their successors are elected. Such board of directors shall have the right to make all necessary by-laws, and shall have all such other powers and authority as are conferred in chapter sixty-one of The Revisal of one thousand nine hundred and five.

Notice of meeting.

Organization.

Powers of directors.

Right to condemn land.

Sec. 7. That said company shall have the right to condemn land necessary for the purposes of building and operating its road, including a right-of-way, depots, warehouses, shops and all other necessary purposes, and to increase the same at any time when necessary, and shall have the right and full power and authority to connect with or cross any and all other railroads on its line, and shall have the right, privilege and power necessary for the purpose of acquiring such lands and right-of-way as are given under the general law of this State, the proceedings for which, if necessary to condemn, shall be as provided in chapter sixty-one of The Revisal of one thousand nine hundred and five, and amendments thereto, and it shall have the benefit of every process or proceeding as now provided by law in such cases, and shall have the authority and right to own in fee simple or otherwise, and take the same by grant, deed or otherwise, any lands necessary for its use.

Connection with and crossing other roads.

Powers in acquiring land.

Proceedings for condemnation.

Subscriptions

Sec. 8. That the subscription to the capital stock of the said company may be made in money, land, contracts, material or labor, as the directors may deem expedient and of fair value.

Exclusive right of transportation.

Sec. 9. The said company shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches at such rates 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, 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.

Purchase, lease or consolidation.

Sec. 10. Said company is authorized and empowered to purchase, lease or farm out, or to consolidate with any railroad company now existing or which may exist under the laws of this State or any other State with which its lines connect: *Provided*, that any corporation or company resulting from a consolidation under the foregoing provisions of this act shall be a domestic corporation and subject to the laws and jurisdiction of North Carolina; or said company may lease or sell its road or property to any other person or persons or 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 consolidation with any corporation upon whose property there is any encumbrance, or in the event of encumbrance on this company, 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 road and works and other property of any other railroad corporation, or the capital stock of any other railroad corporation, and pay for the same with its own capital stock or otherwise, and the issue of its capital stock, bonds, or other securities for such purposes, is hereby fully authorized. This charter shall not authorize the consolidation of competing lines of railway.

Proviso: domestic corporation.

Power to lease or sell.

Proviso: approval of stockholders.

Encumbrance now existing.

Capital stock for purchases.

Consolidation of competing lines.

Power to issue and secure bonds.

Sec. 11. The said company shall have power and authority to issue, negotiate and sell its bonds, either coupon or registered, for the construction or equipment 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 by one or more mortgages or deeds of trust, conveying its franchises, roadbeds, rolling stock, right-of-way, and any and all other property of any kind owned by said company or part of its corporate property and franchises, on such terms and conditions as a majority in value of its stockholders may deem proper.

Counties and municipalities may subscribe to the company.

Sec. 12. That any county, township, city or town along or near the line of railroad 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 twenty-five 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, 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 or bonds of said company, which subscriptions may be conditioned upon the completion of the whole or any part of the proposed line of railroad, the board of commissioners of said county, or proper authorities of said city or town shall 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 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 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, 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 or proper authorities of said city or town.

Petition for election.

New registration.

Order for election.

Ballots.

Law governing election.

Notice of election.

Returns.

Special tax.

Sec. 13. The county authorities in any 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 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 may also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levies the constitutional equation of taxation, which said tax shall not exceed one dollar on the hundred dollars worth of property and three dollars on each poll. The taxes levied as above provided shall be annually collected as other taxes, and shall be paid

Sinking fund.

Constitutional equation.

Collection and settlement.

by the collecting officer of such county, township, city or town, to the treasurer of the county when the 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 and apart from all other taxes and shall be used for the purpose for which levied or collected and for no other purpose. 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: *Provided*, 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 thereof. In the event that the properties, rights and franchises, or any part thereof of this company are hereinafter 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 and they are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof, with the consent of the board of commissioners of any county making such subscription, or in which there is a township making such subscription, in the case of county or township bonds, or by consent of the proper authorities of any city or town making such subscription, in the case of city or town bonds.

Taxes kept distinct.

Specific appropriation.

Investment of sinking fund.

Proviso: investment in bonds.

Transfer of subscription.

Sec. 14. For the purpose of this act, all of the said counties of Forsyth, Yadkin, Surry, Alleghany, Ashe, Davidson, Guilford and any and all other counties through which said road may pass, and all of the townships in all of said counties which may vote to subscribe to the capital of the said company as provided by this act, shall be and they 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 contracts of indebtedness for the payment of said subscription, and have generally all the powers 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 the corporate agents of said township so incorporated for the purpose of issuing the bonds of said township, and to provide for the levying and collecting of taxes on property and polls to pay the principal and interest of said bonds, and to provide for the sinking fund hereinbefore mentioned.

Counties and townships incorporated.

Corporate agents.

Sec. 15. That subscription to the capital stock of said company may be made and paid in money, land, labor, material, or services,

Subscriptions to capital.

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 power and authority to require from the stockholders such payments on their shares from time to time as the wants of the company may demand, until the whole of their subscriptions shall be paid.

Payments.

Enforcement of payment.

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 of him, if payable in labor, 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 stockholders 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 upon such share or shares of stock, and all charges of the sale, out of the proceeds thereof the said president and directors shall pay the surplus over to the delinquent owner or his legal representative; and if the said stock shall not bring at such sale the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover 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 assigns, or either of them, at the option of the 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.

Stockholders not individually liable.

Sec. 17. That the stockholders in said company or the subscribers thereto, whether private citizens or corporations, public or private or municipal, shall not be individually liable for any debt, default or liability of the said company beyond the amount of their unpaid individual subscription to its capital stock.

Sec. 18. That all laws and clauses of laws in conflict with the provisions of this act be and the same are to the extent of such conflict repealed.

Sec. 19. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, 1911.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, May 18, 1911.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

J. BRYAN GRIMES,
Secretary of State.

NOTE.

In 1909 the General Assembly of North Carolina passed an act entitled "An act to amend section 5349 of The Revisal of 1905 and provide for the classification and publication of the acts of the General Assembly into Public, Public Local, and Private Laws." In compliance with this law, the Acts of 1911 have been classified into Public, Public Local, and Private Laws. All laws of Statewide application have been classed as public; laws of a public nature but of only local application have been classed as public local; and all charters and laws in relation to cities and towns are classed as private.

