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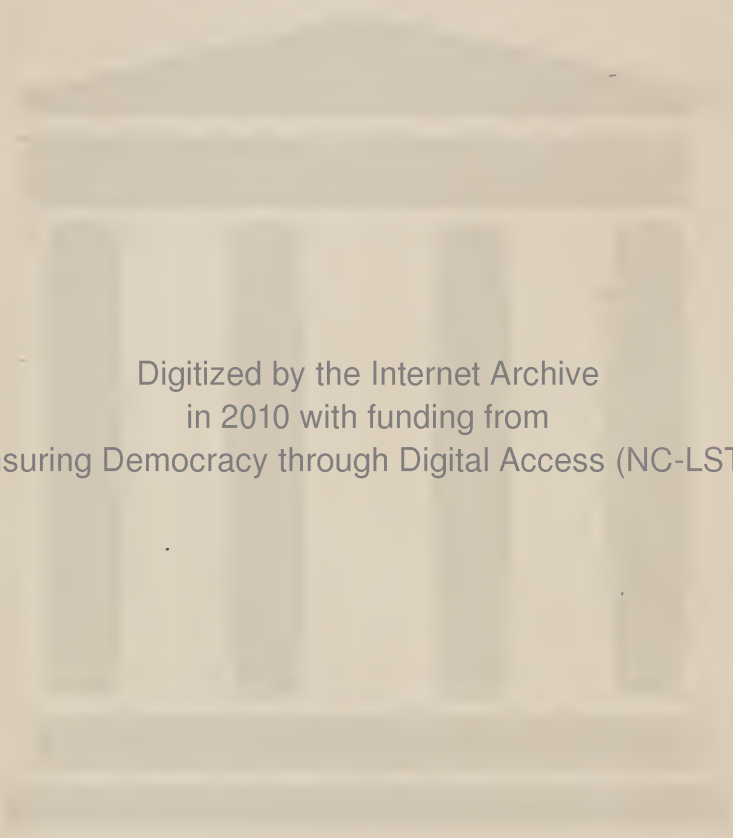
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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1915

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE SIXTH DAY OF JANUARY, A. D. 1915

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1915

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OF THE

PRIVATE LAWS

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

SESSION 1915

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

SESSION 1915

CHAPTER 1.

AN ACT TO REPEAL AN ACT INCORPORATING THE TOWN OF YANCEYVILLE, IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eighty-two of the Private Laws of nineteen hundred and five, incorporating the town of Yanceyville, in Caswell County, be and the same is hereby repealed. Charter repealed.

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

Ratified this the 19th day of January, A. D. 1915.

CHAPTER 2.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF MOORESVILLE TO ISSUE BONDS.

Whereas, at an election held in the town of Mooresville on the eighth day of July, one thousand nine hundred and thirteen, a majority of the qualified voters of said town voted to issue bonds in the sum of twenty thousand dollars for the purpose of enlarging and completing the water-works system of the said town, thirty thousand dollars for the purpose of installing a sanitary sewerage system for the said town, and fifteen thousand dollars for the purpose of repairing and improving the streets of the said town; and whereas the cost of completing the water-works system was fifteen hundred dollars in excess of the bond issue, and the cost of installing the sanitary sewerage system was fifty-five hundred dollars more than the bond issue, and owing to the condition the streets were left in after installing the water-works and sewerage, it was Preamble: bond issues approved by election.

Preamble: additional cost of work.

found necessary to spend three thousand dollars more for street work than the bond issue amounted to; and whereas the said town of Mooresville has equipped and maintained a volunteer fire department at a cost to the town of three thousand dollars, and has enlarged the electric light plant by building and equipping a "regulating station" and installing a power line at an expense of two thousand dollars; and whereas the revenue from the taxes and other sources is sufficient to pay the above amounts, if the same can be paid by issuing thirty-year bonds: Therefore,

The General Assembly of North Carolina do enact:

Purpose of bond issue. SECTION 1. That for the purpose of paying the deficit of fifteen hundred dollars for completing and enlarging the water-works plant, five thousand and five hundred dollars for installing the sanitary sewerage system, three thousand dollars for repairing streets and to care for the sum of three thousand dollars expended for equipping and maintaining the volunteer fire department and repay to the general fund of the said town the sum of two thousand dollars for building and equipping for the electric light plant a "regulating station" and for building the power line for the said electric light plant of the town of Mooresville, the board of commissioners of the town of Mooresville are authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of fifteen thousand dollars (\$15,000), of such denominations as the board of commissioners of the town of Mooresville may deem advisable, bearing interest from the date thereof at a rate not exceeding five per cent per annum, with interest coupons attached, payable half-yearly, at such times and at such place or places as may be deemed advisable by the board of commissioners of said town; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as said board of commissioners may determine; said bonds shall be signed by the mayor and countersigned by the town clerk, and sealed with the corporate seal of the town, and the coupons shall bear the engraved or lithographed signatures of the mayor and town clerk. The said bonds shall be sold at private or public sale, with or without notice, as the board of commissioners of the said town may determine, for not less than par value, and the proceeds of the said bonds, including any premium received from the sale thereof, shall be applied to the purposes set forth in this section, and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of the same.

Tax for interest and sinking fund. 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 to be issued, the said board of commissioners of the said town shall annually, and at the time of levying other

town taxes, levy a sufficient tax to pay the interest on these bonds herein authorized and to create a sufficient sinking fund to pay the said bonds in full at their maturity: *Provided*, the amount of taxes levied shall not exceed the tax rate now authorized for the said town of Mooresville by existing law. All moneys collected for a sinking fund shall be invested and be kept separate from other funds so as to secure the payment of the principal of the said bonds at their maturity.

Limit of tax rate.

Investment of sinking fund.

SEC. 3. That all laws and clauses of law 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 15th day of January, A. D. 1915.

CHAPTER 3.

AN ACT TO AMEND THE CHARTER OF WAKE FOREST COLLEGE SO AS TO INCREASE ITS HOLDING CAPACITY TO \$5,000,000.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifty-seven of the Private Laws of one thousand eight hundred and eighty-nine be amended by striking out from line four of section one of said chapter the words "one million dollars" and inserting in lieu thereof the words "five million dollars."

Amount of endowment.

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

Ratified this the 19th day of January, A. D. 1915.

CHAPTER 4.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM AND TO APPROVE AND RATIFY AN ISSUE OF BONDS OF SAID CITY, SUBMITTED TO A VOTE OF THE PEOPLE ON THE 23^d DAY OF JUNE, 1914.

Whereas an ordinance was duly passed by the board of aldermen of the city of Winston-Salem at two regular monthly meetings, to wit, of April and May, one thousand nine hundred and fourteen, authorizing an issue of bonds for various specific purposes as therein set out, aggregating the sum of four hundred and sixty thousand dollars, par value, and the same was duly submitted to the qualified voters of the said city at an election held on the twenty-third day of June, one thousand nine hundred and fourteen,

Preamble: ordinance for bond issue.

Ratification by election.

at which election a large majority of the qualified voters voted in the affirmative on each and every proposition submitted as aforesaid; returns were duly made and canvassed, and bonds devoted to each and every subject as aforesaid duly declared, approved, and carried; and whereas certain irregularities have been suggested in the date of closing the polls for registration and in failing to make advertisement at the courthouse door, and also as to the power of the city to fund a floating indebtedness by the issue of bonds; and it is desirable and to the interest of the city of Winston-Salem that said bonds be declared regular and valid, and sold and the proceeds devoted to the specific purposes as set forth in the ordinance aforesaid:

Preamble : irregularities suggested.

The General Assembly of North Carolina do enact:

Bond issue approved.

SECTION 1. That the said issue of bonds of the city of Winston-Salem, aggregating four hundred and sixty thousand dollars, and submitted to an election of the qualified voters of said city held on the twenty-third day of June, one thousand nine hundred and fourteen, be and the same are in all respects ratified and approved as regularly, lawfully, and duly issued, and are hereby declared to constitute a valid indebtedness of the city of Winston-Salem, notwithstanding any irregularity or question of power in the issue thereof; that said city is authorized to sell same and devote the proceeds to the respective purposes as set forth in the ordinance aforesaid. But the action of the board in the application of the funds derived from the sale of said bonds, and the same shall in no way affect the validity thereof.

Sale of bonds authorized.

SEC. 2. That the acts of the General Assembly, Private Laws of one thousand nine hundred and nine, chapter seventy-two, section forty-six, be amended as follows: That after the word "due," in line six thereof, the following be inserted: "or to fund, liquidate, or otherwise provide for any floating indebtedness of said city now existing or hereafter created."

Bond issues for floating debt authorized.

Ratified this the 15th day of January, A. D. 1915.

CHAPTER 5.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF GOLDSBORO TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

SECTION 1. That for the purpose of purchasing for the city of Goldsboro stock, at par, to an amount not exceeding nine thousand dollars, of the Goldsboro Electric Railway Company, a corporation to be organized under the laws of the State of North Carolina,

whose principal object will be the purchase, extension, and operation of the present street railway system in said city, the board of aldermen of the city of Goldsboro is authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of nine thousand dollars, of such denominations and in such proportion as the board of aldermen of the city of Goldsboro may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent 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 of aldermen; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty-five years from the date thereof, and at such place or places as said board of aldermen may determine; said bonds shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of the city, and the coupons shall bear the engraved or lithographed signature of the mayor and city clerk; that said bonds shall be sold at private or public sale, with or without notice, as the board of aldermen of said city may determine, for not less than par value, and the proceeds of said Bonds, including any premium received from the sale thereof, shall be applied only to the purchase of stock in said Goldsboro Electric Railway Company, and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of the same.

SEC. 2. That the bonds authorized to be issued by section one of 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 the coupons shall be receivable in payment of the taxes or other city dues for any fiscal year in which said bonds shall become due, or thereafter. If the holder of any such bonds or coupons shall fail to present the same for payment at the time or times or at the place or places therein named, he shall not be entitled to any interest thereon from the time they have been outstanding after maturity.

SEC. 3. That the board of aldermen of said city shall, annually and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the board of aldermen now or may hereafter be authorized to levy and lay taxes for any purpose whatever, sufficient to provide for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized to be issued by section one of this act. The taxes provided for in this section shall be collected in the manner and 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 purpose for which they are levied and collected. Said taxes shall be turned over and delivered to the

Bond issue authorized.

Amount.

Denominations.

Interest.

Maturity.

Authentication.

Sale below par forbidden.

Specific appropriation of proceeds.

Exemption from city taxation.

Coupons receivable for taxes.

Interest to cease upon maturity.

Special tax.

Collection of tax.

Funds kept separate.

Specific appropriation.

Investment of sinking fund.

commissioners of the sinking fund of the city of Goldsboro, and so much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase and discharge of said bonds, shall be so invested by him as to secure the principal of said bonds at their maturity.

Bond issue subject to election.

SEC. 4. That before the purchase by the city of Goldsboro of the stock, the issuance of the bonds, the levying and collecting of the taxes hereinbefore in this act provided for, there shall be an election held in said city of Goldsboro for the purpose of authorizing and empowering said board of aldermen to purchase said stock, issue said bonds, levy and collect said taxes provided for in this act; and said board of aldermen are hereby authorized and directed to call an election to be held on or before March thirty-first, one thousand nine hundred and fifteen, in said city of Goldsboro for such purposes as aforesaid.

Date for election.

New registration.

SEC. 5. There shall be a new registration of the voters of said city of Goldsboro for the purpose of said election; and the said election shall be conducted as near as practicable according to the laws now in force governing municipal elections in said city of Goldsboro, except in so far as this act and the resolutions by the board of aldermen of said city calling said election may prescribe another or different form.

Law governing elections.

Registration.

SEC. 6. The registration books of said city for said election shall be kept open for thirty days (Sundays excepted) preceding said election; the time for opening said registration books to be eight o'clock in the morning and the time for closing the same to be at sunset, except each Saturday during said registration period, when said books shall be closed at ten o'clock p. m.

Notice of election.

SEC. 7. That a notice of said election and the purpose for which it is to be held shall be published for thirty days preceding said election in the *Goldsboro Daily Argus*, a newspaper published in said city, and also once a week for four successive weeks immediately preceding said election in the *Goldsboro Record* and the *Goldsboro Headlight*, weekly papers published in said city of Goldsboro; and a notice of said election shall be posted at the courthouse door in said city and at four other public places in said city, one in each ward, for thirty days immediately preceding said election; and said notice shall give the names of the registrars and judges of election for each ward, and shall name the place at which the registration books for each ward shall be kept open.

Ballots.

SEC. 8. Those voters favoring the purchase of stock by the city of Goldsboro, the issuance of bonds, the levying and collecting of taxes provided for in this act, shall vote a ticket or ballot upon which shall be written or printed the words "For purchase of electric railway stock"; and those voters opposing the purchase of stock by the city of Goldsboro, the issuance of bonds, the levying and collecting of taxes provided for in this act, shall vote a ticket

or ballot upon which shall be written or printed the words "Against purchase of electric railway stock." The said tickets or ballots shall be on white paper and shall be approximately two inches by three inches in size. If a majority of the qualified voters of said city shall vote at said election "For purchase of electric railway stock," then the board of aldermen of the city of Goldsboro is authorized and empowered to purchase the stock, issue the bonds, levy and collect the taxes provided for in this act; but if a majority of the qualified voters of said city shall not vote at said election "For purchase of electric railway stock," then the board of aldermen of said city shall not purchase the stock, issue the bonds, levy and collect the taxes provided for in this act. Effect of election.

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

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

Ratified this the 19th day of January, A. D. 1915.

CHAPTER 6.

AN ACT TO REPEAL CHAPTER 12, PRIVATE LAWS, EXTRA SESSION 1913, RELATING TO JURISDICTION OF MAYOR OF CITY OF WASHINGTON IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twelve of Private Laws of extra session of one thousand nine hundred and thirteen, relative to jurisdiction of mayor of city of Washington, be and the same is hereby repealed. Law repealed.

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

Ratified this the 20th day of January, A. D. 1915.

CHAPTER 7.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BUSHNELL.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Bushnell be and the same are hereby extended as follows: To run three-fourths of a mile from the depot down the Tennessee River to Hogpen Branch; thence a northeast line to intersect the present Limits extended.
New boundaries.

line at the northwest point on the public road leading to Chambers' Creek, so as to include the public schoolhouse and other public buildings.

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 21st day of January, A. D. 1915.

CHAPTER 8.

AN ACT TO ALLOW THE TOWN OF SPENCER TO ISSUE BONDS FOR THE PURPOSE OF COMPLETING AND EQUIPPING THE PRESENT GRADED SCHOOL BUILDINGS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Bond issue authorized.	SECTION 1. That the mayor and board of aldermen of the town of Spencer are hereby authorized and empowered to issue bonds to the amount not exceeding five thousand dollars (\$5,000), in the corporate name of said town, for the purpose of completing and equipping the present graded school buildings of said town; first submitting the question of creating said indebtedness and the issuing of bonds to the qualified voters of said town as hereinafter provided.
Amount.	
Purpose of issue.	
Question submitted to election.	
Denomination.	SEC. 2. That the denomination shall not be less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), and shall bear interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable semiannually at such time and place 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 thereof payable at such time or times, not exceeding thirty (30) years from the date thereof, and at such place or places as the mayor and board of aldermen may determine and designate in said bonds.
Interest.	
Maturity.	
Authentication.	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.
Sale below par forbidden.	That none of said bonds shall be sold, hypothecated, or otherwise disposed of for less than their par value, nor shall the same nor the proceeds thereof be used for any other purpose than contemplated by section number one of this act.
Specific appropriation of proceeds.	
Coupons receivable for town taxes.	SEC. 3. That the said interest coupons shall be receivable in payment of all taxes and all other public debts of said town for any fiscal year in which said coupons shall become due, or at any time thereafter.

- SEC. 4. That in order to pay the semiannual interest on said bonds, and the principal thereof as same shall become due and payable, the mayor and board of aldermen of said town are hereby authorized, and it shall be their duty, to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax on the poll and all real estate and personal property which shall be listed for general taxation in said town, always observing the constitutional equation between the tax on property and the tax on poll, said taxes to be collected in the same manner and at the same time as the other taxes of the said town are collected, and to be paid over by the town tax collector to the treasurer of said town, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former for collecting and turning over and the latter for the safe keeping and proper disbursement of said funds.
- SEC. 5. That the taxes levied and collected for the purpose specified in section four of this act shall be kept separate and distinct from any and all other taxes and shall be used for the purpose for which they were levied and collected: *Provided*, that if the said taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year; and the said aldermen, at the time of levying taxes for the payment of interest for said succeeding year, shall take into consideration said excess and shall compute and levy said tax accordingly.
- SEC. 6. 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 Spencer at the regular election of the mayor and board of aldermen in May, one thousand nine hundred and fifteen (1915); said mayor and board of aldermen having given thirty days notice thereof, published in the town of Spencer or in Rowan County. The mayor and board of aldermen for said town shall cause a new registration to be made of all the qualified voters residing in said town under the rules and regulations prescribed for the registration of voters for general elections; said election shall be held and conducted by the same registrar and judges and as near as may be in the manner prescribed for the election of the mayor and board of aldermen of said town under the laws existing at the time of holding said election. Those voting in favor thereof shall cast ballots in boxes 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." The result of said election shall be certified by the registrar and judges of election to the mayor and board of aldermen of said town, and
- Special tax.
- Constitutional equation.
- Collection and settlement.
- Taxes kept separate.
- Specific appropriation.
Proviso: surplus to ensuing year.
- Bond issue to be authorized by voters.
- Time of election.
- New registration.
- Conduct of election.
- Ballots.
- Certificate of result.

the mayor and board of aldermen within two days after the election shall verify said returns and cause the result to be recorded in their minutes.

Revisal not applicable.

SEC. 7. That the provisions of section twenty-nine hundred and seventy-seven (2977) of the Revisal of one thousand nine hundred and five (1905) of North Carolina shall not apply to the town of Spencer.

SEC. 8. That all laws inconsistent and in conflict with any of the provisions of this act are hereby repealed.

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

Ratified this the 21st day of January, A. D. 1915.

CHAPTER 9.

AN ACT TO LEGALIZE AND VALIDATE AN ELECTION HELD IN THE TOWN OF CHERRYVILLE, IN GASTON COUNTY, AND THE BONDS TO BE ISSUED BY SAID TOWN, NOT EXCEEDING \$20,000, FOR THE PURPOSE OF ERECTING PUBLIC SCHOOL BUILDINGS.

Preamble: election and result.

Whereas an election was duly ordered by the board of commissioners of the town of Cherryville, Gaston County, North Carolina, under the provisions of chapter two hundred and ten of the Private Laws of one thousand nine hundred and thirteen, for the purpose of submitting to the qualified registered voters of said town the question of levying and collecting a special tax on all taxable property and polls of said town for the building of one or more public school buildings, to cost not exceeding twenty thousand dollars, which election was held on Tuesday, May fifth, one thousand nine hundred and fourteen, notice of which was given substantially as required by the provisions of said chapter two hundred and ten, and which election resulted in a very large majority of the qualified registered votes of said town being "For School Buildings," whereby the provisions of said chapter two hundred and ten, Private Laws of one thousand nine hundred and thirteen, became in full force and effect in said town, and the commissioners of said town thereby became authorized to issue said bonds of said town to an amount not exceeding twenty thousand dollars; and whereas the said chapter two hundred and ten of the Private Laws of one thousand nine hundred and thirteen provides that the commissioners of said town shall call the said election upon the presentation of a petition of one-fourth of the qualified voters of the town of Cherryville, but in lieu of said petition the voters of said town in a largely attended mass-meeting passed resolutions requesting said

Preamble: mass-meeting in lieu of petition.

commissioners to call said election, and in response to said resolutions they did call or order said election; and whereas notice of said election was posted for thirty days preceding said election and inserted in *The Eagle*, a weekly newspaper published in said town, for four weeks preceding said election, the first insertion of said notice in said newspaper being only twenty-six days prior to the date of said election: Now, therefore,

Preamble: notice of election.

The General Assembly of North Carolina do enact:

SECTION 1. That the election held in Cherryville, North Carolina, on May fifth, one thousand nine hundred and fourteen, for the purpose of submitting to the qualified registered voters of said town the question of levying and collecting a special tax on all taxable property and polls of said town for the building of one or more public school buildings therein, be and the same are hereby in all respects legalized, validated, and ratified, and the commissioners of said town of Cherryville are hereby authorized to issue said bonds of said town to an amount not exceeding twenty thousand dollars, bearing interest at a rate not to exceed six (6) per centum per annum, the principal thereof to mature not later than thirty years from their date. That said bonds in all respects not named in this act shall be issued in accordance with the provisions of said chapter two hundred and ten of the Private Laws of one thousand nine hundred and thirteen.

Election validated.

Bond issue authorized.

Amount.

Interest.

Maturity.

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

Ratified this the 23d day of January, A. D. 1915.

CHAPTER 10.

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

The General Assembly of North Carolina do enact:

SECTION 1. That in order to fund the indebtedness incurred by the city of Raleigh on account of money borrowed, which was necessary to build and repair the streets of said city, the governing body of the city of Raleigh is hereby authorized, empowered, and directed to issue and sell coupon bonds of said city to an amount not exceeding the sum of one hundred thousand dollars, said bonds to bear interest at a rate not exceeding six per cent per annum, payable semiannually and to mature in the manner following, to wit: fifteen thousand dollars of said bonds on the first day of January, one thousand nine hundred and sixteen; fifteen thousand dollars of said bonds on the first day of January, one

Purpose of bond issue.

Issue authorized.

Amount.

Interest.

Maturity.

thousand nine hundred and seventeen; fifteen thousand dollars of said bonds on the first day of January, one thousand nine hundred and eighteen; twenty thousand dollars of said bonds on the first day of January, one thousand nine hundred and nineteen; and thirty-five thousand dollars on the first day of January, one thousand nine hundred and twenty.

Denominations.

SEC. 2. That said bonds shall be in such denominations and shall be payable at such place or places as the governing body of the city of Raleigh may determine.

Fund for payment.

SEC. 3. That the governing body of the said city of Raleigh shall pay said bonds and the interest on the same out of the moneys collected from the outstanding paving certificates falling due each year during the life of said bonds, which certificates are hereby pledged to the payment of said bonds and the interest on the same; and if the amount of principal and interest falling due from said paving certificates is not sufficient in amount to pay said funding bonds and the interest on the same, then in that event the taxes collected by the city of Raleigh for general purposes for the then current year shall be charged with and used for the purpose of paying any deficit of said principal and interest.

Pledge of certificates.

Deficit to be paid from taxes.

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

Ratified this the 25th day of January, A. D. 1915.

CHAPTER 11.

AN ACT TO AMEND THE CHARTER OF ELON COLLEGE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and sixteen, Private Laws of one thousand eight hundred and eighty-nine, be amended by striking out the word "fifteen" in line two of said section, between the words "of" and "trustees," and inserting in lieu thereof the word "twenty-four," and by adding after the word "trustees" in the said line and section, "but the quorum shall remain eight, as provided in section two, chapter two hundred and sixteen, Private Laws of one thousand eight hundred and eighty-nine." so that the section shall read: "The affairs of the said college shall be under the management of a board of twenty-four trustees, but the quorum shall remain eight, as provided in section two, chapter two hundred and sixteen, Private Laws of one thousand eight hundred and eighty-nine."

Trustees.

Quorum.

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

Ratified this the 26th day of January, A. D. 1915.

CHAPTER 12.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM, AND TO APPROVE AND RATIFY AN ISSUE OF BONDS OF SAID CITY, SUBMITTED TO A VOTE OF THE PEOPLE ON THE 23^D DAY OF JUNE, 1914.

Whereas an ordinance was duly passed by the board of aldermen of the city of Winston-Salem, at two regular monthly meetings, to wit, of April and May, one thousand nine hundred and fourteen, authorizing an issue of bonds for various specific purposes as therein set out, aggregating the sum of four hundred and sixty thousand dollars, par value, and the same was duly submitted to the qualified voters of the said city at an election held on the twenty-third day of June, one thousand nine hundred and fourteen, at which election a large majority of the qualified voters voted in the affirmative on each and every proposition submitted as aforesaid; returns were duly made and canvassed, and bonds devoted to each and every subject as aforesaid duly declared, approved, and carried; and whereas certain irregularities have been suggested in the date of closing the polls for registration, and in failing to make advertisement at the courthouse door, and also as to the power of the city to fund a floating indebtedness by the issue of bonds, and it is desirable and to the interest of the city of Winston-Salem that said bonds be declared regular and valid, and sold and the proceeds devoted to the specific purposes as set forth in the ordinance aforesaid:

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the said issue of bonds of the city of Winston-Salem, aggregating four hundred and sixty thousand dollars, and submitted to an election of the qualified voters of said city held on the twenty-third day of June, one thousand nine hundred and fourteen, be and the same are in all respects ratified and approved as regularly, lawfully, and duly issued, and are hereby declared to constitute a valid indebtedness of the city of Winston-Salem, notwithstanding any irregularity or question of power in the issue thereof; that said city is authorized to sell same and devote the proceeds to the respective purposes as set forth in the ordinance aforesaid. But the purchaser or holder of the bonds shall not be bound by any action of the board in the application of the funds derived from the sale of said bonds, and the same shall in no way affect the validity thereof.

Bond issue ratified.

Sale of bonds and appropriation of proceeds.

SEC. 2. That the acts of the General Assembly, Private Laws of one thousand nine hundred and nine, chapter seventy-two, section forty-six, be amended as follows: That after the word "due," in

Liquidation of floating debt.

line six thereof, the following be inserted: "or to fund, liquidate, or otherwise provide for any floating indebtedness of said city now existing or hereafter created."

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 26th day of January, A. D. 1915.

CHAPTER 13.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF DUNN TO CONVEY CERTAIN REAL ESTATE LOCATED WITHIN THAT TOWN AND DESIGNATED ON THE OFFICIAL MAP AS MARKET SQUARE.

Preamble.

Whereas, in the early history of the town of Dunn, an official map of said town was caused to be registered in the office of the register of deeds of Harnett County in which certain parts of four squares or blocks of said town cornering at the intersection of Broad and Clinton streets were indicated as dedicated to the public as a site for a market house and designated on said map "Market Square," together with certain alleys diagonally across said four blocks connecting with said Market Square; and whereas the said town of Dunn, through its legally constituted officers, has never actually accepted said Market Square and its connecting alleys, but, on the contrary, has built a permanent market house elsewhere in said town; and whereas, with the knowledge and acquiescence of the officers and citizens of said town, persons holding deeds for said lands based upon valuable considerations have for years occupied, used, and improved said property, and it is deemed wise that any question as to the title of said lands should be definitely settled: Now, therefore,

The General Assembly of North Carolina do enact:

Town to make deeds.

SECTION 1. That the board of commissioners of the town of Dunn be and they are hereby authorized and empowered, in their discretion, to cause the property or any part thereof designated on the official registered map of the town of Dunn as "Market Square," located at the intersection of Broad and Clinton streets, or its connecting alleys, to be conveyed to the respective *bona fide* occupants and claimants thereof by deeds of said town executed in the name of the town of Dunn by its mayor, attested by its clerk and sealed with its common or corporate seal and acknowledged as provided by law for acknowledgment of deeds of corporations.

Execution and attestation of deeds.

Effect of deeds.

SEC. 2. That the effect of any such deed shall be to vest in the grantee all the rights, title, interest, estate, and easement of the town of Dunn and of the public in the lands therein described.

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

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

Ratified this the 27th day of January, A. D. 1915.

CHAPTER 14.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO CONTRIBUTE FROM THE CITY TREASURY \$500 TOWARDS THE ENTERTAINMENT OF THE STATE FIREMEN'S ASSOCIATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of New Bern are hereby authorized and empowered to contribute from the general fund in the treasury of the city the sum of five hundred dollars to help defray the expense of entertaining the State Firemen's Association during the annual tournament of said association to be held in said city during the year one thousand nine hundred and fifteen. Said sum, when contributed, to be paid over to the duly authorized representatives of the volunteer fire department of said city.

Contribution
authorized.
Amount.

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

Ratified this the 27th day of January, A. D. 1915.

CHAPTER 15.

AN ACT TO AMEND CHAPTER 66 OF THE PRIVATE LAWS OF 1909, RELATIVE TO GRADED SCHOOL DISTRICT LINE IN MACON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-six of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended so as to make the dividing line between Franklin Graded School District and the Iotla Special-Tax District the original southern line of the Rocky Branch District; that is to say, the dividing line between the Franklin Graded School District and the Iotla Special-Tax District shall begin at the summit of Trimont Mountain and run thence in an easterly direction along the top of the leading ridge by way of Windy Gap and Cabe Knob to the Ten-

nessee River; the eastern portion of said line to be run so as to include the entire farm of E. W. Fowler.

Territory added to Iotla district.

SEC. 2. All of the territory north of the line described that now lies in the Franklin Graded School District shall hereafter be a part of the Iotla Special-tax District.

Election authorized.

SEC. 3. That the commissioners of the county of Macon are hereby authorized and empowered to order a special election in the Iotla Special-tax District, in which there shall be submitted to the voters in said special-tax district, including the territory added to said district by this act, the question as to whether or not there shall be levied in said Iotla Special-tax District an additional special tax not exceeding fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll, for the support of the school in said district. The said election shall be held in the manner prescribed in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five.

Question to be voted on.

Limit of rate.

Law governing election.

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

Ratified this the 28th day of January, A. D. 1915.

CHAPTER 16.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section four, chapter twenty, Private Laws of one thousand nine hundred and eleven, is hereby repealed.

SEC. 2. That section nine, chapter two hundred and thirteen, Private Laws of one thousand nine hundred and three, be amended by striking out from the word "elect," inclusive, in line two, down to and including the word "treasurer" in line five, and substitute therefor the words, "designate one or more banks in said town to receive all moneys of the town usually handled by the treasurer, and pay out same."

Bank to act as treasurer.

Bank to give bond.

No compensation.

SEC. 3. That the bank or banks so designated by the board of councilmen be required to give bond satisfactory to said board, and that said bank or banks shall receive no compensation for handling these funds other than that derived from the use of such funds in the usual course of banking.

When act effective.

SEC. 4. That this act shall be in force from and after May first, one thousand nine hundred and fifteen.

Ratified this the 29th day of January, A. D. 1915.

CHAPTER 17.

AN ACT TO ENLARGE YELVINGTON SCHOOL DISTRICT,
No. 2, OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Yelvington School District, Number Two, of Johnston County, be and the same is hereby enlarged and extended so as to include within its bounds the lands at present owned and occupied by C. C. Hathaway and Jesse Daughtry, and to remove said lands from the Selma Graded School District into the special-tax district aforesaid. Territory enlarged.

SEC. 2. That the additional territory set out and described in section one of this act shall be subject to all the rights and benefits and all the burdens of assessment and taxation imposed upon the original territory. Rights and liabilities.

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 28th day of January, A. D. 1915.

CHAPTER 18.

AN ACT TO AMEND CHAPTER 89, SECTION 7, OF THE
PRIVATE LAWS OF 1911, RELATING TO THE GRADED
SCHOOL TAX RATE IN THE TOWN OF OLD FORT IN Mc-
DOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of the Private Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the phrase, "a tax in said school district not to exceed twenty cents on the one hundred dollars valuation of real and personal property and not to exceed sixty cents on every poll," and inserting in lieu thereof the following: "a tax in said school district not to exceed thirty cents on the one hundred dollars valuation of real and personal property and not to exceed ninety cents on every poll in said district." Tax rate.

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

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

Ratified this the 28th day of January, A. D. 1915.

CHAPTER 19.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO CONTRIBUTE MONEY FROM THE CITY TREASURY TO THE CITY BAND.

The General Assembly of North Carolina do enact:

Contribution
authorized.

SECTION 1. That the board of aldermen of the city of New Bern are hereby authorized and empowered to contribute from the general fund in the treasury of the city, upon such conditions as may be prescribed by said board, such sum of money, not exceeding twenty-five dollars per month, as said board may decide upon, to the city band of the said city of New Bern.

Amount.

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

Ratified this the 29th day of January, A. D. 1915.

CHAPTER 20.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF CHERRYVILLE, GASTON COUNTY, TO ISSUE BONDS TO PAY ITS PRESENT FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Purpose of bond
issue.

SECTION 1. That for the purpose of paying the floating indebtedness of the town of Cherryville, North Carolina, incurred for necessary expenses, the board of commissioners of said town is hereby authorized and empowered to issue coupon bonds of said town to an amount not exceeding eight thousand five hundred dollars.

Bond issue
authorized.

Amount.

SEC. 2. That said bonds shall be issued and sold under the provisions contained in sections fifty-two, fifty-three, fifty-four, and fifty-five of chapter two hundred and ten of the Private Laws of one thousand nine hundred and thirteen; but no other section, clause, or provision of said chapter shall apply to or affect the bonds to be issued under this act.

Law governing
issue.

SEC. 3. That all laws and clauses of laws in conflict with this act, in so far as they relate to this act, are repealed.

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

Ratified this the 29th day of January, A. D. 1915.

CHAPTER 21.

AN ACT TO ENLARGE MICRO GRADED SCHOOL DISTRICT
IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory set down and described in section one, chapter one hundred and seven, Private Laws, extra session one thousand nine hundred and thirteen, it being an act to create Micro Graded School District in Johnston County, be and the same is hereby enlarged and extended so as to include and embrace therein the lands at present owned and occupied by W. H. Batten, J. T. Creech, W. H. Creech, and Mrs. Jane Aycock. Territory enlarged.

SEC. 2. That said act of the Legislature, as hereby amended, is continued in full force and effect and shall apply to the territory added by section one of this act as if the same had been originally a part of said school district. Law applicable to added territory.

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 from and after its ratification.

Ratified this the 29th day of January, A. D. 1915.

CHAPTER 22.

AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO
USE CERTAIN FUNDS FOR THE EXTENSION OF ITS
WATER AND SEWERAGE PLANTS.

Whereas the city of Fayetteville, after borrowing the thirty-five thousand dollars on its ten-year notes authorized by chapter twenty-four of the Private Laws of the extraordinary session of one thousand nine hundred and thirteen, entitled "An act to authorize the city of Fayetteville to borrow thirty-five thousand dollars to enlarge its light plant," entered into a long-term contract whereby sufficient electric current or energy is supplied so as to render inadvisable the enlargement of said light plant; and whereas it is necessary for said city to extend its water and sewerage systems, and to make other public improvements, and to use the aforesaid thirty-five thousand dollars for such purposes: Therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the city of Fayetteville is fully authorized and empowered to use all or any part of the aforesaid thirty-five thousand dollars for the extension and improvement of its water-works Use of money authorized.

Proviso: sinking fund to be maintained.

and sewerage systems, either or both, and also for other necessary public improvements: *Provided, however*, that the moneys mentioned in the act of one thousand nine hundred and thirteen, above referred to, shall be appropriated and set apart as a sinking fund as therein provided.

Ratified this the 29th day of January, A. D. 1915.

CHAPTER 23.

AN ACT TO PREVENT DISORDERLY CONDUCT WITHIN THE BOUNDARIES OF LAUREL PARK IN HENDERSON COUNTY.

Preamble.

Whereas Laurel Park, near Hendersonville, in Henderson County (bounded on the east by the Carson, Wetmur, Ewart, and Ripley tracts of land; on the south by the Kahn and Ransier lands; on the west by the Ives and Patterson and Singletary lands; and on the north by the Guice and Gallamore lands), has been developed to the extent that it has for years furnished orderly, decent, and interesting entertainment for Hendersonville and the thousands of people who visit Hendersonville during the summer seasons; and whereas said park is without the limits and without the protection of any incorporated city or town; and whereas it is impossible to protect the visitors and residents of the park, many of whom are women and children, against the lawlessness of the lawless classes without appropriate facilities for the arrest and punishment of those who are disposed to be disorderly: Therefore,

Preamble.

The General Assembly of North Carolina do enact:

Drunkenness forbidden.

SECTION 1. That it shall be unlawful for any person to enter or remain within the boundaries of Laurel Park while under the influence to any extent of any kind of intoxicants, and any person who shall be guilty of said offense shall, upon conviction thereof, be punished by fine not exceeding fifty dollars or imprisonment not exceeding thirty days.

Punishment.

Misconduct and bad language forbidden.

SEC. 2. That it shall be unlawful for any person within the boundaries of Laurel Park to become boisterous or to use indecent, profane, vulgar, rude, or insulting language in the presence of or to the annoyance of other people, and any person who shall be guilty of said offense shall, upon conviction thereof, be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Punishment.

Officers may arrest without warrant.

SEC. 3. That it shall be lawful for any sheriff or deputy sheriff of Henderson County, or constable of Hendersonville Township, or any police officer of the town of Hendersonville, to arrest any person charged with the violation of the laws above specified and take

such person immediately to a competent court and there procure a warrant for the offender and have the charge investigated and the offender dealt with as provided by law.

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

Ratified this the 29th day of January, A. D. 1915.

CHAPTER 24.

AN ACT TO AMEND CHAPTER 74, PRIVATE LAWS OF NORTH CAROLINA, SPECIAL SESSION OF 1913, RELATING TO THE CHARTER OF THE TOWN OF NORMAN IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter seventy-four, Private Tax rate. Laws of North Carolina, special session of one thousand nine hundred and thirteen, relating to the incorporation of the town of Norman in Richmond County, be amended by striking out the words "one dollar" in line seven and substituting in lieu thereof the words "three dollars," and by striking out the words "thirty-three and one-third cents" in lines seven and eight and substituting in lieu thereof the words "one dollar."

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

Ratified this the 29th day of January, A. D. 1915.

CHAPTER 25.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NEW BERLIN IN COLUMBUS COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty, Private Laws of nineteen hundred and thirteen, incorporating and describing the boundaries of the town of New Berlin, in Columbus County, North Carolina, be amended by striking out all of section two of said chapter and substituting in lieu thereof the following:

"SEC. 2. That the corporate limits of said town be as follows: Corporate limits. Beginning at the intersection of Lingsston Branch and Livingston Creek, and runs up said creek as it meanders to where the county stock-law fence crosses said creek on the south side of the Atlantic Coast Line Railroad; thence easterly and northerly with said

stock-law fence as it meanders to the run of said Lingston Branch; thence down the run of said branch as it meanders to the beginning."

SEC. 2. That all of section six of said chapter three hundred and forty, Private Laws of nineteen hundred and thirteen, be stricken out and the following be substituted in lieu thereof:

Town elections.

"SEC. 6. There shall be an election for officers mentioned in this act on the first Monday in June, nineteen hundred and fifteen, and every two years thereafter, under the same restrictions that county and State elections are held."

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 29th day of January, A. D. 1915.

CHAPTER 26.

AN ACT TO RATIFY THE \$100,000 STREET IMPROVEMENT BOND ISSUE OF THE CITY OF GREENSBORO.

Preamble.

Whereas, on the thirtieth day of April, one thousand nine hundred and fourteen, the board of commissioners of the city of Greensboro, under authority granted by the charter of said city, passed an ordinance in the manner prescribed by its charter and in accordance with law, calling an election to be held on the twenty-first day of July, one thousand nine hundred and fourteen, for the purpose of submitting to the qualified registered voters of said city the question of issuing one hundred thousand dollars (\$100,000) of coupon bonds of said city, payable thirty years after their date, in denominations of one thousand dollars (\$1,000) each and bearing interest at the rate of five (5) per cent per annum, payable semiannually, 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 paving of streets and other improvements incidental thereto.

Preamble.

authorized by the charter of said city; and whereas, on the said twenty-first day of July, one thousand nine hundred and fourteen, 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: Now, therefore,

The General Assembly of North Carolina do enact:

Bond issue validated.

SECTION 1. That the said one hundred thousand dollars (\$100,000) bond issue of the city of Greensboro, for the purpose of paving its streets and other improvements incidental thereto, author-

ized by an ordinance of the board of commissioners of the said city of Greensboro passed on the thirtieth day of April, one thousand nine hundred and fourteen, and 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 commissioners 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 authorized and directed to levy an annual special tax upon all property in said city subject to taxation, as provided in the ordinance aforesaid, 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 said city to the amount of principal and interest of said bonds.

Issue and sale of bonds authorized.

Special tax.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed in so far as they may conflict herewith.

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

Ratified this the 29th day of January, A. D. 1915.

CHAPTER 27.

AN ACT TO RATIFY AND VALIDATE CERTAIN NOTES OF THE CITY OF WILMINGTON AND THE PROCEEDINGS FOR THE ISSUANCE THEREOF, AND TO AUTHORIZE THE ISSUANCE OF NEW NOTES IN EXCHANGE THEREFOR AND THE LEVYING OF TAXES SUFFICIENT TO PAY SUCH NOTES.

The General Assembly of North Carolina do enact:

SECTION 1. That the resolution of the council of the city of Wilmington, passed at a meeting thereof held December ninth, one thousand nine hundred and fourteen, authorizing the issuance of forty thousand dollars negotiable promissory notes of said city for the purpose of street paving, and the action of the mayor and the city clerk and treasurer of said city in executing, selling, and issuing forty thousand dollars notes in pursuance of said resolution, said notes being four in number, for the sum of ten thousand dollars each, dated December ninth, one thousand nine hundred and fourteen, payable four years after date, bearing interest at the rate of six per centum per annum, payable semiannually, are hereby validated, ratified, and confirmed; and said notes are hereby declared to be legal and binding obligations of the city of Wilmington.

Resolution authorizing notes.

Amount.

Purpose.

Issue of notes.

Description.

Acts validated.

Notes legal and binding.

Issue of notes for exchange authorized and regulated.

SEC. 2. That the city of Wilmington shall have power, upon the surrender of any of said outstanding notes by the holder thereof, to cancel such note and to issue a new note or notes in exchange therefor, which new note or notes shall not exceed in amount the notes offered in exchange, and shall bear the same rate of interest and be payable, both principal and interest, at the same time and place as said outstanding notes, and shall be of such denomination as the holder of said outstanding notes may desire.

Tax for payment of notes.

SEC. 3. That the city of Wilmington shall levy annually by tax a sum sufficient to pay the principal and interest of said notes as the same shall become due.

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

Ratified this the 2d day of February, A. D. 1915.

CHAPTER 28.

AN ACT TO ALLOW THE TOWN OF WELDON, HALIFAX COUNTY, STATE OF NORTH CAROLINA, TO FUND ITS FLOATING INDEBTEDNESS AND TO BORROW THE MONEY TO PAY THE SAME, AND TO AMEND SECTION 17, CHAPTER 83, LAWS OF 1891, THE SAME BEING THE CHARTER OF THE SAID TOWN OF WELDON.

The General Assembly of North Carolina do enact:

Power to borrow money.

SECTION 1. That the town of Weldon in the county of Halifax and State of North Carolina be and it is hereby authorized to borrow the sum of five thousand dollars upon such terms and for such length of time as it may make and to execute for said loan the note of the said town, the same to be signed for the town by its mayor, attested by the clerk of the board of commissioners for said town, with its seal affixed: *Provided*, that the board of commissioners, by resolution adopted at a regular meeting, shall authorize the said loan.

Execution and authentication of note.

Proviso: commissioners to authorize loan.

Application of proceeds.

SEC. 2. That the proceeds of said loan shall be applied to the payment of the floating indebtedness of the said town of Weldon growing out of and left unpaid by reason of the establishment of a system of water-works and sewerage for said town: *Provided*, that the person, firm, or corporation lending the said money shall not be required to follow the application of the same.

Proviso: lender not responsible for application.

Requirement for election stricken out.

SEC. 3. That section seventeen, chapter eighty-three, Laws of one thousand eight hundred and ninety-one, the same being the charter of the town of Weldon, be amended by striking out of said section all the words after the words "borrow money" down to and including the words "said election" before the words "They may provide water."

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

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

Ratified this the 3d day of February, A. D. 1915.

CHAPTER 29.

AN ACT TO AMEND CHAPTER 444, PUBLIC LAWS OF 1909, EXTENDING THE TIME IN WHICH PRACTITIONERS OF OPTOMETRY MAY REGISTER.

The General Assembly of North Carolina do enact:

SECTION 1. That N. A. Harrison of Buncombe County and W. O. Ruddick of Cleveland County be and they are hereby authorized and permitted to practice optometry in their respective counties without standing the examination as provided by chapter four hundred and forty-four of the Public Laws of nineteen hundred and nine and the acts amendatory thereof, and this act shall be their authority for registration. Authority to register and practice.

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 February, A. D. 1915.

CHAPTER 30.

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO ISSUE BONDS TO PAY AN INDEBTEDNESS CONTRACTED FOR STREET IMPROVEMENTS, AND FOR OTHER PUR- POSES.

Whereas, pursuant to chapter three hundred and fourteen, Private Laws of North Carolina, session of one thousand nine hundred and eleven, the board of commissioners of the town of Lumberton caused certain streets and sidewalks within said town to be paved and improved; and whereas, under the provisions of said act, the cost and expense of paving and improving such sidewalks became and was a liability against the abutting property owners or lessees and a lien upon the property so paved and improved, and two-thirds of the cost of paving and improving such streets was also a liability against such abutting owners or lessees and a lien upon the property, the remaining one-third of the cost and expense of paving and improving such streets being a liability against the

Preamble.
Preamble.

Preamble. town of Lumberton; and whereas, on account of the financial stringency now prevailing, the said abutting property owners or lessees who are liable on account of such paving and upon whose property a lien exists in favor of the town of Lumberton for the amounts so due, have applied to the board of commissioners of said town to grant an extension of time for the payment of the amounts assessed against them on account of such paving and street improvements; and whereas, under authority of chapter fifty-four, Laws of North Carolina, extra session of one thousand nine hundred and thirteen, the town of Lumberton was authorized to borrow from the commissioner of the sinking fund of said town the sum of twenty thousand dollars to defray the amount due by said town on account of such paving, but on account of said commissioner having invested all funds in his hands he was unable to make said loan in cash, but as the equivalent thereof turned over and delivered to the board of commissioners of the said town the securities in his hands to the value of twenty thousand dollars, which said securities are not yet due or payable and have not been collected; and whereas, on account of the fact that the abutting property owners or lessees have not paid the amounts charged and assessed against them for such paving, and are requesting an extension of time for the payment thereof, and on account of the further fact that the securities in the hands of the board of commissioners of said town taken over from the commissioner of the sinking fund are not yet due or payable, there is no available cash on hand wherewith to pay the cost and expense of the paving done under authority of said chapter three hundred and fourteen, Private Laws of one thousand nine hundred and eleven, and it is necessary that provision be made for the payment of the indebtedness incurred by said town on account of said paving: Therefore,

The General Assembly of North Carolina do enact:

Purpose of bond issue.