J. BRYAN GRIMES,
Secretary of State.

Index to Private Laws

A

PAGE

Aberdeen and Rockfish Railroad Company, charter amended 470
Acme, name of Cronly changed to 460
Ahoskie School District incorporated 1058
Albemarle Normal and Industrial Institute incorporated 737
Albemarle:
bonds approved 562
charter amended 931
charter amended 839
Alfordsville Township, school-tax districts 995
Allen Graveyard, to protect 645
Andrews, Mrs. Alma Thompson, for relief of 951
Andrews School District, compulsory attendance 814
Andrews (town), bonds 402
Andrews and Murphy (towns), pound charges 380
Anson County, free school district 524
Anson Sanatorium incorporated 133
Appalachian Highway Company incorporated 986
Appalachian Training School, for relief of 201
Apex, charter amended 386
Ararat Colored Graded School established 232
Arnold Nelson, for relief of 916
Arthur (town) incorporated 906
Asheboro:
bonds 729
charter amended 869
to buy light plant 777
Asheboro Electric Company, to sell plant 777
Asheboro Trust Company incorporated 237
Asheville:
charter amended 334
charter amended 534
police commission 73
registration books 489
school for juvenile offenders 1064
school bonds 646
Asheville Auditorium Company dissolved 471
Aulander, bonds 912
Aurora rechartered 368
Aurora Graded School District, boundary 317
Ayden, bonds 654

B

	PAGE
Bailey's (town), corporate limits	499
Banks and Trust Companies:	
Asheboro Trust Company incorporated	237
Citizens Bank (Henderson), charter amended	710
Dime Savings Bank incorporated	1053
Goldsboro Title, Loan and Trust Company incorporated	520
Pamlico Insurance and Banking Company, charter amended	985
Wachovia Loan and Trust Company, name changed	63
Winston Loan and Trust Company incorporated	574
Banner Elk (town) incorporated	381
Baptist University for Women, name changed	51
Barnesville and Bloomingdale School District, line changed	243
Bath, charter amended	928
Beaverdam School District (Cherokee County) incorporated	261
Belhaven Graded School District, charter amended	1049
Bethel High School, dispensary funds	675
Bethel, charter amended	416
Beulahville School District, boundary	996
Black Mountain (town), charter amended	213
Black Mountain Railway Company, charter amended	251
Black Mountain Railway Company, charter amended (supplement)	925
Bladenboro, charter amended	236
Bladen Union Graded School District created	1033
Bloomingdale and Barnesville school districts, line changed	243
Boiling Springs (town) incorporated	708
Bolivia (town) incorporated	277
Bonds:	
Albemarle	562
Andrews (town)	402
Asheboro	729
Asheville	646
Aulander	912
Ayden	654
Bryson City	497
Chadbourn Supplemental School District	1071
Chapel Hill	430
Charlotte	792
Clinton	647
Concord	92
Dunn	563
Dunn	571
Durham (city), streets and sewerage	82
Durham (city), for floating debt	88
Durham (city)	539
Edenton	907
Elkin (town)	49

Bonds: PAGE
Elk Park (town) 234
Elizabethtown (refunding) 81
Enfield 542
Farmville 119
Fayetteville (waterworks) 126
Fayetteville (for street paving) 127
Fayetteville graded schools 123
Gastonia 701
Goldsboro 1002
Goldsboro graded schools 960
Goldsboro graded schools 1014
Greensboro (issue legalized) 425
Hamlet 674
Hendersonville 67
Hertford Graded School District 166
Hickory 50
Hickory (city) 54
High Point 269
High Point schools 565
Jonesboro 547
Jonesboro 568
Jonesville 567
Kenly Graded School District 909
Laurinburg 424
Liberty School District 1069
Lillington 714
Lincolnton, validated 480
Louisburg 537
Morganton 432
Morganton Graded School District 1049
Mount Airy 370
Mount Airy 872
Murphy 47
New Bern 3
North and South Clinton 903
Oxford Graded School 244
Raleigh 121
Roanoke Rapids Graded School District 327
Rockingham (town) 737
Rockingham (town 747
Rockingham (town) 804
Rocky Mount 474
Rutherfordton (refunding) 76
Salisbury 477
Sanford (to fund sewer debt) 85
Selma graded schools 216

Bonds: PAGE
Shelby (light plant) 148
Smithfield Graded School District 807
Snow Hill 545
Statesville 526
Tarboro 246
Tarboro 332
Thomasville (waterworks and sewerage) 192
Wadesboro 61
Warrenton 686
Warsaw High School 160
Washington (city) 52
Washington (city) 1016
Waynesville (to fund debt) 78
Waynesville (sewerage contracts) 163
Wendell School District 130
Wendell School District 739
Wilmington (wharves) 409
Wilmington 437
Wilson (town) 137
Wrightsville Beach 952
Bonsal and Merry Oaks school districts, change of territory 363
Bowden's (town) incorporated 376
Bryson City:
bonds, lights, sewerage 497
charter amended 927
Buckhorn Academy, charter amended 166
Burlington:
charter amended 454
for relief of 56
Burnsville, incorporating 777

C

Cabarrus and Stanly counties, franchises ratified 679
Cameron Graded School District established 858
Canton, charter amended 427
Carolina Collegiate and Agricultural Institute incorporated 1010
Carolina and Tennessee Southern Railway Company, charter amended 228
Caswell County, sale of school property 776
Catawba Mutual Benefit Association 60
Central Carolina Railroad Company incorporated 974
Chadbourn, charter amended 957
Chadbourn Supplemental Public School, to borrow money 877
Chadbourn Supplemental School District, bonds 1071
Chapel Hill, charter amended, bonds 430
Charlotte Auditorium, assessment reduced 406