SECTION 1. That to provide a fund for the payment of the cost and expense of paving certain streets and sidewalks in the town of Lumberton which was done under authority conferred by chapter three hundred and fourteen, Private Laws of North Carolina, session of one thousand nine hundred and eleven, including the amounts due by abutting property owners or lessees as well as the amount due by the town of Lumberton as its share of the cost and expense of such paving and street improvement, the board of commissioners of the town of Lumberton be and they are hereby authorized and empowered to issue bonds of the town of Lumberton to the amount of thirty-five thousand dollars (\$35,000), the said bonds to bear interest from date of issue at the rate of six per cent per annum, payable semiannually, and to be in such form and of such denominations, and payable at such place and time,

Bond issue authorized.

Amount.

Interest.

Denominations.

not exceeding twenty years after date of issue, as said board of commissioners may determine. The said bonds shall be issued in the name of the town of Lumberton, shall be signed by the mayor, attested by the town clerk and treasurer, and sealed with the corporate seal, and shall have interest coupons attached which shall bear the lithographed signatures of the town clerk and treasurer of said town. The said bonds shall be numbered from one upwards consecutively, and shall be designated "street improvement bonds of Lumberton, North Carolina, for one thousand nine hundred and fifteen."

SEC. 2. That the board of commissioners of said town shall proceed to sell said bonds for not less than par, making such sale either publicly or privately, in its discretion. Said bonds, prior to maturity, shall be exempt from taxation by the town of Lumberton; and the coupons attached to said bonds shall be at all times receivable in payment of taxes due said town.

SEC. 3. Upon sale of said bonds it shall be the duty of said board of commissioners of said town to expend all proceeds of the sale thereof in the payment and discharge of the cost and expense of the street paving and improvements done under authority of chapter three hundred and fourteen, Private Laws of North Carolina, session of one thousand nine hundred and eleven, including all amounts assessed on account thereof against abutting property owners or lessees as well as the share and amount due by the town of Lumberton on account of such paving and improvements as provided by said act; or in paying and retiring the notes or other obligations heretofore given by the town of Lumberton on account of the cost and expense of such paving and street improvements and now outstanding as an obligation against said town and a liability thereof: *Provided, however*, that the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money realized from the sale thereof.

SEC. 4. Any and all property owners or lessees or persons against whom a liability exists in favor of the town of Lumberton on account of street paving and improvement under the provisions of chapter three hundred and fourteen, Private Laws of North Carolina, session of one thousand nine hundred and eleven, may discharge such liability by executing and delivering to the board of commissioners of said town the promissory note of such abutting property owner, lessee, or person against whom such liability exists, for the aggregate amount due and assessed against him on account of such paving and street improvement, which aggregate amount shall be ascertained and determined by including the amount assessed, with interest thereon from April first, one thousand nine hundred and fourteen, to May first, one thousand nine hundred and fifteen; and the amount due being so ascertained and

Authentication.

Designation.

Sale not below par.

Exemption from taxation.

Coupons receivable for town taxes.

Appropriation of proceeds.

Proviso: purchasers not responsible for application.

Notes for assessments.

Ascertainment of amount.

Date of note for assessments.	determined, the abutting property owner, lessee, or person against whom liability exists on account of street paving as aforesaid, shall execute a new note to the town of Lumberton, or its order, for the amount ascertained as hereinbefore set forth, such note to be dated May first, one thousand nine hundred and fifteen, bearing
Interest.	interest from its date at six per centum per annum, payable annually on the first days of November in each and every year, and the principal of such note shall be due and payable in ten equal annual installments, the first installment being due and payable on the first day of November, one thousand nine hundred and fifteen, and a similar installment being due and payable on the same day in each succeeding year until the entire amount due upon said note shall be fully paid and discharged. Default in the
Maturity of notes.	payment of any interest or installment of interest as and when due and payable, or default in the payment of any installment of the principal as herein provided, shall render the entire amount of said note, both principal and interest, due and payable; and upon such default it shall be the duty of the town clerk and treasurer to proceed to foreclose the lien upon the property and to collect the amount due upon said note as hereinafter provided.
Notes to mature on default in payment of installment.	Sec. 5. The town of Lumberton, by receiving and accepting the notes of abutting property owners, lessees, or persons against whom liability exists on account of street paving as hereinbefore set forth in section four hereof, shall not be deemed or held to have waived the lien heretofore and now existing in favor of said town to secure the payment of the amount due said town on account of such paving under the provisions of chapter three hundred and fourteen, Private Laws of North Carolina, session of one thousand nine hundred and eleven; but the lien therein provided for shall continue in full force and effect until any and all amounts due the town of Lumberton on account of such street paving shall be fully paid and discharged; and the extension of the time in the payment of said obligation and the taking of the new notes provided for in section four hereof shall not be deemed or held as a novation or a discharge of the original liability or the lien created by said act. The lien created in favor of the town of Lumberton by said act of one thousand nine hundred and eleven shall continue and remain in full force and effect and the property upon which such lien exists shall be fully described in the notes to be taken as provided in section four of this act: and upon default in the payment of any note given under the provisions of section four hereof, as therein provided, it shall be the duty of the town clerk and treasurer to proceed to foreclose the lien existing in favor of said town and to sell the lands upon which such lien exists, as specified and prescribed by chapter three hundred and fourteen, Private Laws of one thousand nine hundred and eleven, hereinbefore referred to.
Acceptance of notes not waiver of lien.	
Lien to remain in force.	
Foreclosure.	

SEC. 6. In case any abutting property owner, lessee, or person against whom a liability exists on account of street paving as aforesaid shall fail or neglect by the first day of May, one thousand nine hundred and fifteen, to execute and deliver to the town of Lumberton his note for the amount due by him on account of such paving, in the way and manner and in the amount specified in section four hereof, then it shall be the duty of the board of commissioners of said town to proceed to foreclose the lien existing in favor of said town and to sell the lands of the defaulting property owner or lessee as specified and prescribed in chapter three hundred and fourteen, Private Laws of one thousand nine hundred and eleven, hereinbefore referred to.

Lien foreclosed on failure to make notes.

SEC. 7. It shall be the duty of the town clerk and treasurer of the town of Lumberton to collect and receive all interest accruing on notes executed to the town of Lumberton under the provisions of section four hereof, and also the several installments of the principal as the same become due and payable; and it shall likewise be his duty to collect and receive any and all amounts becoming due on account of principal or interest on all securities turned over to the board of commissioners of the town of Lumberton by the commissioner of the sinking fund under the provisions of chapter fifty-four, Laws of North Carolina, extra session of one thousand nine hundred and thirteen, the said securities being turned over and accepted in lieu of the cash loan provided by said act, and the face value of the said securities being the sum of twenty thousand dollars; and it shall be the duty of said town clerk and treasurer to keep all said funds separate from all other funds coming into his hands in his official capacity, and to open and keep a separate account of all such funds in a book to be provided for that purpose under the designation "Sinking Fund Account for one thousand nine hundred and fifteen bonds"; and all funds, principal or interest, coming into the hands of said town clerk and treasurer under the provisions of this act shall constitute a fund for the payment of interest upon the bonds to be issued under the provisions of this act and to provide a sinking fund for the payment of said bonds at maturity; and no part of said funds shall be used for any other purpose whatsoever. The notes to be taken under the provisions of section four hereof, and the securities turned over by the commissioner of the sinking fund under chapter fifty-four, Laws of extra session of one thousand nine hundred and thirteen, in lieu of the cash loan called for therein, are hereby pledged as security for the payment of the principal and interest to become due upon the bonds to be issued under the provisions of this act; and in case the proceeds thereof are insufficient to pay the interest upon said bonds and the principal at maturity, then it shall be the duty of the board of commissioners of the town of Lumberton to pay off and discharge the balance due on

Collection of interest and notes.

Investments of sinking fund.

Funds and accounts kept separately.

Fund for payment of bonds and interest.

Notes pledged as security for bonds.

Payment from general funds.

- Special tax. said principal and interest out of the general revenues to come into their hands belonging to said town, and if necessary it shall be their duty to levy a sufficient tax upon all real and personal property within the town of Lumberton to pay off and discharge so much of the principal and interest of said bonds as the securities hereby pledged are or may be insufficient to pay off and discharge.
- Further security. In addition to the securities hereby pledged for the payment of the principal and interest to become due upon the said bonds to be issued under the provisions of this act, the said bonds, when issued, shall constitute a general, personal, and direct obligation of the town of Lumberton, and the same shall be declared upon the face of such bonds, it being hereby declared that the debt to pay which said bonds are to be issued constituted a necessary and corporate expense of the said town.
- Town clerk and treasurer to give bond. SEC. 8. The board of commissioners of the town of Lumberton shall cause the town clerk and treasurer of said town to execute a good and sufficient undertaking, with sureties, payable to the town of Lumberton in such sum as the board of commissioners of said town may determine, not less than five thousand dollars, conditioned upon the faithful performance of his duties under this act and the proper accounting for all moneys, property, or things of value to come into his hands under the provisions of this act.
- Pay of clerk and treasurer. The said board of commissioners may also make such allowance to said town clerk and treasurer for his services hereunder as they may determine.
- Investments of sinking fund. SEC. 9. Until the maturity of the bonds to be issued under the provisions of this act, it shall be the duty of the town clerk and treasurer of the town of Lumberton to invest all funds coming into his hands under the provisions of this act and which is not necessary to pay the current interest to accrue upon said bonds, in notes secured by first mortgage upon real estate in the town of Lumberton, to an amount not exceeding one-half in value of the market value of the property upon which the loan is made, the said notes to be made payable to said town clerk and treasurer and his successors in office as commissioner of the sinking fund for the one thousand nine hundred and fifteen bonds of the town of Lumberton; and said loans shall be made for such length of time as said clerk and treasurer may determine, but no loan shall run for a longer period than six months prior to the time of the maturity of the bonds to be issued hereunder. Any and all interest received from such investments, as well as the principal moneys when repaid, shall be covered into the sinking fund hereby created for the payment and redemption of the bonds issued hereunder: *Provided*, that no loan shall be made by said town clerk and treasurer until the same shall have been submitted, together with the proposed security, to the board of commissioners and the board
- Term of loans.
- Moneys to be covered into sinking fund.
- Proviso: approval of loans.

of audit and finance of the town, of Lumberton, and until and unless the said loan shall be approved and authorized by said boards.

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

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

Ratified this the 4th day of February, A. D. 1915.

CHAPTER 31.

AN ACT TO INCORPORATE THE TOWN OF PINK HILL, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

- SECTION 1. That the town of Pink Hill in the county of Lenoir be and the same is hereby incorporated by the name and style of The Town of Pink Hill, and shall have all the rights, privileges, and duties, and be subject to all the provisions contained in chapter seventy-three of the Revisal of one thousand nine hundred and five, not inconsistent with this act. Town incorporated.
Corporate name.
Subject to general laws.
- SEC. 2. The corporate limits of said town shall be as follows: Beginning in the center of the ticket office of the Kinston-Carolina Railroad and extending six hundred yards in each direction from the said ticket office. Corporate limits.
- SEC. 3. The officers of said corporation shall consist of a mayor and five commissioners. Said commissioners shall elect or appoint such other officers or agents as may be necessary for the administration of the town government; and the following named persons shall fill the following named offices until their successors are elected and qualified at the election to be held under the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five, in the year one thousand nine hundred and seventeen: For mayor, George S. Willard; for commissioners, George Turner, Louis P. Tyndall, Thaddens A. Turner, Ivey B. Smith, and Thomas Howard. Town officers.
First officers named.
- SEC. 4. The mayor shall have the authority to appoint special policemen whenever it may be necessary to preserve the peace or to enforce the ordinances of said town. Special policemen.
- 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 and laws of North Carolina. Town council.
Ordinances.
- SEC. 6. That the officers provided for by this act shall qualify within sixty days after the ratification of this act. Officers to qualify.

Sale and manufacture of liquors forbidden.

SEC. 7. That no spirituous, vinous, or malt liquors shall be manufactured or sold within the corporate limits of said town; any person violating the provisions of this section shall be guilty of a misdemeanor.

Vacancies.

SEC. 8. Any vacancy occurring in any of the offices mentioned in this act by death, resignation, or removal shall be filled by the remaining members of the council until the next election thereafter, and all the officers shall qualify, before any officer authorized to administer oaths.

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 4th day of February, A. D. 1915.

CHAPTER 32.

AN ACT TO AMEND CHAPTER 82, PRIVATE LAWS OF 1899.
BEING AN ACT TO INCORPORATE THE CITY OF NEW
BERN, AND AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Laws amended.

SECTION 1. That section six of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

Election of city officers.

"SEC. 6. The mayor, chief of police, city clerk, and tax collector of the city shall be biennially elected by the qualified voters thereof on the first Tuesday in May. At the same time two aldermen for each of the five wards of the city shall be elected by the qualified voters of said wards respectively. On the first Tuesday in July after their election said mayor and aldermen shall convene and qualify before a justice of the peace."

Election of aldermen.

Mayor and aldermen to convene and qualify.

SEC. 2. That section seven of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

Vacancies.

"SEC. 7. Whenever any vacancy shall exist by reason of death, resignation, or otherwise, in any of said offices, the same shall be filled by the board of aldermen."

SEC. 3. That section thirty-five of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

Chief of police to be qualified voter. To give bond.

"SEC. 35. The chief of police shall be a qualified voter of the city and shall, before entering upon his duties, execute and file with the city clerk a bond payable to the city, with sufficient sureties, to be approved by the board of aldermen, in a penal sum to be fixed by said board, conditioned that he will diligently perform all the duties of his office and faithfully pay the city treasurer all

sums of money received by him for the use of the city. He shall hold his office subject to removal by the board of aldermen at any time for cause." Removal for cause.

SEC. 4. That section forty of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

"SEC. 40. The tax collector shall be a qualified voter of the city and a freeholder, and he shall, before entering upon the discharge of his duties, give bond in the sum to be fixed by the board of not less than ten thousand dollars, with sufficient sureties, to be approved by the board and which shall be justified according to law, said bond to be payable to the city of New Bern, and conditioned for the due collection, payment, and settlement of taxes imposed by the board of aldermen. The board of aldermen may at any time, upon a notice of twenty days, require said collector to give additional sureties upon his said bond, and if he fail after such notice to give additional security satisfactory to the board, the board of aldermen may declare his office vacant and elect his successor. The said tax collector shall take the tax list of said city and collect all taxes imposed by the board of aldermen of said city, and for said purpose said collector is hereby vested with the same power and authority to collect said taxes, as well those contained in the list of taxables as those due from delinquents, by distress or otherwise, as the sheriffs of the counties of the State have, or may have; and it shall be sufficient notice of any sale of property for taxes to advertise the same in a newspaper published in the city of New Bern for four weeks. The said tax collector shall receive three per cent of the gross amount of collections made by him, and he shall account to the board of aldermen for all sums received by him by virtue of his said office from any source whatever. Said tax collector shall on each and every Monday pay over to the city treasurer all money collected by him prior thereto. If said tax collector shall fail to collect and pay over all taxes within the year for which said taxes are levied, except insolvents as herein provided, he shall forfeit all compensation for collection, and it shall be lawful for the Superior Court of Craven County, on motion of the mayor and board of aldermen, after ten days notice in writing, to give judgment against said tax collector and his sureties, their executors and administrators, for all moneys with which said collector may be chargeable, except such as may be allowed by the mayor and board of aldermen as insolvent, and such as may be shown to be insolvent upon the hearing of said motion. That any tax collector who shall misapply any funds received by him shall be guilty of a felony. That the tax collector shall act as clerk of the board of aldermen without compensation if there be no city clerk: *Provided*, such amend-

Tax collector to be qualified voter and freeholder.
To give bond.
Additional sureties.
To take tax lists and collect taxes.
Powers in collecting taxes.
Advertisement of sales for taxes.
Commissions.
Weekly settlements.
Forfeit of commission for failure to collect.
Judgment on motion against collector and sureties.
Misapplication of funds felony.
To act as clerk.
Proviso: when amendment effective.

ment shall not go into effect until the first Tuesday in July, one thousand nine hundred and fifteen."

SEC. 5. That section forty-two of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

Audit of accounts and books.

"SEC. 42. The board of aldermen shall have made at least once each year, and oftener if the board deem it necessary, a complete and thorough examination and audit of all the accounts and books of all the officers and departments of the city government; but

Limit of expense for audit.

during any one year the board shall not appropriate more than five hundred dollars to cover the cost of such examination and audit. The board of aldermen shall cause to be published in some newspaper published in the city of New Bern either monthly or quarterly statements of all municipal receipts and disbursements,

Publication of receipts and disbursements.

which shall be itemized and show from what source received and to whom and to what account paid, and shall likewise cause to be published annually, at the end of each fiscal year, condensed and classified statements of such municipal receipts and disbursements, showing the source from which received and the account on which expended."

Annual publication of statements.

SEC. 6. That section forty-five of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

License taxes.

"SEC. 45. The board of aldermen shall have power to annually levy and cause to be collected a license or privilege tax on all trades, professions, franchises, carried on or enjoyed, business, or on all persons following any trade, profession, occupation, or calling, or doing the acts named in such levy, and on all banks, bankers, express, telegraph, street railway, and insurance companies within the city: *Provided*, that the total amount collected from any person, firm, or corporation shall not exceed one hundred dollars per annum on each separate business, occupation, or franchise done or carried on at any one office, store, lot, or building. And for the purpose of properly enforcing the collection of such taxes, the board of aldermen may provide by ordinance for the proper listing of the taxes chargeable against the persons under said section, and when so listed they shall be collected by the tax collector under the same laws, rules, regulations, and powers as the said tax collector shall exercise with reference to taxes assessed and levied on property."

Proviso: limit of amount.

Listing for license tax.

SEC. 7. That section sixty of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

Salaries of officers.

"SEC. 60. The salaries of the following named officers of the city shall not exceed the following sums, viz.: the mayor, one thousand dollars per annum, without costs or fees; the treasurer, six hundred dollars per annum; the city clerk, one hundred dollars

per month; the chief of police, one hundred dollars per month, without costs or fees; the city attorney, three hundred dollars per annum; the policemen, seventy dollars each per month; the sexton of Cedar Grove Cemetery, forty dollars per month; the sexton of Greenwood Cemetery, thirty dollars per month."

SEC. 8. That section sixty-nine of chapter eighty-two, Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

"SEC. 69. The city clerk shall be a qualified voter of the city. It shall be his duty to act as clerk to the board of aldermen and to perform such other duties as may be prescribed and ordained by the board, who shall have authority to fix the clerk's salary and alter the same from time to time, not to exceed one hundred dollars per month." City clerk to be qualified voter. Duties. Salary fixed by aldermen. Limit of salary.

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

Ratified this the 5th day of February, A. D. 1915.

CHAPTER 33.

AN ACT TO AMEND CHAPTER 95 OF THE PRIVATE LAWS OF THE EXTRA SESSION OF 1913, THE SAME BEING AN ACT TO AMEND THE CHARTER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter ninety-five of the Private Laws of one thousand nine hundred and thirteen, extra session, paragraph entitled "Assessment for Improvement Districts," on page one hundred and sixty-six of the printed laws, be and it is hereby amended by striking out the word "or" between the words "so improved" and the words "to pay" in line fourteen thereof; and by inserting between the words "to pay" and the words "the amount" in line fourteen thereof the words "one-third of"; and by inserting between the word "improvement" and the comma immediately following it in line fifteen thereof the words "and the city to pay the remaining one-third." Assessment on abutting property.

SEC. 2. That section two of said chapter be and it is hereby amended by striking therefrom all of said section after the period following the words "one-half of one per cent" in line nine thereof. Penalties rescinded.

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

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

Ratified this the 8th day of February, A. D. 1915.

CHAPTER 34.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF MONROE TO ISSUE BONDS FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

- Purpose of bond issue. SECTION 1. That for the purpose of making permanent improvements in grounds, buildings, and equipment for the public schools of the city of Monroe, the board of aldermen of said city is hereby authorized and empowered to issue bonds of the city to an amount not exceeding seventy-five thousand dollars of the denominations not exceeding one thousand dollars, bearing interest from the date thereof not exceeding six per cent per annum, with interest coupons attached, payable annually at such time and place as may be deemed advisable by said board of aldermen, such bonds to be of such form and tenor and transferable in such way and the principal thereof payable at such time or times, and at such place or places as the said board of aldermen may determine: *Provided*, that none of said bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation, or otherwise, for a less price than their face value.
- Bond issue authorized.
- Denominations.
- Interest.
- Maturity.
- Proviso: sale below par forbidden.
- Authentication. SEC. 2. The bonds and coupons shall be numbered and signed by the mayor of said city and countersigned and attested by the clerk and treasurer of said city and bear the corporate seal of said city of Monroe.
- Record of bonds. SEC. 3. A record shall be kept by said board of aldermen of all bonds sold, and to whom, and the amount and dates of sale and issuing of each bond and its number.
- Payment of interest. SEC. 4. That the interest on said bonds shall be paid out of the money arising from the taxes levied by said city for school purposes.
- Sinking fund. SEC. 5. That from the school fund of said city the said board of aldermen is empowered to set aside annually a sufficient sum of money to create a sinking fund capable of paying the principal of said bonds at maturity.
- Election on bond issue. SEC. 6. That for the purpose of ascertaining the wishes of the voters of said city of Monroe upon the question of issuing the bonds for the improvement of said schools, as provided in this act, an election shall be held in said city at such time or times as said board of aldermen shall designate and appoint. At said election all qualified voters in said city may vote a written or printed ticket. Those who favor the purposes of this act shall vote a ticket with the words "For School Bonds" written or printed thereon, and those who oppose the purposes of this act shall vote a ticket with the words "Against School Bonds" written or printed
- Tickets.

thereon; and if a majority of the qualified voters voting at said election shall vote "For School Bonds," then the bonds provided for in this act shall be issued and sold.

Majority for bonds.

SEC. 7. That if a majority of the qualified voters at said election shall fail to vote "For School Bonds," then and in that event the same question may again be submitted to the voters of the city of Monroe at such time or times as said board of aldermen shall designate and appoint in any subsequent year thereafter; and if a majority of the voters of the city of Monroe qualified to vote at such election shall vote "For School Bonds," then the said bonds provided for in this act shall be issued and sold.

Subsequent elections.

SEC. 8. That if at any election held under the provisions of this act a less amount of bonds than seventy-five thousand dollars shall be voted for, issued, and sold, then and in that event the board of aldermen in the city of Monroe may at such time as said board shall designate in any subsequent year thereafter hold another election in said city for the purpose of ascertaining the wishes of the voters of the city of Monroe upon the question of issuing the remainder or any part of the remainder of said seventy-five thousand dollars of bonds: and if a majority of the qualified voters of the city of Monroe at such election shall vote "For School Bonds," then the remainder, or such part of the remainder of said seventy-five thousand dollars worth of bonds of said city as the board of aldermen may have designated in the call for said election, shall be issued and sold.

Successive elections.

SEC. 9. That all moneys arising from the sale of the bonds provided for in this act be used only for the purpose of purchasing school grounds, building or adding to school buildings, and for equipping and making permanent improvements in and for the schools of said city of Monroe.

Specific appropriation.

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

Ratified this the 8th day of February, A. D. 1915.

CHAPTER 35.

AN ACT TO AUTHORIZE THE TOWN OF WAKE FOREST, WAKE COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF ENLARGING AND EXTENDING ITS ELECTRIC LIGHT PLANT.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of providing for an extension and enlargement of the electric light plant for the town of Wake Forest, in the county of Wake, the commissioners of the town of

Purpose of bond issue.

Bond issue authorized.

Amount-Denominations.	Wake Forest, in the county of Wake, are hereby authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of ten thousand dollars, in such denomination and form as said commissioners may determine, bearing interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable semiannually at such times and at such place or places as said commissioners may determine; said bonds to be of such form and tenor and transferable in such a way and the principal thereof payable or 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.
Interest.	
Maturity.	
Sale below par forbidden.	SEC. 2. That none of the bonds provided for in the above section, or their proceeds, shall be used for any other purpose than that declared in said section.
Exempt from taxation by town.	SEC. 3. That the bonds authorized to be issued by section one hereof, and their coupons, shall not be subject to taxation by the said town until after they become due and tender of payment shall have been made by the said commissioners, and the coupons shall be receivable in payment of town taxes or any other town dues for any fiscal year in which said coupons shall fall or become due, or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time that they have been outstanding after maturity.
Coupons receivable for town dues.	SEC. 4. That the said bonds shall be numbered and shall be signed by the mayor of said town and countersigned by the clerk and treasurer of said town, and shall express upon their face the purpose for which they are issued, and shall be sealed with the corporate seal of said town. The clerk of said town shall keep a book in which he shall keep an account of the number and denomination of said bonds issued, as aforesaid, and to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in, or otherwise canceled, so that by inspection of said book the true status of the bonded debt of the said town herein provided for may be readily ascertained. The said book shall be open at all times, as provided for in the charter of said town, to the inspection of any taxpayer of the said town.
Interest to cease on maturity.	
Authentication.	SEC. 5. That as soon as the said bonds are issued, signed and countersigned as herein provided, the said commissioners shall place the same in the hands of the treasurer of said town, who shall countersign the same and deliver them to the purchaser or purchasers thereof; and the said treasurer shall make out and deliver to the said commissioner's an accurate account of the number and denomination of the said bonds and to whom and when deliv-
Record of bonds.	
Record open for inspection.	
Deposit and delivery of bonds.	
Report of sale and delivery.	

ered; 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 that he shall be responsible for the custody and keeping of the moneys of said town as treasurer thereof. The said commissioners may require of the said treasurer such additional bond for the discharge of his duties under this act as they shall deem advisable, and they shall fix the amount of the compensation which he shall receive therefor.

Treasurer to receive and hold proceeds.
Responsibility of treasurer.

Additional bond and compensation of treasurer.

SEC. 6. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the commissioners of said town shall, annually, and at the time of levying other town taxes, levy a particular tax on all such persons and subjects of taxation upon which the said commissioners are now or may hereafter be authorized to lay and levy taxes for any purpose whatever, not exceeding fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents upon the poll. Said tax shall be so levied and laid as to raise a sum sufficient to pay the interest on said bonds as it becomes due, and to provide for the payment of the principal at maturity. The said special tax shall be collected in the manner and at the times that other town taxes are collected, and shall be paid over by the constable or other tax collector of said town to the treasurer as is provided for in the charter of said town, and the said constable or tax collector charged with the collection of said tax shall give a good and sufficient bond for the collection and paying over of said tax, and the bond of said treasurer shall be liable for the safe keeping and proper disbursement of said tax as for other town taxes paid to him; and his said bond shall be fixed by said commissioners in a sum sufficient to cover the amount of said special tax, in addition to other town taxes.

Particular tax.

Limit of rate.

Tax for interest and principal.

Collection and settlement of tax.

Bond of collector.

Bond of treasurer.

SEC. 7. That the taxes levied and collected under the authority of this act shall be kept separate and distinct from all other taxes and shall be used only for the purposes for which they were levied and collected; and any mayor, commissioners, treasurer, tax collector, or other officer of said town, or any other person, who shall use or appropriate said special tax or any part thereof for any other purpose than that declared in this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court; and any officer of said town, or any other person, who shall use or appropriate the bonds authorized to be issued by this act, or the proceeds thereof, for any other purpose than that declared herein shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, in the discretion of the court.

Taxes kept separate.

Specific appropriation.
Diversion of tax a misdemeanor.

Punishment.

Diversion of bonds or proceeds a misdemeanor.

Punishment.

Question submitted to vote.

Time for election.

Advertisement of election.

Law governing election.

Ballots.

Canvass of votes and certificate of result.

Effect of election.

Power to establish and operate light and power plant.

Supervision and control.

Contracts and rates.

Power to purchase and hold property.

SEC. 8. That before any of the bonds herein authorized shall be issued, the question of issuing the same shall be first submitted to the qualified voters of said town, at an election to be held in said town within six months from the ratification of this act; and the said election shall be advertised for thirty (30) days prior to the day of the election in a newspaper published in the county of Wake and at four or more public places in the town of Wake Forest, and the notice of the election shall specify for what purpose the funds arising from the sale of the bonds are to be expended and the maximum amount of bonds which it is proposed to issue. The said election shall be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as elections for municipal officers in said town, under the law governing the same at the time when said special election shall be held. At the said election those qualified voters approving the issue of the bonds and the levy of special tax, as herein provided, shall deposit in a ballot box a printed or written ticket with the words "For Bonds" thereon, and those disapproving the same shall deposit a like ticket with the words "Against Bonds" thereon. The result of said election shall be ascertained by the officers appointed to hold the same, and they shall certify to the commissioners of said town, who shall record the same in the minutes of the town. If the majority of the qualified voters of the said town at such election shall vote "For Bonds," then the commissioners of said town shall issue the same, not to exceed the amount voted for, and shall levy the special tax heretofore provided; but if a majority of the qualified voters of said town shall fail to vote "For Bonds," then this act shall be of no force and effect.

SEC. 9. If at the election provided for in the next preceding section a majority of the voters shall vote for the issue of the bonds, then the commissioners of the said town of Wake Forest shall have full power and authority to establish and construct and at all times to maintain and operate an electric light and power plant, and to have entire supervision and control of same, and to employ all such agents and servants and employees as they may deem proper; and to secure the full benefit thereof to the said town and its citizens, said commissioners shall have power to charge or contract for rates for the use and privileges of said lights by any person or corporation who may desire to use the same, both within and without the corporate limits of the said town of Wake Forest, and the said town shall have the full power and right to purchase and hold such real and personal property as may be necessary to enable it to construct, maintain, and operate the said electric light plant; and where it is desired to acquire any real estate, right of way, or easement in lands for the aforesaid purposes, and the owners and the commissioners cannot agree upon a price there-

for, then the said town shall have the right to condemn the same to its use, in the manner now provided in the charter of said town for the condemnation of lands for streets and other public purposes.

Right of condemnation.

SEC. 10. All profits resulting to said town from the operation of said electric light plant over and above the cost of and expense of operation shall be held for the exclusive purpose of paying the interest and principal of the bonds above provided for. So much of the profits derived from the operation of said electric light plant, and so much of the proceeds of the special taxes which shall be levied in pursuance of this act, or that may be necessary to pay the interest on the bonds issued as the same may become due, and cannot be applied to the purchase or discharge of said bonds, shall be invested by the town treasurer, under such rules and regulations as the commissioners may from time to time prescribe, so as to secure the payment of the principal of said bonds at the maturity thereof.

Profits applied to bond issue.

Investment of sinking fund.

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

Ratified this the 8th day of February, A. D. 1915.

CHAPTER 36.

AN ACT TO INCORPORATE THE TOWN OF WEST JEFFERSON, ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of West Jefferson in the county of Ashe be and is hereby incorporated by the name and style of "West Jefferson," and it shall have all the provisions of law now provided for in chapter seventy-three of the Revisal of one thousand nine hundred and five, relative to cities and towns, not inconsistent with the provisions of this act.

Town incorporated.

Corporate name.

Corporate powers.

SEC. 2. That said town shall be incorporated in accordance with the plan made by the West Jefferson Land Company, and the town limits shall extend one-half mile north, south, east, and west of the Virginia-Carolina depot at said town, which shall constitute a square.

Town limit.

SEC. 3. That the officers of said town shall consist of a mayor, three aldermen, and a town constable.

Town officers.

SEC. 4. That it shall be the duty of said mayor and aldermen to make such rules, regulations, and by-laws as may be necessary, and not inconsistent with law, for the proper government of said town.

Rules, regulations, and by-laws.

Officers named.

SEC. 5. That Donnelly Blus act as mayor of said town; that Grover Koontz be town constable; and that R. C. Barr, W. F. Hartzog, Isaac Few, and Amos Graybeal act as aldermen of said town until the first Tuesday after the first Monday in May, one thousand nine hundred and sixteen, when a general election for said officers shall be held, and their successors elected, and an election shall be held every two years thereafter for said officers.

Town elections.

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

Ratified this the 9th day of February, A. D. 1915.

CHAPTER 37.

AN ACT TO AUTHORIZE A BOND ISSUE FOR THE TOWN OF CLAYTON TO PAY OFF ITS FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

SECTION 1. That for the purpose of raising money with which to take up and discharge the floating indebtedness incurred by the town of Clayton for necessary purposes, to wit, completion of municipal light and water plant and sewerage system, the board of commissioners of the town of Clayton in the county of Johnston is hereby authorized and empowered to issue bonds to an amount not exceeding fifteen thousand dollars, to run for a period of thirty years from date of issue, and to bear interest at a rate not exceeding six per cent per annum, payable semiannually on December first and June first of each year, said bonds and interest coupons to be payable at Hanover National Bank, New York City. Said bonds shall be signed by the mayor and attested by the town clerk of the town of Clayton and the corporate seal of said municipality shall be thereunto affixed, and the coupon drawn and attached to said bonds shall bear the printed facsimile of the signatures of the mayor and town clerk.

Bond issue authorized.

Amount.

Maturity.

Interest.

Authentication.

Sale below par forbidden. Specific appropriation of proceeds.

SEC. 2. That said bonds shall not be sold for less than par, and the proceeds derived from the sale thereof shall not be used for any other purpose than that mentioned in this act. By this provision, however, no duty is imposed upon the purchaser of said bonds to see how the proceeds therefrom shall be used, but this provision only applies to the officials of the town of Clayton. Said bonds shall be exempt from all taxation, general and special, for county and municipal purposes. They shall be in such denominations as may be ordered by the board of town commissioners.

Exemption from county and municipal tax. Denomination.

Special tax.

SEC. 3. That for the purpose of paying the interest on said bonds, and to provide a sinking fund for the retirement of the

bonds at maturity, the board of town commissioners of the town of Clayton shall annually, at the time of levying other taxes, levy, lay, and assess a special tax on all taxable polls within said town of Clayton, not exceeding forty-five cents, and shall likewise levy and assess a special tax on all personal and real property subject to taxation within the town not exceeding fifteen cents on the hundred dollars valuation of property. That the taxes herein provided for shall be collected by the town tax collector and paid to the treasurer of the town of Clayton, 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 December first in each year, set apart a sufficient amount to pay the interest on the bonds sold and outstanding pursuant to this act, and annually on or before the first Monday in June set aside to the sinking fund the remainder of said bond funds not necessary for the payment of interest to be paid semiannually as aforesaid.

Limit of rate.

Collection and settlement of tax.

Tax kept separate.

Apportionment to interest and sinking fund.

SEC. 4. The bonds authorized by this act are hereby declared to be within the exercise of the corporate powers of the town of Clayton, and the purposes for which the same are to be issued are hereby declared a municipal necessity. Said bonds shall be sold at public or private sale in the sound discretion of the mayor and the board of town commissioners, who may reserve the right to reject any and all bids.

Bonds declared for public necessity.

Sale of bonds.

Right to reject bids.

SEC. 5. That full power is hereby conferred upon the mayor and board of commissioners of the town of Clayton to do any and all things necessary or proper to be performed in furtherance of the duty imposed upon them by this act, whether this authority is specially conferred by this act or not: *Provided, however,* that such additional authority be not in conflict with the provisions of this act.

Powers conferred on town commissioners.

Proviso: authority not in conflict with act.

SEC. 6. That the bonds authorized to be issued under the provisions of this act shall be issued and sold subject to the provisions hereof without submitting the question for a vote by the qualified voters of the said town of Clayton, and when issued and sold shall constitute a legal and binding obligation against said town to the same effect as if said bonds had been actually authorized by the voters of said town.

Bond issue not subject to election.

Obligation of bonds.

SEC. 7. That so much of chapter two hundred and sixty-two, Private Laws of eighteen hundred and ninety-nine, it being an act to charter the town of Clayton, and chapter nineteen, Private Laws, extra session, nineteen hundred and thirteen, relating to an amendment of the charter of the town of Clayton, as conflicting with the provisions of this act, are hereby repealed. It being expressly intended to confer ample authority on the board of commissioners of the town of Clayton to issue the bonds provided by

Repealing clause.

this act, and to levy and collect a special tax to pay the interest thereon and provide a sinking fund to retire the bonds at maturity, over and above any and all other taxes authorized to be levied by said town for general municipal purposes, and any provision of law to the contrary is hereby repealed.

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

Ratified this the 9th day of February, A. D. 1915.

CHAPTER 38.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY, RELATING TO THE EXTENSION OF THE CITY LIMITS OF SALISBURY, AND THE CONTRACTS AND FRANCHISES THEREOF.

The General Assembly of North Carolina do enact:

Corporate limits.

SECTION 1. That chapter one hundred eighty-six of the Private Laws of one thousand eight hundred ninety-nine, entitled "An act to amend, revise, and consolidate the charter of the city of Salisbury," be and the same is hereby amended by repealing and striking out all of section two of said chapter and enacting and inserting in lieu thereof the following: "The corporate limits of the city of Salisbury shall be as follows: Beginning at a stake in the center of Seventeenth Street on the southeast side of Main Street, extension of Salisbury Avenue, and on the line of the corporate limits of Spencer; thence with the center of Seventeenth Street and the corporate limits of Spencer, south 21 degrees east, passing Spencer corner, in all 1,109.8 feet, to the center of the Southern Railroad near the transfer sheds; thence with said railroad south 59 degrees 9 minutes west, 495.9 feet to a stake; thence passing the corner of East Spencer and running with their line south 30 degrees 51 minutes east, 1,016 feet to a stake on the line of East Spencer; thence south 29 degrees 44 minutes west, 3,462 feet to a stake on the east side of Bringle's Ferry road; thence south 27 degrees west, 1,869.4 feet to a stake; thence south 67 degrees 4 minutes west, 10,597 feet to a stake; thence north 83 degrees 34 minutes west 1,113.9 feet to a stake; thence north 26 degrees 27 minutes west 1,229 feet to a stake in the Southern Railroad, and in the center of D Street; thence with the center of D Street north 26 degrees 41 minutes west, 1,650 feet to a stake; thence north 4 degrees 59 minutes east 4,075 feet to a stake 10 feet southwest from W. L. Edwards' house; thence north 20 degrees 9 minutes east, 8,186.7 feet partly with the east edge of Heilig Street to the

southeast intersection of Heilig Street and Ridge Avenue in what is known as Belmont; thence with the south edge of Ridge Avenue and continuing the same course beyond, south 69 degrees 51 minutes east, 8,942 feet to a stake; thence partly with the south side of Fulton Street north 68 degrees 9 minutes east, 2,374.3 feet to a stake in the line of Spencer corporate limits and in the center of Seventeenth Street; thence with said corporate line south 21 degrees 51 minutes east, 1,400 feet to the beginning, containing four and seven-eighths square miles. All that territory lying west from the intersection of Main and Inniss streets and between said Main and Inniss streets, and the extensions thereof to where they intersect the above exterior boundary lines, shall be known as the West Ward; all that territory lying north from the intersection of Main and Inniss streets, and between said streets and the extensions thereof to where they intersect the above exterior boundary lines, shall be known as the North Ward; all that territory lying east from the intersection of Main and Inniss streets, and between said streets and the extensions thereof to where they intersect the above exterior boundary lines, shall be known as the East Ward; and all that territory lying south from the intersection of Main and Inniss streets, and between said streets and the extensions thereof to where they intersect the above exterior boundary lines, shall be known as the South Ward."

West ward.

North ward.

East ward.

South ward.

SEC. 2. That all contracts, franchises, privileges, grants, or easements heretofore entered into by and between the said city of Salisbury and any person or persons, firm or corporation, granted or allowed by the said city of Salisbury, shall not be extended, or applied to, or affect any of the territory of the city of Salisbury as set out and described in this act, except that territory included in the boundaries of the city of Salisbury as set out and described in section two of chapter one hundred eighty-six of the Private Laws of North Carolina of one thousand eight hundred ninety-nine.

Existing franchises, contracts, and privileges.

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 9th day of February, A. D. 1915.

CHAPTER 39.

AN ACT TO RATIFY AN ISSUE OF \$20,000 OF FUNDING BONDS BY THE CITY OF HENDERSONVILLE.

Whereas the mayor and board of commissioners of the city of Hendersonville adopted resolutions at its meetings held on the seventh of January, one thousand nine hundred and fifteen, and on

Preamble.

Preamble. the twentieth of January, one thousand nine hundred and fifteen, authorizing twenty thousand dollars (\$20,000) of funding bonds to fund and consolidate the outstanding debts of said city under the provisions of chapter three hundred and fifty-two, Private Laws one thousand nine hundred and thirteen, the same being the city charter; and whereas the regularity of the House and Senate Journal entries relating to the passage of the said charter has been questioned: Therefore,

The General Assembly of North Carolina do enact:

Bond issue ratified. SECTION 1. That said issue of funding bonds be and the same is hereby in all respects ratified, approved, and confirmed.

Special tax. SEC. 2. That the board of commissioners of the city of Hendersonville are hereby authorized and empowered to levy annually a special tax sufficient to pay the interest on said bonds as it becomes due and the principal at maturity.

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

Ratified this the 10th day of February, A. D. 1915.

CHAPTER 40.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE LINCOLNTON GRADED SCHOOL DISTRICT TO BORROW MONEY FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Power to borrow money. SECTION 1. For the purpose of paying off existing indebtedness and making necessary additions to the school building, the board of trustees of the Lincolnton Graded School District is hereby authorized and empowered to borrow the sum of ten thousand dollars at not exceeding five per centum per annum, said loan to be evidenced by note of said board of trustees, payable in ten years from date thereof. The authority herein provided to be conditioned upon the approval of the majority of the qualified voters of said school district at an election to be held for said purpose as hereinafter provided for.

Amount. Interest. Approval of voters. Aldermen to order election. Date of election. Question to be submitted. Election officers. SEC. 2. The board of aldermen of the town of Lincolnton are hereby authorized and directed, on or before the thirteenth day of February, one thousand nine hundred and fifteen, at a regular or called meeting, to call an election to be held on Tuesday, the sixteenth day of March, one thousand nine hundred and fifteen, for the purpose of submitting to the qualified voters of said school district the question of ratifying the power contained in section one of this act. At said meeting the board of aldermen are directed to appoint a registrar and two judges for said election.

SEC. 3. That notice of said election shall be published for four successive weeks in some newspaper published in the town of Lincolnton, setting forth the amount and purpose of the proposed loan, the rate of interest, the duration of the loan, and the provision for repayment of same. The election herein provided shall be held under the laws as provided for municipal elections, except as herein otherwise provided.

Advertisement of election.

Law governing.

SEC. 4. For the purpose of ascertaining the qualified voters in said school district a new registration is hereby ordered for said election, and notice of said new registration shall be published by the registrar for four successive weeks before the election.

New registration.

Notice of registration.

SEC. 5. The vote at said election shall be by ballot, on which shall be printed or written the words "For School Improvement" or "Against School Improvement." If a majority of the qualified voters at said election vote "For School Improvement" the provisions contained in section one of this act shall be in full force and effect.

Ballots.

Effect of election.

SEC. 6. That the election herein provided shall be held in the courthouse in the town of Lincolnton.

Polling place.

SEC. 7. That if a majority of the qualified voters at said election vote "For School Improvement" the board of aldermen of the town of Lincolnton are hereby directed, at the time of levying the general municipal taxes in the year one thousand nine hundred and eighteen, and annually thereafter for a period of seven years, to levy a tax of not exceeding fourteen cents on the one hundred dollars and forty-two cents on each poll for the purpose of paying principal and interest of said loan. Said tax shall be collected by the city tax collector as other taxes, and paid over as collected to the treasurer of the board of trustees of the Lincolnton Graded School District, who shall apply said amounts as a credit on the principal and accumulated interest of said loan on or before June first, one thousand nine hundred and nineteen, and annually thereafter until said loan and interest is paid in full.

Special tax.

Limit of tax rate.

Collection and settlement of tax.

Specific appropriation.

SEC. 8. If the loan herein provided for shall be approved by the majority of the qualified voters at said election, the board of aldermen of the town of Lincolnton are hereby authorized and empowered to make said loan to the board of trustees of the Lincolnton Graded School District, upon the terms herein provided for, from the sinking funds of the town of Lincolnton now on time certificate of deposit in banks of said town, and accept note of said board of trustees, signed by its chairman and secretary, for said loan.

Aldermen to make loan from sinking fund.

SEC. 9. The board of aldermen of the town of Lincolnton is hereby authorized and directed to appropriate from the general funds of said town the sum of one thousand dollars on or before the first day of May, one thousand nine hundred and sixteen, and

Appropriation by town authorized.

annually thereafter, and pay same to the treasurer of the board of trustees of Lincolnton Graded School District, to supplement the general funds of said district.

SEC. 10. 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 11th day of February, A. D. 1915.

CHAPTER 41.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WILSON TO ISSUE BONDS FOR THE PURPOSE OF FUNDING A PORTION OF ITS FLOATING INDEBTEDNESS AND TO LEVY AND COLLECT A SPECIAL TAX FOR THE PAYMENT OF SUCH BONDS AND INTEREST.

Preamble.

Whereas the board of commissioners of the town of Wilson found as facts, by resolutions duly passed, that the electric light plant owned and operated by the town of Wilson was incapable of meeting the demands legitimate and proper for an electric light plant municipally owned and municipally maintained and operated for lighting purposes only, and further found that the said plant could not be economically and efficiently enlarged to meet the

Preamble.

demands aforementioned; whereas, by said resolutions, execution of promissory notes of the said town of Wilson, in the sum of eighty thousand dollars, for the purpose of constructing, erecting, and installing a new electric light plant, was duly authorized and

Preamble.

directed; whereas said notes were sold to bankers of Baltimore, State of Maryland, and the proceeds of such notes were used to construct, erect, and install a new electric light plant for said town of Wilson, utilizing parts of the then existing plant, and for no other purpose; whereas said notes become due on April nineteenth, one thousand nine hundred and fifteen; and whereas the said town of Wilson will be unable to pay off and discharge the said notes at maturity without the issuing of bonds: Now, therefore,

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Bond issue authorized.
Amount.

Purpose of issue.

SECTION 1. That the board of commissioners of the town of Wilson is hereby authorized and empowered to issue eighty thousand dollars in bonds for the purpose of paying off and discharging at maturity the eighty thousand dollars of promissory notes executed by said town for the purpose of raising sufficient

money to erect, construct, equip, and install a new electric light plant in said town, which said bonds shall bear interest at the rate of not exceeding five per cent (5%) per annum, payable semiannually, as evidenced by coupons to be thereto attached, both principal and interest to be payable at some bank or trust company to be designated by said board of commissioners; said bonds may be designated as "New Electric Light Plant Bonds of the Town of Wilson." or other suitable designation, and shall mature in such annual series from five (5) to twenty (20) years from their date of issue, as may be determined by said board. They shall be signed by the mayor and clerk of said town, under the corporate seal of said town, and the interest coupons thereto attached shall be signed by said clerk, whose signature upon such coupons may be in facsimile.