	PAGE
Charlotte:	
bonds	792
charter amended	657
Charlotte Carnegie Public Library, support of	653
Charlotte Park and Tree Commission to sell real estate	65
Cherryville to borrow money	226
Chimney Rock and Hickory Nut Gap Turnpike Company incorporated	919
Chowan Baptist Female Institute, name changed	685
Chowan College, from Chowan Baptist Female Institute	685
Churches:	
Methodist Protestant Church, Rocky Mount, incorporated	958
Mill Creek, incorporated	364
Mountain Springs Baptist Church incorporated	962
Washington Branch Baptist	735
Womble's Chapel, A. M. E. Zion, incorporated	318
Sand Hill, prohibition	928
Cities and towns:	
Albemarle, bonds	562
charter amended	839
charter amended	931
Andrews, bonds	402
Apex, charter amended	386
Arthur, town incorporated	906
Asheboro, bonds	729
charter amended	869
to buy light plant	777
Asheville, charter amended	334
charter amended	534
police commission	73
registration books	489
school bonds	646
school for juvenile offenders	1064
Aulander, bonds	912
Aurora, rechartered	368
Ayden, bonds	654
Baileys, corporate limits	499
Banner Elk, incorporated	381
Bath, charter amended	928
Bethel, charter amended	416
Black Mountain, charter amended	213
Bladenboro, charter amended	236
Boiling Springs, incorporated	708
Bolivia, incorporated	277
Bowdens, incorporated	376
Bryson City, bonds, light, sewerage	497
charter amended	927
Burlington, charter amended	454
for relief of	56

Cities and towns: PAGE
Burnsville, incorporated ... 777
Canton, charter amended ... 427
Chadbourn, charter amended ... 967
Chapel Hill, charter amended ... 430
Charlotte, bonds ... 792
charter amended ... 657
Cherryville, to borrow money ... 226
Clayton, charter amended ... 383
Clinton, bonds ... 647
Columbia, charter amended ... 196
Concord, bonds ... 92
charter amended ... 954
salaries of water and light commissioners ... 539
Council, charter amended ... 842
Cronly, name changed ... 460
Culberson (town), incorporated ... 144
Denton, boundary line ... 885
Dillsboro, charter amended ... 844
Dundarrach, incorporated ... 250
Dunn, bonds ... 563
mortgage bonds ... 571
Durham, bonds for streets and sewers ... 82
bonds for floating debt ... 88
bonds ... 539
charter amended ... 886
police and fire commission ... 133
time for election ... 886
Eagle Rock, incorporated ... 794
East Lumberton, charter amended ... 330
Edenton, bonds ... 907
Elizabeth City, charter revised and consolidated ... 278
charter amended ... 457
use of land for streets ... 717
Elizabethtown, bonds, refunding ... 81
charter amended ... 209
Elkin, bonds ... 49
new charter ... 113
Elk Park, bonds ... 234
Ellerbe, incorporated ... 69
Enfield, bonds ... 542
charter amended ... 363
graded school law amended ... 902
Farmville, bonds ... 119
Fayetteville, bonds for waterworks ... 126
bonds for street paving ... 127
electric light plant ... 959
Flemington, trustees for town lot ... 323

Cities and towns: PAGE
Franklin, bonds exempt from town tax ... 795
Fuquay Springs, charter amended ... 1048
Gastonia, bonds ... 701
charter amended ... 703
charter amended ... 969
Goldsboro, bonds ... 1002
Goldston, election validated ... 972
Graham, to borrow money ... 916
Greensboro, bond issue legalized ... 425
charter amended ... 69
charter amended ... 77
charter amended ... 680
lighting contract validated ... 473
municipal court ... 1012
new charter ... 3
registration ... 47
surplus of special fund ... 680
Greenville, corporate limits ... 943
Hamlet, bonds ... 674
Hazlewood, charter amended ... 317
Hendersonville, bonds ... 67
graded schools ... 274
to sell property ... 75
Hertford, charter amended ... 405
Hickory, bonds ... 50
bonds ... 54
powers of aldermen ... 737
Highland, election on school tax ... 331
High Point, bonds ... 269
charter amended ... 815
school bonds ... 565
Hot Springs, charter amended ... 675
Jonesboro, bonds ... 547
bonds ... 568
waterworks ... 711
Jonesville, bonds ... 567
Kernersville, charter revised ... 820
Lake Waccamaw, incorporated ... 712
Laurinburg, board of control ... 817
to fund debt ... 424
limits extended ... 427
Lillington, bonds ... 714
Lincolnton, bonds validated ... 480
Littleton, charter amended ... 272
Locust, incorporated ... 222
Louisburg, bonds ... 537

Cities and towns: PAGE
Lumber Bridge, charter amended 229
Lumberton, charter amended 780
Lynn, incorporated 88
McDonalds, incorporated 1042
Marble, incorporated 63
Marietta, incorporated 365
Marion, street duty 242
Marshville, eastern boundary 376
Matthews, charter amended 418
Maufin, charter repealed 334
Maury, incorporated 369
Maxton, waterworks commission 946
Merry Oaks, charter amended 857
Middlesex, charter amended 496
Minneapolis, incorporated 57
Monroe, prosecuting attorney 955
salary of recorder 375
sale of land 87
Mooresville, charter amended 487
primary elections 67
Morehead City, charter amended 272
Morganton, bonds 432
deed to, validated 930
Mount Airy, charter amended 234
charter amended 420
street bonds 370
streets and bonds 872
water supply 495
Mount Olive, charter amended 75
corporate limits 434
Mount Pleasant, charter amended 80
Murphy, bonds 47
corporate limits 945
Murphy and Andrews, pound charges 380
New Bern, bond election validated 405
errors in election cured (bonds) 3
interest on bonds 653
pay of policemen 773
Newton, charter amended 572
North Edenton, incorporated 796
North Lumberton, incorporated 313
Old Fort, charter amended 689
Orrum, charter amended 62
Oxford, charter amended 899
Pinehurst, police authorities 966
Pittsboro, charter amended 227