SEC. 2. Said bonds shall be sold at public or private sale in such manner as said board may designate, but shall not be sold for less than their par value with accrued interest: *Provided*, that upon a vote of four-fifths ($\frac{4}{5}$) of the members-elect of said board the said bonds may be sold at not less than ninety-seven (97) cents on the dollar and accrued interest, in which event the amount of such discount shall be paid from funds not otherwise appropriated, to the end that the full amount of principal and interest of said notes may be retired at their maturity; the proceeds of said bonds shall be devoted to said purpose and no other, by the treasurer of the town of Wilson, to whom said proceeds shall be paid.

SEC. 3. For the purpose of paying the interest on said bonds when same becomes due, the said board of commissioners is hereby authorized, empowered, and directed to levy annually a special tax on all taxable property in the said town sufficient to pay such interest as the same becomes due; the said tax shall be collected by the tax collector of said town when all other taxes are collected and shall be turned over by him to the treasurer of said town, and shall be expended by him only for the purpose of paying such interest as it accrues.

SEC. 4. For the purpose of paying the principal of said bonds at their several maturities, the said board of commissioners is hereby authorized, empowered, and directed to levy in each year, before the maturity of any of said bonds, a special tax upon all taxable property in the said town sufficient to pay the next installment of said bonds at their maturity; the said tax shall be collected by the tax collector of the said town of Wilson when all other taxes are collected and shall be turned over by him to the treasurer of the town, who shall apply the same solely to the payment of the principal of the said bonds as they fall due: *Provided, however*, the said board of commissioners is hereby authorized and empowered to appropriate annually on the first day of July

Interest.

Designation of bonds.

Maturity.

Authentication.

Sale of bonds.

Proviso: sale below par.

Specific appropriation of proceeds.

Special tax for interest.

Collection and settlement.

Special tax for payment of bonds.

Collection and settlement.

Proviso: appropriation of net earnings of plant.

of each and every year during the life of said bonds the net earnings, if any, of said new electric light plant for the preceding fiscal year, and turn the same over to the said treasurer; and the special tax levied for the payment of principal next succeeding such appropriation may be reduced by the amount of such appropriation.

Faith and credit of town.

SEC. 5. The faith and credit of said town of Wilson shall be pledged to the payment of the principal and interest of said bonds at maturity.

Computation of interest.

SEC. 6. The first installment of interest on the said bonds shall be computed from the date thereof to the first regular semiannual period fixed for the payment of interest, and the last installment of said interest shall be for the amount accrued between the last preceding semiannual interest payment date and the date of maturity of the bond or bonds upon which such interest is to accrue.

Act authorizing bond issue repealed.

SEC. 7. The act of the General Assembly of North Carolina, session of one thousand nine hundred and thirteen, ratified March first, one thousand nine hundred and thirteen, authorizing bond issues by the town of Wilson for electric light and power enlargement and permanent street improvement, is hereby expressly repealed.

Act authorizing bond issue repealed.

SEC. 8. The act of the General Assembly of North Carolina, extra session one thousand nine hundred and thirteen, ratified the third day of October, one thousand nine hundred and thirteen, authorizing bond issues for street improvement and enlargement of electric light plant, and providing for board of public works and fixing their duties, is hereby expressly repealed.

SEC. 9. All laws in conflict herewith are hereby expressly repealed.

SEC. 10. This act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1915.

CHAPTER 42.

AN ACT AMENDING THE CHARTER OF GREENSBORO COLLEGE FOR WOMEN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty of the Private Laws of one thousand nine hundred and five, entitled "An act to incorporate Greensboro Female College," be and the same is hereby amended as follows: Section two shall be amended by adding thereto, at the end thereof, the following words: "in which church, as represented by the North Carolina and Western

Property rights vested.

North Carolina Conferences, all property rights of said institution are hereby vested by and through said board of trustees."

SEC. 2. That section four of said chapter one hundred and thirty shall be amended by adding thereto, at the end thereof, the following words: "that hereafter every one who may be selected and recommended as a member of said board of trustees shall be elected and confirmed by the Annual Conference in which he may reside before he shall become a member of said board." Election and confirmation of trustees.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 12th day of February, A. D. 1915.

CHAPTER 43.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON FOR THE PURPOSE OF EXTENDING THE CORPORATE LIMITS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter four hundred and eight of the Private Laws 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 is hereby amended by striking out all that portion of said section beginning with the words in the second line thereof, "beginning at an iron stake," following the words, "the corporate limits of the said town shall be as follows," in the first line, and ending with the words, "thence to the beginning," in the twenty-third line of said section and inserting in lieu thereof the following: "Beginning at Corporate limits. a point two thousand four hundred and forty-eight feet north of center of Herring Avenue, it being the west line of the right of way of the Atlantic Coast Line Railroad Company, the northwest corner of the property of said town, and being a corner of the property of P. D. Gold, an iron stake, a corner; thence south twenty-six degrees and thirty minutes east, four thousand four hundred and eighty-five feet to a point in Woodard Brothers' field, an iron stake, a corner; thence south twenty-nine degrees west three thousand six hundred and sixty feet to a point in Albert Anderson's addition to Wilson, an iron stake, a corner; thence south forty-three degrees and thirty minutes west, three thousand six hundred and thirty-nine feet, to a point in the center of the Norfolk Southern Railroad, an iron stake, a corner; thence north forty

degrees and twenty-five minutes west, two thousand six hundred and thirty-four feet, to a point in the center of Atlantic Coast Line Railroad Company's double track, three hundred and fifty-three feet south of the intersection of Atlantic Coast Line Railroad and Norfolk Southern Railroad, an iron stake, a corner; thence north fifty-seven degrees west two thousand seven hundred and thirty feet, to a point in the center of Lodge Street extended, an iron stake, a corner; thence north twenty-seven degrees and ten minutes west two thousand two hundred and fifty feet to a point in Tarboro Street extended, an iron stake, a corner; thence north four degrees east six thousand two hundred and ten feet to a point in the Forbes field, an iron stake, a corner; thence north sixty-one degrees thirty minutes east three thousand eight hundred and twenty feet to a point in Young's Street, an iron stake, a corner; thence south thirty-nine degrees and twenty-five minutes east four thousand and sixty feet to an iron stake, a corner, the beginning."

First ward.

SEC. 2. That the said act be and the same is hereby further amended by striking out the words in section three of said act beginning with line five thereof, "Taylor's lane, to the Stantonsburg road; then up said Stantonsburg road to the intersection of the old plank road; then down the old plank road to the corporate limits," and inserting in lieu thereof the following: "To Stantonsburg Street; thence along said street to the intersection of said street with Nash Street, and thence along said Nash Street to the corporate limits."

SEC. 3. This law shall be in force from and after its ratification. Ratified this the 12th day of February, A. D. 1915.

CHAPTER 44.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT HOLLY, GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That in section seven, line seventeen, in chapter two hundred and fifty-six of the Private Laws of one thousand nine hundred and thirteen, strike out the words "four" and "places" and insert in lieu thereof the words "one" and "place," and in line seventeen of section seven, chapter two hundred and fifty-six of the Private Laws of one thousand nine hundred and thirteen, strike out the word "one" following the word "places," and in line eighteen strike out the words "in each ward"; in section eight, line three, strike out the words "in the ward in which the said alderman resides," and insert in lieu thereof the words

Polling place.

Aldermen elected at large.

"of the town"; in line five, section eight, strike out the words "ward from which he is elected," and insert in lieu thereof the word "town"; in line six, section eight, strike out the words "ward from which he is elected," and insert in lieu thereof the word "town"; in line eight, section eight, strike out the words "or ward from which he," and in line nine, section eight, strike out the words "was elected."

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

Ratified this the 12th day of February, A. D. 1915.

CHAPTER 45.

AN ACT TO AMEND AND REVISE THE CHARTER OF DAVENPORT FEMALE COLLEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees, constituting a corporation by virtue of an act of the General Assembly of North Carolina ratified on the twenty-first day of January, eighteen hundred and fifty-nine, under the name of "The Trustees of the Davenport Female College," shall be and continue a body politic and corporate, and henceforth the corporation shall bear the name and style of "Davenport College," and under such name and style is hereby invested with all property and rights of property which now belong to the corporation under any other name or names heretofore used, and by this name may acquire and hold all such property as may be devised, bequeathed, or conveyed to it; and further, may use all the authority, privileges, and possessions that said corporation exercised under any former title and name, and shall be subject to all legal liabilities now outstanding against the corporation.

SECTION 2. That from and after the ratification of this act the term of office of the present trustees of said corporation shall become immediately vacant, and J. H. Weaver, L. T. Mann, W. C. Newland, W. L. Sherrill, H. M. Blair, F. C. Sherrill, C. W. Byrd, H. K. Boyer, J. L. Nelson, E. L. Bain, W. S. Covington, G. F. Ivey, J. F. Kirk, C. M. Campbell, and Dorman Thompson, and their successors, shall at once constitute the board of trustees of "Davenport College"; and the said corporation, under said name and style, shall hold all property, investments, and assets of every character which now belong to the said corporation or which may hereafter come into its possession in trust for the Methodist Episcopal Church, South; and the said trustees shall, in the administration of their trust, act as agents of the said church, and

Incorporation.

Corporate name.

Property and rights vested.

Corporate powers.

Term of trustees vacated.

Trustees named.

Property held under trust.

Control and direction of trustees.

Power of removal.	shall be subject to the control and direction of the Western North Carolina Conference of the said church; and if upon investigation it should at any time be deemed wise to remove any member or members of the board of trustees, the said Western North Carolina Conference shall have power, by a majority vote of its members, to remove from office the said trustees or any number of them, and to elect their successors as hereinafter provided.
Term to end with election of successor.	SEC. 3. That the term of office of each and every trustee who is named in section two of this act shall expire at the time of the election of his successor by the session of the Western North Carolina Conference that shall be held in the year one thousand nine hundred and fifteen; and that the successors of the said trustees shall be fifteen in number, and that they shall be elected by the Western North Carolina Conference of the Methodist Episcopal Church, South, in the following manner: The required number of suitable persons shall be nominated by the board of trustees of Davenport College, and these nominations shall be incorporated in the report of the Conference Board of Education, and shall be submitted to the Conference with that report for the final election or rejection by the said Conference of the persons whose election is thus proposed. The trustees thus nominated and elected shall be persons who are resident at the time of their election within the territory embraced by the Western North Carolina Conference of the Methodist Episcopal Church, South. The full term of office of a trustee shall be five years, and the order of the election of trustees shall be so arranged that three trustees shall be elected by each annual session of the said Conference. In the first election of trustees under the provisions and by authority of this act three trustees shall be elected for a term of one year, three shall be elected for a term of two years, three shall be elected for a term of three years, three shall be elected for a term of four years, and three shall be elected for a term of five years. The term of the first group of three, thus elected, shall expire at the time of the election of their successors by the Western North Carolina Conference in the year one thousand nine hundred and sixteen; the term of the second group shall expire when their successors are elected by the same body and in the same manner in the year one thousand nine hundred and seventeen; the term of the third group shall expire when their successors shall be elected by the same body and in the same manner in the year one thousand nine hundred and eighteen; the term of the fourth group shall expire when their successors are elected by the same body and in the same manner in the year one thousand nine hundred and nineteen; and the term of the fifth group shall expire when their successors are elected by the same body and in the same manner in the year one thousand nine hundred and twenty; and each succeeding year after
Number and election of succeeding trustees.	
Residence of trustees.	
Term of office.	
Term of trustees first elected.	

the year one thousand nine hundred and fifteen the said Conference shall elect, for a term of five years, the successors of those trustees whose terms have expired, and from time to time the said Conference shall fill any vacancies that occur on the said board of trustees from death, resignation, or other cause.

SEC. 4. That the said corporation is authorized to acquire or receive by purchase, gift, devise, or otherwise, real and personal property, to be held and administered by the said trustees and their successors for the use and benefit of the said college (in accordance with the terms of the conveyance or will), to a value not exceeding in the aggregate one million dollars.

Right to acquire and hold property.

Limit of amount.

SEC. 5. That the said corporation is authorized to conduct an educational institution of collegiate grade for women, at Lenoir, North Carolina, to be known as Davenport College; and to establish and maintain at its site in Lenoir and in connection with the said college an institution for primary and intermediate education. Said institution to be held and administered by the board of trustees of Davenport College, as herein provided, in trust for the Methodist Episcopal Church, South, and under the control and direction of the Western North Carolina Annual Conference of the said church.

College for women.

Management.

SEC. 6. That the said trustees shall be charged with the supervision and management of the said corporation, and the said institution or institutions, subject to the limitations herein imposed, and subject to their relation to the Methodist Episcopal Church, South, as agents for the said church, and subject also to the control and direction of the Western North Carolina Conference as representative of the said church.

Supervision and management of corporation and institutions.

SEC. 7. That the said trustees shall have power to make rules, regulations, and by-laws not incompatible with the intent of the other provisions of this act, and not inconsistent with the laws and Constitutions of the State of North Carolina and of the United States. The said board of trustees shall fix the time and place of holding their annual and other meetings and shall elect the president and the teachers for the said college and its dependent school, if any; and shall annually elect, from the members of the board of trustees, an executive committee consisting of five members, which committee shall have the same powers and shall perform the same duties as the board of trustees when the said board is not in session. The president of the college shall be *ex officio* member of the executive committee.

Rules, regulations, and by-laws.

Annual and other meetings.
Election of president and teachers.

Executive committee.

SEC. 8. That five trustees shall constitute a quorum for the transaction of business by any of the regular or called meetings of the board of trustees; and it shall be the duty of the said board or of the executive committee, as shall be determined, to fix the salaries of the president and the teachers, and to make all contracts and agreements necessary to the business management of the said corporation.

Quorum.

Salaries.

Contracts and agreements.

Degrees and
marks of honor.

SEC. 9. That the faculty and trustees of the said Davenport College shall have power to confer such degrees and marks of honor as are conferred by colleges and universities generally.

SEC. 10. That all laws and parts of laws or of the charter heretofore granted which are in conflict with this act are hereby repealed.

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

Ratified this 12th day of February, A. D. 1915.

CHAPTER 46.

AN ACT TO AMEND CHAPTER 219 OF THE PRIVATE LAWS OF 1911, RELATING TO THE CHARTER OF THE TOWN OF SMITHFIELD.

Preamble.

Whereas the present charter of the town of Smithfield, North Carolina, as appears in chapter two hundred and nineteen of the Private Laws of one thousand nine hundred and eleven, provides for the election of the mayor of said town by the board of town commissioners; and whereas the citizens of the said town of Smithfield desire the charter changed so that the mayor may be elected by popular vote:

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That all of section six of said chapter two hundred and nineteen of the Private Laws of one thousand nine hundred and eleven be stricken out, and in lieu thereof the following section inserted:

Town elections.

"SEC. 6. There shall be an election on Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and biennially thereafter, for a mayor and seven commissioners for said town, who shall hold their respective offices for two years, or until their successors are qualified. The First Ward shall have one commissioner, the Second, Third, and Fourth 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; the mayor shall be elected by the qualified voters of the town."

Officers elected.

Election of commissioners by wards.

Duty and powers of mayor.

SEC. 2. That section eleven of said chapter two hundred and nineteen be amended so that it will read as follows: "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."

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 and effect from and after its ratification.

Ratified this the 12th day of February, A. D. 1915.

CHAPTER 47.

AN ACT TO AMEND CHAPTER 171, PRIVATE LAWS OF 1897,
RELATING TO THE INCORPORATION OF THE TOWN OF
MAYSVILLE, JONES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and seventy-one of Private Laws of one thousand eight hundred and ninety-seven be amended by striking out all of said section between the words "towit" in line two of said section and the word "as" in line four of said section, and inserting in lieu thereof the following words: "W. P. Stallings as mayor; F. M. Jenkins, mar- Town officers.
shal; and A. C. Foscue, A. J. Collins, R. S. Weeks, A. F. Mattocks, and R. L. Jenkins."

SEC. 2. Amend section seven by striking out the figures "1898" Town elections.
in line five and inserting in lieu thereof the figures "1915."

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

Ratified this 12th day of February, A. D. 1915.

CHAPTER 48.

AN ACT TO AMEND THE CHARTER OF THE SHAW UNI-
VERSITY, LOCATED AT RALEIGH, SO AS TO INCREASE
ITS HOLDING CAPACITY TO \$500,000.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty-three of the Laws of one thousand eight hundred and seventy-five, entitled "An act to incorporate the Shaw University," be and the same is hereby amended by striking out the words "two hundred" in line nineteen Right to hold
of section seven and inserting in lieu thereof the words "five hun- property.
dred."

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

Ratified this 12th day of February, A. D. 1915.

CHAPTER 49.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE, AND TO AMEND CHAPTER 35 OF THE PRIVATE LAWS OF 1905, AND TO REPEAL ALL LAWS IN CONFLICT WITH THIS ACT.

The General Assembly of North Carolina do enact:

ORGANIZATION.

Incorporation. SECTION 1. That the inhabitants of the city of Asheville shall continue as they have heretofore been, a body politic and corporate name. rate, under the name and style of the "City of Asheville," and by Corporate name. Corporate powers. that 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 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 laws of the State of North Carolina, and any and all judgments; liens, right 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 powers and duties. SEC. 4. That the executive and administrative powers, authorities, 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. Commissioner of public works. 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.

Commissioner of public safety.

MAYOR.

SEC. 6. The mayor shall be the chief executive officer of the city of Asheville, subject to the supervision of the board of commissioners, and shall perform all duties pertaining to such office. He shall do and perform all 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 of 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.

Chief executive officer.

Duties not otherwise delegated.

Supervision and oversight of departments.

Chief representative of city.
To report delinquency of officers.

Execution of contracts.

Statements and reports.

COMMISSIONER OF PUBLIC ACCOUNTS AND FINANCE.

SEC. 7. The Commissioner of Public Accounts and Finance (who is also mayor) shall be the purchasing agent of the board of commissioners of the city of Asheville, and all property, supplies, and materials 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 licenses or permits as provided by law, ordinances, or resolutions 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 said commissioner, subject, however, to the power of the board to substitute some one else temporarily to 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,

Mayor as purchasing agent.

Bills submitted to and approved by commissioners.

Authentication of warrants.

Collector of taxes and water rents.
Issue of licenses.

Temporary supervision of other departments.

Control of employees.

Supervision of accounts and records.

Inspection of accounts and records.	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
Methods of book-keeping.	kept and proper reports to be made; he shall recommend to the board methods of modern bookkeeping for all departments, em-
Quarterly audit of accounts.	ployees, and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert ac-
Quarterly financial statements.	countant, quarterly, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause
Claims examined before being allowed.	to be published quarterly statements showing the financial condition of the city; he shall examine or cause to be examined all
Reports from public-service companies.	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
Copies of reports to state.	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
Collection of dues to city.	such 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
Reports of failure to pay money or to file reports.	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
Recommendations.	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
Examination of public-service companies.	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-
Reports of refusal to submit to examination.	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
Employees assigned to department.	on the part of any such person, firm, or corporation to submit to such examination; the assessor, auditor, secretary-treasurer, corporation counsel, and their respective offices or departments, and all employees therein, and all bookkeepers and accountants, are apportioned and assigned to the Department of Public Ac-
	counts 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 which may be ordered by the board, not herein expressly conferred upon some other department.

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, subject to the control of the board of commissioners, 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.

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.

Charge of public works.

Streets and other public improvements.

Approval of estimates.
Acceptance of public works.

Management of public grounds and buildings and other works.
Supervision of streets and public places.

Supervision of public service.

Location of car tracks and electric wires.

Reports of failure to render proper service or to observe laws.

Charge of watershed and water supply.

Departments and employees assigned to departments.

Supervision and control of streets and parks.

Other duties.

The department of the civil engineer, and all employees therein, the department 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.
Charge of police force.
Power to supersede chief of police.
Direction of department.

Charge of police stations and property.

Supervision and control of fire department.

Power to supersede chief of department.
Orders binding on department.
Charge of inspections.

Supervision of officers and employees.

Enforcement of traffic regulations.

Other duties.

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 temporarily to supersede 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 directions shall be binding upon all such officers and employees, subject only to 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 temporarily to 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 inspection, plumbing inspection, building inspection, 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 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.

DUTIES AND POWERS OF COMMISSIONERS.

- SEC. 10. 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.
- SEC. 11. The board of commissioners shall have the power to require all public-service corporations, and all people doing the 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.
- 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 contract 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. It shall be the duty of the said board, before awarding any contracts or making any purchase involving the expenditure of five hundred dollars (\$500) or more, if such contract or purchase can be made the subject of competitive bids, to advertise for such bids and award the contract or purchase under rules and conditions to be prescribed by the said board. 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,

Recommendations for purchase of goods.

Recommendations submitted to board.

Reports of public-service companies.

Inspection of books and papers.

Legislative powers.

Orders for work and improvements.

Levy of taxes. Apportionment of funds.

Audit of bills. Assessments for improvements.

Making of contracts.

Contracts drawn by or submitted to corporation counsel.

Contracts subject of competitive bids.

Advertisement for bids and award of contracts.

Agents of board of commissioners.

Acts subject to review. Reports of officers.

- Board may assign duties. 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 secretary-treasurer, who shall be the clerk of the board of commissioners.
- Secretary-treasurer.
- Control of commissioner of department. Ultimate control of board. Power of suspension or removal. Proviso: right of appeal. 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 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.
- Reinstatement by board. Proviso: claim for time lost not allowed.
- 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: *Provided*, that an audit shall be made at least once annually by a certified public accountant.
- Proviso: audit by certified accountant.
- Further powers. SEC. 15. The board of commissioners for the city of Asheville shall, in addition to the other powers herein granted them, have full power by ordinances:
- Control of plumbers and plumbing work. (a) To regulate and control plumbers and plumbing work, and to enforce efficiency in the same.
- Investigation of charges of public utilities. (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
- Order fixing charges.
- Copies to company and to corporation commission.
- Hearing by corporation commission.

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.

Decision by corporation commission.

Right of appeal.

Order not operative 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.

Health and general welfare ordinances.

(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.

Power to elect officers and employees.

Proviso: election delegated.

(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.

Proviso: compensation of employees; fees to use of city.

Condemnation and removal of dangerous buildings.

Suppression of nuisances.

HEALTH AND SANITATION.

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

Charge of public 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 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 are 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 a hospital or hospitals, or pesthouses, slaughter-houses, rendering plants, incinerators,

Powers in relation to public health.

Rules and regulations.

Hospitals, pest-houses, slaughter-houses, rendering plants, incinerators, and crematories.

- and crematories, in the city of Asheville or within three miles thereof; may stop, detain, examine, or keep in a pesthouse or houses of detention persons having, or suspected of having, any infectious, contagious, or 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, or may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease and better to 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 pesthouse, 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.
- Said board of commissioners shall 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.
- SEC. 18. Said board of commissioners are hereby empowered to make rules and regulations for the management and conduct of all hospitals and sanitariums which may have for treatment any patient afflicted with any infectious, contagious, or other communicable disease, and prescribe penalties for any violation of the same.
- 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 (\$50), or imprisoned not more than thirty days.
- 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 Asheville, 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 Asheville 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 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
- Detention of infected persons.
- Quarantine.
- Compulsory vaccination.
- Destruction of infected property.
- Recovery of expense.
- Expense a lien on property.
- Resistance to removal to pesthouse a misdemeanor.
- Health officers and employees.
- Rules for hospitals and sanitariums.
- Violation of rules a misdemeanor.
- Punishment.
- Public school system.
- Buildings.
- Property under control of commissioners.
- Power to condemn lands.

- or may be conferred by law upon said board with reference to acquiring lands 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 Asheville as is now conferred by law upon the board of county commissioners of Buncombe County, and the board of education of Buncombe County, with regard to the public schools of the county; and the said board of commissioners of Asheville 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 said board of commissioners of the city of Asheville to appropriate from the funds of the city, in addition to the special school funds, such amounts as may be necessary to discharge their duties of maintaining an adequate and sufficient system of public schools.
- SEC. 20. The board of commissioners are charged with the duty of electing biennially a competent, skilled, and expert man as superintendent of the public schools of the city of Asheville, 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 schools shall be selected from a list submitted to the board by the superintendent, and if the board is unable or refuses to select 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.
- 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 persons' names are being considered, and allow these qualities to control in making such selection.
- 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 Asheville upon the payment of such charges as the board may determine, by order spread upon its minutes, are just.
- SEC. 23. It shall be the duty of the superintendent of schools of Asheville 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 for 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
- Control of property and grounds.
- Powers with regard to schools.
- Collection of school taxes.
- Appropriation for schools.
- Election of school superintendent and teachers.
- Provido*: lists furnished by superintendent.
- Qualities to control selection.
- Residents entitled to benefits of schools.
- Provido*: nonresident pupils.
- Exclusive employment of superintendent.
- Control of teachers and janitors.

Powers in main- taining disci- pline.	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 rulings, with respect to these matters, there shall be right of appeal to the board of commissioners. He shall 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 by any member of the board 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 influencing him to discharge such employee.
Right of appeal.	
Reports of dis- charge of em- ployee.	
Removal for cause.	The superintendent of public schools of Asheville shall be subject to be removed from his office by the board of commissioners for inefficiency, or other cause satisfactory to the said board; and from that action by the board there shall be no appeal or review.

GRANTING OF FRANCHISES.

Franchises only granted by vote of people.	SEC. 24. 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 franchises: <i>Provided</i> , that in all elections upon the granting of franchises the person, persons, or corporations 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: <i>Provided further</i> , that no franchise shall be granted for a longer time than thirty-five years from the date of the granting of such franchises. 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 expressly to 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 the charging of a rate, fares, and charges: <i>Provided</i> , that this act shall not affect any rights, privileges, and franchises
Provide: deposit for expense of, election.	
Provide: limit of franchise.	
Provision for for- feiture.	
Right of super- vision and control retained.	
Ordinance for grant of fran- chise.	
Provide: fran- chises heretofore granted.	

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, turn-outs, and side-tracks, and additional gas pipes, mains, and lines over streets on which they now hold franchises.

Proviso: enlargement of franchises.

THE INITIATIVE AND REFERENDUM.

Sec. 25. 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:

Ordinance submitted by petition.

Action on petition.

(a) Pass such ordinance without alteration within twenty days after attachment of the secretary-treasurer's certificate to the accompanying petition; or

Passage of ordinance.

(b) After the secretary-treasurer 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 secretary-treasurer's certificate.

Submission of question to voters.

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 cannot be repealed or amended except by a vote of the people.

Ballots.

Effect of 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.

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 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

Election for repeal of ordinance.

Publication of proposed ordinances.	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.
When ordinances take effect.	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 newspapers 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 for reference to voters of the question of recall of an official.
Petition of protest.	
Operation of ordinance suspended.	
Question of repeal submitted.	

NOMINATION OF CANDIDATES.

Candidates to be nominated by primary.	SEC. 26. All candidates to be voted for at all general municipal elections at which time a mayor, commissioners, and judge of police court 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 judge and other officers of election appointed for the general municipal elections shall, whenever practicable, be the judges of the primary elections, 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. Any person or persons desiring to enter the name of any <i>bona fide</i> citizen as a candidate in the primary for the office of mayor or commissioner of either of the other two departments, or judge of the police court, shall, at least ten days prior to said election, file with the said secretary-treasurer a petition, signed by twenty-five qualified voters of the city, requesting the placing of the name of
Names to be placed on general ballot.	
Date of primary.	
Election officers.	
Polling place.	
Law governing primary.	
Petition of candidacy.	

such proposed candidate on the official ballot, stating the office for which he is a candidate, and shall at the same time pay to said secretary-treasurer the sum of five dollars; or 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 shall, at least ten days prior to said election, file with the secretary-treasurer a statement of such candidacy, in substantially the following form:

Entrance fee.
Statement of
candidacy.

STATE OF NORTH CAROLINA—County of Buncombe.

Form of candi-
dacy.

I, _____, being first duly sworn, say that I reside at _____ Street, city of Asheville, County of Buncombe, State of North Carolina; that I am a candidate for nomination for the office of (mayor, or commissioner of a particular department, or judge of police court), to be voted upon at the primary election to be held on _____ 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) _____

and shall at the same time pay to said secretary-treasurer the sum of five dollars.

Entrance fee.

Immediately upon the expiration of the time for filing the petitions for candidates, the said secretary-treasurer 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 secretary-treasurer 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 above such name shall appear 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 above the names of such candidates for each of said departments shall appear the words "Vote for one." Like provisions shall be made for the names of candidates for judge of police court.

Publication of
names of candi-
dates.

Printing and au-
thentication of
ballots.
Arrangement of
ballots.

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 judge of police court.

Heading.

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 judge of the police court of the city of Asheville, North Carolina, at the primary election.

"For Mayor, (Vote for one.) (Names of candidates.)

"For Commissioner of the Department of Public Safety. (Vote for one.) (Names of candidates.)

"For Commissioner of the Department of Public Works. (Vote for one.) (Names of candidates.)

"For Judge of Police Court. (Vote for one.) (Names of candidates.)

"Official ballot. Attest: (Signature)-----

Secretary-Treasurer."

Distribution of ballots. Having caused said ballot to be printed, the said secretary-treasurer shall cause to be delivered at each polling place a number of said ballots equal to at least twice the number of votes cast in such polling precinct at the last general municipal election for mayor.

qualified voters. All persons who are qualified electors of the city of Asheville at the time of said primary election, or who will become qualified to vote in the succeeding general municipal election, shall be qualified to vote in said primary election. Judges of election shall, immediately upon 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 secretary-treasurer, upon blanks to be furnished by the said secretary-treasurer within six hours of the holding of the polls. On the day following the said primary election the secretary-treasurer, 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 secretary-treasurer 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 other respective departments, the two candidates receiving the highest number of votes for judge of police court shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, and the judge of the police court at the next succeeding general municipal election.

Count and return of votes. Immediately upon 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 secretary-treasurer, upon blanks to be furnished by the said secretary-treasurer within six hours of the holding of the polls. On the day following the said primary election the secretary-treasurer, 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 secretary-treasurer 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 other respective departments, the two candidates receiving the highest number of votes for judge of police court shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, and the judge of the police court at the next succeeding general municipal election.

Canvass of returns. On the day following the said primary election the secretary-treasurer, 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 secretary-treasurer 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 other respective departments, the two candidates receiving the highest number of votes for judge of police court shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, and the judge of the police court at the next succeeding general municipal election.

Publication of result. Said canvass by the secretary-treasurer 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 other respective departments, the two candidates receiving the highest number of votes for judge of police court shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, and the judge of the police court at the next succeeding general municipal election.

Canvass made publicly. Candidates at general election. Said canvass by the secretary-treasurer 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 other respective departments, the two candidates receiving the highest number of votes for judge of police court shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, commissioners, and the judge of the police court at the next succeeding general municipal election.

ELECTIONS.

SEC. 27. There shall on the first Tuesday in May, one thousand nine hundred and fifteen, 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 a judge of the police court.

City elections.
Officers to be elected.

SEC. 28. The secretary-treasurer 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 above such names shall appear 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 above 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 above such names shall appear the words "Vote for one."

Printing and authentication of ballots.
Arrangement 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 other 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:

Heading.

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

Form of ballots.

"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. (Vote for one.) (Names of candidates.)

"For the Commissioner of the Department of Public Safety. (Vote for one.) (Names of candidates.)

"For the Commissioner of the Department of Public Works. (Vote for one.) (Names of candidates.)

"For Judge of the Police Court. (Vote for one.) (Names of candidates.)

"Official ballot. Attest: (Signature)-----

Secretary-Treasurer."

Law governing elections.

SEC. 29. That all general and special elections shall be held under and according to the rules and regulations and subject to the same qualifications as are now provided for under the general laws of the State of North Carolina, and the charter of the city of Asheville not inconsistent therewith, and as the same may be amended from time to time; and no one except a resident of the city of Asheville shall be eligible to any office in the corporation.

Residents only eligible to office.

Settlement of ties.

SEC. 30. If, of the persons voted for as mayor, commissioners of the respective departments, judge of the police court, 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 with 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, or judge of the police court, 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.

Vacancies.

SEC. 31. That if any person elected mayor, commissioner, or judge of police court shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor, or any commissioner, or the judge of the police court 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, or judge of the police court, 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 selected shall be subject to recall as other officers.

Subject to recall.

Special elections.

SEC. 32. 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 under the same rules and conditions as are herein provided in this act for general elections.

Advertisement for special elections.

Law governing elections.

Terms of office.

SEC. 33. The mayor and commissioners shall hold office for four years (and until their successors shall be elected and qualified) from the time of the expiration of the term of office of the present

mayor of Asheville, and the judge of the police court shall hold office for the term of four years (and until his successor shall be elected and qualified) from the time of the expiration of the term of office of the present judge of the police court of the city of Asheville.

SEC. 34. That all duties herein imposed upon the mayor and board of commissioners with reference to primaries and elections shall, prior to the election of mayor and commissioners in the year one thousand nine hundred and fifteen, be performed by the mayor and board of aldermen of the city of Asheville as now constituted, and the duties herein assigned to secretary-treasurer with reference thereto shall be performed by the city clerk.

Duties to be performed by mayor and aldermen.

Duties of city clerk.

SEC. 35. In the case of the removal of the mayor, any commissioner, or judge of the police court, from the territorial limits of said city, such removal shall, *ipso facto*, create a vacancy in his office.

Removal to create vacancy.

RECALL OF OFFICIALS BY THE PEOPLE.

SEC. 36. 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 thirty-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 secretary-treasurer, 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 the 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 secretary-treasurer 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 secretary-treasurer's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The secretary-treasurer 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,

Removal of officers by qualified voters.

Procedure for removal. Petition for election of successor.

Statement of grounds for removal.

Petitioners to state residence.

Verification of petition.

Examination of petition.

Certificate.

Further examination.

Return of insufficient petition.

New petition.

Petition if sufficient referred to commissioners.
Order for primary.

to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the secretary-treasurer 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 secretary-treasurer's certificate to the board of commissioners that a sufficient petition is filed.

Candidate receiving majority in primary declared elected.

SEC. 37. 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 the 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 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' names shall be placed on the ticket in the primary and election held and 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 secretary-treasurer 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 shall fail to qualify within ten days after receiving the 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

Candidate to remain in office.

Second election.

Law governing election.

Advertisement of election.

Office for unexpired term.

Candidacy of incumbent.

Incumbent removed on qualification of successor.

Office deemed vacant.

Incumbent elected to remain in office.
Method cumulative and additional.

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, the right of recall of such successor so elected shall be as in case of officer originally elected.

Recall of successor.

SALARIES, ETC.

SEC. 38. The mayor and commissioners shall have offices at the city hall. Each commissioner shall devote at least eight hours daily, except Sundays and legal holidays, to the duties of his office. The compensation of the mayor shall be three thousand dollars per annum, that of each commissioner two thousand five hundred dollars per annum, and that of judge of police court fifteen hundred dollars per annum, payable in 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.

Offices at city hall.
Day's work.

Compensation of mayor.
Of commissioners.
Of police judge.

Commissioners to fix other salaries and wages.

MEETINGS.

SEC. 39. Regular meetings of the board of commissioners shall be held daily, except Sundays and legal holidays, 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.

Daily regular meetings.

Special meetings.
Meetings open to public.

Quorum.
Vote of mayor.

SEC. 40. 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. 41. 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 corporation counsel and a secretary-treasurer, who shall hold their respective offices at the will of the board.

Corporation counsel and secretary-treasurer.

SEC. 42. 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 for failure to attend board meeting.

Estimate of revenue.	<p>SEC. 43. 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 reserve 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 properly to 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: <i>Provided</i>, 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 <i>Provided further</i>, 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.</p> <p>SEC. 44. It shall be the duty of the secretary-treasurer 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 perform such other duties as may be required of him by this act or by the board of commissioners. He 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</p>
Apportionment.	
Reserve for emergencies.	
Details of budget.	
Heads of departments to file estimates.	
Proviso: changes of apportionment.	
Proviso: surplus to general fund.	
Itemized statements filed quarterly.	
Duties of secretary-treasurer.	
Bond of secretary-treasurer.	

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 secretary-treasurer as hereinafter provided, for which the secretary-treasurer shall give a receipt to the party so paying. Said secretary-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 times as may be required of him by said board. Said board of commissioners shall have the right to require of the secretary-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. The 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 the said secretary-treasurer to make daily deposits of such sums and moneys as shall be received by him from all sources whatsoever to the credit of the city of Asheville 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 secretary-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 fund of said

Collection and disbursement of city funds.

Moneys to be paid over.

Books and accounts.

Monthly statements.

New bond.

Depository banks.

Deposits of city funds.

Interest on deposits.

Proviso: rate of interest.

Bonds may be required of depositories.

Collection and report of interest.

Funds kept separate.	city, subject to its use for any legitimate or municipal purpose. That whenever required by this charter or by the board of commissioners, said secretary-treasurer shall keep the funds and the accounts thereof of the different departments of the city separate.
Other duties. Settlement with successor.	Said secretary-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.
Powers and liabilities of commissioners collecting taxes.	SEC. 45. 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.
Sums charged to commissioner.	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.
Penalty for delay in settlement.	In the settlement with the Commissioner of Public Accounts and Finances he shall be credited with all poll taxes and taxes on 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 <i>prima facie</i> evidence of correctness, and impeachable only for fraud or specified error.
Credit for insolvent taxes.	SEC. 46. 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; cost of 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 secretary-treasurer the amount of said taxes within the time prescribed therefor by the preceding section.
Audit and record of settlement.	SEC. 47. 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
Bond of commissioner of public accounts and finances.	
Duties of corporation counsel.	

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: *Provided*, that neither the corporation counsel nor any other person shall be employed by the commissioners as city solicitor or public prosecutor in the police court.

Proviso: employment of public prosecutor forbidden.

SEC. 48. 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 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 secretary-treasurer 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 services.

Chief of police to supervise and control force.
Reports of failure in duty.

Monthly settlements.
Duties of chief.

Power and authority of police.

Extent of power and authority.

Court process.

Fees to use of city.

SEC. 49. 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 time of exigency the Commissioner of Public Safety may appoint, temporarily, such additional policemen as may 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

Rules and regulations for government of police.
Additional police.

Badges, arms, and uniforms.

- 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.
- Proviso: plain-clothes men.
- General powers.
- Policemen to be sworn.
- SEC. 50. 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.
- License taxes.
- SEC. 51. 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 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, or for pawnbroking. 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: no license for prohibited business.
- Plumbers and electricians.
- Bonds to be given.
- Revocation of license.
- SEC. 52. 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.
- Working without license forbidden.
- SEC. 53. 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.
- Limitation on licenses.
- SEC. 54. 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.
- Working without license misdemeanor.
- SEC. 55. 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.

SEC. 56. That no license shall be issued as herein provided before the license tax shall have been paid. License not issued before payment of tax.

SEC. 57. 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. Application of the Revisal.

SEC. 58. That on the third Tuesday in March, one thousand nine hundred and fifteen, 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. Date for election on ratification of act.

SEC. 59. 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 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." Advertisement of election.

SEC. 60. That the election officers for each precinct, 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 a law, shall count the ballots and certify the results to the mayor and board of aldermen, who 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. Law governing election.

SEC. 61. That the election officers for each precinct, 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 a law, shall count the ballots and certify the results to the mayor and board of aldermen, who 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. Ballot box. Ballots.

SEC. 62. That the election officers for each precinct, 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 a law, shall count the ballots and certify the results to the mayor and board of aldermen, who 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. Count and return of votes.

SEC. 63. That the election officers for each precinct, 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 a law, shall count the ballots and certify the results to the mayor and board of aldermen, who 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. Canvass and record of returns.

SEC. 64. That the election officers for each precinct, 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 a law, shall count the ballots and certify the results to the mayor and board of aldermen, who 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. Effect of election.

ville, North Carolina, as if unconditionally passed by the General Assembly of North Carolina.

Failure to discharge duty a misdemeanor.

SEC. 61. 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.

Punishment.
Penalty.

Powers revested.

SEC. 62. 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, 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.

Proviso: powers not in conflict with this act.

Provisions of present charter not in conflict continued in force.

SEC. 63. 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. 64. That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

When act effective.

SEC. 65. 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 hereinbefore 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.

Proviso: partial effect.

Ratified this the 13th day of February, A. D. 1915.

CHAPTER 50.

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS OF THE TOWN OF WILSON FOR A MUNICIPAL GAS PLANT, AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST THEREOF, AND TO REPEAL AN ACT RATIFIED MARCH 6, 1913, AND ALSO AN ACT RATIFIED OCTOBER 11, 1913, AUTHORIZING A BOND ISSUE FOR THE SAME PURPOSE.

The General Assembly of North Carolina do enact:

Call of election authorized.

SECTION 1. That the board of commissioners of the town of Wilson is hereby authorized and empowered to call an election of the qualified voters of said town upon the question of issuing

Bond issue to be voted on.

bonds of the said town in the sum of not exceeding seventy-five thousand dollars (\$75,000), for the purpose of erecting, constructing, installing, and equipping a gas plant within or near its corporate limits of said town, for supplying said town and its inhabitants with gas for illuminating and heating purposes.

SEC. 2. In the event that the said election is called, the said board of commissioners of the town of Wilson may call for and require a new registration of the qualified voters of the said town of Wilson, and the registration books shall be open as required by the general election laws of the State of North Carolina, and for the said election the said board of commissioners of the town of Wilson shall appoint one registrar and also appoint two pollholders as judges of said election; the election shall be held at the courthouse in the said town of Wilson, at which election those duly qualified voters desiring to vote for the bond issue shall vote a ballot on which shall be written or printed the words "For Bond Issue," and those voters desiring to vote against the said bond issue shall vote a ballot on which shall be written or printed the words "Against Bond Issue."

SEC. 3. Notice of said election shall be given by the clerk of the town of Wilson by publication once each week in a newspaper of general circulation therein, the first publication to be at least fifteen (15) days before the date named for said election

SEC. 4. That the registrar and judges of election hereinbefore provided for holding said election, in making return of result thereof, shall incorporate therein not only the number of votes cast for and against each of the aforesaid propositions in the said election in said town, but also the number of voters who had registered and qualified to vote in said election. The board of canvassers of said town for said election shall, in like manner as is provided by law for ascertaining the result of elections for mayor and board of commissioners of said town, canvass the vote cast in the said town in said election and the number of voters registered and qualified for said election, in said town, and the said board of canvassers shall judicially determine and declare the result of said election. The said board of canvassers shall likewise prepare an abstract, tabulating and showing the number of votes cast for and against said proposition in said election and the number of electors qualified to vote therein, and declaring the result of said election; and said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the clerk of the town of Wilson, who shall record said abstract in the town record book and file the original.

SEC. 5. If at the said election a majority of the qualified voters of the said town of Wilson shall vote "For Bond Issue," the said

Amount.

Purpose of issue.

New registration.

Registration.

Election officers.

Polling place.

Ballots.

Advertisement of election.

Returns of election.

Canvass of vote.

Abstract of returns.

Record of abstract.

Majority of qualified voters to authorize bond issue.

Amount.	board of commissioners are authorized to issue the negotiable coupon bonds of said town in an amount not exceeding seventy-
Denominations.	five thousand dollars (\$75,000), in such denominations as said
Interest.	board may determine and bearing interest at no more than five
Maturity.	per centum (5%) per annum, payable semiannually, which said
Designation of bonds.	bonds shall mature in such annual series as said board may deter-
Authentication.	mine from ten (10) to forty (40) years from the date of said
Sale below par forbidden.	bonds. Both principal and interest shall be payable at some bank
Proviso: sale below par by vote of commissioners.	or trust company to be designated on the face of the bonds and
Proceeds kept separate.	coupons. Said bonds shall be known and designated as "Gas
Gas plant fund.	Bonds of the Town of Wilson" or other suitable name, and shall
Deposits.	be signed by the mayor and clerk of said town under its official
Specific appropriation.	seal; and said coupons shall be signed by said clerk, whose signa-
Proviso: interest on deposits.	ture upon said coupons may be in facsimile. Said bonds shall
Proviso: banks declining to pay interest to receive no deposits.	be sold by said board of commissioners for not less than par
Special selection of bank.	and accrued interest, at public or private sale, in such manner
Special tax.	as said board may determine: <i>Provided</i> , that said bonds may be
	sold at a price not less than ninety-seven (97) cents on the dollar
	and accrued interest, by a vote of four-fifths ($\frac{4}{5}$) of the members-
	elect of said board. The proceeds arising from the sale of said
	bonds shall be turned over to the treasurer of the said town of
	Wilson, and shall be by the said treasurer kept separate and
	apart from all other funds held by him as such treasurer, and
	shall be known, designated, held, and deposited as "Gas Plant
	Funds" in the several banks of the said town of Wilson in pro-
	portion to their capital stock, and shall be used and expended by,
	and under the direction and control of, the said board of commis-
	sioners, for the purposes named in the said ordinance or reso-
	lution calling the election: <i>Provided, however</i> , all deposits of said
	fund shall bear and draw interest at the rate of four (4) per
	cent per annum on average monthly balances: <i>Provided, however</i> ,
	that if any of said banks of said town with which said fund is
	to be deposited as provided hereinbefore shall refuse to pay said
	interest and receive its allotment as provided herein, then and in
	that event a deposit shall not be made with such bank so refusing,
	and the allotment intended for said bank shall be apportioned
	between or among the other banks of said town in proportion to
	their capital stock; and if the exigencies of the situation demand
	it, the said board of commissioners may, by a four-fifths vote,
	duly recorded, designate some bank or trust company elsewhere
	with which the said treasurer shall deposit said fund.
	SEC. 6. For the purpose of paying the interest on said bonds as
	and when the same becomes due, the said board of commissioners
	of the town of Wilson is hereby authorized, empowered, and
	directed to levy annually a special tax on all taxable property
	in the said town of Wilson sufficient to pay the interest on said

- bonds when the same becomes due; the said special tax shall be collected by the tax collector of said town of Wilson when all other taxes are collected, and the said special tax shall be turned over by the said tax collector to the treasurer of the said town of Wilson, and the said treasurer shall keep the same in a separate account and shall expend the same only for the purpose of paying the interest of said bonds as it accrues.
- SEC. 7. For the purpose of providing for the payment of the principal of said bonds as they mature, the said board of commissioners is hereby authorized, empowered, and directed, in each year prior to maturity of any installment of the principal of said bonds, to levy annually upon all taxable property in the said town a special tax sufficient to pay the principal of said bonds maturing in the following year, and the said special tax shall be collected by the tax collector of the said town when all other taxes are collected, and the said special tax shall be turned over by him to the treasurer of said town, and the treasurer shall apply the same solely to the payment of such principal.
- SEC. 8. The faith and credit of the said town shall be pledged to the payment of the principal and interest of the said bonds.
- SEC. 9. The first installment of interest on the bonds herein provided shall be computed from the date of issue of said bonds to the first regular semiannual period fixed herein for the payment of interest on said bonds, and the last interest coupon of said bonds shall be for the interest on said bonds from the preceding semiannual period of said interest to the date of maturity of said bonds.
- SEC. 10. If at the said election a majority of the qualified voters of the said town of Wilson shall vote "For Bond Issue," said board of commissioners is authorized to erect, construct, install, and equip a gas plant within or near the corporate limits of the said town, for supplying the town and its inhabitants with gas for illuminating and heating purposes; to acquire a site within or without the corporate limits of said town for the said plant, or any part of same, and to construct and install pipes and mains for conducting the gas manufactured by said plant to points from which it may be delivered for the use of said town and its inhabitants, and to that end to acquire rights of way by purchase or condemnation.
- SEC. 11. The act of the General Assembly of North Carolina, session one thousand nine hundred and thirteen, authorizing bond issue by the said town of Wilson for building and erecting a gas plant and installing a telephone system in said town, is hereby expressly repealed.
- SEC. 12. The act of the General Assembly of North Carolina, extra session one thousand nine hundred and thirteen, ratified the eleventh day of October, one thousand nine hundred and thir-

Collection and settlement.