Cities and towns: PAGE
Pollocksville, charter amended ... 403
powers of commissioners ... 915
Proctor, incorporated ... 460
Plymouth, charter amended ... 66
Raleigh, bonds ... 121
election of aldermen ... 898
incorporated ... 578
market house ... 651
sale of market house ... 734
Red Springs, charter amended ... 411
Reidsville, charter amended ... 1050
use of streets ... 144
Robbinsville, charter amended ... 490
Rockingham, bonds ... 734
bonds ... 804
bonds ... 747
charter amended ... 683
charter amended ... 966
Confederate monument ... 684
municipal building ... 736
salary of mayor ... 706
sidewalks ... 773
sidewalks ... 1062
streets and sidewalks ... 819
Rockwell, incorporated ... 219
Rocky Mount, bonds ... 474
Roseboro, charter amended ... 316
Roxboro and Person County, Confederate monument ... 195
Roxobel, incorporated ... 1031
Rutherfordton, refunding bonds ... 76
St. Paul, charter amended ... 188
Salem, charter amended ... 439
charter amended ... 542
Salisbury, bonds ... 477
Sanford, bonds to fund sewer debt ... 85
paving sidewalks ... 141
Scotland Neck, license tax to graded school fund ... 486
Selma, charter amended ... 440
Shelby, bonds for light plant ... 148
paper validated ... 688
pay of tax collector ... 466
sinking fund ... 145
Shore, charter repealed ... 121
Smithfield, charter amended ... 499

Cities and towns: PAGE
Snow Hill, bonds 545
South Biltmore, tax 95
Southport, public terminals 743
Southport, to subscribe to stock 91
Spencer, charter amended 929
jurisdiction of mayor 671
Stanley, rechartered 549
Stanley Creek, charter repealed 549
Statesville, charter amended 621
charter (supplement) 997
refunding bonds 526
Stem, incorporated 435
Swan's, incorporated 884
Tarboro, bonds 246
bonds 332
charter amended 379
Thomasville, bonds, waterworks and sewerage 192
terms of school committee 673
Trenton, charter amended 420
Troy, graded schools 149
Tryon, charges for public utilities 326
sale of lot 146
Unionville, incorporated 142
Venable, incorporated 788
Wadesboro, bonds and special tax 61
Wagram, incorporated 397
Warrenton, water and sewerage 686
Washington, bonds 52
wharf bonds 1016
charter amended 702
Waynesville, bonds to fund debt 78
charter amended 1019
ratification of contract 163
Webster, election validated 1046
Whitakers, new charter 95
Whiteville, charter amended 746
Williamston, special tax 191
Wilmington, bonds 437
charter amended 168
charter amended (supplement) 674
to abate nuisance 459
welfare and prosperity of 1066
wharf bonds 409
Wilson, bonds 137
charter amended 68

	PAGE
Cities and towns:	
Wilson, jurisdiction of mayor	732
Windsor, charter amended	260
Winston, charter amended	467
commission government	480
Woodville, incorporated	73
Wrightsville Beach, bonds	952
Citizens Bank (Henderson), charter amended	710
Clayton, charter amended	383
Cliffside, removal and reinterment of dead bodies	957
Clinton, bonds	647
Colonial Hunting Club incorporated	775
Columbia, charter amended	196
Company "B," Second Regiment, N. C. State Troops, incorporated	55
Concord:	
bonds	92
charter amended	954
salaries of water and light commissioners	539
Confederate monuments:	
Rockingham	684
Roxboro and Person County	195
Cooper, S. W., and Eliza Pugh, marriage legalized	1056
Corporations:	
Anson Sanatorium incorporated	133
Appalachian Highway Company incorporated	986
Asheville Auditorium Company, dissolved	471
Colonial Hunting Club incorporated	775
Company "B," Second Regiment, N. C. State Troops, incorporated	55
Cowee Lodge, No. 24, Order of the Star of Bethlehem, incorporated	360
The Farmers' Educational and Co-operative Union of North Carolina incorporated	962
Farmers Mutual Fire Insurance Association, charter amended	1046
Gloucester Lumber Company incorporated	797
Goldsboro Traction Company, charter amended	407
Grand United Order of Southern Pilgrims incorporated	1020
Hendersonville Hospital Association incorporated	319
Liberty Point Monument Association incorporated	1056
Melrose Power and Manufacturing Company incorporated	723
North Carolina Agricultural Society, charter amended	51
Rockingham Company, charter amended	968
Social Aid Society of Siler City incorporated	312
Southern Assembly, capital stock	954
Talcum Puff Company rechartered	998
Whiteville Memorial Association incorporated	1014
Council (town), charter amended	842

Counties: PAGE
Anson, free school district ... 524
Cabarrus and Stanly, franchises ratified ... 679
Caswell, sale of school property ... 776
Greene, school districts ... 141
Lee, graded schools ... 264
Person and Roxboro, Confederate monument ... 195
Stokes, additional school district ... 958
Stokes and Forsyth, school district ... 768
Union, protection of townships ... 1064
salary for subrecorder ... 1048
Cox, Miss Cynthia, and R. G. Taylor, for relief of ... 901
Covington, Benjamin Gaston, relationship established ... 472
Cowee Lodge, No. 24, Order of Star of Bethlehem, incorporated ... 360
Craigrownie School District, boundaries ... 972
Crocker, J. G. L., for relief of ... 943
Cronly, name changed ... 460
Culberson (town) incorporated ... 144

D.

Dallas special school district, boundary ... 956
Davidson graded school established ... 665
Davidson Interurban Railway Company incorporated ... 893
Deeds, to Phœnix Lodge validated ... 136
Dees, R. R., for relief of ... 1072
Denton (town), boundary ... 885
Dillsboro, charter amended ... 844
Dime Savings Bank incorporated ... 1053
Duncan, Dr., for relief of ... 1072
Dundarrach (town) incorporated ... 250
Dunlap, S. H., for relief of ... 1066
Dunn (town):
bonds ... 563
mortgage bonds ... 571
Dunn graded school, tax for building ... 748
Dunn graded school, law amended ... 1067
Durham (city):
bonds for streets and sewers ... 82
bonds for floating debt ... 88
charter amended ... 886
police and fire commission ... 133
school bonds ... 539
time for elections ... 886
Durham and Danville Railroad, bonds for ... 811
Durham and Danville Railroad Company incorporated ... 878

E.