Separate account.
Specific appropriation.

Special tax for payment of principal.

Collection and settlement.

Specific appropriation.

Faith and credit of town.

Computation of interest.

Construction and equipment of gas plant.

Site for plant.

Pipes and mains.

Rights of way.

Act for erecting gas plant and telephone system repealed.

Act authorizing bond issue repealed.

teen, authorizing bond issue for the purpose of erecting, installing, operating, and maintaining a gas plant in the town of Wilson, is hereby expressly repealed.

SEC. 13. All laws in conflict herewith are hereby expressly repealed.

SEC. 14. This act shall be in force from and after its ratification. Ratified this the 15th day of February, A. D. 1915.

CHAPTER 51.

AN ACT TO INCORPORATE THE TOWN OF OAKBORO, IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.
Corporate name.
Corporate powers.

SECTION 1. That the inhabitants of the town of Oakboro shall be a body corporate, and shall bear the name and style of the "Town of Oakboro," and shall have power to purchase and hold real estate for the benefit of the town, and that said town shall have the power to sue and be sued, to plead and be impleaded, as any other corporation; and that said town shall be subject to and have the benefit of the general laws of the State in relation to corporations of like kind not inconsistent with this act.

Corporate limits.

SEC. 2. That the corporate limits of the said town shall be as follows: Beginning at an iron pin at the center of the intersection of Main and Third streets in the town of Oakboro, which point shall be called the center of said town, and runs thence with Main Street and beyond it extended south fifty east two thousand six hundred and forty feet to a stake; thence north forty east, crossing the railroad, in all, one thousand three hundred and twenty feet, to a stake; thence north fifty west five thousand two hundred and eighty feet to a stake; thence south forty west, crossing the Big Lick and Oakboro road, in all, two thousand six hundred and forty feet, to a stake; thence south sixty east, crossing the railroad, in all, five thousand two hundred and eighty feet, to a stake; thence north forty east, crossing the Oakboro and Rocky River Springs road, in all, one thousand three hundred and twenty feet, to a stake, the east end of the first line above described.

Town officers.
Election of officers.
Appointment of marshal.

SEC. 3. That the officers of said town shall consist of a mayor, five commissioners, and a marshal, all of whom shall be elected at the regular elections to be held as provided by this act, except the marshal, who shall be appointed by the board of town commissioners for a term of two years: *Provided*, that said board of commissioners shall have the right to revoke said appointment at any time on failure of any marshal to perform the duties of his office satisfactorily; said marshal to be paid for his services in

Proviso: revocation of appointment.

Pay of marshal.

any lawful way that said board may see fit; that John R. Welsh be and he is hereby appointed mayor of said town; F. E. Hartsell, C. E. Hill, C. C. Furr, J. F. Barbee, and J. M. Haywood be and they are hereby appointed commissioners of said town; all of whom shall serve until their successors are elected and qualified, as hereinafter provided. Said mayor and commissioners shall meet and qualify under the provisions of this act on or before the fifteenth day of March, one thousand nine hundred and fifteen.

Mayor named.
Commissioners named.

SEC. 4. That all resident citizens who are qualified voters of this State within said corporation, that 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 all qualified voters in the incorporation shall be eligible to hold office in said corporation.

To meet and qualify.

Qualified voters.

Eligibility to office.

SEC. 5. That it shall be the duty of the mayor of said town to take the oath of office prescribed by law within five days after his election, and that the commissioners elected at any election for said town shall meet and organize within five days next after their election, and they shall take the oath of office that they, as a body, will faithfully and impartially perform the duties of commissioners to the best of their knowledge and their ability for the ensuing term.

Mayor and commissioners to qualify.

SEC. 6. The commissioners of said town shall have power to levy a tax each year, not exceeding one dollar and fifty cents on the poll and fifty cents on the hundred dollars valuation of property; said valuation to be the same that is placed thereon to raise the revenue for State and county purposes. The board of commissioners shall at their first regular meeting in April, one thousand nine hundred and fifteen, and annually thereafter, appoint some competent person, who shall, on or before the twentieth day of April of each and every year, make advertisement in at least four public places in said town, notifying all persons residing in the town of Oakboro who have or control taxable property in said town to appear before him at the times and places mentioned in said advertisements, which dates shall be between the first and last days of May each year, and to return to him a list of their taxable property in said town; said list shall state the number of lots, or parts of lots, and all other property now taxable or that may hereafter be made taxable by the laws of the State or the ordinances of the town, and the lists so returned shall be sworn to by the usual oath in the State for listing property. From the returns so made the person so appointed as aforesaid shall, on or before the first day of August each year, make out in a book for that purpose an alphabetical list of persons and owners of property who have so made their returns in the same manner as the tax list is made out by law for the collection of State taxes; and the tax lister appointed as aforesaid shall copy in

Taxing power.

Limit of rate.

Appointment of tax lister.

Advertisement for listing taxes.

Sworn tax lists.

Tax books.

Assessment taken from county lists.

Values separate.	said book the assessment made by the county of said assessors of all property within the limits, which assessment may be revised, corrected, or amended by the board of aldermen, but must at all times be the same in value as the assessment placed thereon for State and county purposes. The owners of any property which lies partly within and partly without the limits of said town shall cause the State and county assessor to separate and fix the value separately on the part of the property lying within said town. When the State and county assessors sit in the town of Oakboro for assessing State and county taxes, the assessors for the town of Oakboro will sit with them at the same time and place, and list the property of said town. If any person liable for taxes on poll or other subjects to be listed in said town shall fail to list or cause to be listed the same during the month of May each year, as hereinbefore provided, he shall be subject to double tax, and the commissioners of said town shall have all the rights and remedies under the State laws to compel said person to appear and list said tax; and the tax collector of the said town shall have the authority, rights, and power to collect taxes due said town as conferred from time to time by the Legislature upon the sheriffs and other tax collectors of the State for collecting State and county taxes.
Town and county assessors to sit jointly.	SEC. 7. That all taxes levied by the commissioners of said town shall be due and collectible at any time after the first day of October in each year, and that the commissioners may expend all moneys collected as they deem best for the interest of the town.
Penalty for failure to list.	SEC. 8. That all lists or books which may be placed in the hands of the town collector shall be subject at all times to the control of the authorities imposing said tax, and subject to correction, and shall be open for inspection by the public.
Powers of commissioners.	SEC. 9. That the marshal appointed by said board of commissioners shall enter into a bond payable to the State of North Carolina, the amount of which shall be approved and fixed by the marshal or some other competent person as tax collector for said town, who, after giving an approved bond in an amount to be fixed by the board of commissioners, shall collect all taxes for said town, under the same laws and regulations as are prescribed for the sheriff of the county.
Powers of tax collector.	SEC. 10. That the board of commissioners of said town shall have power to grade, macadamize, and pave the streets and sidewalks, and lay out and open new streets or widen those already opened, and to make such improvements thereon as the public convenience may require; and that the board shall be the sole judges of the improvements required. The board may condemn any land for public use under the same rules and regulations as are hereafter provided for the laying out of public streets in this act.
Taxes due and payable.	
Control of tax books.	
Open for inspection. Marshal to give bond.	
Tax collector.	
Powers as to streets.	
Power to condemn lands.	

- SEC. 11. That when any lands or rights of way shall be required for the purpose of opening new streets, or for other objects allowed by this charter, and for want of agreement as to the compensation therefor, 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 and one to be selected by the landowner, and these two select a third; and in case the landowner refuses to select one, then the commissioners shall select all three. And in making said valuation, said freeholders, after being duly sworn by the mayor, shall at once proceed to condemn said lands, and take into consideration the loss or damage which may accrue to the owner in consequence of the lands or rights of way being surrendered; also any benefit or advantage such owner may receive from the opening or widening of such streets, or other improvements, and ascertain the sum 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, on being confirmed by the board and spread on their minutes, shall have the effect of a judgment against said board of commissioners, and shall pass the title of the lands so taken to the board of commissioners in their corporate capacity, and the lands may at once be condemned and used by said town for the purpose intended: *Provided*, that if any person over whose land the said street may pass or improvement be created, or the commissioners be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of Superior Court within ten days after filing said report: *Provided, however*, that appeal shall not hinder or delay the commissioners from opening or widening such streets or creating such improvements.
- SEC. 12. That all freeholders appointed to assess damages shall receive one dollar per day for their services, and any freeholder who shall refuse to take the oath prescribed and to act according to law, after having been duly appointed by the board and after having been notified in writing by the marshal, shall be deemed guilty of a misdemeanor, and fined twenty dollars for each offense by the mayor.
- SEC. 13. That the mayor shall have the same jurisdiction as a justice of the peace in all criminal actions within the incorporate limits, and shall have exclusive jurisdiction to hear and determine all misdemeanors consisting of violations of the ordinances of said town; and all fines collected by him in criminal actions under the law of this State shall be paid out as provided by law.
- SEC. 14. All proceedings in the mayor's court shall be the same as are now or hereafter shall be prescribed for courts of the justice of the peace, and in all cases there shall be a right to appeal
- Arbitration for assessment of damages.
- Procedure for valuation and condemnation.
- Effect of award.
- Proviso: right of appeal.
- Proviso: appeal not to delay work.
- Pay of assessors.
- Refusal to act a misdemeanor.
- Punishment.
- Jurisdiction of mayor.
- Proceedings in mayor's court.
- Right of appeal.

- Sentences. to the Superior Court of Stanly County. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court it shall be competent for the said court to sentence each person to imprisonment in the county jail or town prison for a term not to exceed thirty days, and to adjudge also that person during the period of confinement be worked on the chain-gang of the county or in any township therein.
- Term of officers. SEC. 15. That all officers elected at any election in the town of Oakboro 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 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.
- Vacancies.
- Secretary and treasurer. SEC. 16. That the commissioners shall, at their first meeting after being qualified, elect for the ensuing term a secretary and treasurer, and that the treasurer shall enter into a bond, payable to the town of Oakboro or to the State, the amount of which shall be fixed by the board, and that said bond shall be recorded in the office of the register of deeds for Stanly County, as other bonds for county officers.
- Treasurer to give bond.
- Fire company. SEC. 17. That the commissioners may provide for the establishment and equipment of a fire company for said town.
- Sanitary committee. SEC. 18. That the commissioners of said town shall constitute a sanitary committee, and that all orders made by them for the preservation of the health of the citizens of the town shall be put into effect by the marshal. Any person who shall fail to comply with any order made by the board, after having been notified in writing by the marshal, shall be deemed guilty of a misdemeanor, and fined by the mayor, for each and every offense, not less than five dollars and not more than fifty dollars.
- Failure to obey order a misdemeanor.
- Punishment.
- Arrest without warrant. SEC. 19. That if any person shall be found violating the laws of the State or any of the town ordinances, by the marshal or other officer appointed to act as such within the incorporate limits, he shall forthwith arrest the offender, without a warrant, and immediately carry him before the mayor to answer the charge and be dealt with according to law.
- Fire limits. SEC. 20. That the board of commissioners of said town are hereby authorized and empowered to establish a fire limit within a reasonable distance from the center of the town, and to pass an ordinance or ordinances to the effect that none other than brick or stone or metal buildings shall be built or erected within said limits; and that they may repeal said ordinances at any time they may deem it necessary for the interest of the town and the property holders therein.

SEC. 21. That the board of commissioners shall have the power to tax circuses, shows, liquor dealers, theaters, artificial curiosities, venders of patent proprietary medicines, or any entertainment, musical or otherwise, and exhibits of any character for money or reward, peddlers of all kinds of goods, wares, merchandise, paints, polishes, varnishes, oils; dealers in fireworks; draymen, barbers, and liverymen, as they may see fit and proper, not inconsistent with the laws of the State. License taxes.

SEC. 22. That the board of commissioners of said town shall have the power to elect a mayor *pro tem.*, who, on the death, absence, failure to qualify, resignation, or removal of the mayor, shall be vested with all the powers and discharge all the duties of the said mayor. Mayor pro tem.

SEC. 23. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or called 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 mayor to enforce such forfeitures as in all other criminal actions. Forfeit for failure of commissioner to attend meetings.

SEC. 24. That the commissioners may allow the mayor such reasonable salary as they may see fit and proper, the amount depending upon services needed and rendered. Salary of mayor.

SEC. 25. That the mayor and commissioners appointed by this act shall hold office until the next general election on Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and until their successors are elected and qualified. That all elections held in said town shall be held according to the provisions of sections two thousand nine hundred and forty-four to two thousand nine hundred and sixty-seven, inclusive, of chapter seventy-three, Revisal of one thousand nine hundred and five, and the acts amendatory thereof. Term of first officers.
Law governing elections.

SEC. 26. That the board of commissioners shall have power to enact any ordinance or ordinances and to pass any laws and regulations not incorporated in this charter they may deem necessary for the better government of the town, not inconsistent with the general laws and Constitution of the State. Legislative powers.

SEC. 27. That any person having claims of any nature whatsoever against the town of Oakboro shall present the same to the board of commissioners of said town for payment at least sixty days before any action shall be brought or maintained upon the same. Presentation of claims before action.

SEC. 28. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 52.

AN ACT TO ENABLE THE TOWN OF SMITHFIELD TO FUND ITS OUTSTANDING INDEBTEDNESS INCURRED IN THE COMPLETION OF THE WATER-WORKS, ELECTRIC LIGHT PLANT, AND SEWER SYSTEM OF THE SAID TOWN, AND TO AUTHORIZE THE TOWN TO LEVY TAXES TO MEET THE SAME.

Preamble.

Whereas the town of Smithfield has heretofore contracted indebtedness in connection with the completion of its water-works, electric light plant, and sewer system to an amount of twelve thousand dollars, and the said town desires to issue long-time bonds in a sum not exceeding twelve thousand dollars for the purpose of funding 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.

SECTION 1. That the mayor and the board of town commissioners of said town of Smithfield be and they are hereby authorized to issue bonds of said town to an amount not exceeding twelve thousand dollars, par value, for the purpose aforesaid.

Amount.

Denominations.

Interest.

Maturity.

Bonds subject to call.

Authentication.

Sale of bonds.

Sale below par forbidden. Specific appropriation of proceeds.

SEC. 2. That the bonds authorized by this act shall be negotiable coupon bonds in such denominations as the board of town commissioners may determine, 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 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 town commissioners, not to be less than five years from date thereof nor more than thirty years from date thereof, the said board of town commissioners to have the option of taking up and paying said bonds or any part thereof at any time after five years from date thereof; said bonds shall be signed by the mayor, countersigned by the clerk, 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 and clerk, and the said coupons shall also be receivable in payment of any and all debts due the town.

SEC. 3. That the said bonds shall be sold at public or private sale, with or without notice, as the board of town commissioners of said town may determine, for not less than par value and the accrued interest: and the proceeds of the said bonds shall be applied only to the payment of the indebtedness incurred in the completion of the water, lights, and sewer systems aforesaid, and the purchasers of the said bonds shall not be bound to see to the

application of the purchase money thereof to the said purpose; 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. Payable in gold coin.

SEC. 4. That the resolution of the board of town commissioners of the said town determining the form of said bonds and such other resolutions as may be necessary relative to their issue and sale may be introduced and passed at the same meeting of said board, which meeting may be either a regular or a special meeting of the board of town commissioners, by a majority vote of all the commissioners present at said meeting; that 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 valid, legal, and binding obligations of the said town, notwithstanding any previous act limiting the amount of the bonded indebtedness of the said town of Smithfield or otherwise; and all laws and parts of laws inconsistent with this act are hereby repealed, in so far as the same are inconsistent with this act only. Resolution for bond issue.
Bonds validated.

SEC. 5. That the board of town commissioners of the said town of Smithfield may levy and collect, in addition to all other taxes in said town, a tax upon all taxable property and polls of said town of Smithfield 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, 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 taxes upon the property and polls of said town. Special tax.
Constitutional equation.
Levy and collection.

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

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 53.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH MILLS IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of South Mills in Camden County shall be and remain, as heretofore, a body corporate under the name and style of "The Town of South Mills," Incorporation.
Corporate name.

Property and powers vested.

and under such name is hereby invested with all the privileges, immunities, franchises, property and other rights heretofore belonging or appertaining to the town of South Mills, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property as its board of commissioners may deem necessary and expedient.

Corporate powers.

Corporate limits.

SEC. 2. That the corporate limits and boundaries of the town of South Mills shall be one mile square, the center of the canal bridge in said town being the center of the corporate limits.

Present officers continued.

SEC. 3. That the present mayor and commissioners and other officers shall be and the same are hereby declared like officers of the town of South Mills until their successors are elected and qualified as hereinafter provided.

Town officers.

SEC. 4. That the officers of the town of South Mills shall consist of a mayor and four commissioners, and such other officers as are hereinafter provided for; the mayor and commissioners of said town shall be elected by the qualified voters of the town, and the first election under this charter shall be held on the first Tuesday after the first Monday in May in the year nineteen hundred and fifteen, and biennially thereafter.

Election of mayor and commissioners.

Polling place.

Qualified voters.

SEC. 5. That said election shall be held at a place to be designated by the board of town commissioners, and no person shall be entitled to vote at said election, or at any election held in said town for municipal purposes, unless he shall be an elector of the State of North Carolina under existing laws, and shall have resided ninety days next preceding the day of election within the corporate limits of said town.

Election officers.

SEC. 6. That it shall be the duty of the commissioners of said town, at a proper time before any election held in said town, to appoint a registrar and two judges of election, who shall be qualified voters of said town, and they shall be promptly notified of their appointment by the constable of said town; and the mayor shall immediately make publication at three public places in said town of the time and place of the election and the names of persons appointed registrar and judges of election. The registrar shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise any existing registration book of the said town in such manner that such book shall show an accurate list of electors previously registered and still residing in said town, without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted), for twenty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register whose names do not appear as registered; but the commissioners of said town may,

Notification of appointment. Notice of election.

Registration.

New registration.

if they think proper, upon giving thirty days notice in three public places in said town, require a new registration of all voters therein before any election held in said town.

- SEC. 7. That the registrar and judges of election, before entering upon the discharge of their duties, shall before some officer authorized to administer oaths, take the usual oath of all public officers, and that they will discharge faithfully the duties of their office.
- SEC. 8. That the right to vote in any election of the town, by any person, may be challenged, and when such challenge is made it shall be the duty of the judges and registrar of election to hear and determine the right to vote of such person or persons so challenged; the registrar and judges of election shall assemble at the polling place on the day of election in said town and shall open the polls at seven o'clock a. m. They shall superintend said election and keep the polls open until sundown, when they shall be closed and the votes cast shall be counted by them. They shall keep a poll book in which they shall write the names of all persons voting at said election, and at the close thereof shall certify said poll list and deposit them with the clerk of said town, and said poll books shall, in any trial for illegal or fraudulent voting, be received as evidence. If for any cause any of the judges fail to attend at said election, the registrar shall appoint some discreet person or persons to fill such vacancy, who shall be sworn before acting. The kind and size of ballots and what shall appear thereon shall be determined by the town commissioners, and a correct statement of the ballots cast shall be certified and properly returned to the town clerk, who shall file same for safe keeping.
- SEC. 9. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.
- SEC. 10. That immediately after each election it shall be the duty of the town clerk to notify in writing the officers-elect of their election.
- SEC. 11. That the officers-elect of said town shall, within three days after being notified by the town clerk of their election, before some officer authorized to administer oaths, take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge their duties imposed upon them by law.
- SEC. 12. That said commissioners at their first meeting after their election shall appoint some competent person as town clerk, who shall hold his office for a term of two years or until his successor is appointed and qualified; he shall be allowed such compensation as the commissioners may see fit, in their discretion, and before entering upon his duties as clerk shall take the oath prescribed for public officers, and an oath to perform the duties of his office with fidelity and integrity to the best of his ability, which oath shall be administered by the mayor of said town, or, in his absence, any person authorized to administer oaths to public officers. The commissioners shall appoint some reputable person as treasurer of
- Election officers to be sworn.
- Challenge of voters.
- Hearing on challenges.
- Directions for conduct of election.
- Poll books.
- Vacancies.
- Ballots.
- Eligibility to office.
- Notice to officers-elect.
- Officers to qualify.
- Election of town clerk.
Term of office.
- Compensation.
- Clerk to be sworn.
- Appointment of treasurer.

Treasurer to be sworn and to give bond.	said town, who shall take the oath as prescribed for the clerk of said town, and shall execute such bond as the commissioners may demand, conditioned on his faithful accounting and paying over all moneys that may come into his hands as treasurer of said town; said bond shall be payable to the State of North Carolina.
Orders on treasury.	No money shall be paid out by said treasurer, except by order signed by the mayor and approved by the board of commissioners.
Suits on bonds.	All suits entered against the bond of any defaulting officer of said town shall be in the name of the State of North Carolina to the use of the board of commissioners of the town of South Mills against the said official and his sureties. The said commissioners shall also at their first meeting after their election select and appoint some suitable person as constable of said town, who shall hold his office for the term of two years or until his successor is appointed and qualified. He shall, before entering upon the discharge of his duties, enter into bond in such sum as the commissioners may require, said bond reciting the usual conditions embodied in constables' bonds. The town constable may be the tax collector. In such event, he shall be clothed with the same authority in the collection of the taxes for the said town of South Mills as the sheriff of Camden County. Should the commissioners desire to appoint a special tax collector for the town, he shall be invested with all the power and authority of the sheriff of the county in the collection of the taxes of said town. He shall give bond in a sum to be fixed by the board of commissioners, and shall be entitled to such commissions as the commissioners may determine.
Appointment of constable.	
Term of office.	
Constable to give bond.	
Constable as tax collector. Authority.	
Special tax collector.	
To give bond.	
Commissions.	
Duties of constable. Authority.	SEC. 13. The constable shall see that the ordinances and orders of the commissioners are enforced, and shall report all breaches thereof to the mayor. He shall preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose shall have the authority vested in sheriffs and other constables. He shall execute all warrants and precepts placed in his hands by the mayor or other persons, lawfully, for execution. He shall have the same fees as prescribed for service of process and collection of taxes, when he collects same, as the sheriff of Camden County, and shall be subject to the same penalties for failure to perform his duty. He shall be governed by the regulations provided for and clothed with the powers conferred upon its officers by the State of North Carolina; and when arrests have been made the prisoner shall be immediately carried before the mayor or some other competent officer for trial, unless it be on Sunday or at an unreasonable hour of the night, or when the person arrested is found in an inebriated or intoxicated condition; in such cases the prisoner may be committed without mittimus or warrant to the town or county jail until he can be tried by the mayor or some other officer authorized to try such cases, which shall be in a reasonable time.
Execution of warrants and precepts. Fees.	
Arrests and commitments without warrant.	

- SEC. 14. That the mayor of said town is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said town which are or hereafter may be given to justices of the peace, and may cause, upon proper proceedings, persons charged or convicted of crimes 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 have jurisdiction to issue process; to hear and determine all misdemeanors consisting of a violation of the ordinances or regulations of the said town; to enforce penalties by issuing executions upon any adjudged violations thereof; to execute the laws, rules, and ordinances made by the commissioners of said town. That the mayor may issue his warrant upon his own information of any violation of any town ordinance without a written affidavit, and may issue the same to the constable of the town or such other officers to which a justice of the peace may issue his precepts. He shall preside at the meetings of the board of commissioners except as otherwise provided, but shall vote in no case except there be a tie; then he shall give the casting vote.
- SEC. 15. That every violation of any ordinance of the town 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.
- SEC. 16. That the mayor shall have power to imprison for fines imposed by him under the provisions of this act; and that the proceedings in the mayor's court shall be the same as now or hereafter may 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 Camden County; that whenever any person or persons shall be adjudged by said court to be imprisoned, it shall be competent for the court to sentence such person or persons to imprisonment in the county or town jail for a term not exceeding thirty days, and to adjudge also that such person or persons may be worked during the period of their confinement on the public streets or public works of said town, under the supervision of the town constable or other public officer as provided in the Revisal of one thousand nine hundred and five of North Carolina, chapter seventy-three.
- SEC. 17. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners, unless otherwise provided. They shall at the first meeting after their election appoint a certain time for their regular meetings, and upon the call of the mayor or a majority of the commissioners they may hold special meetings: *Provided*, that the mayor or other commissioners shall be notified of such meeting. That if for any cause the mayor shall refuse to qualify, or there be a vacancy in said office by resignation or otherwise, or the mayor is temporarily absent from town or be unable
- Mayor a special court. Jurisdiction.
- Issue of warrant.
- To preside over commissioners.
- Vote.
- Violation of ordinance misdemeanor. Punishment.
- Imprisonment for fines. Proceedings in mayor's court.
- Right of appeal.
- Sentences.
- Commissioners to form one board. Quorum. Regular meetings. Special meetings. Proviso: notice of meeting. Mayor pro tem.

Vacancies in board of commissioners.

by reason of sickness or from any other cause to discharge his duties, the commissioners shall choose one of their number as mayor *pro tempore*, or to fill the unexpired term; and likewise, should the place of any commissioner be vacant from any cause, then the remaining commissioners shall fill said vacancy by appointing some person who is a legal voter of said town to fill such vacancy.

Legislative powers.

Ordinances to be posted.

SEC. 18. The commissioners when convened shall have power, and it shall be their duty to enact such by-laws, rules, and ordinances as they may deem best, necessary for the proper government of the town; and when such ordinances have been adopted, the town clerk shall prepare a suitable draft of the same in a book kept for that purpose, and post the same at two public places in said town.

Further powers of commissioners.

SEC. 19. That the commissioners shall have power to provide for the execution of all ordinances enacted for the government of said town, and they shall have power to provide for the laying out of streets, roads, alleys, and lanes, and for the widening of same; to provide for and regulate the cleaning, repairing, and keeping of all streets and sidewalks in said town; to condemn land for any purpose necessary; make ordinances, rules, and regulations for the prevention of fires, the erection of buildings, and the manner in which flues, chimneys, and stove-pipes may be placed in any building, for the better protection from fires; provide for the lighting of the streets of said town in such manner as they may deem economical and expedient; to make ordinances to cause the due observance of the Sabbath; suppress and remove nuisances; to prohibit or regulate the manner of bathing in any canal or other stream of water in said town; to enact and enforce such laws and ordinances as may be necessary to preserve the health of the town and prevent the spread therein of contagious diseases; determine when necessary the boundary of streets; establish new streets and sidewalks; to provide for the restraining and licensing shows, circuses, and public amusements in the town; to prohibit drunkenness and profanity and vulgarity on the streets or in public places of the town; to regulate the firing of firearms, fireworks, and explosives of every description; to prescribe the speed at which automobiles, bicycles, and vehicles of every description shall be driven through the streets of the town; to prohibit the running at large of any horses or mules on the streets; to cause all street lots, cellars, privies, stables, and places of like character to be examined by the town constable or other person appointed for the purpose, who shall report any unsanitary conditions found, and upon such report the commissioners shall cause to be notified the owner of such premises to put the same in sanitary condition, and upon the refusal or failure of the owner so to do in a reasonable time the same may be done by

the town at the expense of such owner or the occupant thereof, and the expense of so doing may be recovered from the owner or occupant thereof by action in any court having jurisdiction; and the maintenance of such place or places by the owner or occupant thereof in said town that are a menace to the health of the citizens of said town shall constitute a nuisance, and any person refusing to abate the same, after reasonable notice, shall be guilty of a misdemeanor and subject to a fine of not more than fifty dollars or imprisonment not more than thirty days.

SEC. 20. The commissioners shall have the right and power to impose and levy appropriate fines, penalties, and forfeitures for the breach of the by-laws and ordinances of the town; they shall also have the power to enact ordinances to protect the shade trees and all public property of the town, and shall have power to provide fire-fighting apparatus with which to extinguish fires. The commissioners shall have the power to abate and remove all nuisances, and shall have power to pull down or remove any old building in said town when the same is adjudged by the commissioners dangerous, from fire or other cause, to the safety of adjacent property owners, or to the residents of the town generally; but before such building shall be torn down or otherwise removed, the owner of the same shall have reasonable notice, not less than thirty days, to put the same in such condition as to not render same a menace to adjacent property; that the commissioners may build or establish a guard-house in which to secure or confine offenders against town ordinances; and for feeding such prisoners as may be confined therein the town constable shall be allowed such compensation as shall be provided by the commissioners of said town: *Provided*, that no prisoner detained in said guard-house shall be confined therein more than twenty-four hours without first having his case heard and determined before the mayor or other competent officer.

SEC. 21. That the commissioners shall have the power to lay out and open any streets within the corporate limits of the said town whenever deemed necessary by them: and they shall have power at any time to widen, enlarge, change, extend, or discontinue any street or streets, provided reasonable compensation be paid to those affected by such change; and shall have power to accept from persons or corporations such streets as they shall lay out and put in such condition as shall be acceptable to the commissioners, to be kept up as other streets of the town; the said streets may be kept up by labor as under the general law for working highways, or by use of the funds derived from the taxes levied and collected in said town: they shall have power, if the said streets and sidewalks are kept up from the general funds derived from taxes, to contract with any person or persons to keep up same, but shall require a bond of such person or persons for the faithful performance of said work.

Fines, penalties, and forfeits for violation of ordinances. Further enumeration of powers.

Abatement of nuisances.

Guard-house.

Proviso: hearing within twenty-four hours.

Powers as to streets.

Proviso: compensation.

Provision for keeping up streets.

General laws applicable.

SEC. 22. That all privileges, powers, and benefits conferred upon commissioners of other towns in the State under the general laws for the government of towns and cities in the State are hereby conferred upon the town of South Mills; and all ordinances, rules, and by-laws of said town lawfully in force at the passage of this act shall remain in force until regularly repealed by the board of commissioners of said town; and the officers now acting shall continue to serve until their successors shall be elected and qualified.

Ordinances to remain in force.

Taxing power.

SEC. 23. That the board of commissioners of said town shall have power annually to levy and cause to be collected taxes for all necessary town purposes on all real and personal property which are now taxed or may hereafter be taxed by the General Assembly of North Carolina for State and county purposes, and on the taxable polls of said town: *Provided, however,* that the taxes levied by them shall not exceed thirty-three and one-third cents on the one hundred dollars valuation of all property in said town, and one dollar on each taxable poll, to meet all the liabilities in said town in the way of indebtedness, bonded or otherwise, which now exists or that may be hereafter created; and the valuation of all property within said town, as taxed by said commissioners, shall be the same as that at which the same was assessed for county and State purposes; and the commissioners shall have power to cause the tax books of said town to be made up from the books, list and abstracts of the list taker for South Mills Township, including the property and polls in said town subject to taxation; and the said taxes shall be due each year on the first day of September and payable on and after that date to the town constable or tax collector, and after that date the said constable or tax collector may collect same by distraining on any personal property, if any, and if none, then on the real property of the taxpayer, under and subject to the provisions of the general law as set out in chapter seventy-two of the Revisal of one thousand nine hundred and eight of North Carolina, entitled "Collection of Taxes."

Proviso: limit of rate.

Valuation of property.

Tax books.

Taxes due.

Collection by distress.

Ordinances regulating vagrancy.

SEC. 24. That the commissioners of said town shall have power to make ordinances regulating vagrancy as they may deem necessary to the good government of the town; may take such steps as they may deem necessary to prevent the entrance into the town or the spreading therein of any contagious or infectious diseases, and may stop for that purpose any person or persons coming from any place so infected whose stay in the town may endanger the health of said town.

Quarantine powers.

Mayor may suspend officers.

SEC. 25. That the mayor, at any time, upon charges preferred, or upon finding any officer of the town guilty of misconduct in office, shall have power to suspend such officer from service until the board of commissioners shall meet and take such action as they may deem necessary.

SEC. 26. That the board of commissioners shall have power to pass ordinances for the protection of the inhabitants in said town, and shall have the power to regulate the places for amusement, including baseball, and may prohibit throwing ball on the streets of said town; to make and prescribe rules for spark arresters, for fuses and stacks and muffled appliances and conditions for the exhaust of gas or gasoline engines operating in said town, and any other ordinance or rule that may further the better government, peace, and protection of the town.

Ordinances for protection of inhabitants and regulation of amusements.

SEC. 27. That all acts of the General Assembly prior to and in conflict with this act are hereby repealed.

SEC. 28. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 54.

AN ACT TO AMEND AN ACT AUTHORIZING AN ELECTION IN THE CITY OF HENDERSONVILLE ON THE QUESTION OF ISSUING BONDS FOR THE PURCHASE OF A WATERSHED, AND OTHER PURPOSES; AND TO REPEAL CHAPTER 326 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1913.

Whereas, at the regular session of the General Assembly of North Carolina in one thousand nine hundred and thirteen an act was duly passed entitled "An act to allow the citizens of Hendersonville to vote for bonds to purchase a watershed and for other purposes," the said act being incorporated in chapter three hundred and twenty-six, Private Laws of North Carolina, session of one thousand nine hundred and thirteen; and whereas the said act was ineffectual, by reason of clerical and other errors, for the purpose for which it was intended; and whereas, at the extra session of the General Assembly of one thousand nine hundred and thirteen, of North Carolina, an act was duly passed entitled "An act authorizing an election in the city of Hendersonville on the question of issuing bonds for the purchase of a watershed, and other purposes; and to repeal chapter three hundred and twenty-six of the Private Laws of North Carolina, session of one thousand nine hundred and thirteen," which said act is incorporated in said Private Laws of North Carolina for the extra session of one thousand nine hundred and thirteen as chapter seven thereof; and whereas the amount of long-time bonds authorized in said chapter seven of the Private Laws of the extra session of the General Assembly of one thousand nine hundred and thirteen has been

Preamble.

Preamble.

Preamble.

Preamble.

found to be insufficient for the purchase of the watershed and other purposes therein mentioned and provided: Now, therefore.

The General Assembly of North Carolina do enact:

Bond issue enlarged.

SECTION 1. That chapter seven of the Private Laws of North Carolina, extra session one thousand nine hundred and thirteen, be and the same is hereby amended as follows: The words "seventy-five thousand (\$75,000)" in lines thirteen and fourteen of the preamble of said act are hereby stricken out, and in lieu thereof the words "one hundred and fifty thousand (\$150,000)" are hereby inserted; the words "seventy-five thousand (\$75,000)" in line five of section two of said act are hereby stricken out, and in lieu thereof the words "one hundred and fifty thousand (\$150,000)" are hereby inserted; the words "seventy-five thousand (\$75,000)" in lines four and five of section four of said act are hereby stricken out and in lieu thereof the words "one hundred and fifty thousand (\$150,000)" are hereby inserted; the words "seventy-five thousand (\$75,000)" in lines nine and ten of section four of said act are hereby stricken out, and in lieu thereof the words "one hundred and fifty thousand (\$150,000)" are hereby inserted.

SEC. 2. All laws in conflict with the provisions of this act are hereby repealed in so far as they may affect the same.

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

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 55.

AN ACT TO PROVIDE FOR RAISING AND MANAGING OF A PENSION FUND FOR THE POLICE OF WILMINGTON.

The General Assembly of North Carolina do enact:

Board of trustees.

SECTION 1. That in order to raise and manage funds for the relief of disabled and retired members of the police force of the city of Wilmington, and to perform the duties as fixed by this act, there is hereby created a board to be known as the "Board of Trustees of the Police Pension Fund of Wilmington, North Carolina." Said board shall consist of three members, who shall serve without pecuniary compensation, appointments to which, as successors to the board hereinafter named, shall be made by the General Assembly biennially hereafter, as the term of a member expires. That J. T. King is herewith appointed a trustee to serve for two years; Walter G. McRae to serve for four years; and B. C. Moore to serve for six years. At the expiration of the term of any trustee his successor shall be appointed for six years by the

Board of three members, to serve without pay. Appointments by general assembly.

Trustees and terms named.

Appointment of successors.

General Assembly. All vacancies, caused by death, resignation, or for any cause, on said board, shall be filled by the resident judge of the Eighth Judicial District of North Carolina, who shall in such event appoint some fit and suitable person to fill such vacancy, and the person so appointed shall hold until the General Assembly next following such appointment shall elect some person to fill the unexpired term.

Vacancies.

SEC. 2. That on the first day of April, one thousand nine hundred and fifteen, or as soon thereafter as is practicable, organization of said board shall be perfected by the selection from its members of a chairman and a secretary: *Provided, however,* that should death, resignation, or any other cause create a vacancy in the position of chairman or secretary during any year, nothing herein shall be construed to prevent the necessary reorganization at any time.

Organization of board.

Proviso: reorganization.

SEC. 3. That the city clerk and treasurer of the city of Wilmington shall be the treasurer for the fund herein provided for, and all securities and property held or hereafter acquired under and by virtue of this act, and all funds to be raised, shall be collected, kept, and deposited by him to the credit of such fund in banks or trust companies to be selected by him, subject to the approval of said board of trustees and to their control as in this act provided. All payments by or on behalf of the said fund shall be made by him, on vouchers to be filed with him, by means of checks, countersigned by the chairman of said board. He shall, before entering upon his duties as treasurer thereof, execute and deliver a good and sufficient bond, to be approved by the council of the city of Wilmington, conditioned for the faithful and proper discharge of his duties and that he shall pay over and account for all moneys, securities, and property that may come into his hands as such treasurer.

Treasurer of board.

Collection and deposit of funds.

Payments from fund.

Treasurer to give bond.

SEC. 4. The board of trustees organized as herein provided shall have control over the funds derived from the provisions of this act, and it may continue to receive and require the deposit of them as received, to the credit of said fund, or invest the same in the name of the board of trustees of the police pension fund of Wilmington, North Carolina, in interest-bearing bonds of the United States, of the State of North Carolina, of the county of New Hanover, or of the city of Wilmington, or in bond and mortgage on improved property worth twice the amount so loaned, or in public bonds or stocks, as said board may deem most advantageous for the object of such fund; and the said board is empowered to make all necessary contracts and to take all necessary remedies in the premises. The said board may, and it is authorized and empowered to establish such rules and regulations from time to time, for the disposition, investment, preservation, and administration of said fund, not in conflict herewith, as it may deem best.

Trustees to control funds.

Authorized investments.

Contracts.

Rules and regulations.

Control of payments, pensions, and expenses.

Applications for pension.

Decisions final.

Records to be kept.
False swearing
perjury.

List of retired police.

Details of records.

Preservation of records.

Annual reports.

Audit of fund.

City attorney adviser of board.

Attorney of board.

Money and securities exempt from execution and process.

Methods for raising funds.

SEC. 5. The board of trustees, organized as herein provided, shall have control of all payments to be made from such fund of pensions granted in pursuance of this act, and of necessary expenses. It shall hear and decide all applications for pensions under this act, and make all needful rules and regulations for its government in the discharge of its duties; and its decisions on applications for pensions shall be final and conclusive and not subject to review or revisal except by the board itself. It shall cause to be kept a record of all its meetings and proceedings. Any person who shall willfully swear falsely in any oath or affirmation in obtaining or procuring any relief fund or pension, or payment thereof, under the provisions of this act, shall be guilty of perjury.

SEC. 6. There shall be kept in the office of the said board of trustees, by the secretary, a book to be known as the "List of Retired Police," which shall give a complete history and record of all actions of the board of trustees in retiring any and all persons under this act. Such record shall give name, date of joining the department, date of retirement or incapacity, and the reasons therefor. All papers and records shall be carefully preserved and turned over to succeeding officers or boards.

SEC. 7. That on or before the first day of July, one thousand nine hundred and sixteen, and annually thereafter, the said board of trustees shall make a verified report to the council of the city of Wilmington, containing a detailed statement of all receipts and disbursements on account of said fund, together with the names of each beneficiary and the amount paid to such beneficiary for or on account of such fund; and the council of the city of Wilmington shall have the right and is empowered, at any time, to make or cause to be made an examination by a competent auditor of the condition of said fund.

SEC. 8. It shall be the duty of the city attorney of the city of Wilmington to give advice to the said board of trustees in all matters pertaining to its duties and the management of said fund, whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined by the said board.

SEC. 9. The moneys, securities, and effects of the fund in this act provided, either before or after order of distribution by said board to any pensioned member of the police force, shall be and are declared exempt from execution and from all process and proceedings to enjoin, attach, or recover the same by or on behalf of any creditor or person having or asserting any claims against, or debt or liability of, any pensioner of said fund.

SEC. 10. The funds for the relief and pension of disabled and retired members of the police force of the city of Wilmington, as contemplated by this act, shall be raised as follows:

- (1) The council of the city of Wilmington shall annually appropriate and provide for in its budget and pay over to the treasurer of the said police pension fund a sum not less than five hundred dollars, or so much in addition thereto as may be determined by said council, not to exceed one thousand dollars in any one year: *Provided, however,* that when said pension fund shall have reached an amount of such proportions that the interest thereon is sufficient to pay all pensions and necessary expenses, no further amount shall be paid over hereunder by the city of Wilmington for the benefit of such fund until such time as such interest shall again not be sufficient to pay such pensions and necessary expenses.
- (2) All forfeitures imposed by the police department, or other proper authority of the city of Wilmington, from time to time, upon or against any member or members of the police force shall be turned over to the treasurer of said pension fund as a part of said fund.
- (3) All rewards, gifts, testimonials, and emoluments that may be presented, paid, or given to any member of the police force on account of police services, except such as have been or shall be allowed by the council of the city of Wilmington to be retained by the said members, shall be turned over to the said treasurer for the benefit of said fund.
- (4) The board of trustees of said fund may take by gift, grant, devise, or bequest any money, real or personal property, or other thing of value, and hold or invest the same for the uses of said fund, in accordance with the purposes of this act.
- (5) That hereafter no masked or fancy ball or masquerade shall be given or held or be permitted within the city of Wilmington until a permit shall be first secured therefor from the chief of police of said city. For the issuance of permits for such balls or parties or where permits are required as a police precaution in the said city, in gatherings of certain descriptions and character, a charge of twenty-five cents per permit may be made and collected by the police department. All such sums so paid shall be turned over promptly by the police department to the treasurer of said pension fund, and become a part thereof.
- (6) That hereafter when any person, arrested by the police of the city of Wilmington on any criminal charge, is imprisoned in the guard-house or city prison of said city, a turnkey fee of twenty-five cents shall be allowed and charged in the bill of costs, upon conviction, in the recorder's court, and where the costs in any such case are paid by the defendant, the clerk for said recorder's court shall promptly turn over said fee to the treasurer of said pension fund.
- (7) That hereafter, in all arrests made by the police of the city of Wilmington, a fee of fifty cents shall be taxed in the bill of costs against defendants, upon conviction, in the recorder's court

Appropriation from city.

Amount.

Proviso: interest on fund.

Forfeits from policemen.

Gifts to members of force.

Gifts to fund.

Permits for masked balls or masquerades.

Charge for permit.

Charges to use of pension fund.

Turnkey fees.

Fees to use of pension fund.

Fee for patrol wagon.

- Fee to use of pension fund. in all cases in which the patrol wagon of the police department of said city has been actually used in conveying the prisoner to the guard-house or police station, and in those cases where the costs are paid by any such defendant the fee herein provided for shall be promptly paid over by the clerk for the recorder's court to the treasurer of said pension fund.
- Sale of lost, abandoned, and stolen property. (8) All lost, abandoned, unclaimed, or stolen property in possession of the police department for the space of one year, and for which there shall be no lawful claimant, after having been advertised for ten days in some newspaper in the city of Wilmington, may be sold by the chief of police in a suitable room or place designated for such purpose, and the proceeds of such sale shall be promptly paid into the police pension fund, and become a part thereof.
- Proceeds to pension fund. (9) The said board of trustees shall have authority to impose an assessment upon members of the police force, for the purposes of said fund, when necessary, provided such assessments are uniform and equitably graded in relation to the salaries such members are receiving. No assessment greater than two per centum of the monthly pay, salary, or compensation of any member shall be imposed hereunder. Where any such assessment is duly imposed, the city clerk and treasurer of the city of Wilmington is hereby authorized, empowered, and directed to deduct the said money as aforesaid from the pay due any such member and forthwith to pay the same into the treasury of said pension fund.
- Assessments on policemen. SEC. 11. In case the amount derived from the different sources mentioned and included in this act shall not be sufficient at any time to enable the said board of trustees to pay each person entitled to the benefit thereof, in full, the pension granted or which should be granted, then an equitably graded percentage of such monthly payment or payments shall be made to each beneficiary until said fund shall be replenished sufficiently to warrant the resumption thereafter of full pension pay to each of said beneficiaries.
- Limit of assessment. SEC. 12. The said board of trustees shall have power, in its discretion, in accordance with the provisions hereinafter provided, to retire from membership in the said police force, and thereupon to grant relief or pension to any member of the police force of the city of Wilmington who shall become disabled, physically or mentally, or superannuated by age so as to be unfit for police duty, as follows:
- Assessment deducted from pay. (1) To any member of the police force who, whilst in the actual performance of duty, and by reason of the performance of such duty, and without fault or misconduct on his part, shall become permanently disabled, physically or mentally, so as to be unfitted to perform police duty, a pension, which shall in no instance exceed one-half of the salary such member was receiving from the
- Pensions graded.
- Power to retire policemen and grant pensions.
- To policemen disabled in discharge of duty.
- Limit of pension.

department at the time of such disability or its cause, may be granted either for the life of such disabled member or for such time as the board, in its discretion, may provide.

(2) When any member of the police force shall be killed within the limits of the city of Wilmington, or its territorial jurisdiction, while in the performance of duty, or shall die from the effects of any injury received while in the actual performance of duty, the board may, in its discretion, provide for the payment of a pension for such a period as it may deem necessary and wise, in no instance to be over three hundred dollars per annum, to the dependent parent, widow, or child of such deceased member, as the case may be.

Pensions for dependents of policemen killed in discharge of duty.

Limit.

(3) Any member of the police force of the city of Wilmington, being of the age of fifty-five years or more, who has or shall have performed duty on such police force for a period of twenty years or upwards may on his own application in writing or upon the initiative of the said board be examined by a physician to be designated by the board, and if found by said board incapacitated, by age or other cause, for police duty, shall be retired and receive from the pension fund, if available, an amount not less than one-half of the salary he received at the date of retirement. Pensions granted under this subsection shall be for the life of such retired member.

Retirement and pension for age and length of service.

SEC. 13. In all instances in which pensions are asked for or are granted in the cases of permanent disability or retirement, through long service and superannuation, the board is authorized to provide for the services of some medical examiner, and in all cases in which a pension is granted the certificate of the medical examiner shall be secured and filed by the board and preserved.

Medical examination.

SEC. 14. The pension fund provided for in this act shall be exempt from taxation.

Fund exempt from taxation.

SEC. 15. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 16. This act shall be in force and effect from and after its ratification.

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 56.

AN ACT TO INCORPORATE THE WILKESBORO, WEST JEFFERSON AND NORTHERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That H. C. Tucker and A. A. Price of Ashe County, R. A. Doughton of Alleghany County, T. B. Finley and C. C. Smoot of Wilkes County, and B. B. Dougherty of Watauga

Corporators.

<p>Incorporation. Corporate name.</p> <p>Corporate powers.</p> <p>Proviso: powers to conform to constitution.</p> <p>Construction of railroad authorized.</p> <p>Termini and route.</p> <p>Motive powers.</p> <p>Capital stock. Power to increase capital. Limit of capital. Shares. Subscriptions.</p> <p>Payment of subscriptions.</p> <p>Donations.</p> <p>Books of subscription.</p> <p>Organization of company.</p>	<p>County, and such others as may become associated with them as stockholders, and their successors, be and they are hereby declared to be a body politic and corporate, under the name of the Wilkesboro, West Jefferson and Northern Railroad Company; and when organized as hereinafter provided, said corporation may have and use a common seal, and sue and be sued in all the courts of the State in its corporate name, and shall be capable of purchasing or acquiring, by gift or devise, estate, real or personal or mixed, and of holding, leasing, and selling the same, as the interests of the company may require; and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by other railroad companies under the general laws of the State of North Carolina: <i>Provided</i>, the same shall not be inconsistent with the Constitutions of the State or of the United States.</p> <p>SEC. 2. That the said company be and the same is hereby authorized to construct a railroad of one or more tracks, from West Jefferson, in the county of Ashe, to the town of North Wilkesboro, North Carolina, a distance of about thirty miles; said road to be of such gauge as may be determined by the directors of said company, and to have the usual power to cross any other railroad track, over, under, or at grade.</p> <p>SEC. 3. That the said company be and the same is hereby authorized to use either steam or electricity as a motive power in the operation of its railway system, and to locate, buy, lease, construct, erect, establish, equip, maintain, operate, own, or sell, or otherwise acquire and dispose of plants, works, or other necessary equipment for the carrying on of its said business.</p> <p>SEC. 4. That the capital stock of said company shall be one hundred and twenty-five thousand dollars, with power to increase the same, upon payment of the tax, to two hundred and fifty thousand dollars, vested in the stockholders, in shares of the value of one hundred dollars each, and shall be raised by subscription on the part of individuals or municipal or other corporations; and subscriptions may be paid in money, labor, lands, materials, stocks, bonds, or other securities, or in any way that may be agreed upon by and between the company and the subscribers; and the company may receive donations of any of the kinds of property or labor mentioned above.</p> <p>SEC. 5. That books of subscription to the capital stock of said company shall be opened by the corporators aforesaid within two years after the ratification of this act, at such places in Ashe County as shall be appointed by said corporators, respectively; and the said corporators, or a majority of them, may at any time after the sum of five thousand dollars has been subscribed</p>
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to the capital stock of said railroad company, and five per centum cash paid in, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company.

SEC. 6. That the said company shall hold a meeting of the stockholders at its organization, and the annual meetings shall thereafter be held on the same day of the month, or the Monday following, of each and every year. Three or more directors shall be elected by the stockholders, to hold office for one year and until their successors shall be elected; and in all such meetings of the stockholders a majority of the stock shall be represented in person or by proxy, such proxy to be verified in a manner prescribed by the by-laws of the company, and each share shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number president of said company and to elect such other officers as shall be provided by the by-laws of the said company, and fill all vacancies which may occur on said board during the term for which it is elected. Any meeting of the stockholders shall have power to make or alter the by-laws of the company.

Meetings of stockholders.

Election of directors.

Quorum.

Stock vote.

Election of president and other officers.

Vacancies.

By-laws.

SEC. 7. Said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed by the by-laws of the company.

Issue and transfer of stock certificates.

SEC. 8. That the commissioners of any county through which said railroad may pass and any township through which said railroad may pass shall have full power and authority to make donations to the said company or to subscribe to its capital stock on behalf of the respective counties or townships to the amount they shall be authorized by the said counties or townships, respectively, and the authorities of all incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns, respectively, and the authorities of any other corporation to such an amount as they may be authorized to by said company or companies; and to enable them to borrow money to make such donations or to make such subscriptions, they may issue bonds or other evidence of debt. When such subscriptions shall be made they shall be as binding on the counties, townships, or other corporations making them as individual subscriptions are upon those by whom they are made; and in all cases where a township shall make a subscription or donation the county commissioners shall be authorized to represent such townships and to make subscription or donation when authorized by vote, as hereinafter provided.

Counties, townships, or municipalities or other corporations may make donations or subscribe to stock.

Bond issues for subscriptions or donations. Subscriptions binding.

Representation of townships.

SEC. 9. That the board of commissioners of the counties named in this act are respectively authorized and required, whenever fifty of the freeholders, being qualified voters of any township

County commissioners to order election.

in their county, shall petition to them in writing to have submitted to the voters a proposition to make a donation or subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township, at the proper voting places therein, after thirty days notice of said election by advertisement at the courthouse door of said county and at four or more public places in said township, and to submit to the qualified voters of such township the question of donating to said company or subscribing to its capital stock the sum of money specified in the written request of the taxpayers calling for said election as aforesaid, at which election those in favor of said donation shall deposit a ballot on which shall be printed or written the words "For Donation" and those opposed shall deposit a ballot on which shall be written or printed the words "Against Donation": but if the election be to authorize the subscription to the capital stock, the ballots shall be deposited, on which shall be written or printed the words "For Subscription" and "Against Subscription." The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same; and if a majority of all the votes cast shall be "For Subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners; and if a majority of all the votes cast shall be "For Donation," then the chairman of the board of county commissioners shall deliver to the authorities of said railroad company his certificate setting forth the fact; and the commissioners shall have power to order a special registration for the election herein provided for, under the election law rules.

SEC. 10. That in payment of subscriptions or donations made as provided in the next preceding section the board of commissioners of the county wherein said township may be situated shall issue bonds to an amount not exceeding the sum so authorized to be donated or subscribed, as the case may be, and said bonds shall express on their face by what authority and for what purpose they are issued. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, and shall be payable thirty years after the first day of January next after the year in which they are issued, and shall be coupon bonds and bear interest at the rate of six per cent per annum, payable on the first day of January of each year by the treasurer of the county in which said township is situated; but the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.

SEC. 11. That in all cases where a subscription to the capital stock shall be made by a county or township, the county com-

Notice of election.

Question submitted to voters.

Ballots.

Returns and canvass.

Effect of election.

Special registration.

Bonds for payment of subscription or donation.

Denominations.

Maturity.

Interest.

Bonds subject to call.

Subscription.

missioners, and in a case where a subscription shall be made by a town, the authorities of the municipal corporation shall have the power and authority to contribute the amount of the stock subscribed by said county, township, or town to said company.

SEC. 12. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of the county in which the township is situate, on account of which said bonds have been issued, shall, in addition to the other taxes, each year compute and levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds and one-thirtieth of the amount of the principal thereof, which taxes shall be collected by the sheriff of said county, under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over of the State and county taxes. The sheriff shall pay said taxes, when collected, to the treasurer of his county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment, and the balance of the money shall be invested by him in the purchase of said bonds, not above par.

SEC. 13. That the commissioners of any town or any of the counties through which the said railroad may be constructed shall be authorized and required, when twenty-five taxpayers of said town shall in writing request that a proposition to make a donation of a specific sum to said railroad or to subscribe a specific sum to its capital stock may be submitted to the voters of such town, to cause an election to be held therein under the same rules and regulations as are prescribed above for such election in townships, except that the returns shall be made to the commissioners of the town, who shall canvass the same; and if a majority shall have voted for subscription, then the mayor of the town shall make the subscription to the stock of said railroad company; and if the town shall have voted for donation, then the mayor of the town shall certify the result of said election to the authorities of said company; and in payment of any donation or of any subscription to the capital stock of said company the commissioners of such town shall issue bonds of the same denominations and character, bearing the same interest and having the same time to run as is provided hereinbefore for township subscriptions; and in addition to the other tax upon the subjects of taxation in said town, they shall annually levy a tax sufficient to pay the interest on said bonds and one-thirtieth of the principal. The tax levied under the provisions of this section shall be collected by the constable or tax collector of such town in the same manner as the other taxes of said town are collected, and subject to the

Special taxes.

Collection of tax.

Payment of coupons and purchase of bonds.

Election by towns.

Returns and canvass.
Effect of election.

Bonds for donation or subscription.

Special tax.

Collection of tax.

- same rules and regulations and the same penalties and remedies against the constable or tax collector and his sureties for failure to collect and account for the same when collected. Said taxes shall be paid by the constable or tax collector to the treasurer of said town, who shall first pay the interest on said bonds and invest the balance collected on said bonds in the purchase of said bonds at par.
- Payment of interest and purchase of bonds. SEC. 14. The bonds under this act to secure donations to said railroad or subscription to its capital stock by any township shall be signed by the chairman of the board of county commissioners of the county in which said township is situated and by the clerk of said board, and the coupons shall be signed by the chairman alone. The bonds issued by any town under the provisions of this act shall be signed by the mayor and two commissioners of said town, and the coupons shall be signed by the mayor alone.
- Authentication of bonds. SEC. 15. That said company shall have the right to have land condemned for right of way and for necessary warehouses and buildings, according to existing laws, and shall also have full power and authority to sell or lease its roadbed, property, and franchises to any other person or corporation, and to purchase or lease any other railroad in the State, or to consolidate with any connecting line of railroad, or purchase and take over any turnpike road upon such terms as may be agreed upon by said company and turnpike company: *Provided*, that said company shall not have the right to condemn or enter upon any lands, roadway, or property used as a ferry when the condemnation or entry upon such lands, roadway, or property would damage, destroy, or in any way affect the utility of such ferry, until after the right of way on all other property and lands along the proposed lines of road of said company has been secured by said company by legal entry or condemnation, and until said company is ready to begin the actual construction of its line of road.
- Power to condemn land. SEC. 16. Said company shall be authorized to begin the construction of said road at any point on the line projected for it, and operate it when completed, and shall have the exclusive right of transportation over the same.
- Power to sell or lease. SEC. 17. That said company shall be authorized and empowered to construct branch roads as the company may from time to time decide upon or deem necessary. For this purpose the company shall have all the rights and privileges conferred by this act.
- Power to purchase or lease. Power of consolidation. SEC. 18. That the said Wilkesboro, West Jefferson and Northern Railroad Company, in addition to the rights and powers specially conferred upon it by its charter, shall have all the rights and powers and enjoy all the privileges and immunities possessed and enjoyed by any other street railway, railroad company, or electric
- Proviso: lands exempt from condemnation. power company by virtue of the general laws of the State: *Provided*, that nothing herein contained shall be construed to exempt
- Construction and operation of road.
- Exclusive right of transportation.
- Branch roads.
- Rights and powers under general law.
- Proviso: road not exempt from taxation.

said railroad from taxation; and *Provided further*, that so much of said taxes as may be levied from year to year for county purposes shall not, when collected, be covered into the general county fund, but shall be applied by the treasurer holding them, as above provided, to the liquidation of town or township subscriptions, respectively, to the capital stock of said railroad, and the interest thereon, so long as any of the principal or interest of such subscription remains unpaid.

Proviso: taxes applicable to subscriptions.

SEC. 19. That said company shall have the right to build and maintain a bridge or bridges across the South Fork River at the place or places where the said railroad company's track shall cross said river.

Bridges.

SEC. 20. Said company shall be authorized to borrow money for the construction and operation of said road and to issue coupon bonds for the amount so borrowed, and to mortgage said road and the other property to secure the payment of the said bonds, principal and interest.

Power to borrow money.

SEC. 21. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall take effect from its passage.

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 57.

AN ACT TO PERMIT THE COMMISSIONERS OF THE TOWN OF AULANDER, BERTIE COUNTY, NORTH CAROLINA, TO ELECT A CHIEF OF POLICE.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Aulander, Bertie County, and their successors in office, shall have the right and power to elect a chief of police, who shall have the same jurisdiction and power possessed and exercised by policemen of incorporated towns.

Power of election.

Jurisdiction of policemen.

SEC. 2. That said commissioners and their successors shall have the authority to prescribe other duties looking to the physical and sanitary betterment of the town, and to allow such compensation for services rendered as in their judgment they may deem wise, said compensation to be paid out of the funds belonging to the town of Aulander not otherwise appropriated.

Commissioners may prescribe other duties.
Compensation.

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 and effect from and after its ratification.

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 58.

AN ACT TO AMEND CHAPTER 210 OF THE PRIVATE LAWS OF 1913, AMENDING THE CHARTER OF THE TOWN OF CHERRYVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section six, chapter two hundred and ten of the Private Laws one thousand nine hundred thirteen, be and the same is hereby amended by striking out the words "the ward in which the said commissioner resides." in lines three and four thereof, and inserting in lieu thereof the words "said town."

Election of commissioners.

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

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 59.

AN ACT TO AMEND CHAPTER 163, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1899, RELATING TO CHARTER OF THE TOWN OF GIBSON.

The General Assembly of North Carolina do enact:

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

Tax rate.

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

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 60.

AN ACT TO AUTHORIZE THE CITY OF GASTONIA TO ISSUE BONDS FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Gastonia is hereby authorized to issue coupon bonds not to exceed in amount the sum of one hundred thousand dollars (\$100,000), in such denominations as the board of aldermen of the city of Gas-

Bond issue authorized.
Amount.
Denominations.

tonia shall prescribe and bearing interest from date at a rate Interest.
 not to exceed five per cent per annum, payable semiannually on
 the first day of January and the first day of July of each year,
 at such place as said board of aldermen may designate, until the
 said bonds are paid; that the said bonds shall be made payable Maturity.
 at a time and place to be fixed by said board of aldermen and
 named therein, not to run less than twenty nor more than thirty
 years from date of issue. The said bonds and their coupons shall Authentication.
 be numbered, and the bonds shall be signed by the mayor and
 attested by the treasurer of the said city of Gastonia and the
 corporate seal of said city affixed thereto, and said bonds and
 their coupons shall be exempt from city taxation until they have Exempt from
 become due, and the coupons shall be received in the payment of city tax.
 said taxes. A record shall be kept of the said bonds, showing Coupons receivable for taxes.
 the numbers and denominations thereof, and to whom sold, the Record of bonds.
 dates of issuing thereof, and when the same shall mature, and
 the interest-bearing rate thereof, the amount received from the
 sale of the same, and the date of the payment of the proceeds into
 the treasury, and such other data in relation to the same as the
 board may direct to be kept.

SEC. 2. That before said bonds are issued an election shall be Election on bond
 had at which the right to issue said bonds shall be submitted to issue.
 the qualified voters of the city of Gastonia at such time within
 two years after the ratification of this act as the board of alder-
 men of the city of Gastonia shall decide and order. The said Law governing
 election shall be advertised, poll-holders and judges of election election.
 selected, votes counted, and in all other matters the same shall
 be conducted as near as may be and as near as practicable as
 now provided in the charter of the city of Gastonia for the elec-
 tion of mayor and board of aldermen of the said city of Gastonia.
 At said election those who are in favor of issuing the said bonds Ballots.
 shall vote a ticket or ballot upon which shall be printed or written
 the words "For Bonds," and those who shall oppose the same
 shall vote a ticket or ballot on which shall be printed or written
 the words "Against Bonds"; and before such election is held the New registration.
 board of aldermen shall require a new registration for all voters
 participating in said election, after first advertising for such
 registration in one or more newspapers published in the city of
 Gastonia, setting forth in such advertisement the purpose and ob-
 jects of the election for which such new registration is had; such Registration.
 registration shall otherwise be conducted under the same rules
 and regulations now provided in the charter of the city of Gas-
 tonia for the registration of voters for mayor and aldermen of the
 city of Gastonia.

SEC. 3. If at said election a majority of the qualified voters Bonds approved
 shall vote "For Bonds," then if the said board of aldermen shall by majority of
 deem it to the best interest of the city of Gastonia, and shall so qualified voters.

Issue and sale
of bonds.

declare by a resolution or ordinance duly adopted, then said board of aldermen shall proceed at once to issue and sell said bonds or so many thereof as may be necessary in the judgment and discretion of said board for the purposes hereinafter set forth, to-wit, the proceeds thereof to be used for purchasing and holding real and personal estate or selling and transferring the same for school purposes, and for the erection of such school buildings in the city of Gastonia, or for the payment for the erection of such school buildings as said board of aldermen may decide.

Application of
fund.

Special tax.

SEC. 4. For the purpose of paying the said bonds at maturity and the interest thereon as it shall become due, it shall be lawful for and the duty of the board of aldermen to levy annually a sufficient special tax upon all subjects of taxation which are or may hereafter be embraced in the subjects of taxation under the charter of the said city and the general law, in the manner and at the same time as other taxes are levied under the said charter and the general law.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 16th day of February, A. D. 1915.

CHAPTER 61.

AN ACT TO AMEND CHAPTER 126 OF THE PRIVATE LAWS OF 1913, RELATING TO THE CHANGING OF THE BONDS AUTHORIZED TO BE ISSUED BY THE TOWN OF HERTFORD FOR WATER-WORKS, SEWERAGE, STREET PAVING, AND ELECTRIC LIGHTS.

Preamble.

Whereas, by an act of the General Assembly of North Carolina, ratified on the twenty-fifth day of February, one thousand nine hundred and thirteen, the town of Hertford was authorized and empowered to issue bonds in a sum not to exceed fifty thousand dollars, which said bonds would run for a period of fifty years from the date of their issue, bearing interest at the rate of five per cent per annum, said interest to be evidenced by coupons and to be payable semiannually; and whereas, on the fifth day of May, one thousand nine hundred and fourteen, at an election duly called under and by virtue of the provisions of said chapter one hundred and twenty-seven of the Private Laws of one thousand nine hundred and thirteen, duly ratified on the twenty-fifth day of February, one thousand nine hundred and thirteen, as above set out, an election of the qualified voters of the town of Hertford was held to vote upon the question of issuing bonds, and the result of said election was that the majority of the voters of the said town authorized the issue of fifty thousand dollars of bonds of the town of Hertford for the purposes set out in the resolution

Preamble.

and notice of election, and the said commissioners were thereby authorized to issue said fifty thousand dollars of the bonds for the town of Hertford for the purposes specified; and whereas it is deemed that it would be for the best interest of the town and promote a better sale of the bonds that the said bonds should be due and payable in installments of ten thousand dollars each, thirty, thirty-five, forty, forty-five, and fifty years from the date of issue, instead of the whole amount being due and payable fifty years from their date of issue: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and commissioners of the town of Hertford are hereby authorized and empowered to issue the bonds of the town of Hertford in a sum not exceeding fifty thousand dollars, which said bonds were authorized by the act of the Assembly ratified on the twenty-fifth day of February, one thousand nine hundred and thirteen, chapter one hundred and twenty-six of the Private Laws of one thousand nine hundred and thirteen, and duly ratified at an election held in the town of Hertford on the fifth day of May, one thousand nine hundred and fourteen, the sum of ten thousand dollars payable thirty years from the date of issue, the sum of ten thousand dollars payable thirty-five years from the date of issue, the sum of ten thousand dollars payable forty years from the date of issue, the sum of ten thousand dollars payable forty-five years from the date of issue, the sum of ten thousand dollars payable fifty years from the date of issue: that the said bonds in all other respects shall be as provided in said act ratified on the twenty-fifth day of February, one thousand nine hundred and thirteen, being chapter one hundred and twenty-six of the Private Laws of one thousand nine hundred and thirteen.

Bond issue authorized.

Maturity.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 15th day of February, A. D. 1915.

CHAPTER 62.

AN ACT AUTHORIZING THE ELKIN GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas the Elkin Graded School District of Elkin, North Carolina, was, and by the General Assembly of one thousand nine hundred and nine made and declared a body cor-

Incorporation of district.

Corporate name.	porate under the style and corporate name of "The Board of Graded School Trustees of Elkin": Now, therefore, for the purpose of raising money to complete the erection, construction, and equipping of the building for "The Elkin Graded School District" in said county of Surry, "The Board of Graded School Trustees of Elkin," a corporation as aforesaid, is hereby authorized and empowered to issue bonds, in the name of "The Board of Graded School Trustees of Elkin," to an amount not exceeding ten thousand dollars, of such denominations and form as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent (6%) per annum, with interest coupons attached, payable semiannually at such time or times and at such place or places as may be determined by the said board of trustees; the principal of said bonds shall be payable at such time or times and at such place or places as may be determined by the said board of trustees: <i>Provided</i> , that the time of payment shall not be fixed at more than forty years. Said bonds shall be signed by the chairman of said corporation and countersigned by the secretary, and said interest coupons shall be receivable in payment of town taxes of the town of Elkin, North Carolina.
Bond issue authorized.	
Amount.	
Denominations.	
Interest.	
Maturity.	
Proviso: limit of time.	
Authentication.	
Coupons receivable for town taxes.	
Sale below par forbidden. Specific appropriation of proceeds. Proviso: purchasers not liable for appropriation.	SEC. 2. That said bonds shall not be sold, hypothecated, or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be used for any purpose other than the purposes mentioned in section one of this act: <i>Provided</i> , that the purchasers of said bonds shall in no respect be held responsible for the application of the funds arising from the sale of said bonds.
Laws extended to school district.	SEC. 3. That for all the purposes and benefits of this act the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes in the town of Elkin, shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town as fully as if the same lay within the said corporate limits; and that in all elections which shall be held under this act that portion of said graded school district lying without the said corporate limits shall be deemed a part of said town.
Particular tax.	SEC. 4. That for the purpose of providing for the payment of said bonds and the interest thereon, the board of commissioners of the town of Elkin shall annually, and at the time of levying the municipal taxes, beginning with the first day of June, nineteen hundred and sixteen, levy and lay a particular tax on all subjects of taxation within the limits of the said graded school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax so levied and collected shall not be less than ten cents nor more than twenty cents on the one hun-
Limit of rate.	

dred dollars valuation of property, and not less than thirty nor more than sixty cents on the poll, and such tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the board of trustees, subject to the limitations as hereinbefore named.

Rate recommended by school trustees.

SEC. 5. That said taxes shall be collected by the tax collector of the town of Elkin at the time and in the manner that the municipal taxes are collected; and said tax collector shall pay the same over to the treasurer of said board of trustees, and the said treasurer shall be allowed not exceeding two and one-half per centum on disbursements.

Collection and settlement of tax.

Commission of treasurer.

SEC. 6. That the provisions of sections one and four of this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on a day to be designated by the board of commissioners of the town of Elkin within two years after the ratification of this act. That said election shall be held as provided for in the amended charter of the town of Elkin, passed at the session of the General Assembly of nineteen hundred and eleven. That thirty days notice of such election, containing a copy of the provisions of sections one and four of this act, or a synopsis of the same, shall be published in a newspaper published in the town of Elkin, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town:

Election on bond issue.

Law governing election.

Advertisement of election.

Provided, that the board of commissioners may in its discretion order a new registration of voters. Those qualified voters approving the issue of the particular taxes in section four of this act shall deposit a ticket containing the printed or written words "For School Bonds," and those disapproving the same shall deposit a ballot containing the written or printed words "Against School Bonds." In the event that a majority of the qualified voters shall vote "For School Bonds" at an election herein provided for, said board of trustees and said board of commissioners shall have authority to issue the bonds and levy the tax as herein provided; but if a majority of the votes cast shall be "Against School Bonds," then said board of commissioners shall not have such authority: *Provided*, that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Elkin, and after thirty days from the date of such enrollment such records shall not be open to attack, but shall be held and deemed conclusive evidence of the facts therein certified.

Proviso: new registration. Tickets.

Majority of qualified voters.

Proviso: record of election.

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 and effect from and after its ratification.

Ratified this the 16th day of February, A. D. 1915.

CHAPTER 63.

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

The General Assembly of North Carolina do enact:

- Incorporation. SECTION 1. That the inhabitants of the town of Benson shall be and continue, as they heretofore have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of the Town of Benson, and under such name and style is hereby invested with all property and rights of property which now belong to the corporation, and by such name may acquire and hold for the purpose of its government, welfare, and improvement all such property or estate as may be devised, bequeathed, or conveyed to it, not exceeding in value the sum of two hundred and fifty thousand dollars, and shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to purchase, hold, and convey both real and personal property.
- Corporate name. Property and rights vested. Corporate powers. Corporate limits. SEC. 2. That the corporate limits of the town of Benson, Johnston County, North Carolina, shall be as follows: Beginning at a point on the Atlantic Coast Line Railroad seven hundred seventy yards northeast of the center of Main Street in said town, and running south fifty-two degrees east seven hundred seventy yards to a stake; thence parallel with said railroad south thirty-seven degrees west one thousand five hundred forty yards to a stake; thence parallel with said railroad north thirty-seven degrees east one thousand five hundred forty yards to a stake; thence south fifty-two degrees east seven hundred seventy yards to the beginning.
- Town officers. SEC. 3. That P. B. Johnson, Preston Woodall, W. T. Martin, and W. D. Boon are hereby constituted and appointed a board of commissioners for the town of Benson, and J. M. Britt is hereby constituted and appointed a mayor of said town of Benson, and they shall have full power to execute the by-laws, ordinances, and regulations of the said town till their successors are elected and have qualified.
- Town elections. SEC. 4. That there shall be an election for the town of Benson on Tuesday after the first Monday in May in the year one thousand nine hundred and fifteen, and biennially thereafter, for a mayor and four commissioners of said town, who shall hold their offices for two years or till their successors are elected and have qualified.
- Commissioners to appoint registrar. Notice for registration. SEC. 5. That the board of commissioners of the town of Benson shall at its meeting in March or February, one thousand nine hundred and fifteen, and biennially thereafter, appoint a registrar of voters for said town, and the said registrar shall give the same

notice at three public places in said town as is required under the general election law, of the registration of voters in and for the town of Benson, specifying the time and place at which the books for registration shall be kept open. The mayor is hereby empowered to appoint a registrar in case of vacancy for any cause.

Mayor to fill vacancy.

SEC. 6. Registration books shall be supplied to the registrar by the board of commissioners of the town of Benson at the expense of the town. It shall be the duty of the said registrar to open his books at the time and place named by the board of commissioners 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 under the general election laws; and to keep the names of the white voters separate and apart from the names of the colored voters, and to mark opposite each name the street on which the voter resides in the town.

Registration books.

Registration.

SEC. 7. The board of commissioners shall at its regular meeting in the month of February or March in the year one thousand nine hundred and fifteen, and biennially thereafter, appoint two judges of election, who, together with the judges of election, shall constitute the board of election; and they shall open the polls at the mayor's office, superintend the election on the day thereof; and the said board of election shall have the same powers and authority as is given the board of election under the general election laws of the State of North Carolina.

Commissioners to appoint judges.

Board of election.

Polling place.

Conduct of election.

SEC. 8. All electors who are entitled to register and vote under the general election laws of the State of North Carolina shall be entitled to register and vote in the town elections herein provided for.

Electors.

SEC. 9. The board of commissioners shall on the first Thursday night after the election in May meet in the mayor's office, and after being duly qualified by taking the oath prescribed by law for such commissioners before the mayor or some justice of the peace, elect one of their number chairman, which chairman shall act as mayor *pro tem.* in the absence of the mayor.

Commissioners to organize.

Mayor pro tem.

SEC. 10. The said mayor shall preside over all meetings of the board of commissioners and shall have the same rights and powers and perform all the duties and exercise all the functions vested in the office under the general laws of the State of North Carolina regulating the same.

Duties and powers of mayor.

SEC. 11. That the mayor and commissioners shall hold their offices respectively until the next succeeding election and until their respective successors shall qualify; that the mayor shall immediately after the election, and before entering upon the duties of the office, take the following oath before some justice of the peace: "I, -----, do solemnly swear that

Term of office.

Form of mayor's oath.

I will diligently endeavor to perform faithfully and truthfully, to the best of my ability, all the duties of the office of mayor of the town of Benson 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 town of Benson and its government; and in the discharge of my duties I will strive to do equal justice to all parties."

Rights, power, and authority of commissioners.

SEC. 12. That the board of commissioners of the town of Benson, when organized, shall have all the rights, powers, and authority prescribed under the general laws for such office.

Commissioners to elect officers.

SEC. 13. That at said meeting of the board of commissioners of the town of Benson to be held on the first Thursday night after the election in May the board shall elect the following officers for the town of Benson, all of which officers shall hold their respective offices during the administration of said board, unless herein otherwise provided, to wit:

Town clerk : duties.

(a) A town clerk, whose duties shall be to act as secretary to the board; and said clerk shall issue all licenses, draw and sign all orders in the name of the town for the payment of any money or funds by the town, together with such other duties as may be prescribed by the board for him to perform. His salary shall be fixed by the board of commissioners.

Duties of tax collector.

(b) A tax collector, who shall collect and pay over to the treasurer all taxes levied or assessed by the board of commissioners, whether the same be property, poll, or license tax; and said tax collector shall report monthly to the board of commissioners at its regular meeting all funds collected, and all on hand, and produce and file with the board, or the clerk thereof, receipts for all funds or moneys paid over to the treasurer; and his report shall also show the source of all moneys coming into his hands.

Duty of treasurer.

(c) A treasurer, whose duty it shall be to keep in custody all moneys, funds, and securities belonging to the town; to disburse the funds according to such orders as may be duly drawn on him; and he shall keep a book in which he shall keep a true and correct account of all moneys received and disbursed by him, and he shall submit said account to the board of commissioners when he is required to do so. On the expiration of his office he shall deliver to his successors all the moneys, securities, and other property intrusted to him for safe keeping or otherwise, and during his continuance in office he shall faithfully perform all duties lawfully imposed on him as town treasurer: *Provided*, that the commissioners may, in their discretion, elect as treasurer any incorporated bank or banking association of the town of Benson, in which case all the instruments of whatever nature requiring the signature of the treasurer shall be signed by the president of such bank or banking association, and shall have affixed to such signature the common seal of such incorporated bank or banking

Settlement with successor.

Proviso: bank as treasurer.

Execution of instruments.

association, and such signature of said president shall be attested as by law is provided in cases requiring the attestation of the signature of such president. Said treasurer shall receive as compensation one and one-half per cent on all collections, and one and one-half per cent on all disbursements, except for bonds issued by the town for any purpose, in which case the compensation on said bonds shall be one-half of one per cent on receipts and one-half of one per cent on all disbursements. The bond required of such treasurer shall be in such sum as may be fixed by the board of commissioners of the town of Benson.

Pay of treasurer.

Bond of treasurer.

(d) A chief of police, whose duty it shall be to see that the laws, ordinances, and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending all offenders; and for that purpose the said chief of police, and all his assistant police or deputies, shall have all the powers and authority vested in sheriffs and county constables. The salary of the chief of police and all assistant police or deputies shall be fixed by the board of commissioners, and the said chief of police and all assistant police or deputies shall be subject to removal for cause at any time on ten days notice.

Duty of chief of police.

Power and authority.

Salary of chief and policemen.

(e) A town constable, whose duty shall be the same as that prescribed under the general laws relating to said office.

Duty of town constable.

(f) A chief of the fire department, whose duty it shall be to organize a volunteer fire department, to have charge of any and all apparatuses for fighting fire, including the fire engine and all other instruments of like nature belonging to the town. He shall use all proper means to prevent fires, or to extinguish the same, and shall perform all other duties by law required of such office, except the inspection of buildings, for which purpose a committee of three resident freeholders shall be appointed by the board of commissioners.

Duty of chief of fire department.

Inspection of buildings.

(g) An auditor, whose duty it shall be to audit all books, accounts, and records of every kind in the hands of any town officer or official and belonging to the town. Said auditor shall make a report to the board of commissioners of the town in June and January of each year at their regular monthly meeting, which report shall show the condition and standing of all book accounts and records of the town, or of any town officer, appertaining to the business of the town. All books, accounts, and records of every kind shall be subject to the inspection of said auditor at any time he may desire to inspect the same. The said books, accounts, and records of the town, as aforesaid, shall also be subject to public inspection at any time in the presence of the town clerk.

Duty of auditor.

Semiannual reports.

Inspection of books and accounts.

Books and accounts open for inspection.

SEC. 14. That if any person elected mayor shall fail or refuse to qualify within five days after his election, or in case of a

Election of mayor to fill vacancy.

Commissioners. vacancy in the office after the election, the commissioners shall elect some other person as mayor for the term or the unexpired portion of the term, as the case may be; and on all like occasions and in like manner the commissioners shall elect other commissioners to supply the place or places of such as shall fail or refuse to qualify, and fill all vacancies which shall occur in the said board of commissioners.

Special election on failure of regular election.

SEC. 15. That in case of a failure to elect municipal officers, towit, a mayor and four commissioners, at the election hereinbefore provided for, or either of them, on the first Tuesday in May, the electors residing within the town may, after two weeks notice signed by ten qualified voters and posted at the postoffice door in said town and four other public places therein, and advertised in a newspaper published in said town, if there be one published therein, proceed to hold an election for such mayor, or commissioners, or either of them, in the manner provided in the Revisal of North Carolina, one thousand nine hundred and eight, chapter seventy-three, which mayor and commissioners, or either of them, shall immediately qualify and hold their offices till their successors are elected and have qualified.

Mayor an inferior court.
Jurisdiction.

SEC. 16. That the mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the powers, jurisdiction, and authority of justices of the peace in criminal actions, to issue process, to hear and determine all causes of action which may arise upon the ordinances, by-laws, and regulations of the town; to enforce penalties by issuing execution on any adjudged violation of the same; and to execute the by-laws, ordinances, and regulations of the board of commissioners. The mayor shall further be a special court within the corporate limits of the town of Benson to arrest 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, in the discretion of the mayor or court, not exceeding the amount in the ordinance or ordinances violated, or, in the discretion of the court, the 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 said court, the court may, in its discretion, adjudge also that the said defendant be worked during his imprisonment on the public streets or other public works of the town or county.

Special court.
Jurisdiction.

Sentences.

Precepts of mayor.

SEC. 17. That precepts may be issued by the mayor to the chief of police or other policeman of the town, and to such other officers as the justices of the peace of Johnston County may issue their precepts.

Dockets.

SEC. 18. That the mayor shall keep a docket on which he shall enter all warrants, precepts, and orders issued by him, together with all his judicial proceedings; and judgments rendered by him

Effect of judgments.

shall have the force, virtue, and effect of judgments rendered by justices of the peace, and may be executed and enforced against the parties in the courts of Johnston County and elsewhere in the same manner and by the same means as judgments rendered by a justice of the peace of Johnston County.

SEC. 19. That any violation of a town ordinance, by-law, or regulation of the town of Benson shall be a misdemeanor, and shall be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days. That the mayor shall have final jurisdiction of all misdemeanors under this section.

Violation of ordinances a misdemeanor.

Jurisdiction of mayor.

SEC. 20. That the mayor shall have the right to vote only in case of an equal division in the vote of the board of commissioners of the town of Benson.

Vote of mayor.

SEC. 21. That the commissioners of the town of Benson shall form one board, and a majority of them shall have the power and are hereby authorized to perform all the duties by law prescribed for them; at the meeting of the said board of commissioners held the first Thursday night after the election in May the board shall fix a night on which the regular monthly meetings shall be held; special meeting may be held at any time on the call of the mayor, or by the call of any three of the commissioners; and in a case of a call by the commissioners, written notice shall be served on the mayor and the commissioner not signing the call; said notice to be served on the mayor not less than two days before the meeting.

Commissioners one board.
Quorum.

Regular meetings.

Special meetings.

Notice of special meetings.

SEC. 22. That the mayor or any commissioner who shall fail to attend any regular meeting, or any call meeting of which he had written notice as prescribed herein, unless prevented by a cause satisfactory to the board, shall pay to the use of the town a forfeit or penalty of five dollars.

Forfeit for failure to attend meetings.

SEC. 23. That the salaries of all officers elected by the board of commissioners shall be fixed by the board, except as herein otherwise specified.

Salaries.

SEC. 24. That the tax collector shall proceed, forthwith, to collect the taxes levied upon each subject of taxation as the board of commissioners may direct within five days after the list is placed in his hands, and shall complete the same before the first day of April next ensuing, and shall pay the moneys, certificates, vouchers, etc., as collected, to the treasurer, taking his receipt therefor, and for this purpose he is hereby invested with all the powers which are now or may hereafter be invested in a sheriff or tax collector of State and county taxes. At each monthly meeting of the board the tax collector shall produce his abstract showing all moneys collected and the amounts still due, which abstract, together with all books and records kept by the tax collector, shall be and the same are hereby declared to be the property of the town of Benson, and they shall be at all times

Collection of taxes.

Settlements of collector.

Monthly reports of collections.

Reports subject to examination.

- subject to examination by the board of commissioners and the mayor. The said tax collector shall settle in full with the town for all taxes on or before the tenth day of April of each year, and if the collector shall have been unable to collect any taxes, fines, and forfeitures, by reason of insolvency or other good cause, he shall, under oath, deliver a list of such insolvents and delinquents, with all other fines, penalties, and taxes not collected, to the board of commissioners, and if approved, he shall be credited by the board with the amount thereof, or such portion thereof as is approved; and he and the sureties on his bond shall be answerable for all the remainder and for all other taxes and levies not collected and paid over to the treasurer by him which he is now or may hereafter be by law required to collect.
- Final settlements. List of insolvents. Credit for insolvents. Liability on bond. Annual statements. Statements to be posted. Suits on official bonds. Powers as to streets. Power to condemn land. Arbitration of damages. Effect of decision.
- SEC. 26. That the board of commissioners of the town of Benson shall cause to be made out annually a statement of all moneys received and disbursed on account of the town, and for what purposes the same was expended, and from what source the same was derived, and the said statement shall be posted publicly at the post-office door in the town of Benson on or before the twentieth day of April of each year.
- SEC. 27. That for any breach of his official bond by the treasurer or tax collector, or any other town officer required by the board of commissioners to give an official bond, such official shall be liable in an action in the name of the town, at the suit of the town or any party aggrieved.
- SEC. 28. That the board of commissioners shall have power to lay out and open any street within the corporate limits of the town whenever the board may deem the opening thereof necessary, and have power 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 the purposes named herein: but the board shall make reasonable compensation to the owner or owners thereof. In case the owner or owners of the land and the commissioners cannot agree as to the damages, the matter shall be referred to arbitrators, each party choosing one, who shall be a resident freeholder of the town; and in case the owner or owners of the land shall fail or refuse to select an arbitrator, then the board of commissioners shall name the sheriff of Johnston County as an arbitrator for the owner or owners of the land, and in case the two cannot agree, then they shall choose a third arbitrator. It shall be the duty of the arbitrators to examine the lands condemned and ascertain the damages sustained and the benefits accruing to the owner or owners of the land in consequence of the change, and the decision of the arbitrators shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use the lands 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 is now provided by law: *Provided, however*, that such appeal shall not hinder or delay the commissioners in opening or widening or changing such street or making such improvements.

Proviso: right of appeal.
Proviso: appeal not to delay work.

SEC. 29. That the board of commissioners of the town of Benson shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of the town, and make such improvements thereon as the said board shall deem best, and may regulate, control, license, prohibit, and prevent digging in the said streets or sidewalks, or the 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, and litter therein.

Power to improve streets and sidewalks.

Regulations for streets.

SEC. 30. That the board of commissioners shall have power and authority to put to and keep at work upon the streets or public works 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 ordinance and by-laws of the town to confine, control, and manage such person or persons until the said fines, penalties, forfeiture, etc., together with the costs thereof, shall have been fully paid, under such rate for labor and board as the commissioners may establish.

Chain-gang.

SEC. 31. That in order to raise funds incident for the expense and 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 moneys on hand, solvent credits; upon all polls and all other subjects of taxation taxed by the General Assembly for public purposes.

Taxing power.

Subjects of taxation.

SEC. 32. That the annual tax on property enumerated in the preceding section shall not exceed sixty-six and two-thirds cents on the hundred dollars valuation thereof, nor shall the poll tax exceed annually two dollars.

Limit of tax rate.

SEC. 33. The lien for taxes on any and all property levied for all purposes in each year shall attach to all the real estate of the taxpayer in the town on the first day of May of each year, and shall continue till all taxes, with any penalty and cost which shall accrue thereon, shall be paid. There shall be no lien on personal property for taxes except from the levy thereon.

Lien on real estate for taxes.

Lien on personal property.

SEC. 34. That the board of commissioners of the town of Benson shall at the regular meeting on the first Thursday in May in one thousand nine hundred and fifteen, or at a call meeting for that

Appointment of tax assessors.

- purpose, and every fifth year thereafter, appoint three discreet freeholders, each of whom shall have been a resident of the town for not less than twelve months, who shall constitute a board of tax assessors for the town of Benson; and the mayor of the town shall appoint one of said number chairman, which chairman shall act as list taker for the town in like manner as is provided by law for the listing of real and personal property by county assessors, or township or assistant assessors, for all purposes of municipal taxation by said town.
- List taker.**
- (b) The said board of assessors shall list and assess at its true value in money the real and personal property of the town, without reference to the valuation placed thereon by the county assessors or township or assistant assessors, and such municipal board of tax assessors in listing and assessing such property for the purpose of municipal taxation as aforesaid shall possess and exercise every power and authority that is conferred upon county assessors and township or assistant assessors in listing and assessing property for the purpose of State and county taxation.
- Listing and assessment of property.**
- (c) Said board of assessors shall list or assess all the real property at its true value in money, and shall enter the same on a book which shall be furnished by the town for that purpose, every lot or parcel of land, giving the block and lot number according to the plan of the town of Benson as shown on the map drawn by Riddick, Hale, and Mann in one thousand nine hundred and fourteen, together with the name of the person, firm, or corporation owning the same, and in determining the value the assessors shall consider the location, advantages, and improvements on the same.
- Lists and assessments of real property.**
- (d) The board shall list all polls when the person shall have resided in the town the first day of May of the said year.
- Polls.**
- (e) The board shall list or assess at its true value in money on the first day of May all personal property, except such shares of stock of incorporations as shall have been listed by the corporation itself.
- Personal property.**
- (f) All shares of capital stock, surplus, and undivided profits, solvent credits, and all other assets of any incorporation shall be listed by the proper officer, to wit, the president, of such incorporation: *Provided*, that the capital stock of all incorporations shall be listed at the same valuation as that placed on it by the State Tax Commission.
- Stock of corporations.**
- (g) That after arriving at a total valuation of all personal property, and articles thereof, which they shall be able to discover as belonging to any person, firm, or corporation, if they have sufficient information or evidence upon which to form a belief that any person, firm, or corporation has other personal property consisting of moneys, credits, debt due or to become due, or any other thing of value liable to taxation, the board of assessors or the
- Proviso: valuation by state tax commission.**
- Action for discovery of omitted taxables.**

board of commissioners shall have power to take such action as may be necessary to get such property on the tax list.

(h) The board of commissioners, together with the chairman of the board of assessors, shall constitute a board of equalization, and shall in like manner as is provided by law now in force, or that hereafter may be enacted, for the equalization of the valuation placed upon real and personal property by the county assessors and township or assistant assessors, proceed to equalize the valuation placed upon real and personal property by such municipal tax assessors; and such municipal board of equalization in the equalization of the valuation of such real and personal property as aforesaid shall possess and exercise every power that is vested in the board of equalization in the equalization of the valuation placed upon property by the county and assistant or township assessors for the purposes of State and county taxation.

Board of equalization.

(i) Said board of equalization shall meet immediately after the board of assessors shall have completed their work and proceed to carry out the provisions of this section.

Meeting of board.

(j) The board of commissioners shall, at their first regular meeting in May of each year, except in those years in which there shall be a general assessment, appoint one discreet freeholder who shall be a resident of the town for not less than twelve months, who shall be known as the tax lister or assessor, who shall list and assess all the real and personal property of the town for the purpose of municipal taxation by said town, and in like manner as is provided for listing property by township or assistant assessors, list the real property in said town at the valuation previously assessed on the same; and also the personal property therein; and such municipal assessor, in listing such property for the purposes of municipal taxation as aforesaid, shall possess every power that is now or may hereafter be conferred upon township or assistant assessors in listing and assessing property for the purpose of State and county taxation.

Appointment of tax lister.

Duty of tax lister.

(k) The board of commissioners of the town of Benson shall, in every year in which there shall be no general assessment of property, and in like manner as is provided for the revision and correction of the county tax list and the valuation returned to them by the township or assistant assessors appointed to list for the purpose of State and county taxation, revise and correct the municipal tax list returned to them by the municipal tax assessor appointed to list the property in said town for the purposes of municipal taxation; and if said board shall find that certain property has been assessed above its true value in money, they shall lower the valuation, and if they shall find that certain property has been assessed below its true valuation in money they shall raise the valuation as assessed; and in the performance of every other act expedient to be done in carrying out the intent of this

Commissioners to revise list.

Equalization of valuations.

section, is conferred upon the commissioners of said town all necessary powers in listing and assessing of property for the purposes of municipal taxation. They shall exercise and possess in like manner all kindred powers as is now or may hereafter be conferred upon boards of county commissioners.

Time for listing taxes.

(l) That the list taker as herein above named shall complete the listing of the property within thirty days from June the first of each year, and shall turn over to the board of equalization of said town immediately thereafter the assessment roll, and the said board shall at once revise said assessment roll and deliver it to the board of town commissioners, who shall proceed to levy the taxes on such subjects of taxation as are taxable under this charter and under the general law, and shall place the list in the hands of the tax collector at once for collection.

Levy of tax.

Failure to list a misdemeanor.

SEC. 35. That all persons liable to the town for poll tax who shall willfully fail or refuse to list themselves with the lister of taxes, and all persons who own property and willfully fail to list it within the time allowed by law, shall be guilty of a misdemeanor, and on conviction shall be fined in the discretion of the mayor, not exceeding twenty-five dollars, or imprisoned not exceeding twenty days, to be worked upon the streets of the town; and the mayor shall have final jurisdiction thereof. It shall be the duty of the tax collector to prosecute violations of this section.

Punishment.

Tax collector to prosecute.

License taxes.