PAGE
Eagle Rock (town) incorporated 794
Eastern Academy District, collection of taxes 926
East Lumberton, charter amended 330
Edenton:
bonds 907
graded schools 816
Elizabeth City:
charter revised and consolidated 278
charter amended 457
use of land for streets 717
Elizabethtown:
bonds, refunding 81
charter amended 209
Elkin (town):
bonds 49
new charter 113
Elk Park (town), bonds 234
Ellerbe (town) incorporated 69
Enfield:
bonds 542
charter amended 363
graded school law amended 902

F.

Faison graded school established 863
Farmers' Educational and Co-operative Union incorporated 962
Farmers' Mutual Fire Insurance Association, charter amended 1046
Farmville, bonds 119
Farmville graded school district, boundary 745
Fayetteville:
bonds for waterworks 126
bonds for street paving 127
electric light plant 959
Fayetteville graded schools, special tax and bonds 123
Ferrall, Dollie, and Marion Medlin, for relief of 801
Flemington, trustees for town lot 323
Forsyth and Stokes counties, school districts 768
Forsyth and Yadkin Railway Company incorporated 1077
Franchises by cities in Cabarrus and Stanly counties ratified 679
Franklin (town), bonds exempt from town tax 795
Free Will Baptist Seminary of Ayden, to establish and incorporate 324
Fuquay Springs, charter amended 1048

Gastonia: G.	PAGE
bonds	701
charter amended	703
charter amended	969
Gates County, graded school	961
Gatesville graded school district established	865
Gloucester Lumber Company incorporated	797
Goldsboro, bonds	1002
Goldsboro graded schools, bonds	960
Goldsboro graded school, bonds	1014
Goldsboro Title, Loan and Trust Company incorporated	520
Goldsboro Traction Company, charter amended	407
Goldston, election validated	972
Graded schools:	
Ararat Colored	232
Aurora District	317
Belhaven, charter amended	1049
Bladen Union, created	1038
Cameron District	858
Davidson, established	665
Dunn, building	748
law amended	1067
Edenton	816
Enfield, law amended	902
Faison, established	863
Farmville, boundary of district	745
Fayetteville, special tax and bonds	123
Gates County	961
Gatesville District, established	865
Goldsboro, bonds	960
bonds	1014
Greenville, law amended	943
Guilford County	960
Hendersonville	274
Hertford District, bonds	166
Kenly, bonds	909
Lake Landing	802
Lee County	264
Lincolnton	948
Linden District	1021
Morganton, bonds	1029
Mount Prospect, charter amended	199
Oak Grove, established	669
Old Fort	210
Oriental, established	1036
Oxford, bonds	244
Roanoke Rapids District, bonds	327

	PAGE
Graded schools:	
Ruffin, charter amended	479
Scotland Neck, license tax	486
Selma, bonds	216
Smithfield, bonds	807
Sylvan, law amended	767
Teachey's High School and Graded School incorporated	1025
Toisnot	803
Troy	149
Warsaw, bonds	160
Warsaw	471
Wendell, incorporated	215
Wendell, bonds	739
bonds	130
Wilson, compulsory attendance	805
Wesley Chapel, purchase by board of education	967
Westfield, election of trustees	243
Wilson, law as to, amended	728
Graham County Railroad Company, charter amended	684
Graham (town), to borrow money	916
Gray, George H., for relief of	404
Greene County, school districts	141
Greensboro:	
bond issue legalized	425
new charter	3
charter amended	77
charter amended	69
charter amended	680
lighting contract validated	473
municipal court	1012
registration	47
surplus of special fund	680
Greensboro Female College, charter amended	735
Greenville graded school, law amended	943
Greenville, corporate limits	943
Griffin, Mrs. W. H., to remove dead body	706
Guilford graded school, amendatory act	960

H.

Hamlet, bonds	674
Hawkins School incorporated	458
Haynes, W. J., for relief of	950
Hazelwood (town), charter amended	317
Hendersonville:	
bonds	67
graded schools	274
to sell property	75

PAGE
Hendersonville Hospital Association incorporated 319
Hertford Graded school district, bonds 166
Hertford (town), charter amended 405
Hiwassee Valley Railroad, to provide for building 843
Hickory:
bonds 50
city bonds 54
powers of aldermen 737
Higdonville High School District established 186
Highland (town), election on school tax 331
High Point:
bonds 269
charter amended 815
school bonds 565
Hodges Institute:
incorporated 361
Hot Springs, charter amended 675

I.

Industrial Training and Educational School, charter amended 742

J.

Jonesboro:
bonds 547
bonds 568
waterworks 711
Jonesville, bonds 567

K.

Kenly Graded School District, bonds 909
Kernersville, charter revised 820
Knights of Harmony, charter amended 474
Knights of Pythias, charter of Grand Lodge 705
charter of Grand Lodge amended 1076

L.

Lake Landing Graded School, law amended 802
Lake Waccamaw (town) incorporated 712
Laurinburg:
board of control 817
limits extended 427
to fund debt 424
Laws amended:
1874, ch. 42, Private, and ch. 25, Private of 1905 985
1885, ch. 21, Private 899
1885, ch. 91 901

Laws amended: PAGE
1887, ch. 424 1068
1889, ch. 229, Private 768
1891, ch. 4, Private 147
1891, ch. 39, Private 192
1891, ch. 40, Private 439
1891, ch. 90, Private 63
1891, ch. 267, Private 746
1891, ch. 279, Public 316
1893, ch. 156, sec. 1 1018
1893, ch. 338, sec. 4, Private 474
1895, ch. 8, Private 329
1895, ch. 156, Private 209
1897, ch. 43, Private 60
1897, ch. 73, Private 705
1897, ch. 73, Public 1076
1899, ch. 147, Private 196
1901, ch. 58, Private 1065
1901, ch. 81, Private 857
1901, ch. 194, sec. 20, Private 466
1901, ch. 432, Private, and 1903, ch. 16, Private 653
1903, ch. 16, Private, and 1901, ch. 432, Private 653
1903, ch. 67, sec. 9, Private 243
1903, ch. 106, sec. 6, Private 943
1903, ch. 177, Private 118
1903, ch. 204, Private 454
1903, ch. 382, Public, and 1909, ch. 297, Public 123
1903, ch. 384, Public 816
1903, ch. 441, Public 149
1903, ch. 451, Public 209
1903, ch. 455, Public, and 1905, ch. 174, Public 1029
1905, ch. 25, Private, and 1874, ch. 42, Private 985
1905, ch. 35, Private 802
1905, ch. 37, Private 929
1905, ch. 80, sec. 1, Private 767
1905, ch. 174, Public, and ch. 455, Public of 1903 1029
1905, ch. 182, Private 814
1905, ch. 184, Private 684
1905, ch. 201, Private 434
1905, ch. 208, Private, and ch. 252, Private Laws of 1907 703
1905, ch. 249 842
1905, ch. 282, Private 460
1905, ch. 305, Private 430
1905, ch. 349, sec 2, Private 1049
1905, ch. 351, Private 802
1905, ch. 763, Public 479
1907, ch. 89, Private 524