SEC. 36. That in addition to the subjects listed above for taxation, the board of commissioners of the town, for the purpose of raising revenue, may levy an annual license tax not exceeding fifty dollars on the following subjects, the amount of which taxes shall be collected by the town tax collector, and if not paid when due, the same may be recovered by suit in the name of the town, or the articles upon which the taxes are imposed, or any other articles of property of the licensee, may be forthwith distrained and by the tax collector sold to satisfy the said tax, namely: Upon all itinerant merchants or peddlers, vending or offering to vend in the town, except those selling maps, books, and wares of their own make, but not excepting venders of medicine by whomsoever made; every billiard table, poolroom or pool table, bagatelle table, stand, or place kept for hire; each hotel, boarding-house, restaurant, or café; every circus, or circus company and every sideshow in connection with the same; every company or person exhibiting in town any natural or artificial curiosities; each theatrical play, sleight-of-hand performance, rope dancing, wire dancing or walking, or menagerie; each show of every kind for reward; auctioneers or criers of goods; stock brokers, bond brokers; sewing machine company or the agent thereof; dealers in musical instruments or agents offering for sale musical instruments of any kind; keepers of sales stables, livery stables, or stock yards, or each of them; persons engaged in the business of distributing signs.

Recovery of license tax.

Subjects of license taxes.

posters, or tacking up or distributing advertisements of any kind; building and loan associations; oil agencies; shooting galleries; street hucksters; photographers, or persons taking the likeness of the face; produce brokers; ice dealers; dealers in wood and coal, or either; insurance agents; skating rinks; telephone company; electric light company; power company; water-works company; marble yard; undertakers; embalmers; plumbers; persons placing electric light fixtures, gas fixtures; itinerant dealers in lightning rods; itinerant dealers in stoves; dealers in fertilizers; architects; builders; cigar or tobacco factory; tobacco warehouses; dancing schools; agents for sale of machinery of any and all kinds; soda or mineral water fountains; stallions, jacks, and dairy wagons or vehicles selling products of the dairy; land brokers; lecturers for reward; butchers; persons selling jewelry with prizes therein; printing offices; opera houses or halls used for theatrical, musical, or other entertainments; banks or bankers, junk-shops or persons buying junk, iron, rubber, and other wares; dealers in metal and cordage; pressing clubs or persons pressing clothes for hire; every mill, machine shop, factory, or foundry of any kind; commission merchants; commercial brokers; omnibus, hack, car, carriage, cab, automobile, dray, or baggage wagon; moving picture shows, alone or in connection with vaudeville; shooting rink; and on every other business or trade of every kind carried on in the town of Benson not hereinbefore specified. That licenses hereunder shall not be issued till the same have been paid for, and said license shall be nontransferable and shall be issued semiannually, and date from June first or from January first of each year.

SEC. 37. That upon every dog that may be brought within the town of Benson or kept therein, a license of five dollars shall be collected annually by the tax collector. The dog shall be listed by the owner thereof with the tax lister, and in case the said dog is not listed by the owner, the dog may be treated as a nuisance and killed by the police.

Dog tax.

Dogs to be listed.

SEC. 38. That in addition to the subjects enumerated in the foregoing section the board of commissioners of the town of Benson 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*, that such tax shall not exceed one-half of that levied annually by the State and county for State and county purposes.

Other subjects of taxation.

Proviso: limit of tax.

SEC. 39. That the board of commissioners of the town of Benson may provide that all licenses issued hereunder shall be posted at some public place in the town as they deem proper.

Commissioners may require posting of license.

SEC. 40. That the board of commissioners of the town of Benson shall have the power to license, tax, regulate, restrict, prohibit,

Regulation of license.

and revoke any license after the same shall have been issued on any and all things which they deem fit.

Regulation and license of plumbers and electricians.
Power of revocation.

SEC. 41. That the board of commissioners may regulate and license plumbers and those engaged in electrical wiring of buildings for light, power, and heat; and for incompetency on the part of the licensee, or refusal to comply with the ordinances relating to the same, or for other good causes, revoke any license issued hereunder.

Doing business without license a misdemeanor.

SEC. 42. That any person, firm, or corporation 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 on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Abatement of nuisances.

SEC. 43. That the commissioners may require and compel the abatement and removal of nuisances in the town, at the expense of the person or persons causing the same, or the owner or owners, or tenant or tenants, of the ground upon which they are located. They may also regulate slaughter houses or pens and all unhealthy or offensive trades, businesses, or employments in the town, and remove or abate the same if they deem it necessary.

Slaughter-house and like trades.

Traffic regulations.

SEC. 44. The commissioners may prohibit by penalty the driving of horses or other animals, automobiles, or other machinery at a greater rate of speed than five miles per hour in town; also the firing of guns, pistols, gunpowder, or other explosives of any kind in the streets or elsewhere in the town.

Firearms and explosives.

Stock not allowed at large.

SEC. 45. That it shall be unlawful for any cattle, horses, hogs, jacks, jennets, sheep, goats, geese, or any other live stock of any kind whatsoever to run at large in the incorporated limits of the town of Benson. Any live stock so running at large shall be impounded by the police or any citizen of the town; but the owner thereof may redeem the same by paying pound fees as follows:

Impounding.

Pound fees.

horses, mules, or cattle, one dollar per head for impounding, and fifty cents per head per day for keeping after the first day; for hogs, goats, and sheep, fifty cents for impounding, and twenty-five cents per head per day for keeping the same after the first day; for geese, twenty-five cents for impounding and ten cents per day for each day thereafter. Any such stock shall be sold for the pound fees and for keeping when the owner shall for the term of ten days fail or refuse to redeem the same. That it shall be unlawful for any person or persons to turn out or cause to be turned out any stallion, cow, ox, horse, mule, jack, jennet, heifer, calf, goat, sheep, hog, or goose within the limits of the town of Benson, and any person violating any part of this section shall be fined ten dollars.

Sale fees.

Turning out stock forbidden.

Regulation of markets.

SEC. 46. That the commissioners may regulate the markets and prescribe at what places in the town marketable articles may be sold.

SEC. 47. That the commissioners may establish and regulate all public buildings necessary and proper for the town, and may prevent the erection or building of wooden buildings or structures in any part of the town where the same may increase the danger of fire, or where they may deem such buildings improper; that the said board of commissioners may also regulate and prescribe certain streets, blocks, and lots thereon on which negroes may reside, and certain streets, blocks, and lots on which white people may reside within the town.

Establishment and regulations of public buildings.
Fire limits.

Segregation of races.

SEC. 48. That the commissioners may levy an annual privy tax of two dollars on each privy in the town of Benson, and said tax shall be paid by the person or persons using said privy.

Privy tax.

SEC. 49. That it shall be unlawful for any person, firm, or corporation to erect, alter, or repair without permission from the board of commissioners any wood building of any description in the territory embraced by the streets known as Market Street on the east, Wall Street on the west, Church Street on the north, and Mill Street on the south, including four blocks known as the fire limits. Any person, firm, or corporation violating this section shall be fined fifty dollars, and each day such person, firm, or corporation shall continue to erect, alter, or repair any such wooden building shall constitute a separate and distinct offense, punishable as aforesaid.

Building permits in fire districts.

Fine for violation of section.
Separate offenses.

SEC. 50. That the board of commissioners may control and regulate the speed of railroad trains while running in the corporate limits, and prohibit the ringing of bells and blowing of steam whistles in the town, either day or night.

Separate offenses.

SEC. 51. That all penalties imposed by law relating to the town of Benson, or by this act, or by any ordinance, by-law, or regulation by the town, unless otherwise provided, shall be recoverable in the name of the town of Benson, before the mayor or other tribunal having jurisdiction thereof.

Recovery of penalties.

SEC. 52. That the town of Benson, in addition to the powers herein granted, is hereby vested with all the power, rights, privileges, and immunities enumerated in the public laws of North Carolina relating to the government of cities and towns.

Powers under general law.

SEC. 53. That no action shall be instituted or maintained against the town of Benson upon any claim or demand whatsoever, of any kind or character, until the plaintiff shall have first presented his or her claim or demand in writing to the board of commissioners, who shall have declined to pay or settle the same, as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto. But nothing herein contained shall be construed to prevent any statute of limitation from commencing to run at the time such accrued claim or demand arose, or in any manner interfere with its running.

Presentation of claims before suit brought.

Statute of limitation.

Notice of claims for damages before action.

SEC. 54. That no action for damages against said town of any character whatsoever, either to person or property, shall be instituted against said town unless within ninety days after the happening or infliction of the injury complained of the complainant, his executor or administrator, shall have given notice to the board of commissioners of the town of such injury, in writing, stating therein the date and place of happening or infliction of such injury, the manner thereof, the character of the injury, and the amount of damages claimed therefor. But this shall not prevent any time or limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury or in any manner interfere with its running.

Statute of limitation.

Bond issues authorized.

SEC. 55. That the board of commissioners of the town of Benson is hereby authorized and empowered to issue bonds in the name of the town of Benson in such denominations and form as it may determine, to an amount not exceeding one hundred thousand dollars, payable at such time or times and at such place or places as the board may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from the date of their issue.

Limit of amount.

Proviso: maturity.

Interest.

SEC. 56. That the bonds shall bear interest at no greater rate than six per cent per annum, which interest shall be payable annually or semiannually, as the board may prescribe, and in no case shall the bonds be disposed of at less than par value.

Sale below par forbidden.

Authentication.

SEC. 57. That such bonds shall be signed by the mayor and attested by the town clerk and sealed by the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and said coupons as they may become due, the board of commissioners is hereby empowered to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may be hereafter embraced in the subjects of taxation under the charter of the town, and at the same time and in the same manner as other taxes are collected under such charter: *Provided*, that the total of taxation allowed for this special purpose shall not exceed fifty cents on each hundred dollars valuation of property and one dollar and fifty cents on each taxable poll: *Provided further*, that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and the interest coupons as the same may become due, and it shall be the duty of the town treasurer, as said coupons are paid off and taken up, to cancel the same, and report not less than three times each year to the board of commissioners the number and amount of coupons so canceled.

Coupons receivable for town taxes.
Special tax.

Proviso: limit of tax rate.

Proviso: specific appropriation.

Reports.

Bond issue to be ordered by voters.

SEC. 58. That the board of commissioners shall not issue the said bonds nor any of them nor levy or collect said tax until it shall have been authorized and empowered to do so by a majority

of the qualified voters of the town of Benson at an election to be held at such time as said board may appoint, of which election notice shall be given for not less than thirty days in some newspaper published in said town, if there be one published therein, and if there be no newspaper published therein, then the said notice shall be published for thirty days in some newspaper published in Johnston County, and at such election those favoring the issue of said bonds and the levy and collection of such taxes for the payment of such bonds and coupons shall vote a written or printed ballot on which shall be the word "Improvements," and those opposed to the same shall vote a written or printed ballot containing the words "No Improvements." Said election shall be held under the same rules and regulations as election for commissioners of the said town: *Provided*, that the commissioners may in their discretion order a new registration of the voters of the said town: *Provided further*, that the failure of the majority of the qualified voters to ratify the same shall not prevent the board of commissioners of the town from calling another election under this act to be held for the same purpose after twelve months shall have expired from the date of said election.

Notice of election.

Ballots.

Law governing elections.

Proviso: new registration.

Proviso: subsequent election.

SEC. 59. That the said bonds and the proceeds arising from the sale of the same shall be issued by the board of commissioners of the town for the purpose only of constructing and equipping a system of water-works for the purpose of furnishing water to the people of the town; for constructing, erecting, or maintaining an electric light plant; for constructing and maintaining a sewerage system for the town; to build a town hall, market house, and other necessary buildings, and to furnish the same: *Provided*, that the purchaser of the said bonds shall in no case be responsible for the application of the proceeds of such bonds.

Purposes of bond issue.

SEC. 60. That the board of commissioners of said town shall have entire supervision and control of any and all of the plans and work established under this act, and is hereby authorized to elect all such agents, servants, and employees as it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated, and to do all other proper things to carry into effect the intent of this act.

Supervision and control of work.

Election and payment of agents and employees.

SEC. 61. That the board of commissioners of the town of Benson are hereby authorized and empowered to levy a special tax on all taxable property in the town not to exceed ten cents on the hundred dollars valuation of property and on all polls taxable in said town not to exceed the sum of thirty cents on the poll, which tax shall be collectible by the town tax collector as is provided for the collection of other taxes: *Provided*, that the said taxes collected hereunder shall be used exclusively for the purpose of defraying the expenses incident to the lighting of the streets and other public property of the town.

Special tax.

Proviso: tax used only for lights.

Former bond and light act repealed.

SEC. 62. That chapter two hundred and nineteen of the Private Laws of nineteen hundred and thirteen of North Carolina, it being an act to authorize the town of Benson to establish an electric light plant and to repair the streets and sidewalks, and to issue bonds therefor, be and the same is hereby repealed.

SEC. 63. That all laws and clauses of laws in conflict with this charter be and the same are hereby repealed.

Ratified this the 16th day of February, A. D. 1915.

CHAPTER 64.

AN ACT TO ESTABLISH AND REGULATE PRIMARY ELECTIONS IN THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Offices for which nominations shall be made.

SECTION 1. The nomination of all candidates of political parties, as hereinafter defined, in the city of New Bern, for the offices of mayor, alderman, chief of police, city clerk, and tax collector, shall be made biennially, in the manner provided in this act, on the first Tuesday in April preceding the regular city election.

Date of nominations.

Nominations by primary.

SEC. 2. The aforesaid nominations shall be made on the day specified, in a primary to be held and conducted under like provisions, rules and regulations as the laws governing municipal elections in said city in force at the time such primary is held, shall prescribe for holding, canvassing, and paying officers of municipal elections therein; and all the provisions of chapter ninety of the Revisal of one thousand nine hundred and five, all acts supplementary and amendatory thereof, sections three thousand three hundred and eighty-four, three thousand three hundred and eighty-five, three thousand three hundred and eighty-six, three thousand three hundred and eighty-seven, three thousand three hundred and eighty-eight, three thousand three hundred and eighty-nine, three thousand three hundred and ninety, three thousand three hundred and ninety-one, three thousand three hundred and ninety-four, three thousand three hundred and ninety-five, three thousand three hundred and ninety-six, three thousand three hundred and ninety-seven, three thousand three hundred and ninety-eight, three thousand three hundred and ninety-nine, and three thousand four hundred and one of said Revisal, as well as chapter one hundred and sixty-four of the Public Laws of one thousand nine hundred and thirteen, or other laws relating to elections, not inconsistent with this act, shall apply as fully to primary elections held hereunder, and to acts and things prohibited or done in connection therewith, as to general or other elections.

Law governing primary.

SEC. 3. For the purpose of the primary to be held on the first Tuesday in April, one thousand nine hundred and fifteen, there shall be a new registration of the voters of said city under such provisions as the board of aldermen of said city shall provide: and for any primary held thereafter, said board of aldermen shall order a new registration of voters whenever ten per cent of the qualified voters of said city shall have at least forty days before the date of such primary filed a petition with the clerk of said city asking for such new registration.

New registration.

Petition for new registration.

SEC. 4. Only such persons as are registered shall be entitled to vote in any primary held under this act. Any elector who is duly qualified to register and vote under the provisions of the law applying to the city of New Bern, in force at the time such primary is called, and who is a member of any political party participating in said primary, shall have the right to register and vote in such primary election: *Provided*, no person liable for poll tax shall be entitled to vote in any such primary unless he shall have paid his poll tax for the previous year on or before the first day of May of the year preceding the year in which he offers to vote.

Persons entitled to vote.

Proviso: payment of poll tax required.

SEC. 5. Challenges shall be made, heard, and determined as is provided in the laws governing elections in the city of New Bern:

Challenges.

Provided, that any person registering or offering to vote may be challenged, and upon being challenged may be required to make oath that he is affiliated with and will in the next ensuing municipal election support the nominees of the party with which he proposes to vote in the primary election: *Provided*, the registration books in all primaries under this act shall close on the second Saturday preceding the day for holding any primary, and challenges shall be made, heard, and determined on the Monday preceding the day for holding the primary: *Provided further*, the foregoing provisions shall not be construed to prevent any elector from challenging any one who offers to vote on the primary day.

Proviso: oath of political affiliation.

Proviso: close of registration.

Challenge day.

Proviso: challenges on primary day.

SEC. 6. Each candidate for nomination shall file with the city clerk, at least ten days prior to holding any such primary, written notice of his intention to be a candidate, stating what nomination he seeks and at the hands of what party; and each candidate

Notice of candidacy.

at the time of filing such notice shall deposit in cash in the hands of said city clerk, for the purpose of defraying the expenses of such primary, the following sums, viz.: Candidate for mayor, ten dollars; for alderman, two dollars; for chief of police, ten dollars; city clerk, ten dollars; tax collector, ten dollars. The city clerk shall keep a true and accurate account of all moneys paid to him by candidates as aforesaid and pay the same to the city treasurer, and said clerk shall at the first meeting of the board of aldermen following the date of the primary file an itemized statement thereof, showing the amount received, date of receipt and from whom received, and said treasurer's receipt therefor, which

Deposit of fee.

Schedule of fees.

Fees to be paid to city treasurer.

Clerk to file itemized statement.

- statement and receipt shall be recorded in the minutes of said meeting. The city clerk shall prepare and cause to be printed the necessary primary ballots of each political party for each precinct in said city, and the name of each candidate whose declaration and deposit have been made as hereinbefore provided shall be printed in the proper place upon the proper ballot.
- Clerk to have ballots printed.
- Specifications for ballots. SEC. 7. The primary ballots of each political party shall be separately printed upon paper of uniform quality, texture, and size; but the primary ballots of no two political parties shall be of the same color and tint. The city clerk shall at least fifteen days prior to the date of the primary post in a conspicuous place in his office an announcement of the color and size of the primary ballots of the respective parties, and shall also publish such announcement for at least one week in at least one newspaper of general circulation in the city.
- Publication of specifications.
- Arrangement of ballots. SEC. 8. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following: At the top of the ballot shall be printed in large capital letters words designating the ballot; if a Democratic ballot, the designating words shall be "Democratic Primary Ballot"; if a Republican ballot, the designating words shall be "Republican Primary Ballot"; and in like manner for each political party. After the designating words shall be printed directions to the voters. The names of all candidates for all the offices voted for by each political party participating in such primary in each precinct shall be on one ballot. The name of each office to be filled shall be printed in capital letters and in the following order, to wit: mayor, aldermen, chief of police, city clerk, tax collector. Below the name of each office shall be printed in small letters the directions to the voters: "Vote for one," "Vote for two." or a spelled number designating how many persons under that head are to be voted for. And below the name of each office shall be printed in capital letters the names of all candidates (arranged in the order in which their declarations for nomination were filed) for the nomination to said office which are entitled to be placed upon the respective primary ballots. The names of all candidates upon the primary ballot shall be printed in type of uniform size and the names shall be printed in column. Immediately opposite and in front of the name of each candidate shall be printed a square, and all the squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform, and sufficient spaces shall separate the names of candidates for one office from the names of the candidates for another office.
- Party designations.
- Directions to voters.
- Names of candidates.
- Distribution of ballots. SEC. 9. The city clerk shall cause to be delivered to the registrar of each precinct, not less than twenty-four hours before the time fixed for the opening of the polls, the official primary ballot

of each political party, and the number thereof for each political party in each precinct shall be not less than one hundred and fifty for each fifty or fraction of fifty votes cast in said precinct by said political party at the last preceding election.

SEC. 10. The board of aldermen of said city shall provide polling places for said primary, and in the polling places designated a sufficient number of booths for the primary elections herein provided for, which booths shall be provided with shelves, such supplies and pencils as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots screened from all observation as to the manner in which they do so. Candidates shall be voted for by the voter placing a cross mark on the ballot in the square immediately opposite and in front of such candidate's name. If there be more than one candidate for mayor, chief of police, city clerk, or tax collector, or more than two candidates for alderman in any precinct, and any voter fails to designate his choice among such candidates by marking his ballot, or if any voter attempts to vote for more than one candidate for mayor, chief of police, city clerk, or tax collector, or for more than two candidates for alderman, his ballot for such candidate or candidates wrongfully or erroneously voted for shall not be counted. A guard-rail shall be so constructed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting booths. The arrangement shall be such that the voting booths can only be reached by passing within said rail. Such booths shall be in plain view of the election officers, and both they and the ballot boxes shall be in plain view of those outside the guard-rail. No person other than the election officers and the challengers allowed by law and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the guard-rail, except by police authority or the primary officers to keep order and enforce the law.

SEC. 11. For the purposes of this act any political party whose leading candidate received as many as two per cent of the votes cast in the preceding municipal election shall be a political party; and no political party as herein defined shall be allowed to offer candidates for any of the offices mentioned in this act except as herein provided. But nothing contained in this act shall be construed to prevent the nomination of independent candidates by petition as is now or may hereafter be provided by law, or to prevent any elector from writing or otherwise inserting on a ballot any name of a person for whom he wishes to vote in the regular municipal election.

SEC. 12. It shall be unlawful for any person to do any electioneering or to solicit votes or attempt to solicit votes in a primary held under this act in or within twenty-five feet of a polling place on the day of such primary. Whoever violates this section

Polling places, booths, and supplies.

Method of voting.

Ballots not counted.

Arrangement of booths and boxes.

Persons allowed within guard-rail.

Political party defined.

Independent candidates.

Votes in regular election.

Electioneering at polls forbidden.

Misdemeanor.

- Punishment. shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined fifty dollars or imprisoned for thirty days.
- Representatives of political parties.
Representatives of factions. SEC. 13. Each political party participating in such primary shall be entitled to two representatives at each voting place, appointed by the registrar of the precinct. Such representatives shall be nominated by the managers of the respective factions in each party contesting for the party nominations, if there be such factions. If there be no such factions, they shall be nominated by the chairman of the executive committee of the respective precincts of the respective parties participating in the primary. The said representatives shall have the right to attend at the polling places and to challenge voters, but they shall in no way undertake to aid voters in marking their ballots, unless first requested to do so by the voters, or in any other way to influence their votes.
- Rights of representatives. SEC. 14. Whoever willfully aids or abets any one not legally qualified to vote at such primary in voting or attempting to vote at such primary; or gives or offers to give anything of value or bribe to any registrar or poll-holder of such primary, as a consideration of some act to be done or omitted to be done, contrary to his official duty in relation to such primary, shall be deemed guilty of a misdemeanor, and if any registrar or poll-holder shall receive, request, or demand any bribe or reward forbidden by this act, he shall be guilty of a like offense.
- Acts declared misdemeanors. SEC. 15. Registrars, poll-holders, the city clerk, members of boards of canvassers, and all other officers of a primary held under this act shall be held liable to the same duties and subjected to the same penalties and punishments as are prescribed for similar officers by the laws governing elections in said city and the general laws of this State not in conflict therewith.
- Duties and liabilities of election officers. SEC. 16. Every candidate in any primary held under this act shall be required within ten days after such primary to file with the city clerk in writing a sworn statement of his expenditures on account of said primary, showing in detail the amounts paid, to whom paid, and for what purpose; and he shall also file with the said clerk, not less than two nor more than five days before the day of the primary, in writing, a sworn statement of any financial aid received by him, showing in detail the amounts received and from whom received. Any candidate who fails to comply with this section or files a false statement shall be deemed guilty of a misdemeanor. Such statements shall be kept open to the inspection of the public.
- Statements of expenditures by candidates. SEC. 17. The candidate or candidates receiving a majority of the votes cast by his or their party in any primary held under this act shall be declared the nominee or nominees of such party. If no candidate or candidates shall receive such majority, then, upon the written request of any one of the two candidates receiving the greatest number of the votes cast by their party in said primary, a
- Statements filed before primary.
- Misdemeanor.
- Statements open to inspection.
- Nominees.
- Second primary.

second primary shall be called and held under the same regulations as the first, except the second primary shall be held on the second Tuesday following the first primary and all candidates except the two receiving the greatest number of votes cast by their party in the first primary shall be excluded from the second primary. The request for a second primary shall be filed with the city clerk within twenty-four hours after the announcement of the result of the first primary, and the expense of the second primary shall be equally borne by the candidates for whom it is held, and an amount sufficient to pay such expense shall be paid by them to said city clerk within three days after such request has been filed. When such request has been filed the city clerk shall immediately notify the opposing candidate of such request and both candidates of the amount necessary to be deposited by them. If there be no second primary held, then the candidate or candidates receiving the greatest number of votes cast by his or their party in the first primary shall be declared the nominee or nominees of such party.

Date for second primary.

Request for second primary.

Expense of second primary.

Notices to candidates.

SEC. 18. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 17th day of February, A. D. 1915.

CHAPTER 65.

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO ISSUE BONDS FOR THE PURPOSE OF PURCHASING ADDITIONAL LANDS AND WATER-COURSES IN ORDER TO ENLARGE AND EXTEND THE CITY'S WATERSHED.

Whereas it is necessary for the city of Asheville to secure additional water to supply the needs of the increasing population of said city, and said city desires to issue long-time bonds in a sum not exceeding fifty thousand dollars for the purpose of purchasing and improving additional lands and water-courses and the construction and extension of its water system: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Asheville be and it is hereby authorized and empowered to issue coupon bonds of the city of Asheville to an amount not exceeding fifty thousand dollars.

Bond issue authorized.

Amount.

SEC. 2. That said bonds shall be negotiable coupon bonds of such form and denominations as said board of aldermen may determine,

Denomination.

- Obligation for payment. and shall be direct obligations of the city of Asheville, for the payment of which, both principal and interest, the full faith and credit of said city shall be pledged. Said bonds shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city. They shall draw interest at a rate not to exceed five per centum per annum, interest payable semiannually at such place or places as said board of aldermen may determine, and shall mature at such time or times as said board of aldermen may determine, not exceeding fifty years from their date.
- Authentication.
- Interest.
- Maturity.
- Sale of bonds. SEC. 3. Said bonds shall be sold by the board of aldermen to the best bidder, after advertisement of the sale thereof in at least one local Asheville paper and in some recognized financial journal of New York city or Baltimore, Maryland.
- Special tax. SEC. 4. That the said board of aldermen of said city or their successors in office be and they are hereby authorized and empowered to levy and collect on all taxable property in the city of Asheville a special tax of sufficient amount to pay the interest on said bonds as it becomes due, and the principal thereof at maturity. Said special tax shall be levied and collected at the same time as other taxes are levied and collected for the use of said city.
- Levy and collection of tax.
- Sale below par forbidden. Application of proceeds. SEC. 5. That said bonds shall not be sold for less than par value and accrued interest, and the proceeds from said sale, including any premium received upon the sale thereof, shall be applied only to the payment of the purchase price of the lands, water-courses and water supplies and the construction and extension of its water lines and water mains and the necessary expense incurred in connection with the same, and for the improvement and protection of the watershed of said city; but the purchaser of said bonds shall not be bound to see to the application thereof to said purpose or purposes.
- Fund kept separate. SEC. 6. That the treasurer of said 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 under the direction of the board of aldermen of the city of Asheville for the purposes provided in this act.
- Specific appropriation.
- Law not applicable. SEC. 7. That the provisions of chapter four hundred and one of the Private Laws of one thousand nine hundred and five shall not apply to the provisions of this act.
- SEC. 8. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.
- SEC. 9. That this act shall be in force from and after its ratification.
- Ratified this the 17th day of February, A. D. 1915.

CHAPTER 66.

AN ACT TO ALLOW THE TOWN OF ZEBULON, WAKE COUNTY, NORTH CAROLINA, TO ISSUE BONDS FOR THE PURPOSE OF BUILDING, EQUIPPING, AND MAINTAINING LIGHTING OR POWER PLANT, AND FOR THE PURPOSE OF IMPROVING ITS STREETS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of ascertaining the will of the citizens of the town of Zebulon, Wake County, upon the question of issuing bonds in an amount not exceeding eight thousand dollars for the purpose of building, equipping, and maintaining an electric light or power plant, and not exceeding two thousand dollars for the purpose of improving its streets and sidewalks, the commissioners of said town are authorized and directed to provide for a new registration and holding an election or elections at all the voting precincts in said town of Zebulon, under such rules, regulations, and methods, and at such time or times, as the said commissioners may determine upon, which shall reasonably conform to the provisions of chapter ninety of the Revisal of one thousand nine hundred and five, sections five, six, seven, eight, and nine. It shall be within the discretion of said commissioners to submit each proposition separately and at different times to the voters of the said town, or to submit them both at one and the same election; and if these propositions are voted upon at the same election, each one shall be separately stated upon the ballot. One registrar and two judges of election for each voting precinct in said town shall be appointed by the board of town commissioners at one of their regular meetings or at a meeting called specially for the purpose, after giving ten days public notice. At the election held for the purpose of voting for the construction, equipment, and maintenance of an electric light or power plant all voters qualified to vote therein who favor the issuance of said bonds shall vote a ticket with the words "For An Electric Light Plant" printed or written thereon, and those who oppose the issuance of the bonds for that purpose shall vote a ticket with the words "Against An Electric Light Plant" printed or written thereon; and if at the same election the proposition for street improvements is submitted, then on the same ticket, but separately stated, those who favor the issuance of said bonds for the purpose of improving the streets and sidewalks of said town shall vote a ticket with the words "For Street Improvements" printed or written thereon, and those who oppose the issuance of the bonds for such improvements shall vote a ticket with the words "Against Street Improvements" written or printed thereon; and if these propositions shall be voted upon at a separate election, then

Election on bond issues.

Purposes and amounts.

New registration.

Questions submitted at one or more elections.

Separate ballots.

Election officers.

Ballots.

Challenge day.	the tickets shall only contain the words applicable as set forth. The registrar and judges of election of each voting precinct shall meet at their respective precinct polling places on such dates and between such hours as may be designated by the said commissioners and shall hear any complaints for refusal of registration and all challenges which may be made against persons admitted to registration, and shall determine the same according to the provisions of the general election laws of this State. At the close of the election in each precinct the votes shall be counted and returned over the signatures of the registrar and judges of election to the board of commissioners of said town; and on the Monday following said election the board of commissioners of Zebulon shall meet at the city hall or any other public place they may select, as a canvassing board, and shall receive such returns of said election, canvass and judicially pass upon the same, and declare the results of such election, and shall cause said returns to be recorded in the minute-book kept of the proceedings of said board. If a majority of those voting at said election shall have voted in favor of either one or both of said propositions submitted to them, the said commissioners shall levy a special tax to provide for the interest on and principal of said bonds, at a rate not to exceed twenty-five cents on the one hundred dollars valuation of all real and personal property, as the said board may deem sufficient, which taxes shall be collected and accounted for as other taxes are in the town of Zebulon, and the officer collecting the same or who at any time may be in charge thereof shall be subject to the same liability for the collection of and accounting for such taxes as he would be in the case of other taxes, and he shall pay the same to the treasurer of the said town, and the said commissioners may increase or fix the bonds of any such officer who collects the moneys or in whose charge they are placed, in such amount or amounts as they may deem proper. Should the said bonds issued upon either one or both propositions be voted favorably upon, then the bonds to be issued under this act shall be interest-bearing coupon bonds, due and payable in twenty years from date and bearing interest at six per cent per annum, the denomination thereof and the form and style of bond to be determined upon by the said commissioners in their discretion.
Count and return of votes.	
Canvass of returns.	
Record of returns. Effect of election.	
Special tax.	
Limit of rate.	
Collection and settlement.	
Bonds of officers.	
Maturity of bonds. Rate of interest.	
Commissioners to erect plant and fix rates of service.	SEC. 2. That the commissioners of said town, should the proposition of building, equipping, and maintaining an electric light or power plant be favorably voted upon, are authorized and empowered to erect and build and to put into operation such plant and to make or fix such rates or charges for the furnishing of electricity to its citizens or residents or others as they may deem it advisable.
Expense of election and issuance of bonds.	SEC. 3. That the expense of any election or elections held under the provisions of this act and the cost of the preparation and print-

ing of the bonds herein provided for shall be paid by the treasurer of said town out of its general funds upon the order of the commissioners of the said town.

SEC. 4. That in case a majority of the votes cast at any election contemplated by this act shall be opposed to either or both of these propositions, then the said commissioners may, in their discretion, not less than ninety days after any such election, order another election or elections for the same purposes and under the same provisions or regulations as those hereinbefore provided.

Subsequent elections.

SEC. 5. That chapter ninety of the Revisal of one thousand nine hundred and five, and all Public Laws amendatory thereof, shall be in force at any election held under the provisions of this act when reasonably applicable and not in conflict herewith.

Law applicable to election.

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

Ratified this the 22d day of February, A. D. 1915.

CHAPTER 67.

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF BOLIVIA IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Bolivia, in Brunswick County, as established by chapter seventy-five, Private Laws, session of one thousand nine hundred and thirteen, be and the same are hereby changed so as to exclude from the corporate limits of said town all land lying east of Little Bay Branch and Big Bay Branch.

Corporate limits changed.

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

Ratified this the 1st day of March, A. D. 1915.

CHAPTER 68.

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO ISSUE BONDS TO FUND ITS FLOATING INDEBTEDNESS.

Whereas the city of Asheville, in the purchase of lands, build- Preamble.
ings, materials, etc., and on other accounts, has obligated itself to pay the sum of fifty thousand ninety-one and seven one-hundredths dollars (\$50,091.07), with interest thereon: Now, therefore,

The General Assembly of North Carolina do enact:

Obligations ratified and confirmed.

SECTION 1. That the following obligations of the city of Asheville, which were incurred for necessary expenses of said city, be and the same are hereby ratified and confirmed as valid obligations of the city of Asheville, the principal and interest whereof may be funded and paid under this act as far as may be, towit :

Funding authorized.

List of claims.

Mrs. Alice T. Connally.....	\$ 8,131.25
Mr. J. H. Martin.....	2,030.50
R. P. Walker	6,000.00
Seagrave Company, truck.....	5,500.00
General Motors Company, trucks.....	2,341.67
R. A. Poe & Co.....	2,402.11
Street paving repairs.....	2,176.14
Louisa Jones, judgment.....	573.03
J. M. Campbell, judgment.....	153.37
A. P. Smith, water-pipe tapping machine.....	396.00
Refund to property owners on meters.....	13,284.54
Firestone Tire and Rubber Company.....	611.86
Asheville Power and Light Company.....	4,353.78
Neptune Meter Company.....	840.00
American-La France Fire Engine Company.....	111.00
H. Mueller Manufacturing Company.....	135.02
Aston, Rawls & Co.....	118.25
Carolina Coal Company.....	241.30
J. R. Patterson & Co.....	281.25
Waddell & Coxe.....	410.00

\$50,091.07

Bond issue authorized.

SEC. 2. That for the purpose of enabling the city of Asheville to fund and pay off a part of the floating indebtedness in this act mentioned which was incurred prior to the first day of February, one thousand nine hundred and fifteen, for the necessary expenses of said city, the board of aldermen of the said city of Asheville be and they are hereby authorized and empowered to issue coupon bonds of the said city of Asheville to an amount not exceeding fifty thousand dollars.

Amount.

Denominations.

Authentication.

Interest.

Maturity.

SEC. 3. That said bonds shall be negotiable coupon bonds in such form and of such denominations as said board of aldermen may determine. They shall be signed by the mayor of said city and countersigned by the city clerk, and sealed with the corporate seal of said city. They shall bear interest at a rate not exceeding five per centum per annum, interest payable semiannually at such place or places as said board of aldermen may determine, and shall mature at such time as said board of aldermen may determine, not exceeding fifty years.

SEC. 4. That said bonds shall be sold by the said board of aldermen to the highest bidder after advertisement of the sale thereof in an Asheville newspaper and in some recognized financial journal of New York City or Baltimore, Maryland. Sale after advertisement.

SEC. 5. That the said board of aldermen of said city, or their successors in office, be and they are hereby authorized and empowered to levy and collect on all taxable property in the said city of Asheville a special tax of sufficient amount to pay the interest on said bonds as it becomes due and the principal thereof at maturity. Said special tax shall be levied and collected at the same time as other taxes are levied and collected for the use of said city. Special tax.

SEC. 6. That the provisions of chapter four hundred and one of the Private Laws of one thousand nine hundred and five shall not apply to the provisions of this act. Law not applicable.

SEC. 7. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

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

Ratified this the 18th day of February, A. D. 1915.

CHAPTER 69.

AN ACT TO AMEND CHAPTER 250 OF THE PRIVATE LAWS OF NORTH CAROLINA OF THE ACTS OF 1909, RELATING TO TURNPIKES AND TOLL ROADS OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifty of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out all of section four and inserting in lieu thereof the following, viz.:

"SEC. 4. That the said company shall have the right and is hereby authorized to build, construct, and operate a toll road, constructed of macadam, sand-clay, or other material, by the most practicable route from the town of Yanceyville, Caswell County, North Carolina, in the direction of Danville, Virginia, to the State line. It is hereby authorized to build branch lines to connect with said road not to exceed fifteen miles for any one branch. Said company shall have the right to acquire by purchase real estate not exceeding one hundred acres for the purpose of erecting toll-houses and other necessary adjuncts for the operation of its road. It shall also have the right to acquire a right of way for the construction of its roads, not exceeding sixty feet wide, either by purchase or by condemnation proceedings to be instituted under the Construction and operation of toll roads.
Route.
Branch roads.
Land for toll-houses.
Right of way.

laws of North Carolina as contained in chapter sixty-one of the Revisal of one thousand nine hundred and five and the amendments thereto. It shall have the right to charge for the use of its road and branches such tolls as may be fixed by its board of directors: *Provided*, it shall not charge toll exceeding two cents per mile for each horse or other draft animal; one cent per mile for each one-horse vehicle; two cents per mile for each two-horse vehicle; and for all other vehicles of three horses or over, three cents per mile, and ten cents per mile for each automobile, motor truck, or traction engine. Said company shall not close up or obstruct any public road now in existence or hereafter built by Caswell County."

Toll rates.

Proviso: limit of toll rates.

Public roads not obstructed.

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

Ratified this the 18th day of February, A. D. 1915.

CHAPTER 70.

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO ISSUE BONDS TO PROVIDE FOR THE PAYMENT OF CERTAIN INDEBTEDNESS CREATED BY THE CITY FOR STREET IMPROVEMENTS AND OTHER NECESSARY EXPENSES OF SAID CITY AND TO PROVIDE A FUND FOR DRAINING, GRADING AND CURBING THE STREETS OF THE SAID CITY.

The General Assembly of North Carolina do enact:

Debts evidenced by notes.

SECTION 1. That for the purpose of paying and providing for the payment of the debts contracted by the city of Wilmington for the paving of Market Street from Tenth Street to the eastern line of Seventeenth Street, and north Fourth Street from the northern bridge over the railroad tracks near Hilton to the northern limits of the city, and the indebtedness unpaid, created by the said city in building an incinerator plant, and the indebtedness created by the city in building a fire engine house and in improving its fire boat and in installing therein the necessary machinery and apparatus, all of which was for the necessary expense of the city and are evidenced by the promissory notes of the city maturing from one to five years after their date, the principal sum of which said debts amounts to the sum of eighty-one thousand two hundred and fifty dollars (\$81,250); and it is now necessary for said city to repave Market Street from the eastern line of Front Street to the eastern line of Second Street, which it is estimated will cost the sum of eight thousand dollars (\$8,000); and it is now estimated that it will cost to complete Market Street from Tenth Street to

Total amount.

Further necessary expenditures.

Seventeenth Street, under the city's contract for paying the same, two thousand dollars (\$2,000), in addition to the amount of the notes heretofore issued on account of said improvements, making the principal sum due or to become due on account of said items, estimated to be the sum of ninety-one thousand two hundred and fifty dollars (\$91,250); and as certain of the streets of said city are in imperative need of draining, grading, and curbing, and that the residue to be derived from the sale of the bonds of said city, authorized to be issued under this act, can be used to advantage by the city for this purpose, and as it is desirable that the obligations herein mentioned should be put in the form of coupon bonds to run for the length of time herein provided for, and to be issued in accordance with the provisions of this act; that the city of Wilmington be and it hereby is authorized and empowered to issue from time to time coupon bonds of the said city of Wilmington to the amount of one hundred thousand dollars (\$100,000), said bonds to be of such denominations and to bear such rate of interest, not exceeding five per cent per annum, interest payable semiannually, and to mature forty years after their date, and to be payable in gold, and to be in such form as the city council may by resolution determine, each of which said bonds shall recite that it is issued in pursuance of the provisions of this act; and said bonds so to be issued shall not be sold or disposed of either by sale or exchange or in substitution of any debt hereinbefore mentioned, or authorized to be contracted, as aforesaid, for less than par; and no premium shall be paid for the notes issued by the said city, as aforesaid, which the bonds herein authorized to be issued are intended to retire; and no commission shall be paid to any one for the sale of said bonds: *Provided, however*, that no one of said bonds shall be of a less denomination than one hundred dollars (\$100).

Sec. 2. That the proceeds derived from the sale of said bonds, if sold, or of the said bonds if exchanged for the said indebtedness heretofore created by the said city, to the extent of said indebtedness, shall be first used exclusively in redeeming or taking up the indebtedness of the said city, evidenced by its promissory notes, issued for the purpose aforesaid, principal and accrued interest, and next for the completion of the paving of Market Street, as heretofore mentioned in this act; and only the balance of the proceeds derived from the sale of said bonds shall be used for the draining, grading, and curbing of the streets of said city, at the places and in the manner the city council may determine it is necessary and proper; and the said indebtedness of the said city, when evidenced by the issue of the bonds herein provided for, is hereby declared to be a valid and binding obligation of the said city and to have been created for the necessary expenses thereof.

Sec. 3. Each bond issued in pursuance of the provisions of this act shall be numbered and shall be signed in the name of the city

Total amount needed.
Draining, grading and curbing needed.

Bond issue authorized.

Amount.
Denominations.
Interest.

Maturity.

Sale below par forbidden.

No premium nor commission to be allowed.

Specific appropriation of proceeds of bonds.

Obligation of bonds.

Authentication of bonds and coupons.

of Wilmington by its mayor, and the execution thereof attested by the city clerk and treasurer of said city, and each interest coupon shall bear the facsimile signature of the mayor and the city clerk and treasurer of the said city and shall bear the same number as does the bond to which it is attached; and each coupon shall be for the amount of the semiannual installment of interest maturing on said bond, stating the amount of such interest and the date of the maturity thereof.

Special tax.

SEC. 4. That the city council of the city of Wilmington is hereby authorized, empowered, and directed to provide for the payment of the principal of said bonds at their maturity and the interest on the same as it shall accrue and become due and payable, by annually laying, levying, and collecting a special tax for such purpose on all the polls and property which are the subject of taxation by the said city, or which may hereafter be made the subject of taxation by the said city, sufficient in amount to pay said interest as it becomes due and to create a sinking fund sufficient to pay the principal of said bonds at their maturity, which said taxes, when so collected, shall be applied exclusively to the satisfaction and discharge of the interest and also the principal money of said bonds; and so much thereof as may not be semiannually required to pay such interest, and cannot be applied in discharge of the principal money of said bonds, shall be so invested as to secure the payment of such principal money of said bonds at their maturity.

Specific appropriation of tax.

Investment of sinking fund.

Act not to limit powers of city council.

SEC. 5. That this act shall not be construed as a limitation on the power of the city council of the city of Wilmington to contract other debts for the necessary expenses of said city, nor for other street paving, grading, drainage, or other necessary street improvements or such other necessary improvement of its property as the city council of the said city shall hereafter determine to be proper and necessary.

SEC. 6. That this act shall go into effect immediately upon its ratification.

Ratified this the 20th day of February, A. D. 1915.

CHAPTER 71.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE, RELATIVE TO POOLROOMS.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection two of section sixty-four of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by adding the follow-

ing words at the end of said subsection, to wit: "*Provided, however,* before any person, firm, or corporation shall engage in the business in this subsection mentioned, he, they, or it shall apply to the board of aldermen for a license to carry on such business, and said board of aldermen may grant such license, or may for good cause connected with the character of the applicant, or for any other good cause, in the discretion of said board, deny a license to any such applicant, and the tax collector shall not issue any such license until such applicant has received favorable action by said board of aldermen, authorizing the issue of said license."

Proviso: application for license.

Discretion of aldermen.

No license to issue before action.

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

Repealing clause.

SEC. 3. This act shall be in force from and after June first, one thousand nine hundred and fifteen.

When act effective.

Ratified this the 18th day of February, A. D. 1915.

CHAPTER 72.

AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF THE TOWN OF RAEFORD TO SUBMIT TO THE VOTERS OF SAID TOWN THE QUESTION OF ISSUING BONDS FOR THE ESTABLISHMENT OF A SYSTEM OF WATER-WORKS AND SEWERAGE.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and commissioners of the town of Raeford be and they are hereby authorized and empowered to submit to the qualified voters of said town, at such time or times as the mayor and commissioners may deem best, the question whether said town shall issue bonds in the sum of thirty thousand dollars, with interest coupons attached, the interest payable semiannually and the rate thereof not to exceed six per centum per annum, said bonds to mature at such time or times and to be payable at such place or places as the mayor and commissioners may determine, the proceeds of the sale of said bonds to be used for the establishment of a system of water-works and sewerage for said town. The said mayor and commissioners shall, for at least thirty days before the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in said town: *Provided,* that if a majority of the qualified voters of said town shall not vote to issue bonds at the election so held, the said mayor and commissioners may submit the said question to said voters at any other time or times, under the regulations hereinafter set forth.

Election for bond issue ratified.

Amount.

Interest.

Notice of election.

Proviso: further election.

Law governing election.

SEC. 2. That any elections under the provisions of this act shall be conducted, so far as practicable, in the same manner as is now or may hereafter be prescribed by law for holding elections for the General Assembly: *Provided, however,* that the said mayor and commissioners shall appoint the registrars of election, the judges or inspectors, and any other election officers; and registration and challenge of voters shall be conducted, so far as practicable, in the same manner as is now or may hereafter be provided for the election of members of the General Assembly; and the said mayor and commissioners may or may not order a new registration for any or all of said elections. The vote shall be counted at the close of the polls and returned to the said mayor and commissioners on the Thursday next following the election, and the mayor and commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the regular minute-book kept by the clerk of said town, and no other recording and declaring of the result of the election shall be necessary.

Proviso: election officers.

Count and return of vote.

Record of election.

Ballots.

SEC. 3. That at said election or elections the ballots tendered and cast by the voters shall have written or printed upon them "For Water-works and Sewerage Bond Issue" or "Against Water-works and Sewerage Bond Issue," and all electors who favor the issuing of said bonds shall vote "For Water-works and Sewerage Bond Issue" and those opposed to the issuing of the bonds shall vote "Against Water-works and Sewerage Bond Issue": *Provided,* said bonds shall not be issued unless a majority of the qualified voters of said town of Raeford shall have first cast their vote in favor of the issuance thereof.

Proviso: majority of qualified electors.

Specifications of notice for election.

SEC. 4. That the notice of election mentioned in section one of this act shall specify the rate of interest said bonds shall bear, the time or times of their maturity, and whether their denominations shall be one thousand dollars, five hundred dollars, or one hundred dollars.

Sale of bonds.

SEC. 5. That if a majority of the qualified voters shall vote for the bond issue at any election herein provided for, then the said mayor and commissioners, after the result of the election has been declared and recorded as aforesaid, shall sell said bonds in such manner as they may deem best, at either public or private sale.

Special tax.

SEC. 6. That the said mayor and commissioners are hereby authorized and empowered to levy annually a special tax on property and polls in the town of Raeford in a sum sufficient to pay the interest on said bonds as it becomes due and the principal at its maturity.

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

Ratified this the 20th day of February, A. D. 1915.

CHAPTER 73.

AN ACT TO REQUIRE THE SUBMISSION TO THE VOTERS OF THE CITY OF HIGH POINT AS A CONDITION PRECEDENT TO THE ISSUE OF THE \$50,000 OF BONDS FOR THE ACQUISITION OF A SITE AND FOR THE ERECTION OF A MUNICIPAL BUILDING AUTHORIZED BY CHAPTER 211 OF THE PRIVATE LAWS OF 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That the fifty thousand dollars of bonds for the acquisition of a site and the erection of a municipal building in the city of High Point, the issue of which is authorized by chapter two hundred and eleven of the Private Laws of one thousand nine hundred and thirteen, shall not be issued until and unless the question of such issue be submitted to the qualified electors of said city of High Point in accordance with the provisions in said chapter prescribing the mode and manner of submitting the question therein referred to to said electors, and more especially in accordance with the provisions of section seven of said chapter.

Issue of bonds before submission to voters forbidden.

Law governing election.

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

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

Ratified this the 20th day of February, A. D. 1915.

CHAPTER 74.

AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF THE TOWN OF RAEFORD TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying present indebtedness incurred by the town of Raeford for public necessities and for the purpose of constructing, repairing, and maintaining the streets of said town, the mayor and commissioners of said town are hereby authorized and empowered to issue bonds of said town, not to exceed the sum of five thousand dollars, to draw such rate of interest and to mature at such time or times and to be payable at such place or places as the said mayor and commissioners may determine.

Bond issue authorized.

Amount.
Interest and maturity.

SEC. 2. That the proceeds of the sale of said bonds shall be used by the mayor and commissioners of said town for the purposes set forth in section one of this act.

Use of proceeds.

Special tax.

SEC. 3. That the said mayor and commissioners are hereby authorized and empowered to levy annually a special tax on property and polls in a sum sufficient to pay the interest on said bonds as it becomes due and the principal at its maturity.

Sale of bonds.

SEC. 4. That the said mayor and commissioners shall sell said bonds in such manner as they may deem best, at either public or private sale.

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

Ratified this the 20th day of February, A. D. 1915.

CHAPTER 75.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LAURINBURG, SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Election of constable.

SECTION 1. That chapter one hundred and twenty-four, Private Laws of North Carolina of one thousand nine hundred and one, be and the same is hereby amended by striking out in section three thereof, line four, the words "and constable," and inserting immediately after the word "treasurer" the word "and."

SEC. 2. That section ten of chapter one hundred and twenty-four, Private Laws of North Carolina of one thousand nine hundred and one, be stricken out and the following inserted in lieu thereof:

Election of constable, chief of police.

"SEC. 10. The commissioners shall elect a constable, who shall be chief of police, and shall elect and appoint all other officers needed and not otherwise provided for, and shall fill all vacancies occurring during their term of office: *Provided*, that no officer shall be elected for a term extending beyond the term of said board of commissioners, but all officers shall serve until their successors shall be elected and qualified, or until such officers shall be removed by law. The board of commissioners may for cause remove any officer elected by them."

Vacancies.

Proviso: term of office.

Removal for cause.

Power to withhold salary.

SEC. 3. The board of county commissioners shall have power to withhold the salary of any officer who shall fail or refuse to perform the duties of his office in a proper manner, of which said board of commissioners shall be the judge, until said officer shall have complied with the law and performed his duties in a proper manner.

Assessments for improvements payable in installments.

SEC. 4. That whenever under existing laws the board of commissioners shall procure any streets or sidewalks to be improved by laying paving or curb and gutters which shall be a charge upon the abutting property owners, it shall be lawful for the board of commissioners to provide that the charge accruing against the abut-

ting property may be paid in equal installments, not exceeding five, as said board of commissioners shall determine, one installment with accruing interest at the rate of six per cent, payable annually, to become due each year: *Provided*, that the proper owner upon whose property same shall be a lien shall execute and deliver to the treasurer of said town within thirty days after notice of amount charged against his said property, a written note, bond, or obligation, approved in form by the board of commissioners, acknowledging the lien and liability, with promise to pay same as therein set out; and if any person against whom there shall exist such a lien at the passage of this act shall, within thirty days after a synopsis of this act shall be published by said board of commissioners in the *Laurinburg Exchange*, offer to said treasurer a like written bond or note in form approved by the said board, agreeing to pay said debt in not exceeding five annual installments in equal amounts, with annual interest at the rate of six per cent from the time said lien became payable, it shall be lawful for the board of commissioners to authorize said treasurer to accept same, and the time for the payment of said debt shall be extended according to the terms of said stipulation: *Provided*, that the lien existing against said abutting property shall not be lessened or impaired in any way by any extension of time for payment given under provisions hereof: *Provided further*, that failure to pay any installment or interest when due shall permit the board of commissioners to proceed with foreclosure of said lien for all amounts unpaid, as now provided by law for the enforcing payment of said sums when due and unpaid. The board of commissioners of said town may use the abutting property owners' notes as collateral security, or may pledge the same for the purpose of borrowing money for the town of Laurinburg, whenever the board shall deem it necessary for the benefit of said town, and may issue the obligations of the town for the repayment of same with interest, which obligations shall be denominated "Special Assessment Bonds," and the full faith and credit of said town shall be pledged to the payment of the same. All payments made by the abutting property owners on notes so pledged shall be applied exclusively to the repayment of the loan secured by said notes, either by pledge or collateral. The special assessment bonds authorized hereby shall be due and payable, with interest, not more than five years after date of issue, and shall be of such form as the board of commissioners shall by resolution determine, signed by the mayor, attested by the clerk, with the corporate seal of said town affixed thereto.

SEC. 5. The treasurer of said town shall keep a book in which he shall enter all sums claimed and due by virtue of all paving liens, and whenever any obligation shall be taken by him under the provisions hereof, he shall make proper entry of same on said book, and all payments made to him under and by virtue of the

Proviso: notes for installments.

Proviso: foreclosure on failure to pay installment.

Notes as collateral security.

Special assessment bonds.

Specific appropriation.

Maturity and authentication of assessment bonds.

Record of paying liens.

Proviso: release
on payment in
full.

Certificate of
settlement.

Discharge of lien.

provisions hereof shall be entered by him in such manner on said book as to indicate when and by whom paid, and what abutting property is thereby exonerated by such payment: *Provided*, that no property shall be released from the said lien until all installments and all interest accrued shall have been paid in full. If upon final payment of all amounts due or to become due, any person shall desire a certificate to that effect, it shall be the duty of the treasurer of said town of Laurinburg to issue a certificate to that effect, which he shall acknowledge before some probating officer, upon the payment of the legal fees for same by the property holder demanding same. Said certificate shall be sufficient evidence of payment and discharge of the lien.

SEC. 6. This act shall be in full force from and after its ratification.

Ratified this the 20th day of February, A. D. 1915.

CHAPTER 76.

AN ACT RELATING TO THE GRADED SCHOOLS OF ELIZABETH CITY, PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter one hundred and forty, Private Laws one thousand nine hundred and seven, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

"SECTION 1. That all territory in Pasquotank County within the following boundary, to wit, all that portion of said county included in Elizabeth City Township, and that portion of Nixonton Township which is within the corporate limits of Elizabeth City, and all that portion of Providence Township which is bounded as follows: commencing at the mouth of Knobbs Creek and running westwardly the various courses of said creek to the main line of the Norfolk Southern Railroad where it crosses said creek at or near the mill of the Foreman-Blades Lumber Company; thence northwardly along the main line of the Norfolk Southern Railroad to the county boundary line in Pasquotank River; thence eastwardly and southwardly the various courses of said river to the mouth of Knobbs Creek, the place of beginning, shall be and is hereby constituted a public school district for white and colored children, to be known as 'The Elizabeth City Graded School District,' and no pupils shall be admitted into the schools of said district without the payment of tuition unless their parents are *bona fide* resident citizens of the territory included within the Elizabeth City Graded School District."

Boundary estab-
lished.

The Elizabeth
City graded
school district.
Pupils.

SEC. 2. That section eight of said chapter be and the same is hereby amended by striking out all after the word "same" in line sixteen of said section and inserting in lieu thereof the following:

"*Provided*, the tax collector for the town of Elizabeth City shall receive no compensation for the collection of such taxes other than his regular salary as such tax collector."

Pay of tax collector.

SEC. 3. That section ten of said chapter be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 10. The board of trustees of said graded school shall consist of ten members, and all of whom shall be selected by the board of aldermen of Elizabeth City in the following manner and for the following terms: The board of aldermen of Elizabeth City at their regular meeting on the first Monday in June, one thousand nine hundred and fifteen, and every four years thereafter, shall select one trustee from each of the portions of said graded school district designated as the First, Second, Third, and Fourth wards of said town, and the trustees so selected shall hold office for a term of four years from the date of their election, or until their successors are appointed and qualified. The board of aldermen shall at their regular meeting on the first Monday in June, one thousand nine hundred and seventeen, and every four years thereafter, elect four trustees, one from each of the four wards in said town, and who shall hold office for a term of four years, or until their successors are elected and qualified. The board of aldermen of Elizabeth City shall at their regular meeting on the first Monday in June, one thousand nine hundred and seventeen, and every two years thereafter, appoint two trustees at large from the said graded school district, and the two trustees at large shall be women: *Provided*, that Miss Lillie Granby and Mrs. A. B. Houtz shall be and they are hereby appointed trustees at large for said graded school and to serve as such for a term of two years, or until their successors are elected and qualified: *Provided further*, that their term of office shall begin immediately upon the ratification of this act: *Provided further*, that no member of said board of aldermen shall be eligible as a member of the board of school trustees. If a vacancy occurs by death or resignation, the board of aldermen shall fill such vacancy for the unexpired term from the same district or ward as was represented by their predecessors. The board as now constituted shall continue in office until the term for which they were elected and qualified shall have expired, and until their successors shall have been elected and qualified: *Provided*, that the position of trustee of said graded school shall not be considered an office in contemplation of article seven of the Constitution of North Carolina."

Number and election of trustees.

Procedure for election.

Trustees at large.

Proviso: beginning of term.

Proviso: aldermen not eligible.

Vacancies.

Present board continued.

Proviso: trustees not officers.

SEC. 4. That no person who is related to any member of the board of trustees of said graded school to a degree that would dis-

Relatives of trustees not eligible as teachers.

- qualify one to serve as a juror shall be eligible to employment as teacher in said graded school. Each and every member of said board of trustees who shall vote to employ any person ineligible under the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.
- Vote for ineligible teacher a misdemeanor.**
- Punishment.**
- Use of supplementary text-books forbidden.**
- Boundary.**
- SEC. 5. That section seventeen of said chapter be and the same is hereby amended by striking out everything after the word "schools" in line three of said section down to and including the word "adoption" in line four of said section.
- SEC. 6. That all of chapter four hundred and eighteen, Private Laws of one thousand nine hundred and thirteen, be and the same is hereby repealed.
- 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 20th day of February, A. D. 1915.

CHAPTER 77.

AN ACT TO AMEND CHAPTER 345 OF THE PRIVATE LAWS OF 1909, RELATING TO AMENDING THE CHARTER OF THE CITY OF SOUTHPORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

- Tax rate.**
- SECTION 1. That chapter three hundred and forty-five of the Private Laws of North Carolina, session of one thousand nine hundred and nine, be and the same is hereby amended as follows, to wit:
- SEC. 2. That section twenty-two of said act be amended by striking out the word "sixty" in line two of subsection one, and inserting in lieu thereof the words "seventy-five," and by striking out the words "one dollar and eighty cents" in subsection two, and inserting in lieu thereof the words "two dollars and twenty-five cents."
- Loans for current expenses.**
- SEC. 3. That section forty-two of said act be amended by inserting the word "current" between the words "necessary" and "expense" in line three of said section, and by striking out the words "double of the" in line four, and by adding after the last word in said section the following, to wit: "*Provided further, that this section shall not be construed to disable the board of aldermen from borrowing for necessary expenses of a permanent nature, but only applies to the necessary current expenses in any fiscal year.*"
- Proviso: loans for permanent expenses.**
- SEC. 4. This act shall be in force from and after its ratification.
- Ratified this 22d day of February, A. D. 1915.

CHAPTER 78.

AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE NORTH STATE CENTRAL RAILWAY COMPANY AND FOR THE EXERCISE OF THE POWERS AND DUTIES CONFERRED UPON IT, AND TO AMEND CHAPTER 224 OF THE PRIVATE LAWS OF 1911 AS AMENDED BY CHAPTER 70 OF THE PRIVATE LAWS OF 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That the time for organizing the North State Central Railway Company, chartered by the General Assembly of North Carolina on the second day of March, one thousand nine hundred and eleven, in chapter two hundred and twenty-four of the Private Laws of that session, and for the exercise of the powers and duties therein given and conferred, which were extended for two years by chapter seventy of the Private Laws of one thousand nine hundred and thirteen, be and the same is hereby further extended for a period of two years from and after the ratification of this act.

Further extension of time.

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

Ratified this the 20th day of February, A. D. 1915.

CHAPTER 79.

AN ACT TO AMEND CHAPTER 403, PUBLIC LAWS OF 1903, RELATING TO ESTABLISHMENT OF GRADED SCHOOLS IN THE TOWN OF SPRING HOPE.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of school trustees of the graded schools in the town of Spring Hope shall have power to fill any vacancy or vacancies on said board caused by death, removal from district, or from any other cause, and that appointees so named shall hold said position until the expiration of the terms of their predecessors.

School trustees to fill vacancies.

SEC. 2. That chapter four hundred and three, Public Laws of one thousand nine hundred and three, be so amended as to require all taxes for support of graded schools in the town of Spring Hope to be collected by the sheriff or tax collector for Nash County: *Provided*, that the term "graded schools in town of Spring Hope" shall be construed to include any territory that may have been taken in since the passage of the act creating said school district, or that may hereafter be taken therein.

Collection of taxes.

Proviso: territory included.

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

Repealing clause.

When act effective.

SEC. 4. That the part of this act referring to the filling of vacancies shall be in force from and after its ratification, and that the part referring to the collection of taxes shall be in force from and after the date that the taxes for one thousand nine hundred and fifteen shall be due.

Ratified this the 20th day of February, A. D. 1915.

CHAPTER 80.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN TO ISSUE BONDS FOR THE CONSTRUCTION AND ESTABLISHMENT OF WATERWORKS, SEWERAGE, AND ELECTRIC LIGHT SYSTEM IN SAID TOWN AND LEVY TAXES FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the board of commissioners of the town of Ayden, North Carolina, is hereby authorized and empowered to issue bonds in an amount not exceeding fifty thousand dollars (\$50,000), of which amount twenty thousand dollars (\$20,000) shall be to establish, construct, operate, and maintain a waterworks system; fifteen thousand dollars (\$15,000) to establish, construct, and maintain a sewerage system, and fifteen thousand dollars (\$15,000) to establish, construct, purchase, or otherwise secure and maintain a system of electric lights in and for the said town.

Amount.

Apportionment.

Interest.

SEC. 2. That said bonds shall bear interest from the date of issue at a rate not exceeding five per cent per annum, to be due and payable semiannually on the first days of January and July of each year. All such bonds shall be issued in denominations of one hundred dollars (\$100) or multiples thereof, no one bond to be less than the sum of one hundred dollars or for more than one thousand dollars (\$1,000). That the said bonds shall be issued in the name of the town and be made payable to bearer at a time to be fixed by the said board of commissioners and named therein, not to be less than ten or more than forty years from the date thereof: *Provided, however*, that the said board of commissioners of the town of Ayden may divide said bonds into classes as they may determine best and have them mature at different dates between the limits aforesaid. All such bonds and coupons shall be numbered and shall be signed by the mayor of the town and countersigned by its clerk and have the corporate seal of the town attached thereto; and the coupons thereto attached shall bear the facsimile signature of the mayor of the town engraved or lithographed thereon; that a record shall be kept of said bonds, showing the numbers and denominations thereof, when the same shall mature,

Denominations.

Maturity.

Proviso: classification authorized.

Authentication.

Record.

and the interest-bearing rate thereof, the amount received from the sale of same, and any other data in relation to same as the board of commissioners may direct to be kept.

SEC. 3. 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 par value. Nor shall said bonds or their proceeds be used for any other purpose than that declared in section one of this act.

SEC. 4. That said bonds shall not be issued until authorized by a majority of the qualified voters of the said town of Ayden at an election to be held on a date to be designated by the board of commissioners of the town of Ayden at any time after ratification of this act, at which election those favoring the issuing of said bonds for the establishment of a system of water-works, and sewerage, and electric light plant shall vote a written or printed ballot containing the words "For Water-works," "Against Water-works"; "For Sewerage," "Against Sewerage"; "For Electric Lights," "Against Electric Lights"; and it shall be the duty of the town commissioners of the town of Ayden to give notice of the time, place, and purpose of said election for thirty (30) days prior thereto in some newspaper in the town of Ayden, if there be one; if not, in some newspaper published in Pitt County. That the result of said election, stating the number of votes cast for bonds and for what cast, and the number of votes cast against bonds and for what cast against, shall be certified to the register of deeds of Pitt County and to the mayor of the town of Ayden by the registrar and judges of said election; such certificates to be made and forwarded within forty-eight hours after the closing of the books of said election. The register of deeds shall record such certificates in his office.

SEC. 5. That the said election shall be conducted under the same rules, regulations, and penalties as are provided by law for the election of members of the General Assembly, except as otherwise herein provided. The registrars and judges for holding such election shall be appointed by the board of town commissioners of said town prior to the publication of said notice of election, and such appointments shall be included in said notice. There shall be an entirely new registration, under the provisions of the general election laws of the State, of all voters who are entitled to register in said town of Ayden, and only such persons who register under the provisions of this act shall be entitled to vote in said election. The registration books shall be open for the ten consecutive secular days next preceding the Saturday next before the holding of the election; and said Saturday next before holding said election shall be challenge day, and all challenges shall be heard and determined by the registrar and judges; but challenges may be made, heard, and determined on election day.

Sale below par forbidden.

Specific appropriation.

Issue to be authorized by voters.

Ballots.

Notice of election.

Certificates of result.

Record of certificates.

Law governing election.

Election officers.

New registration.

Registration.

Challenge day.

Challenges on election day.

Power to condemn property.

SEC. 6. That the board of commissioners of said town shall have authority to purchase and condemn property for the purposes herein expressed and to hold the real estate and to acquire all such rights and privileges as may be deemed necessary to enable them to build, erect, equip, establish, and operate and maintain such water-works, and sewerage, and electric lights in such a manner to secure the full benefit thereof to the said town and to its customers.

Entry on lands.

SEC. 7. That for the purpose aforesaid the commissioners shall have the authority to enter upon the lands of all persons for the purpose of constructing, erecting, and maintaining the improvements herein set forth and to make all surveys, laying and putting down pipes, drains and appliances, erecting poles and hanging wires and all other purposes necessary thereto.

Charges for service.

SEC. 8. That the board of commissioners of said town are authorized to charge its inhabitants and customers for the use of said water-works, sewerage, or electric lights, or either or all, a uniform rate, to be prescribed by the board of commissioners, and the receipts arising from said rental shall be kept by the treasurer of said town and shall be applied to the payment of the operating expenses thereof and the interest on said bonds and to provide a sinking fund for the payment of the principal of said bonds.

Appropriation of receipts.

SEC. 9. That the said board of commissioners shall levy a tax on all taxable property and polls, preserving the constitutional equation, within the said town, annually, sufficient to pay any interest on said bonds as the same shall fall due and to provide a sinking fund for the redemption of said bonds at maturity.

Special tax.

Constitutional equation.

Investment of sinking fund.

SEC. 10. That the sinking fund set aside each year shall be invested in such securities as may be approved by a majority of the members of the said board acting at any regular meeting thereof.

Issue of bonds if voted.

SEC. 11. That if the power herein conferred and hereto provided shall be exercised and a majority of the qualified voters of said town shall vote "For Water-works," "For Sewerage," and "For Electric Lights," or either, then the board of commissioners of the town of Ayden, North Carolina, shall issue bonds in the proportion and amounts as provided in section one of this act. Should a majority of the ballots cast at the election held under the provisions of this act be against bonds for water-works, sewerage, and electric lights, then and in that instance no bonds shall be issued on authority of this act. But the ballots on each shall be separate and distinct, as provided in section one and section four of this act, and the result of one shall in no wise affect the issuing of bonds for the other or others, if approved.

Ballots separate and distinct.

Independent propositions.

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

Ratified this the 22d day of February, A. D. 1915.

CHAPTER 81.

AN ACT TO AUTHORIZE THE TOWN OF FRANKLINTON TO ESTABLISH A SYSTEM OF WATER-WORKS.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Franklinton, North Carolina, is hereby authorized and empowered to establish, operate, and maintain a system of water-works 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.

Establishment of water-works and sewer system.

Power to hold property.

SEC. 2. That the commissioners of the said town of Franklinton are hereby authorized and empowered to issue bonds of said town of Franklinton, to be styled "Franklinton Water Bonds," to an amount not to exceed thirty-five thousand dollars (\$35,000), of such denomination and of such proportion as said commissioners may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semiannually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said commissioners; said bonds to be signed by the mayor and clerk of said town of Franklinton, and to be of such form and tenor and transferable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said commissioners may determine; and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act.

Bond issue authorized.

Entitlement of bonds.
Amount.
Denominations.
Interest.

Authentication.

Maturity.

SEC. 3. That the proceeds arising from the sale of said bonds shall be used in the building and construction of such system of water-works, and for no other purpose.

Use of proceeds.

SEC. 4. That to provide for the payment of said bonds at their maturity and the interest on same, the commissioners of said town of Franklinton are hereby authorized to levy an annual tax, in addition to other taxes authorized by law, of not to exceed thirty-five cents on the one hundred dollars worth of property and not to exceed one dollar and five cents (\$1.05) on the polls. Out of the taxes so paid a sinking fund shall be provided and the interest met.

Special tax.

Limit of rate.

SEC. 5. The commissioners of said town are authorized to charge its inhabitants for the use of the said water-works and sewerage, either or both, by private persons in said town, a uniform rate, to be prescribed by the commissioners, and the receipts arising from said rentals shall be applied to the payment of the operating expenses and the interest on bonds and to provide a sinking fund.

Charges for service.

Use of rentals.

SEC. 6. That for the purpose of constructing and equipping such system of water-works the commissioners of said town shall have

Powers granted commissioners in constructing work.

authority to employ all such engineers, agents, and servants as they may deem necessary or expedient, and whenever necessary may acquire rights of way, easements, and such lands as may be necessary for the location of such water-works system, either within or without the corporate limits of the town of Franklinton, by gift, purchase, or by condemnation, as is now provided by law for the condemnation of streets within said town.

Act to be submitted to vote. SEC. 7. That the provisions of this act shall be submitted to a vote of the qualified voters of said town of Franklinton at such time or times as the commissioners of said town may designate; for such election the said commissioners shall designate a registrar and poll-holders, and shall advertise by publishing in some newspaper published in Franklin County for three weeks immediately preceding such election a notice giving in substance the purpose of such election, and no other advertisement or notice shall be necessary. In all other respects said election shall be held and conducted as is provided for election in cities and towns by chapter seventy-three, Revisal of one thousand nine hundred and five. At the close of such election the registrar and poll-holders shall count and canvass the vote cast and declare the result thereof, and shall report such canvass to the commissioners of said town, which said report shall be recorded in the minutes of said commissioners, and no other canvass or report or recording shall be necessary. If no objection is made to the report thus declared within thirty days after being recorded as above provided, then such report shall be conclusive as to the facts stated therein. At said election all voters who shall favor the provisions of this act going into effect shall cast ballots on which is printed or written "For Water-works." Those opposed shall cast ballots on which shall be written "Against Water-works." If a majority of the votes cast in said election shall be "For Water-works," then the provisions of this act shall be in full force and effect, and the commissioners shall have all power and authority to issue said bonds, to levy the tax provided, and to build and construct the system of water-works.

Election officers. Notice of election. Law governing election. Count and canvass of votes. Report and record of canvass. Ballots. Effect of election.

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

Ratified this the 22d day of February, A. D. 1915.

CHAPTER 82.

AN ACT TO INCORPORATE THE TOWN OF MILWAUKEE IN NORTHAMPTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation. SECTION 1. That the town of Milwaukee in the county of Northampton be and the same is hereby incorporated under the name
Corporate name. and style of the "Town of Milwaukee."

SEC. 2. That the corporate limits of said town shall be as follows: "Beginning at the center of the cross-roads in said town and running a mile therefrom in every direction." Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, a board of town commissioners, and a constable, and said officers shall be elected on Tuesday after the first Monday in May, nineteen hundred and fifteen, and biennially thereafter, and shall have all the power and authority vested in such officers for the assessment of property, the levy and collection of taxes, and for the government of said town as is vested in such officers by the laws regulating the government of cities and towns of North Carolina. Town officers.
Town elections.
Corporate powers.

SEC. 4. That until such officers are elected as provided for in the preceding section, the following named persons shall fill said offices until their successors are elected and qualified, viz.: Mayor, B. F. Martin; commissioners, F. E. Martin, F. R. Boone, S. G. Askew, M. C. Gilliam, and W. J. Wilson; constable, B. R. Johnson. First officers named.

SEC. 5. That the board of commissioners of said town are hereby authorized and empowered to levy a special tax each year upon all the polls and taxable property within the corporate limits of said town, not to exceed the rate of sixty-six and two-thirds cents on the one hundred dollars valuation of property and two dollars upon the poll; the rate to be fixed each year by the commissioners so as to provide a sufficient sum to run the town government, and for such other purposes as may be needed for good government and improvements in said town. Special tax.
Limit of rate.

SEC. 6. That the commissioners of said town shall have power to make all necessary laws, rules, regulations, and ordinances for the good government of said town not inconsistent with the Constitution and laws of the State of North Carolina and of the United States, and to impose fines and penalties for the violation of such laws, rules, regulations, and ordinances, and collect the same. Legislative powers.

SEC. 7. That the election provided for in section three of this act shall be held under the laws prescribed for the election of officers in cities and towns in North Carolina. Law governing election.

SEC. 8. That no person living within said incorporated town shall be liable for road duty outside of said town, nor shall any property or poll tax be levied within the limits of said town for the purpose of working the public roads outside of the corporate limits of said town, and it shall be the duty of the officers of said town to apply all such taxes and road duty to the improvement of the roads and streets of said town, and the authorities of Northampton County are hereby relieved of any duty to maintain or work the roads or streets of said town. Road duty and road taxes.

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

Ratified this the 22d day of February, A. D. 1915.

CHAPTER 83.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ZEBULON, WAKE COUNTY, AMENDING SECTION 6, CHAPTER 84 OF THE PRIVATE LAWS OF 1907 OF NORTH CAROLINA, INCREASING THE TAXES OF SAID TOWN TO 50 CENTS ON THE \$100 VALUATION OF PROPERTY AND \$1.50 ON THE POLL.

The General Assembly of North Carolina do enact:

Tax rate.

SECTION 1. That section six, chapter eighty-four of the Private Laws of one thousand nine hundred and seven, be and the same is hereby amended as follows: Strike out the word "seventy-five" in line seven of said section of said chapter eighty-four and insert in lieu thereof the words "one dollar and a half"; and by striking out the word "twenty-five" in line eight of said section of chapter eighty-four and insert in lieu thereof the word "fifty."

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

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

Ratified this the 22d day of February, A. D. 1915.

CHAPTER 84.

AN ACT TO AMEND CHAPTER 180 OF THE PRIVATE LAWS OF 1913, AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF GASTONIA TO ISSUE BONDS IN AMOUNT NOT TO EXCEED \$100,000 FOR STREET, SIDEWALKS, AND HIGHWAY IMPROVEMENTS, GRADED SCHOOLS, WATERWORKS, SEWERAGE, AND ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

SECTION 1. That section one of the Private Laws of one thousand nine hundred and thirteen, chapter one hundred and eighty, be and the same is hereby amended by striking from said act, after the word "Gastonia" in line three and before the word "for" in line four, the following: "for erecting new graded school buildings and making improvements and additions to those already erected," and by adding after section three of said act the following:

Special tax.

"SEC. 4. For the purpose of paying the said bonds at maturity and the interest thereon as it shall become due, it shall be lawful

for and the duty of the board of aldermen to levy annually a sufficient special tax upon all subjects of taxation which are or may hereafter be embraced in the subjects of taxation under the charter of the city and the general law, in the manner and at the same time as other taxes are levied under the said charter and the general law.”

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

Ratified this the 22d day of February, A. D. 1915.

CHAPTER 85.

AN ACT TO AMEND AND RE-ENACT CHAPTER 117, PRIVATE LAWS 1907, AUTHORIZING THE ESTABLISHMENT OF A MARKET HOUSE IN THE TOWN OF ELIZABETH CITY AND THE ISSUANCE OF BONDS THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter one hundred and seventeen of the Private Laws of one thousand nine hundred and seven, as amended by chapter three hundred and nineteen of the Private Laws of one thousand nine hundred and nine, be amended to read as follows: “That all moneys received as rents, license, privilege, etc., from the market house, hucksters’ stands, etc., shall be applied, first, to the payment of the principal and interest on the said bonds, and after the payment of the said bonds and interest, any excess shall be paid over into the treasury for the general expenses of said corporation: *Provided*, that in each year after the issuance of said bonds, or any of them, the corporation of Elizabeth City, by its board of aldermen, shall levy upon all the taxable property in said town a tax, in addition to all other taxes authorized by law, sufficient to pay the principal and interest of said bonds as they fall due, which tax shall be reduced in each such year by the amount of moneys received as aforesaid and available in the treasury at the time of such levy.”

Funds appropriated to bonds and interest.

Proviso: special tax.

SEC. 2. That said chapter one hundred and seventeen of the Private Laws of one thousand nine hundred and seven, as amended by chapter three hundred and nineteen of the Private Laws of one thousand nine hundred and nine and by chapter four hundred and eighty-seven of the Private Laws of one thousand nine hundred and thirteen, and by the foregoing section, be and the same is hereby reënacted and confirmed.

Law reënacted and confirmed.

SEC. 3. That the proceedings of the board of aldermen of Elizabeth City in the authorization and sale of bonds in the amount

Proceedings for issue and sale of bonds validated.

of thirty thousand dollars, denominated "Market House Bonds," be and hereby are in all respects confirmed and said bonds be and hereby are in all respects legalized and validated.

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

Ratified this the 22d day of February, A. D. 1915.

CHAPTER 86.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WILSON TO CALL AN ELECTION OF THE QUALIFIED VOTERS OF SAID TOWN TO SUBMIT THE QUESTION OF ISSUING BONDS OF SAID TOWN FOR THE PURPOSE OF CONSTRUCTING, ERECTING, AND INSTALLING A NEW WATER-WORKS PLANT AND SYSTEM, AND TO PROCURE AN ADEQUATE WATER SUPPLY FOR SAID TOWN, AND TO AUTHORIZE THE LEVYING OF A SPECIAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF SAID BONDS.

Preamble.

Whereas the water-works plant owned, operated, and maintained by the town of Wilson is not adequate to the requirements and demands upon the same by the inhabitants of said town; whereas the present source of water supply is inadequate; whereas the inadequacy of said plant and said water supply is liable to become a menace to the health and the property of the inhabitants of said town: Now, therefore,

The General Assembly of North Carolina do enact:

Call of election authorized.

SECTION 1. That the board of commissioners of the town of Wilson is hereby authorized and empowered to call an election of the qualified voters of said town upon the question of issuing bonds of said town, as hereinafter prescribed, in the sum of not exceeding ninety-five thousand dollars, for the purpose of raising money sufficient to construct, erect, equip, and install a new water-works plant and system, including a modern pumping station, with one or more auxiliary stations; an adequate filtering plant and reservoir; a site within or without the said town for said plant, and land sufficient for all necessary conduits and mains, and said site and said land may be acquired by condemnation or otherwise; and including also all pipes, conduits, mains, and other necessary parts of such plant and system adequate and sufficient to meet the demands of said town: *Provided, however,* the said board of commissioners shall use in the construction, erection, and installation

Amount.

Purpose of issue.

Proviso: use of old plant.

of said plant and system any parts or portions of the old plant and system that it may be deemed practicable and economical to use.

SEC. 2. In the event that the said election is called, the said board of commissioners of the town of Wilson may call for and require a new registration of the qualified voters of the said town of Wilson, and the registration books shall be open as required by the general election laws of the State of North Carolina, and for the said election the said board of commissioners of the town of Wilson shall appoint one registrar and also appoint two pollholders as judges of said election; the election shall be held at the courthouse in the said town of Wilson, at which election those duly qualified voters desiring to vote for the bond issue shall vote a ballot on which shall be written or printed the words "For Bond Issue for Water-works," and those voters desiring to vote against the said bond issue shall vote a ballot on which shall be written or printed the words "Against Bond Issue for Water-works."

SEC. 3. Notice of said election shall be given by the clerk of the town of Wilson by publication once each week in a newspaper of general circulation therein, the first publication to be at least fifteen (15) days before the date named for said election.

SEC. 4. That the registrar and judges of election hereinbefore provided for holding said election, in making return of result thereof, shall incorporate therein not only the number of votes cast for and against the aforesaid proposition in the said election in said town, but also the number of voters who had registered and qualified to vote in said election. The board of canvassers of said town, for said election, shall, in like manner as is provided by law for ascertaining the result of elections for mayor and board of commissioners of said town, canvass the vote cast in the said town in said election and the number of voters registered and qualified for said election in said town, and the said board of canvassers shall judicially determine and declare the results of said election. The said board of canvassers shall likewise prepare an abstract, tabulating and showing the number of votes cast for and against said proposition in said election and the number of electors qualified to vote therein, and declaring the result of said election; and said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the clerk of the town of Wilson, who shall record said abstract in the town record book and file the original.

SEC. 5. If at the said election a majority of the qualified voters of the said town of Wilson shall vote "For Bond Issue for Water-works," the said board of commissioners is authorized and empowered to issue bonds of the said town of Wilson in an amount not exceeding ninety-five thousand dollars, for the purposes set forth in paragraph one hereof, maturing thirty (30) years from

New registration.

Election officers.

Ballots.

Notice of election.

Returns of election.

Canvass of returns.

Abstract of returns.

Record of abstract.

Bond issue authorized.

Amount.

Maturity.

Interest.	date of issue, bearing not more than five per centum interest per annum from date of issue, with coupons attached for said interest, payable semiannually, at some bank or trust company to be designated by the said board of commissioners of the town of Wilson on the face of the said bonds and coupons. Said bonds shall be known and designated as "New Water-works Bonds of the Town of Wilson," or other suitable name, and shall be in such form as may be prescribed by the said board of commissioners of the town of Wilson, and shall be signed by the mayor and clerk of said town under its official seal; and said coupons shall be signed by said clerk, whose signature upon said coupons may be in facsimile.
Designation of bonds.	Said bonds shall be sold by said board of commissioners for not less than par and accrued interest, at public or private sale, in such manner as said board may determine: <i>Provided, however,</i> said bonds may be sold at a price not less than ninety-seven (97) cents on the dollar and accrued interest, by a vote of four-fifths ($\frac{4}{5}$) of the members-elect of said board.
Authentication.	
Sale, not below par.	
Proviso: sale by four-fifths vote of board.	
Fund kept separate.	SEC. 6. That when the said bonds are sold by the said board of commissioners of the town of Wilson, the proceeds arising from such sale shall be turned over to the treasurer of the town of Wilson, and shall be by said treasurer kept separate and apart from all other funds held by him as such treasurer, and shall be known, designated, held, and deposited as "New Water-works Fund" in the several banks of the said town of Wilson in proportion to their capital stock: <i>Provided, however,</i> all deposits made of said fund shall bear and draw interest at the rate of four per cent per annum, on average monthly balance: <i>Provided, however,</i> that if any of said banks of said town with which said fund is to be deposited as provided hereinbefore shall refuse to pay said interest and receive its allotment as provided herein, then and in that event a deposit shall not be made with said bank so refusing, and the allotment intended for said bank shall be apportioned between, or among, the other banks of said town in proportion to their capital stock; and if the exigencies of the situation demand it, the said board of commissioners may, by a four-fifths vote, duly recorded, designate some bank or banks or trust company elsewhere with which the treasurer of said town shall deposit said fund.
Proviso: interest on deposits.	
Proviso: allotment of deposits.	
Deposits elsewhere.	
Special tax for interest.	SEC. 7. For the purpose of paying the interest on said "New Water-works Bonds of the Town of Wilson" as and when the same becomes due, the said board of commissioners of the town of Wilson is hereby authorized, empowered, and directed to levy annually a special tax on all taxable property in the said town of Wilson sufficient to pay the interest on said bonds before the same becomes due: the said special tax shall be collected by the tax collector of said town of Wilson when all other taxes are collected, and the said special tax shall be turned over by the said tax col-
Collection and settlement.	

lector to the treasurer of the said town of Wilson, and shall only be expended for the purpose of paying the interest on said bonds as it accrues.

Specific appropriation.

SEC. 8. For the purpose of creating a sinking fund sufficient to retire the said "New Water-works Bonds of the Town of Wilson" at maturity, the said board of commissioners of the town of Wilson is hereby authorized, empowered, and directed to levy annually upon all taxable property in the said town of Wilson a special tax sufficient to raise enough money to pay not more than five per cent and not less than three per cent of the aggregate amount of said "New Water-works Bonds of the Town of Wilson" annually to the sinking fund commission of the said town of Wilson, created by act of the General Assembly of North Carolina by chapter fifty-eight, Private Laws of one thousand nine hundred and eleven; and said fund shall be received by said sinking fund commission and be held separate and apart from all other funds held by said sinking fund commission, and said fund shall be known and designated as "New Water-works Bond Fund."

Special tax for sinking fund.

Limit of rate.

Fund kept separate.

SEC. 9. All moneys paid to the said sinking fund commission, as provided in paragraph four hereof, shall be invested in safe interest-bearing securities, such as bonds of the town of Wilson, which are general obligations of said town maturing on or before the maturity of this issue, or bonds of the State of North Carolina, or such bonds as are legal investments for saving banks in the State of New York, and such investments shall be made by a two-thirds vote of said commission, and a complete record of all such votes, with the names of those voting, shall be kept by the secretary of said commission. All investments made hereunder shall be so made by said sinking fund commission, and shall be so recorded by the said secretary as to be readily identified and distinguished from all other investments made by said commission.

Investment of sinking fund.

Record of investments.

SEC. 10. The clerk of the town of Wilson shall keep an account against the said sinking fund commission, and the said account shall show at all times the amount of money held by or turned over to said commission and the source from which said money came; and the said clerk shall copy in the minutes of the said board of commissioners of the town of Wilson all such receipts and reports of the said commission as may be made to the said board.

Accounts of sinking fund.

SEC. 11. The sinking fund herein provided shall not be used by the said town of Wilson, or by any individual or individuals, for any purpose other than for creating a fund sufficient to retire said bonds at maturity.

Specific appropriation.

SEC. 12. The sinking fund commission shall collect all interest due on securities held by the said commission under the provisions of this act, when the same is due, and shall reinvest such interest as provided in this act for the investment of the special tax herein

Collection and re-investment of interest on sinking fund.

- Reports of collections. provided, and thereafter the said commission shall treat and regard same as principal money. All amounts of interest collected by said commission shall be reported to the clerk of the town of Wilson.
- Bonds of sinking fund commissioners. SEC. 13. The members of the said sinking fund commission shall be required by the board of commissioners of the town of Wilson at all times to so increase their bonds, with good and sufficient sureties, that the same shall not be less than the amount of money then held by said commission hereunder, the forfeiture of said bond being payable to the said town of Wilson.
- Faith and credit of town. SEC. 14. The said board of commissioners of the town of Wilson is hereby expressly authorized, empowered, and directed, for the purpose of paying the principal and interest of such bonds as may be issued under this act, to pledge the faith and credit of the said town of Wilson.
- Bond of town treasurer. SEC. 15. The treasurer of the said town of Wilson shall from time to time so increase his bond that at all times it shall equal in amount the amount of money held by him hereunder for the use and benefit of the said town of Wilson.
- SEC. 16. All laws in conflict herewith are hereby expressly repealed.
- SEC. 17. This act shall be in force from and after its ratification. Ratified this the 22d day of February, A. D. 1915.

CHAPTER 87.

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.

- Preamble. Whereas, by sections thirty-seven and thirty-eight of chapter three hundred and eighty-seven of the Private Laws of North Carolina, session one thousand eight hundred and ninety-three, being entitled "An act to consolidate and revise the charter of the town of Wilson," the board of commissioners of said town were authorized and empowered to issue bonds for sewerage in said town, upon being thereto authorized by a majority of the qualified voters of said town cast in an election called for such purpose;
- Preamble. whereas an election was duly called and held, as prescribed in said sections of said act, upon the question of issuing seventeen thousand dollars of bonds of said town for sewerage therein, and the said issue was approved by a majority of the qualified voters of said town; whereas, by resolution of the said board of commissioners at a meeting held subsequent to said election, the

issuance of said bonds in the amount of seventeen thousand dollars was authorized and directed; whereas, under and by virtue of the authority conferred by the said act, the said election, and the said resolution, the said board of commissioners did issue bonds of the said town in the amount of seventeen thousand dollars; whereas the said bonds mature on the fifteenth day of January, one thousand nine hundred and sixteen, and the said town will not be able to retire same at maturity without issuing other bonds: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Wilson is hereby authorized and empowered to issue seventeen thousand dollars of bonds of said town for the purpose of refunding at maturity the seventeen thousand dollars of bonds of said town issued for sewerage therein. The said bonds shall bear interest at the rate of not exceeding five per centum per annum, payable annually or semiannually, the said interest to be evidenced by coupons to be attached thereto, both principal and interest to be payable at some bank or trust company to be designated on the face of the said bonds and the said coupons by the said board. The said bonds may be designated as "Sewer Refunding Bonds of the Town of Wilson," or other suitable designation, and shall mature in such annual series from one to seventeen years from their date of issue as may be determined by said board; and the said bonds shall be signed by the mayor and clerk of said town, under the corporate seal of said town, and the interest coupons thereto attached shall be signed by said clerk, whose signature upon such coupons may be in facsimile.

Sec. 2. Said bonds shall be sold at public or private sale in such manner as said board may designate, but shall not be sold for less than their par value with accrued interest: *Provided*, that upon a vote of four-fifths ($\frac{4}{5}$) of the members-elect of said board, the said bonds may be sold at not less than ninety-seven cents (97c) on the dollar and accrued interest, in which event the amount of such discount shall be paid from funds not otherwise appropriated, to the end that the full amount of principal and interest of said bonds may be required at their maturity; the proceeds of said bonds shall be devoted to said purpose and no other, by the treasurer of the town of Wilson, to whom said proceeds shall be paid.

Sec. 3. For the purpose of paying the interest on said bonds when same becomes due, the said board of commissioners is hereby authorized, empowered, and directed to levy annually a special tax on all taxable property in the said town sufficient to pay such interest as the same becomes due; the said tax shall be collected by the tax collector of said town when all other taxes are collected and shall be turned over by him to the treasurer of said

Preamble.

Preamble.

Bond issue authorized.
Amount.

Purpose of issue.

Interest.

Designation of bonds.
Maturity.

Authentication.

Sale, not below par.

Proviso: sale by four-fifths vote of board.

Specific appropriation of proceeds.

Special tax for interest.

Specific appropriation.

town, and shall be expended by him only for the purpose of paying such interest as it accrues.

Special tax for bonds.

SEC. 4. For the purpose of paying the principal of said bonds at their several maturities, the said board of commissioners is hereby authorized, empowered, and directed to levy in each year, before the maturity of any of said bonds, a special tax upon all taxable property in the said town sufficient to pay the next installment of said bonds at their maturity; the said tax shall be collected by the tax collector of the said town of Wilson when all other taxes are collected and shall be turned over by him to the treasurer of the town, who shall apply the same solely to the payment of the principal of the said bonds as they fall due.

Specific appropriation.

Faith and credit of town.

SEC. 5. The faith and credit of said town of Wilson shall be pledged to the payment of the principal and interest of said bonds at maturity.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 22d day of February, A. D. 1915.

CHAPTER 88.

AN ACT TO AMEND CHAPTER 51 OF THE PRIVATE LAWS OF 1913, RELATING TO THE CAROLINA AND TENNESSEE SOUTHERN RAILWAY COMPANY.

Preamble.

Whereas, under the charter of the Carolina and Tennessee Southern Railway Company under authority from the State of North Carolina, there has heretofore been constructed a railroad from Bushnell in Swain County, a station on the Western North Carolina Railway, to Fontana Station, a distance of about fifteen miles, which road has for some years been operated and is now operated, which said railroad serves many people and industries

Preamble.

adjacent to said railroad; and whereas since the construction of the said railroad the Smoky Mountain Railway Company has constructed a railroad of about ten miles in length, which is in operation and connects at Ritter Station with the said Carolina and Tennessee Southern Railway; and whereas, by chapter fifty-one

Preamble.

of the Private Laws of one thousand nine hundred and thirteen, it is provided all rights, powers, and privileges conferred on the Carolina and Tennessee Southern Railway Company by the laws of the State of North Carolina shall cease and determine unless the said railway company, its successors or assigns, shall within two years from the first day of March, one thousand nine hundred and thirteen, commence work on its line of railway between the town of Franklin and the point of intersection with the Western North Carolina Railway in Swain County and prosecute the same in good faith; and whereas the said Carolina and Tennessee South-

Preamble.

ern Railway Company has not commenced work as provided in said act; and whereas, if the said Carolina and Tennessee Southern Railway Company shall fail to comply with chapter fifty-one of the Private Laws of one thousand nine hundred and thirteen and the Attorney-General under said act should bring suit and it should be declared that all rights and privileges of said corporation were forfeited on account thereof, such forfeiture would greatly injure the people and industries served by the said railroad now in operation: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter fifty-one of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding at the end of the fourth line of said section, after the word "determine," "except as hereinafter provided," and that said section two of said act be further amended by adding at the end of said section the following: "except as hereinafter provided: *Provided, however,* that the said forfeiture shall only extend to the rights, powers, and privileges of the said railway company to construct a line of railway from the town of Franklin in Macon County to a point on the Western North Carolina Railway in Swain County; and *Provided, also,* that the said Carolina and Tennessee Southern Railway Company shall not by virtue of the foregoing provision of forfeiture, or any action brought thereunder, forfeit or lose any of its rights, powers, and privileges in or to the said railroad already constructed and in operation, but that the said railway company, its successors or assigns, shall continue to operate all of said railroad now operated under the provisions of its charter and amendments thereto and under the laws of the State of North Carolina."