Laws amended: PAGE
1907, ch. 191, Private 959
1907, ch. 222, Private 54
1907, ch. 235, Private 317
1907, ch. 252, Private, and ch. 208, Private of 1905..... 703
1907, ch. 261, sec. 1, Private 943
1907, ch. 274, Private 844
1907, ch. 344, Private 954
1907, ch. 408, Private 68
1907, ch. 490, Private 885
1908, ch. 36, Private 499
1908, ch. 59, Private 972
1909, ch. 40, Private 803
1909, ch. 44, Private 653
1909, ch. 72, Private 467
1909, ch. 75, Private 795
1909, ch. 103, Private 465
1909, ch. 103, Private 364
1909, ch. 120, Private 734
1909, ch. 167, Private 321
1909, ch. 196, Private 961
1909, ch. 200 728
1909, ch. 206, Private 160
1909, ch. 217, Private 141
1909, ch. 248, Private 471
1909, ch. 266, Private 742
1909, ch. 273, Private 1067
1909, ch. 290, Private 457
1909, ch. 291, Private 242
1909, ch. 292 1048
1909, ch. 296, Private 133
1909, ch. 297, and ch. 382, Public Laws 1903..... 123
1909, ch. 299, Private 1033
1909, ch. 329 998
1909, ch. 371, Private 960
1909, ch. 371, Private 1014
1909, ch. 395, Public 815
Laws continued in force, 1895, ch. 451, Public..... 967
Laws repealed:
1903, ch. 323, Private 121
1903, ch. 365, Private 1019
1907, ch. 295, Private 75
1908, ch. 15, Private 209
1909, ch. 3, Private 734
1909, ch. 117, sec. 3, Private..... 85
1909, ch. 271, Private 73

PAGE

Laws repealed:
1909, ch. 315, Private ... 67
1909, ch. 329, Private ... 467
Laws, John, for relief of ... 893
Lea, Alice N., for relief of ... 467
Lee County, graded schools ... 264
Liberty Point Monument Association incorporated ... 1056
Liberty School District, bonds ... 1069
Lillington, bonds ... 714
Lincolnton:
bonds validated ... 480
graded schools ... 948
Linden Graded School District incorporated ... 1021
Littleton, charter amended ... 272
Locust (town) incorporated ... 222
Louisburg, bonds ... 537
Lumber Bridge (town), charter amended ... 229
Lumberton, charter amended ... 780
Lynn (town) incorporated ... 88

M.

McDonald's (town) incorporated ... 1042
Marble (town) incorporated ... 63
Marietta (town) incorporated ... 365
Marion (town), street duty ... 242
Martin, W. D., relief of ... 683
Marshville, eastern boundary ... 376
Matthews (town), charter amended ... 418
Maufin (town), charter repealed ... 334
Maury (town) incorporated ... 369
Maxton, waterworks commission ... 946
Maxton, Alma and Southbound Railroad Company incorporated ... 199
Medlin, Marion and Dollie Ferrall, for relief of ... 801
Melrose Power and Manufacturing Company incorporated ... 723
Meredith College, from Baptist University for Women ... 51
Merry Oaks and Bonsal school districts, change of territory ... 363
Merry Oaks, charter amended ... 857
Methodist Protestant Church, Rocky Mount, incorporated ... 958
Middlesex, charter amended ... 496
Mill Creek church incorporated ... 364
Minneapolis incorporated ... 57
Monroe:
prosecuting attorney ... 955
sale of land ... 87
salary of recorder ... 375
Monroe Southern Railroad Company incorporated ... 978

PAGE

Mooresville:
charter amended 487
primary elections 67
Morehead City, charter amended 272
Morganton:
bonds 432
deed from Morganton Male Academy validated 930
Morganton Graded School District, bonds 1029
Mount Airy:
charter amended 234
charter amended 420
street bonds 370
streets and bonds 872
water supply 495
Mount Holly Supplemental School District established 1073
Mount Olive:
charter amended 75
corporate limits 434
Mount Pleasant, charter amended 80
Mount Prospect Graded Schools, charter amended 199
Mountain Spring Baptist church incorporated 962
Murphy:
bonds 47
corporate limits 945
Murphy and Andrews (towns), pound charges 380

N.

National Religious Training School and Chautauqua for the Colored Race, Inc., charter amended 320
New Bern:
bond election validated 405
to correct error in election and authorize bond issue 3
interest on bonds 653
pay of policemen 773
Newton, charter amended 572
North Carolina Agricultural Society, charter amended 51
North Carolina Interurban Railway Company incorporated 150
North Carolina-Virginia Railway Company, purchase and sale 1075
North Edenton incorporated 796
North Lumberton incorporated 313
North State Central Railway Company incorporated 527
North and South Clinton Township, school bonds 903

O.

Oak Grove Graded School established 669
Oak Shade Public School District, boundaries 973
Old Fort, charter amended 689

PAGE
Old Fort Graded School established 210
Oriental Graded Schools established 1036
Orphans' Home of the Presbyterian church, charter amended 147
Orrum (town), charter amended 62
Oxford Graded School, bonds 244
Oxford, charter amended 899

P.

Pamlico Insurance and Banking Company, charter amended 985
Parkton Special Tax School District, act concerning 887
Person County and Roxboro, Confederate monument 195
Peoples Mutual Benevolent Association, Catawba Mutual Benefit Association 60
Phœnix Lodge, No. 8, deed to, validated 136
Piedmont-Forsyth Railway Company incorporated 1082
Pinehurst, police authority 966
Pittsboro, charter amended 227
Plymouth, charter amended 66
Pollocksville:
charter amended 403
powers of commissioners 915
Presbyterian church, Orphans' Home, charter amended 147
Primary elections, Mooresville 67
Proctor (town) incorporated 460
Pugh, Eliza, and S. W. Cooper, marriage legalized 1056

R.

Railroads:
Aberdeen and Rockfish Railroad Company, charter amended 470
Black Mountain Railway Company, charter amended 251
Black Mountain Railway Company, charter amended (supplement) ... 925
Carolina and Tennessee Southern, charter amended 228
Central Carolina Railway Company incorporated 974
Davidson Interurban Railway Company incorporated 893
Durham and Danville, bonds for 811
Durham and Danville Railroad Company incorporated 878
Forsyth and Yadkin Railway Company incorporated 1076
Graham County Railroad Company, charter amended 684
Hiwassee Valley Railroad, to provide for building 843
Maxton, Alma and Southbound Railroad Company incorporated 199
Monroe Southern Railroad Company incorporated 978
North Carolina Interurban Railway Company incorporated 150
North Carolina-Virginia Railway Company, purchase and sale 1075
North State Central Railway Company incorporated 527
Piedmont-Forsyth Railway Company incorporated 1082
Raleigh, Charlotte and Southern Railway Company incorporated 1004
Raleigh, Winston and Western Railway Company incorporated 844

Railroads: PAGE
Randolph and Cumberland Railway Company, charter amended..... 749
Roanoke and Mount Airy Southern Railway Company, privileges conferred 196
Salisbury Railway Company, time extended, charter amended..... 457
Salisbury Railroad, county and township bonds protected..... 1033
Southbound Railway Company, charter amended..... 892
Southport Northern and Western Railroad Company, time to begin work 1047
Sunset Park Railway Company, charter amended..... 120
Trent River Railroad Company incorporated..... 717
Watauga Railway Company, powers and privileges..... 791
Waynesville Railway and Power Company, charter amended..... 430
Weldon and Roanoke Rapids Electric Railway Company, time for organization 686
Wilmington, Brunswick and Southern Railroad Company, Southport to subscribe to 91
Wilmington, Brunswick and Southern, time for completion..... 900
Winston-Salem Southbound Railway Company, charter amended..... 368
Winston-Salem Southbound Railway Company, charter amended..... 133
Raleigh:
bonds 121
election of aldermen..... 898
incorporated 578
market house 651
sale of market house..... 734
Raleigh, Charlotte and Southern Railway Company incorporated..... 1004
Raleigh, Winston and Western Railway Company incorporated..... 844
Randolph and Cumberland Railway Company, charter amended..... 749
Recorder's court:
Greensboro 1012
Monroe, prosecuting attorney..... 955
Red Oak High School, removal and reinterment of dead bodies..... 971
Red Springs, charter amended..... 411
Reidsville, charter amended..... 1050
Reidsville, use of streets..... 144
Reidsville School District, law amended..... 1068
Revisal amended, section 3863..... 51
Roanoke and Mount Airy Southern Railway Company, privileges conferred.. 196
Roanoke Rapids Graded School District, bonds..... 327
Roanoke Seminary incorporated..... 142
Robbinsville, charter amended..... 490
Rockingham Company, charter amended..... 968
Rockingham (town):
bonds 734
bonds 747
bonds 864

Rockingham (town): PAGE
charter amended 683
charter amended 966
Confederate monument 684
municipal building 736
salary of mayor 706
sidewalks 773
sidewalks 1062
streets and sidewalks 819
Rockwell (town) incorporated 219
Rocky Mount, bonds 474
Roseboro, charter amended 316
Roxboro and Person County, Confederate monument 195
Roxobel incorporated 1031
Ruffin Graded School, charter amended 479
Rutherfordton, refunding bonds 76

S.

St. Paul's (town), charter amended 188
Salem:
charter amended 439
charter amended 542
Salisbury, bonds 477
Salisbury Railway Company, time extended, charter amended 457
Salisbury Railroad, county and township bonds issued to, protected 1033
Snow Hill Colored Baptist church, prohibition 928
Sanford (town):
bonds to fund sewer debt 85
paving sidewalks 141
Schools and colleges:
Albemarle Normal and Industrial Institute incorporated 737
Baptist University for Women, named changed 51
Bethel High School, dispensary funds 675
Buckhorn Academy, charter amended 166
Carolina Collegiate and Agricultural Institute incorporated 1010
Chadbourn Supplemental Public School, to borrow money 877
Chowan Baptist Female Institute, name changed 685
Eastern Academy, collection of district taxes 926
Free Will Baptist Seminary of Ayden 324
Greensboro Female College, charter amended 735
Hawkins School incorporated 458
Hodges Institute incorporated 361
Industrial Training and Educational School, charter amended 742
Morganton Male Academy, deed from, validated 930
National Religious Training School and Chautauqua for the Colored Race, Inc., charter amended 320
Red Oak High School, removal and reinterment of dead bodies 971

Schools and colleges: PAGE
Roanoke Seminary incorporated ... 142
Trinity College, charter amended ... 118
Westminster School incorporated ... 189
Wingate School, charter amended ... 322
Winterville High School, charter amended ... 1065
School districts:
Ahoskie incorporated ... 1058
Andrews, compulsory attendance ... 814
Anson County ... 524
Beaverdam (Cherokee County) incorporated ... 261
Beulahville, boundary ... 996
Bloomingdale and Barnesville, line changed ... 243
Bonsal and Merry Oaks, change of territory ... 363
Chadbourn, supplemental bonds ... 1071
to borrow money ... 877
Craigrownie, boundaries ... 972
Dallas Special, boundary ... 956
Greene County ... 141
Greenville Township, apportionment ... 466
Higdonville High School, established ... 186
Liberty, bonds ... 1069
Mount Holly Supplemental, established ... 1073
No. 1, in Dillsboro Township, special tax ... 227
No. 1, Mark's Creek Township, incorporated ... 214
Oak Shade, boundaries ... 973
Parkton Special Tax ... 887
Reidsville, law amended ... 1068
Scuppernong Special Tax, boundary ... 950
Shawneehaw Township ... 815
Stokes County ... 958
Stokes and Forsyth counties ... 768
Summerville, created ... 1055
Tyndall, enlarged ... 840
in Wake and Chatham counties, No. 4 ... 364, 465
in Walnut Grove Township ... 914
Wendell, bonds ... 130
incorporated ... 214
bonds ... 739
Winding Hill, boundaries ... 707
School District, No. 8, Bertie County, location of building ... 1047
School District, No. 6, McNeill's Township, boundary ... 912
School District, No. 4, in Wake and Chatham counties ... 465
School teachers:
Andrews, Mrs. Alma Thompson, for relief of ... 951
Arnold, Nelson, for relief of ... 916
Gray, George H., for relief of ... 404

	PAGE
School teachers:	
Lea, Alice N., for relief of	467
Martin, W. D., for relief of	683
Snead, E. D., for relief of	361
Taylor, R. G., and Miss Cynthia Cox, for relief of	900
Scotland Neck, license taxes to graded school fund	486
Scuppernong Special Tax School District, boundary	950
Selma, charter amended	440
Selma Graded School, bonds	216
Shawneehaw Township, school district	815
Shelby (town):	
bonds for light plant	148
paper validated	688
pay of tax collector	466
sinking fund	145
Sheriffs and tax collectors: Haynes, W. J., for relief of	950
Shore (town), charter repealed	121
Smithfield, charter amended	499
Smithfield Graded School District, bonds	807
Snead, E. D., for relief of	361
Snow Hill, bonds	545
Social Aid Society of Siler City incorporated	312
South Biltmore, tax rate	95
Southbound Railway Company, act relating to, amended	892
Southport:	
public terminals	743
to subscribe to stock	91
Southport, Northern and Western Railroad Company, time to begin work	1047
South Mills Township, special school tax	861
Southern Assembly, capital stock	954
Southern Pilgrims, Grand United Order of	1020
Special tax:	
School District, No. 1, in Dillsboro Township	227
South Mills Township	861
Williamston	191
Spencer:	
charter amended	929
jurisdiction of mayor	671
Stanly and Cabarrus counties, franchises ratified	679
Stanley Creek, charter repealed	549
Stanley (town), rechartered	549
Statesville:	
charter amended	621
charter (supplement)	997
refunding bonds	526
Stem (town) incorporated	435
Stokes County, additional school district	958

PAGE
Stokes and Forsyth counties, school district 768
Summerville School District, created 1055
Sunset Park Railway Company, charter amended 120
Swan's (town) incorporated 884
Sylvan Graded School, law amended 767

T.

Talcum Puff Company, rechartered 998
Tarboro:
bonds 246
bonds 332
charter amended 379
Taylor, R. G., and Miss Cynthia Cox, for relief of 900
Teachey's High School and Graded School incorporated 1025
Thomasville:
bonds, waterworks and sewerage 192
terms of school committee 673
Thomasville Baptist Orphanage, charter amended 768
Toisnot Graded School, law amended 803
Townships and counties, bonds protected 1033
Townships:
Alfordsville, school tax districts 995
North and South Clinton, school bonds 903
Shawneehaw, school district 815
Union County, protection of townships 1064
Walnut Grove, school district 914
Trenton, charter amended 420
Trent River Railroad Company incorporated 717
Trinity College, charter amended 118
Troy, graded schools 149
Tryon (town):
charges for public utilities 326
to sell lot 146
Turnpike companies:
Chimney Rock and Hickory Nut Gap Turnpike Company incorporated .. 919
Tyndall School District enlarged 841

U.

Union County:
protection of townships 1064
salary of subrecorder 1048
Unionville incorporated 142

V.

Venable (town) incorporated 788
Villages. (See Cities and Towns.)

W.

PAGE
Wadesboro, bonds and special tax 61
Wachovia Bank and Trust Company, Wachovia Loan and Trust Company .. 63
Wagram (town) incorporated 397
Walnut Grove Township, school district 914
Warrenton, water and sewerage 686
Warsaw High School and Graded School, bonds 160
Warsaw High School and Graded School, charter amended 471
Washington Branch Baptist church incorporated 735
Washington (city):
bonds 52
charter amended 702
wharf bonds 1016
Watauga Railway Company, powers and privileges 791
Watts Hospital, charter amended 329
Waynesville:
bonds to fund debt 78
charter amended 1019
ratification of contract 163
Waynesville Railway and Power Company, charter amended 430
Webster, election validated 1046
Weldon and Roanoke Rapids Electric Railway Company, time for organization 686
Wendell Graded School incorporated 214
Wendell School District, bonds 130
Wendell Graded School District, bonds 739
Wesley Chapel Graded School District, purchase by board of education 967
Westfield Graded School, election of trustees 243
Westminster School incorporated 189
Whitakers (town), new charter 95
Whiteville, charter amended 746
Whiteville Memorial Association incorporated 1014
Williamston, special tax 191
Wilmington:
bonds 437
charter amended 674
charter amended 168
to abate nuisance 459
wharf bonds 409
welfare and prosperity of 1066
Wilmington, Brunswick and Southern Railroad Company:
Southport, to subscribe to 91
time for completion 900
Wilson (town)
bonds 137
charter amended 68
jurisdiction of mayor 732

PAGE
Wilson Graded School, compulsory attendance 805
Wilson Graded School District, law amended 728
Winding Hill School District, boundaries 707
Windsor, charter amended 260
Wine, sale prohibited at Sand Hill Colored Baptist church 928
Wingate School, charter amended 322
Winston:
charter amended 467
commission government 480
Winston Loan and Trust Company incorporated 574
Winston-Salem Southbound Railway Company, charter amended 133
charter amended 368
Winterville High School, charter amended 1067
Womble's Chapel, A. M. E. Zion Church, at Pee Dee, Anson County, incorporated 318
Woodville incorporated 73
Wrightsville Beach, bonds 952