Extent of forfeit

Proviso: road construction not affected.

SEC. 2. That any and all laws or clauses of laws inconsistent 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 22d day of February, A. D. 1915.

CHAPTER 89.

AN ACT TO INCORPORATE THE CITY OF DURHAM AND TO REPEAL ITS PRESENT CHARTER AND ALL AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Durham shall be and continue, as they have been, a body politic and corporate, and henceforth the corporation shall continue to bear the name and

Incorporation.

Corporate name.

Corporate powers. style of "The City of Durham," and under such name and style is hereby invested with all the property and rights of property which now belong to the corporation, and by this name may acquire and hold for the purpose of its government, welfare, and improvement all such estate as may be devised, bequeathed, conveyed to, or otherwise acquired by it, and the same may from time to time sell, dispose of, and invest as shall be deemed advisable by the proper authorities of the corporation.

SEC. 2. The corporate limits of the city of Durham shall be as follows, to wit :

Corporate limits.

The boundary lines of the city of Durham shall be in the shape of a parallelogram four thousand (4,000) yards long and three thousand (3,000) yards wide, the northern and southern boundary lines being of the length of four thousand (4,000) yards each and running parallel with the center line of Main Street between Mangum Street and Dillard Street, and the eastern and western boundary lines being of the length of three thousand (3,000) yards each, and running at right angles to the northern and southern boundary lines, the distance from a stone eight (8) inches square, set up at the point where a straight line running along the middle of Mangum Street intersects a straight line running along the middle of Main Street in the present the city of Durham, shall be as near as may be the geographical center of the city limits, that is to say, the city boundaries herein prescribed shall be so laid off that the distance from the aforesaid stone, at the intersection of said Mangum Street and Main Street, shall be two thousand (2,000) yards by a straight line to the nearest point on the eastern boundary line of said parallelogram, and the distance from the said stone shall be two thousand (2,000) yards by a straight line to the nearest point on the western boundary of said parallelogram, and the distance from said stone shall be seventeen hundred and sixty (1,760) yards by a straight line to the nearest point on the northern boundary line, and the distance from said stone shall be twelve hundred and forty (1,240) yards by a straight line to the nearest point on the southern boundary line of said the city of Durham.

Four wards.

SEC. 3. That the territory comprised within the corporate limits of said city is hereby laid off into four wards, as follows :

Ward No. 1.

Ward No. 1 shall be comprised of the territory in that section of the said city bounded as follows, to wit: On the north by the corporate limits of the city of Durham, on the east by Mangum Street, on the south by West Main Street, and on the west by the corporate limits of the city.

Ward No. 2.

Ward No. 2 shall be comprised of the territory in that section of the said city bounded as follows, to wit: On the north by the corporate limits of the city of Durham, on the east by the corporate limits of the city of Durham, on the south by East Main Street, and on the west by Mangum Street.

Ward No. 3 shall be comprised of the territory in that section of the city bounded as follows, to wit: On the north by East Main Street, on the east by the corporate limits, on the south by the corporate limits, on the west by Mangum Street, McMannen Street and the extension of McMannen Street in a straight line to the southern corporate limits. Ward No. 3.

Ward No. 4 shall be comprised of the territory in that section of the city bounded as follows, to wit: On the north by West Main Street, on the east by Mangum Street, McMannen Street, and the extension of said McMannen Street in a straight line to the southern corporate limits; on the west by the corporate limits, and on the south by the corporate limits. Ward No. 4.

For the purpose of elections, the city of Durham shall be divided into such precincts as the city council may create: *Provided*, the city council shall make the voting places and the boundaries of the said precincts conform as nearly as may be practicable to those designated and prescribed by the general law for election of State and county officers. Precincts.
Provide: conformity with county precincts.

SEC. 4. The general municipal election shall take place on the fourth Tuesday after the first Monday in April, one thousand nine hundred and fifteen, and on the fourth Tuesday after the first Monday in April biennially thereafter. City elections.

SEC. 5. On the fourth Tuesday after the first Monday in April, one thousand nine hundred and fifteen, the qualified registered voters of the city of Durham shall elect a mayor and four aldermen. No two aldermen shall be residents of the same ward. The mayor shall serve during a term of two years. The two elected persons receiving at said election the highest number of votes and the second highest number of votes respectively for aldermen shall serve during a term of four years; the other two persons elected aldermen at said election shall serve during a term of two years. Biennially thereafter there shall be elected by the qualified registered voters of the city of Durham a mayor to serve for two years, and two aldermen to fill expiring terms to serve for four years. Officers to be elected.
Residence of aldermen.
Term of mayor.
Term of aldermen.

SEC. 6. Candidates for mayor and aldermen shall be nominated by a primary election, which shall be held the second Tuesday preceding each general municipal election. The name of any candidate for mayor or alderman of the city shall be printed upon the primary ballot, provided there is filed with the city clerk ten days previous to the holding of said primary election a petition presenting the name and place of residence of each candidate for a place upon said primary ballot. The said nominating petition shall be signed by ten electors of said city, and shall set forth the street residence of such petitioners. Upon the expiration of the time for filing said petition, the city clerk shall cause to be printed a sufficient number of said primary ballots, which shall contain the names of the candidates for mayor, arranged alphabetically, Election of successors.
Nomination of candidates.
Time for primary.
Petition of candidacy.
Ballots to be printed.
Arrangement of ballots.

Heading of ballots.	with a square at the left of each name, and immediately following below shall appear the words "Vote for one." Following these names, grouped by wards and arranged in alphabetical order, shall appear the names of candidates for aldermen, with a square at the left of each name; and immediately following below each group shall appear the words "Vote for one." The ballots shall be printed on plain substantial white paper, and shall be headed "Candidates for nomination for mayor and aldermen of the city of Durham at the primary election," and at the bottom of said ballots shall be printed: "Place a cross (X) mark in the square preceding the name of the persons you favor as candidates for the respective positions." The city clerk shall cause to be delivered at each voting precinct a sufficient number of said primary ballots for use at said primary election. The election officers at each precinct shall, at the close of the primary election as herein provided for, count the ballots and determine the result. They shall appoint one of their number to attend a meeting to be held at the city clerk's office at twelve o'clock m. of the next succeeding day, to canvass the primary election and declare the result thereof, and certify said result to the city clerk. The two candidates receiving the highest number of votes for mayor in said primary election, as shown by said certificate, shall be declared the nominees for mayor and shall be the candidates and the only candidates whose names shall be placed upon the ballots for mayor at the succeeding general municipal election. The two candidates in each ward receiving the highest number of votes for aldermen in said primary election, as shown by said certificate, shall be declared the nominees for aldermen and shall be the candidates and the only candidates whose names shall be placed upon the ballots for aldermen at the succeeding general municipal election.
Instructions to voters.	
Distribution of ballots.	
Count of votes.	
Canvass of returns.	
Nominees.	
Ballots for municipal election.	SEC. 7. That for the purpose of conducting the general municipal election provided for herein, the city clerk shall cause to be printed and delivered at each voting precinct a sufficient number of ballots for use at such election, and no other ballots shall be used. There shall be printed upon said official ballots the two names of the candidates for mayor arranged alphabetically, with a square at the left of each name, and immediately following below shall appear the words "Vote for one." Following these names, grouped by wards and arranged in alphabetical order, shall appear the names of candidates for aldermen, with a square at the left of each name, and immediately following below each group shall appear the words "Vote for one." Ballots shall be printed upon plain substantial white paper, and shall be headed "Candidates for the offices of mayor and alderman of the city of Durham." At the bottom of said ballots shall be printed, "Place a cross (X) mark in the square preceding the names of persons you favor as candidates for the respective positions." At the close of the general
Arrangement of.	
Heading of ballots.	
Instruction to voters.	
Count of votes.	

municipal election, as provided for herein, the election officers at each precinct shall count the ballots and determine the result. They shall appoint one of the number to attend a meeting to be held at the city clerk's office at twelve o'clock m. of the next succeeding day, to canvass the election and declare the result thereof. Said canvassing board shall certify the result of said election to the governing authority of the city of Durham.

Canvass of returns.

Certificate of result.

General law applicable.

SEC. 8. Except as otherwise provided for in this act, all primary, general, and special elections shall be held and conducted in all things as are elections for mayor and aldermen under the present general law of the State: *Provided, however,* that the first primary election to be held under the provisions of this act need not be advertised for more than ten days.

Proviso: advertisement for primary.

SEC. 9. Said aldermen and mayor when elected and duly qualified shall constitute a board to be known and designated the city council.

City council.

SEC. 10. The city council shall have full power and authority, except as otherwise provided for in this act, to exercise all of the powers conferred upon and delegated to the city of Durham; and when convened shall have power to make such ordinances, rules and regulations for the proper government of the city as it may deem necessary and provide for the proper enforcement thereof in such manner as it may think best.

Powers of city council.

Legislative powers.

SEC. 11. That the mayor and each alderman before entering upon the duties of the office to which they have been elected shall take before some officer authorized to administer oaths an oath that they will fairly and impartially perform the duties of their office. The mayor and aldermen shall hold their respective offices until their respective successors have been duly qualified.

Mayor and aldermen to qualify.

Terms of office.

SEC. 12. The power and duties of the mayor shall be such as are conferred upon him by this act, together with such others as are conferred by the city council in pursuance of the provisions of this act, and no others. He shall preside at all meetings of the city council and shall have the right to vote upon all questions, but shall have no vote in case of a tie. He shall appoint all standing committees and special committees of the city council. He shall be recognized as the official head of the city and so considered by the public for all ceremonial purposes. He shall have power to administer oaths and take affidavits. Such functions not enumerated in this act as are conferred upon the mayor by the general laws of the State shall be exercised by the city manager, unless the city council designates some other person to exercise the same. During the disability of the mayor the functions of this office shall be devolved upon some member of the city council designated by that body at its first meeting after each general municipal election. The compensation of the mayor shall be five hundred dollars

Powers and duties of mayor.

Right to vote.

Appointment of committees. Official head of city.

Functions exercised by city manager.

Mayor pro tem.

(\$500) per annum, payable monthly.

Pay of mayor.

- Meetings of city council. SEC. 13. The members of the city council shall on the day following their election, after qualifying, convene for the transaction of business, and the city council shall then fix stated days of meetings, which shall be as often as twice in every calendar month. All meetings of the city council shall be open to the public. Special meetings of the city council may also be held on the call of the mayor, or a majority of the aldermen. A majority of the members of the city council shall constitute a quorum for the transaction of business.
- Meetings open to public. Special meetings. Quorum.
- Pay of aldermen. SEC. 14. The city council shall have power to vote each alderman a sum not exceeding one hundred dollars (\$100) per annum, payable monthly; and if any member of the city council shall fail to attend any general meeting of the city council or special meeting of which he shall have notice, unless prevented by such cause as shall be satisfactory to the city council, he shall forfeit and pay to the use of the city the sum of five dollars (\$5).
- Forfeit for failure to attend meeting.
- Removal of mayor or aldermen for cause. SEC. 15. The city council, by a vote of four-fifths of its members in meeting assembled, shall have power to remove from office the mayor or any alderman for misfeasance, malfeasance, corruption, neglect of duty, or other misconduct in office, but the person to be proceeded against shall have at least ten (10) days notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the grounds for his proposed removal. He shall have the right to be heard in person or by counsel in his defense. In case of the removal of the mayor or any alderman, the vacancy shall be filled by the city council or the remaining members thereof.
- Vacancies filled by city council. SEC. 16. That if any person chosen mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, the city council shall choose some qualified person mayor for the term or for the unexpired portion of the term, as the case may be, and on like occasion and in like manner the city council shall choose other aldermen to supply the place of such members as shall refuse to act, and fill all the vacancies which may occur, and such persons only shall be chosen as are declared to be eligible and reside in the ward from which the alderman whose place is to be filled was elected.
- Appointment of city manager. SEC. 17. There shall be appointed by the city council an officer to be known as the city manager, who shall be the administrative head of the city government. Before entering upon the duties of this office the city manager shall take an oath that he will faithfully perform the duties of his office, and shall execute a bond in an incorporated bonding company or companies as surety, in favor of the city of Durham, for the faithful performance of his duties. The amount of said bond shall be fixed by the city council. The term of the city manager shall be at the pleasure of the city council. The city manager need not be a resident of the city of Durham at the time of his election. Pending a vacancy in this
- Manager to be sworn and give bond.
- Term of office.
- Need not be a resident. Manager pro tem.

office or during the absence or disability of the city manager, the city council may designate some properly qualified person to perform and execute the duties of the office.

Sec. 18. The city manager shall not be personally interested in any contract in which the city is a party for supplying the city materials of any kind. It shall be the duty of the city manager to attend all meetings of the city council, and to recommend, from time to time, such measures as he shall deem necessary, or furnish it with necessary information respecting any of the departments under his control.

Manager not interested in city contracts.
To attend meetings of council.
Recommendations and information.

He shall see that the laws and ordinances of the city are enforced.

Enforcement of laws.

He shall have power and authority to revoke licenses pending action by the city council.

Revocation of licenses.

Except as herein provided, the city manager shall have power to appoint and remove all heads of departments, and all subordinate officers and employees of the city.

Appointment and removal of officers and employees.

He shall, not inconsistent with the provisions of this act, exercise supervision and control over all departments and divisions created herein, or that may hereafter be created by the city council.

Supervision and control of departments.

He shall have power to suspend or remove any officer or employee employed by him, subject to the right of such officer or employee to appeal to the city council, when such officer or employee shall have the right to be heard either in person or by counsel. If such an appeal be made, it must be made in writing within ten (10) days after notice of such suspension or removal, and the city council shall have the power to affirm, reverse, or modify the action of the city manager. The city manager shall promptly report all suspensions and removals to the city council.

Suspension or removal of officers.

Appeals.

Report of suspensions and removals.

He shall see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and, upon knowledge of any violation thereof, to call the same to the attention of the city council.

Supervision of franchises.

He shall prepare an annual budget and keep the city council fully advised as to the financial conditions and needs of the city.

Annual budgets.

He shall be *ex officio* a member of the board of health of the city and county of Durham, as created by the General Assembly of one thousand nine hundred and thirteen, but he shall receive no extra compensation for this service.

Member of board of health.

He shall perform such other duties as may be prescribed by this act or be required by the city council.

Other duties.

Sec. 19. The city council shall appoint a clerk, to be known as the city clerk, who shall hold office at the pleasure of the city council. He shall keep the records and minutes of the city council and perform such other duties as may be prescribed by this act or by the city council.

City clerk.

Duties.

- City attorney. SEC. 20. The city council shall appoint an attorney, who shall be known as the city attorney, who shall hold office at the pleasure of the city council. The city attorney shall be the legal adviser to and attorney and counsel for the city, including the board of health of the city and county of Durham relative to matters in and adjacent to the corporate limits. He shall act as counsel for all officers of the city in matters relating to their official duties. In addition to such duties, he shall perform such other duties as may be required of him by the city council.
- Duties.
- City treasurer. SEC. 21. The city council shall appoint a city treasurer, who shall hold office at the pleasure of the city council. The office of city treasurer may be combined with that of the city clerk, or with any other office not inconsistent therewith. The city treasurer shall be the custodian of all moneys of the city, and shall keep and preserve the same in such place or places as shall be determined by the city council. He shall pay out money only on warrants issued by the city auditor.
- Clerk and treasurer may be combined.
- Duties of treasurer.
- City auditor. SEC. 22. The city council shall appoint a city auditor, who shall hold office at the pleasure of the city council. He shall keep an accurate account of all taxes and assessments, of all money due, and all receipts and disbursements by the city. He shall assist in making out the tax lists provided for herein and as may be otherwise required by law. He shall make out and prepare for publication all annual statements and all other statements of like nature that may be required. He shall inquire and investigate for all delinquent taxpayers and require all delinquent property, including polls, to be placed upon the tax lists. He shall instruct tax listers and assessors; act as accountant for the city; supervise, scrutinize, and examine at least once in every month all books, accounts, receipts and vouchers and other records of the various departments of the city showing moneys collected by them. He shall be present at the settlement between the city treasurer and the city tax collector, as provided for in section twenty-four of this act. He is hereby authorized to administer oaths on verification of claims which may be filed against the city. He shall, under the direction and supervision of the city manager, install a system of accounting which shall be adequate to record all financial transactions of the city. It shall be the duty of the city auditor to audit all claims and bills filed against the city, and no such claim or bill shall be allowed or paid until it has been audited and approved by said officer; and all claims or bills allowed by proper authority shall be countersigned and approved by said city auditor before they shall be honored or paid by the city treasurer. In addition to such duties, the city auditor shall perform such other duties as may be required of him by the city council.
- Duties.
- Monthly examination of books and accounts.
- Settlements with city treasurer.
- System of accounting.
- Audit of claims.
- Bills to be countersigned.
- City tax collector. SEC. 23. The city council shall appoint a city tax collector, who shall hold office at the pleasure of the city council. It shall be the
- Duties.

duty of the city tax collector to collect the general and special taxes provided for in this act, and such other special taxes as the collection of is not otherwise provided for herein; and he may require the chief of police to assist him in the collection of special taxes. The city tax collector shall at no time retain in his hands more than five hundred dollars (\$500) for a longer time than three days. Said tax collector is hereby vested with the same power and authority and subjected to the same fines and penalties as the sheriff or tax collector of Durham County is or may be by law. For his services the tax collector shall receive such compensation as the city council may fix, not to exceed two per centum on the taxes collected.

SEC. 24. The city council, at or before the first meeting in March of each year, shall appoint two or more of their number, together with the city auditor, to be present and assist at the accounting and settlement between the tax collector and the city treasurer of the taxes for the preceding year. In such settlement the tax collector shall be charged with the sums appearing by the tax lists as due for city taxes, and all special taxes with which he is chargeable, and he shall be allowed all credits authorized by the city council. The accounts when properly audited shall be reported to the city council, and when approved shall be recorded in the minute-book of the city council, and the record shall be *prima facie* evidence of their correctness and impeachable only for fraud or specified error.

SEC. 25. In case the tax collector shall fail, neglect, or refuse to account with the city treasurer and said committee, as herein required, or pay what may rightfully be found due on such account, on or before the fifteenth day of March of the next succeeding year after the taxes are levied, he shall forfeit and pay to the State, for the use of the city of Durham, a penalty of five hundred dollars (\$500). It shall be the duty of the mayor, upon the neglect, failure, or refusal of said tax collector to account as aforesaid, to cause an action to be brought on the bond of the said tax collector against him and his sureties to recover the amount owing by him and the penalty aforesaid; if the tax collector shall fraudulently and corruptly fail to account as aforesaid he shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine in the discretion of the court or be imprisoned not less than three months nor more than twelve months.

SEC. 26. If any tax collector shall die during the time appointed for collecting taxes, then his sureties may collect them, and for that purpose shall have all the power and means for collecting the same from the taxpayers as the tax collector would have had, and shall be subject to all the remedies for collection and settlement of taxes on their bonds or otherwise as might have been had against the tax collector if he had lived.

Settlements.

Liabilities of tax collector.

Compensation.

Committee to settle with officers.

Settlement with tax collector.

Report and record of audit and settlement.

Time of settlement.

Forfeit for failure to settle.

Mayor to bring action.

Fraudulent failure to account a misdemeanor.

Punishment.

Collection by sureties.

Time for collection of taxes.

SEC. 27. The tax collector (and in case of his death his sureties) shall have eight months and no longer from the day prescribed for his settlement for city taxes to finish the collection of all taxes, but the extension of time for collection shall not extend his time of settlement of city taxes as aforesaid.

Liability and actions on official bonds.

SEC. 28. That for any breach of his official bond by the tax collector or any other 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 city of Durham 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 is recovered.

Control of police and fire departments.

SEC. 29. The police and fire departments of the city of Durham shall be under the general control and supervision of the city manager. The police force shall be composed of a chief of police and such officers and patrolmen and other employees as the city manager may determine. The persons exercising police powers shall have all the power and authority now or which may hereafter be vested in sheriffs and constables for the preservation of the peace of the city and for suppressing disturbances and arresting offenders.

Police force.

Power and authority.

The fire force shall be composed of a chief and such other officers, firemen, and employees as the city manager may determine. The persons exercising the duties of firemen shall have power, and are hereby authorized, to make arrest during fires for interference with or obstruction of their operations.

Fire force.

Arrests during fires.

Compensation of officers and employees.

SEC. 30. That the city council shall, except as otherwise provided for in this act, fix by ordinance the salary and compensation of all officers and employees. The city council in fixing the salary or compensation of any officer or employee shall determine whether such officer or employee shall give a bond and the amount thereof, which bond shall be procured from some incorporated surety company or companies authorized to do business in this State. The city council shall require the city tax collector and the city treasurer to give sufficient bonds. The city council, in its discretion, is authorized to order the payment of premiums on any such bonds as are required.

Bonds of officers.

Tax collector and treasurer.

Premiums on bonds.

Officers elected by city council.

SEC. 31. In the appointment and election of all such officers, as sinking fund trustees, members of the board of health of the city and county of Durham, hospital trustees, members of the board of education, assistant recorder, the nomination, appointment, or election of which was heretofore delegated to the board of aldermen, shall be and the same is hereby delegated to the city council.

Departments for administrative work.

SEC. 32. The city council shall by ordinance divide the administrative work of the city into such departments as shall be required, and may discontinue, combine, and distribute the functions and duties of the departments in subdivisions thereof.

Fiscal year.

SEC. 33. The fiscal year of the city shall begin on the first day of January. On or before the first day of November of each year

Estimate of revenue and expenses.

the city manager shall submit to the city council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information :

<i>a.</i> A detailed estimate of the expense of conducting each department as submitted by the department.	Estimate of expense.
<i>b.</i> Expenditures for corresponding items for the last two fiscal years.	Former expenditures.
<i>c.</i> Amount of supplies and material on hand at the date of the preparation of the invoice.	Invoice of supplies and material.
<i>d.</i> Increase or decrease of requests compared with the corresponding appropriations for the current year.	Increase or decrease.
<i>e.</i> Such other information as is required by the city council or that the city manager may deem advisable to submit.	Other information.
<i>f.</i> The recommendation of the city manager as to the amounts to be appropriated, with reasons therefor in such detail as the city council may direct.	Recommendations.

Sufficient copies of such estimate shall be prepared and submitted that there may be copies on file in the office of the city clerk for inspection by the public. Copies of estimate.

SEC. 34. Among the powers hereby conferred upon the city council are the following : Powers of city council.

To open new streets, change, widen, extend, improve, repair, 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. Powers as to streets.

To acquire by purchase or condemnation, lay out, establish and regulate parks and public play-grounds within or without the corporate limits of the city for the use of the inhabitants thereof. Parks and play-grounds.

To protect the shade trees of the city. Shade trees.

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 or public schools, and for any other public buildings, whether, like those enumerated above or not. Condemnation of land for buildings.

To erect, repair, and alter all public buildings. Public buildings.

To provide a sufficient water supply, fix charges and rates therefor, and provide all necessary rules and regulations for the government and conduct of the business of such persons or corporations as are engaged in furnishing lights for the use of said city and the inhabitants thereof. Water-works and lights.

To construct or contract for the construction of a system of sewerage for the city, and to protect and regulate the same by Sewer system.

adequate ordinances; and if it shall be necessary in obtaining proper outlets for such a system to extend the same beyond the limits of the city, then in such case the city council shall have the power to extend it, and both within and without the corporate limits to condemn property for the purpose of a right of way or requirements of the system; the proceedings of such condemnation to be the same as is provided by the general laws of the State.

Cellars under sidewalks or streets. Trash boxes and other obstructions.

To prevent cellars being opened or made under the sidewalks or streets of the city; the deposit of trash boxes or other rubbish or obstructions upon the sidewalks or streets.

Speed ordinances.

To regulate the speed of locomotives and trains, and to regulate and prevent fast driving within the city, and also the firing of firearms, fireworks, and all explosives or combustibles or dangerous material in the streets, public grounds, or elsewhere within or near the city.

Firearms and explosives.

Protection at street crossings.

To provide for the better protection of life, limb, person and property at crossings of the streets of said city and the railroad tracks now located or which may be hereafter located in the city;

Gates or flagmen.

to require railroad companies operating said tracks to erect gates or place flagmen to warn the public of the approach of trains or engines.

Fire protection.

To provide proper and effectual means and regulations to prevent and extinguish fires in said city, and for such purpose to direct the destruction of buildings, for which neither the city nor the city council or other persons shall be responsible in damages.

Fire districts.

To divide the city into fire districts and prescribe the kind of buildings that may be erected therein.

Sale of city property.

To sell and cause to be sold publicly or privately any property, real or personal, belonging to the city, and all of its right, title, and interest in and to all land used for street or other public purposes: *Provided*, that this shall not confer any right upon the city to dispose of any land owned or in possession of any railroad as its right of way, and direct the proper officers when necessary to make proper conveyance thereof.

Proviso: rights of way of railroads.

Observance of Sunday.

To make suitable regulations for the observance of Sunday in the city, and to provide for the proper enforcement of the same.

Prevention and suppression of nuisances. Dog ordinances. Cemeteries.

To prevent, suppress, and remove nuisances in said city.

To regulate the manner in which dogs shall be kept in said city.

To establish and maintain one or more public cemeteries, of such size as it may deem necessary, within or without the corporate limits of said city, and provide for the care and maintenance of the same, and the proper regulation, control, and protection thereof.

Relief fund for policemen and firemen.

To create and administer a special fund for the relief of policemen and firemen temporarily or permanently disabled in the discharge of their duties, and to create and administer and to receive donations and bequests in aid of such fund and provide for its permanence and increase and prescribe and regulate the conditions

under which and the extent to which the same shall be used for the purpose of such relief.

To provide that no individual, corporation, association, or partnership shall open or lay out new streets, or sell lots abutting the same, without first having had a plat of said proposed street or streets made and submitted to the city council of said city, and approved and accepted by the said city council. Said city council may pass all necessary ordinances to regulate and control the opening of streets and alleys in said city.

Subdivisions of lands.

Opening of streets and alleys.

To provide for regulating and restraining theatrical and other public performances within the city, and to enforce all such provisions.

Theatrical performances.

To establish and regulate all necessary inspections within the city, whether of buildings or otherwise, and order and compel the removal of dangerous or defective buildings.

Inspection.

To levy and provide for the collection of all taxes authorized by law to be laid, levied, or collected by said city, and enforce the collection of the same.

Levy and collection of taxes.

To impose, collect, and appropriate fines and penalties and forfeitures for a breach of the ordinances and regulations of the city.

Fines, penalties, and forfeitures.

To prescribe and regulate the charges for the carriage of persons' baggage and freight by omnibus, street car, automobiles, taxicabs, wagons, drays, or other vehicles used therein for the transportation for hire of persons or things.

Transportation charges.

To protect hackmen, carriage drivers, chauffeurs, keepers of restaurants, boarding-houses, and hotels from being cheated, defrauded, or deprived of just compensation for services rendered or accommodation furnished, and, if necessary for such purposes, to make and enact ordinances prescribing fines and penalties.

Protection of hackmen, boarding-houses, and like industries.

To appropriate annually, in the discretion of the city council, reasonable sums for advertising the city, and in aid of public libraries, public hospitals, and other charitable institutions.

Appropriations for advertisement, libraries, and hospitals.

To issue bonds of the city only after they have passed an ordinance by a majority vote of the entire city council 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 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 city council in some newspaper published in the city of Durham. At such election those who favor creating such debt shall vote "Approved" and those who oppose it shall vote "Disapproved"; but the city council shall not borrow any sum of money when the existing aggregate indebtedness of the city equals in amount one-tenth of the aggregate tax value of the property of the city, as shown by the tax books of the city for the preceding year; and in any public notice of a proposition to borrow money so submitted to the voters of the city, as above provided, shall be

To issue bonds.

Procedure for issue of bonds.

Notice of election.

Votes.

Limit of amount of debt.

Notice to state debt and tax value.

included a statement of the then existing aggregate indebtedness of said city, and of the aggregate tax value of the property of the said city as shown by said tax books.

Limitation on debt for current expense.

SEC. 35. No mayor, alderman, or city council shall have power to create any indebtedness for necessary purposes or any other purpose whatever when the outstanding floating indebtedness of the city of Durham shall exceed fifty per cent of the total current revenue of the city for the then fiscal year, 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. A failure to comply strictly with this section shall be a misdemeanor.

Misdemeanor.

Presentation of claims before action.

SEC. 36. No action shall be instituted or maintained against the city of Durham upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to the city council, who shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein shall be construed to prevent any statute of limitation from commencing to run at the time said claim accrued or demand arose, or in any manner interfere with its running.

Statute of limitations.

Inspection of public records.

SEC. 37. That any person shall be allowed to inspect the journals and papers on file in the office of any department in the city, in the presence of the city clerk or the city manager.

Taxes.

SEC. 38. In order to raise funds for the current expenses of the city, and thereafter for the improvement of the same and the payment of the interest on its bonded debt, and the creation of a fund to meet the principal of that debt when due, the said city council shall at their first meeting in May, or as soon thereafter as practicable in every year, lay and provide for the collection of the following taxes:

Tax on property.

(1) On real and personal property within the limits of said city, and all other subjects taxable by the General Assembly of the State, as specified and valued under the provisions of law, an *ad valorem* tax not exceeding one dollar on every hundred dollars of such valuation as of the first day of May of every year.

Exempt property.

That all cemeteries, property held for educational, scientific, literary, charitable, or religious purposes, located within the corporate limits of the city of Durham, shall be exempt from such taxation.

Poll tax.

(2) On all persons residing in said city on the first day of May in every year subject to poll tax under the law of the State, a poll tax not exceeding three dollars each.

Tax listing.

SEC. 39. That the city council shall provide, by ordinance or otherwise, means not inconsistent with the provisions of sections twenty-three and twenty-four of this act for the collection of taxes in said city and for the listing of 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. Assessments.

SEC. 40. That in addition to subjects listed for taxation the city council is hereby authorized and empowered to impose taxes on trades, professions, franchises, privileges, licenses, and other subjects of taxation not inconsistent with the Constitution of the State of North Carolina. The city council shall have power to graduate any of the license taxes on trades, professions, franchises, privileges, licenses, or businesses, by dividing the same into classes, according to the size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class. That any person carrying on or practicing any franchise, business, profession, or trade of any kind in said city upon which a license tax has been levied by the said city council, without having first obtained a license therefor, shall be guilty of a misdemeanor. License taxes. Graduation of license taxes. Doing business without license misdemeanor.

SEC. 41. The city council 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 city council may determine, and with such sureties as it may approve; and said city council 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. License of plumbers and electricians. Examination and bond. Revocation of license.

SEC. 42. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from the city council. Working without license forbidden.

SEC. 43. That the license year shall begin on the first day of June of each and every year. License year.

SEC. 44. That no license issued by the city council shall be for more than a year, and same shall not be transferable or assignable except by the permission of the city council. License for one year. Not transferable.

SEC. 45. That the citizens of the city of Durham and others having property or polls liable to be taxed on account of any of the subjects mentioned in this act shall, during the time for listing their State and county taxes, render to such persons as may be designated by the city council, on oath, a list of their property and subjects for which they may be liable to be taxed, together with the value thereof as fixed in the list returned for county taxation, and from said list as may be revised by the board of equalization the city clerk shall within sixty days after the expiration of the time for taking such lists make out in a book kept or provided for that purpose an alphabetical list of all persons, companies, and owners of property who have so made their returns in the same manner as the tax lists are made out by law for State and county Taxes listed under oath. Tax books.

Double tax for failure to list.

taxes; and if any person fails to render such list he shall pay double tax on any subject for which he is liable to be taxed.

Board of equalization.

SEC. 46. Whenever in its opinion it may be advisable, in order to secure uniform valuation of property subject to taxation under this act, the city council shall appoint three or more residents of the city to constitute a board of equalization, whose duties, compensation, and length of services shall be prescribed by said city council.

Levy of taxes.

SEC. 47. That on or before the first day of August of each year the city council shall proceed to lay the taxes on subjects of taxation as are allowed by law, and shall, immediately after the approval of the same, cause to be made a copy of as much and such parts of said tax list as may be required for the use of the

Tax list delivered to collector.

tax collector in collecting the taxes of the city; the said copy shall be delivered to the tax collector on or before the first Monday in

Order for collection.

October in each year, and he shall receipt for same. The city council shall indorse on said copy an order to the said tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged in said copy respectively. The said tax collector shall proceed forthwith in the collection, and shall complete the same on or before the tenth (10th) day of March next ensuing, and shall pay the moneys as they are collected to the treasurer.

Collection and settlement.

Collection by distress.

SEC. 48. 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 tax collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten (10) days in some newspaper published in the city of Durham or at three public places, if the property be personalty, and twenty days if the property be realty. Whenever any taxes in said city shall be due and unpaid, the tax collector therefor shall proceed to collect the same as follows:

Seizure and sale of personal property.

(1) If any person charged have personal property anywhere in the county of Durham of value as great as the tax charged against him, or against his property, the said tax collector shall seize and sell the same as the sheriff is required to sell personal property under execution.

Levy on lands.

(2) If a person charged have no personal property to be found in said county of Durham of value as great as the tax charged against him, or against his property, said tax collector shall levy upon the lands of the delinquent in the said county of Durham, or any part of such lands, and after due advertisement sell the same for payment of said taxes. Such advertisement shall be made in

Advertisement of sale.

some newspaper published in said county of Durham for at least twenty (20) days immediately preceding the sale and posting a notice of such sale at the courthouse door in the city at least

twenty (20) days before such sale, which shall contain a concise description of the real estate to be sold, the name of the person who appears upon the tax list as owner thereof, the amount of taxes for which said sale is to be made, and the day and place of such sale; the said tax collector shall divide the 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 cannot be conveniently divided, the tax collector 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 of Durham, and if not redeemed as hereinafter provided, shall belong to said city of Durham in fee.

Sale to city.

SEC. 49. The owner of any real estate, or interest therein, sold as aforesaid, his heirs, executors, administrators, or assigns may redeem the same within one year after the sale, upon the same terms and conditions, and subject to the same proviso, and in the same manner as are prescribed by the law for the redemption of real estate sold for State and county taxes, except that all the duties and functions and powers in such law to be discharged and exercised by the sheriff or tax collector shall be discharged and exercised by the tax collector of the city of Durham.

Time for redemption.

SEC. 50. On any such sale of real estate said tax collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for State and county taxes, which may be assigned or transferred by the purchaser, whether an individual of said city or not, as such last mentioned certificates are allowed by law to be assigned or transferred, and if the real estate sold as aforesaid shall not be redeemed as hereinbefore provided, said tax collector or his successor in office, under the direction of the city council, at any time within one year after the expiration of one year from date of the sale, on request of the holder of such certificate and production of the same, shall execute to the purchaser, his heirs and assigns, a deed in fee simple for the conveyance of the real estate described in such certificate; and if such certificate shall have been lost, said city council, on being satisfied thereof by due proof, shall direct the said tax collector to execute such conveyance, and said tax collector shall so execute the same. Any such deed shall be similar in form to the deed directed by law to be executed to a purchaser of real estate sold for State and county taxes, who is entitled to a conveyance of the same, and shall be subject to the same rules, provisions, presumptions, and conclusions as such last mentioned deed, and effective to the same extent as the last mentioned deed.

Certificate of purchase.

Deed for unredeemed property.

Form of deed.

SEC. 51. No such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the original owner of said real estate, provided

Deed not invalid for error.

such real estate be in other respects sufficiently described in the notice of sale to insure identification.

Levy and collection under general law.

SEC. 52. All taxes of said city shall be listed, levied, assessed, and collected, except as in this act otherwise provided, in the same manner and under the same rules and regulations, and subject to the same penalties as are provided by law, or shall hereafter be provided by law, for the listing, levying, assessing, and collecting State and county taxes in this State.

Collection of assessments.

SEC. 53. When any lien or charges for repairs or improvements of the sidewalks of the city, or for the inspection, removal, or destruction of buildings, and for the suppression and removal of nuisances, or other lien or charges of whatever nature or kind, authorized by this act, shall be due and unpaid to the city, the tax collector thereof shall proceed to collect the same by the same process and in the same manner as he is authorized to collect taxes due upon the property subject to such lien or charge as hereinbefore provided for.

Title to land used by city.

SEC. 54. That in the absence of any contract or contracts with said city in relation to the lands used or occupied by it for the purpose of streets, sidewalks, alleys, or other public works of said city, signed by the owner thereof or his agent, it shall be presumed that the said land has been granted to said city by the owner or owners thereof, and said city shall have good right and title thereto, and shall have, hold, and enjoy the same. Unless the owner or owners of said land, or those claiming under them, shall at the time of the occupation of the said land, as aforesaid, apply for an assessment of said land, as provided for in this act, within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any assessment or compensation thereof: *Provided*, nothing herein contained shall affect the rights of *feme coverts* or infants until two years after the removal of their respective disabilities.

Proviso: feme coverts or infants.

Failure of officer to settle misdemeanor.

SEC. 55. The mayor, city council, tax collector, and all other officers of the city who shall on demand fail to turn over to their successors in office the property, records, books, moneys, scales, or effects of the city shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than two years and fined not exceeding five hundred dollars (\$500), in the discretion of the court.

Punishment.

Ordinances and regulations continued in force.

SEC. 56. All ordinances, resolutions, rules and regulations in force at the time of taking effect of this act, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

When act effective.

SEC. 57. For the purposes of nominating and electing a mayor and aldermen and exercising the powers of the city as provided for herein, this act shall take effect from the time of its approval by the electors of the city of Durham as herein provided for. For

the purpose of establishing departments, divisions, and offices, and distributing the functions thereof, and for the purpose of the repeal of all laws and parts of laws in conflict with this act as provided for in sections sixty-one and sixty-two herein, and for all other purposes, this act shall take effect on the twenty-eighth day of April, one thousand nine hundred and fifteen: *Provided* the same shall be approved by the electors of the city of Durham as provided for in sections fifty-eight, fifty-nine, and sixty of this act.

SEC. 58. That on the sixteenth day of March, 1915 (one thousand nine hundred and fifteen), there shall be held in the city of Durham an election, at which all the 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 this act shall become law applicable to the city of Durham, and the board of aldermen of said city shall advertise said election for twenty (20) consecutive days prior to the holding of such election. Said advertisement shall be inserted in each newspaper published in said city. That said election shall be conducted in all things as are elections for mayor and aldermen under the present law, as nearly as may be.

Date for election on act.

Advertisement of election.

Law governing election.

SEC. 59. That at each voting precinct 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 Durham may vote a ballot on which there shall be printed or written the words "For New Charter," and each of those wishing to vote against the foregoing provisions becoming law applicable to the city of Durham may vote a ballot on which shall be printed or written the words "Against New Charter."

Ballot boxes.

Ballots.

SEC. 60. That the election officers for each precinct shall within six (6) hours from the time the polls are closed at said election count the ballots and certify the result to the mayor and the board of aldermen. The mayor and board of aldermen of the city of Durham shall within twenty-four (24) hours examine such certificate and formally declare whether a majority of those voting have voted "For New Charter" or "Against New Charter," and spread upon their minutes a record of their determination; and if it shall appear therefrom that a majority of those voting at such election have voted "For New Charter," the foregoing provisions and sections of this act of the proposed new charter and laws shall at once become effective and become law applicable to the city of Durham as herein provided.

Count of votes.

Canvass of returns.

Record of canvass.
Effect of election.

SEC. 61. That from and after the ratification of this act, as provided for herein, the same shall henceforth be known as the charter of the city of Durham, and all laws now constituting the charter of the city, to wit, chapter two hundred and thirty-five of the Private Laws of one thousand eight hundred and ninety-nine,

Charter of city.

Laws repealed.

as amended by chapter one hundred and seventy-eight of the Private Laws of one thousand nine hundred and one, and chapter three hundred and fifty-seven of the Private Laws of one thousand nine hundred and one, and chapter two hundred and eleven of the Private Laws of one thousand nine hundred and three, and chapter three hundred and sixty-five of the Private Laws of one thousand nine hundred and seven (excepting acts relating to the issue of bonds), are hereby repealed.

Laws repealed.

SEC. 62. That chapter two hundred and ninety-six of the Private Laws of one thousand nine hundred and nine, creating the police and fire commission, and all acts amendatory thereof, are hereby repealed, and said police and fire commission is hereby abolished, which repeal and abolishment shall become effective April twenty-eighth, one thousand nine hundred and fifteen: *Provided* this act shall be ratified by the electors of the city of Durham as provided for herein.

Ratified this the 23d day of February, A. D. 1915.

CHAPTER 90.

AN ACT TO ALLOW THE TAX COLLECTOR OF THE TOWN OF NEBO, McDOWELL COUNTY, TO COLLECT ALL BACK TAXES.

The General Assembly of North Carolina do enact:

Collection authorized.

SECTION 1. That the tax collector of the town of Nebo be and he is hereby empowered to collect all back taxes due said town of Nebo for the years nineteen hundred and ten, nineteen hundred and eleven, nineteen hundred and twelve, and nineteen hundred and thirteen.

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

Ratified this the 23d day of February, A. D. 1915.

CHAPTER 91.

AN ACT TO PROVIDE FOR THE ISSUE OF BONDS TO ERECT A HIGH SCHOOL BUILDING IN MACON SPECIAL-TAX SCHOOL DISTRICT IN THE COUNTY OF WARREN.

The General Assembly of North Carolina do enact:

Special committee.

SECTION 1. That the present Macon High School committee in Macon Special School-tax District in the county of Warren, State of North Carolina, A. F. Brame, T. E. Powell, and J. J. Harris, and

their successors in office, together with J. M. Coleman and W. G. Egerton, are hereby constituted a *special committee*, and as such are authorized and empowered to build and construct within the said district, which has heretofore been established as provided by law, a public high school building or buildings, to be used for the education of the citizenship of the said district or other parties, as the said committee may deem proper and as provided by the laws of the State of North Carolina.

Construction of building.

SEC. 2. That the said "special committee" heretofore provided are hereby authorized and empowered, by consent of a majority of the qualified voters in the said Macon Special-tax School District, which shall be obtained at an election to be held as hereinafter provided, to issue coupon bonds of the said Macon Special-tax School District in such denominations as said committee may deem proper, in a sum not to exceed ten thousand dollars, to be used in the construction of the aforesaid public high school building or buildings. The interest and coupons on said bonds shall be paid annually, and not exceed six per cent per annum; and the principal thereof payable and redeemable at such time or times, not less than twenty years from the date thereof, and at such place or places, as the said special committee may determine.

Bond issue by consent of voters.

Denominations.

Amount.

Interest.

Maturity.

SEC. 3. That upon request of the said committee provided in this act, or a majority of them, the board of county commissioners of said county of Warren are hereby authorized and empowered to order an election to be held in the said Macon Special-tax School District in the said county of Warren, at which said election there shall be submitted to the qualified voters of the said Macon Special-tax School District the question of issuing the bonds heretofore provided for. This said election shall be held in the way and manner provided for holding general elections in the said county of Warren, and shall not be held until the public shall have thirty days notice thereof in four public places in said district and in a newspaper published in the said county. Those voters who shall favor the issuing of said bonds shall vote a ballot upon which shall be written or printed "Bond Issue Approved," and those who shall oppose the issuing of said bonds shall vote a ballot upon which shall be written or printed "Bond Issue Not Approved." The registrar and poll-holders shall canvass the vote cast, declare the vote cast, and duly certify the returns to the said board of commissioners of Warren County, and the said returns shall be recorded in the records of the said board of commissioners.

County commissioners to order election.

Bond issue to be voted on.

Law governing election.

Notice of election.

Ballots.

Canvass and return of vote.

Records of returns.

SEC. 4. If a majority of the qualified voters of said Macon Special-tax School District shall authorize the issuing of said bonds at the election held in said district as above provided, then the said board of commissioners of Warren are hereby authorized and empowered to levy and collect a special tax upon all the taxable property and polls of the said Macon Special-tax School District

Special tax.

Deposit of fund.

Authentication of bonds.

Payment of interest and bonds.

in an amount sufficient to pay the interest and coupons on said bonds as the same may from time to time become due and payable and create a sinking fund for the payment of the principal of said bonds when the same shall become due, the amount of the said tax levy for the said purposes to be computed by the said board of county commissioners, and the fund aforesaid kept on time deposit by said board of commissioners in some reliable bank or banks in said county of Warren. The bonds and coupons herein provided for shall be signed by the chairman and secretary and treasurer of the said "special committee"; and the said chairman of the said special committee and the chairman of the board of commissioners of Warren County shall jointly pay from the special funds herein provided, which said funds shall be kept separate and apart from other county funds, the interest and coupons as the same may become due and the principal of said bonds at maturity thereof.

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

Ratified this the 24th day of February, A. D. 1915.

CHAPTER 92.

AN ACT TO ENLARGE THE BOUNDARIES OF THE CROUSE SPECIAL-TAX DISTRICT IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Boundary.

SECTION 1. That the boundaries of the Crouse Special-tax District in Lincoln County be enlarged so that the boundaries of said district shall be as follows: Beginning at Indian Creek where the Gaston County line crosses said creek, and runs east with Gaston County line near Mike Kiser's; thence north to Indian Creek; thence up said creek to a branch between the old Beattie farm and I. J. Sullican's; thence up said branch to the Beattie spring; thence a little northwest to the public road running from John Rudisill Manufacturing Company to the Lincolnton and King's Mountain public road near Jim Cornwell's, tapping said road halfway between Boyce Cornwell's and the public road bridge over the Seaboard Air Line Railroad; thence with said road halfway between Jim Cornwell's and the old John Cornwell house; thence nearly west to S. M. Leonhardt's store on the public road running from N. M. Dellinger's to Crouse; thence nearly west to the Flint Hill public road north of John Avery's; thence with said road to Leonard's Fork Creek; thence with said creek to Indian Creek; thence up Indian Creek to the beginning.

Date for tax election.

SEC. 2. That on the second Monday in April, one thousand nine hundred and fifteen, there shall be held in said district an election

to determine whether or not there shall be levied in the entire district the tax now by law authorized to be levied in the boundaries of the district as they existed prior to the passage of this act. The county commissioners of Lincoln County shall give four weeks notice of said election at the courthouse door and three other public places in said district and appoint the registrars as provided in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, and the election shall in other respects be conducted in the manner prescribed in said section four thousand one hundred and fifteen; but all qualified voters in the entire district as enlarged by this act shall be entitled to vote in said election. Those who are in favor of the enlargement of said district and the levy of said special tax shall vote a ballot on which shall be printed the words "For Special Tax" and those who are opposed shall vote a ballot on which shall be printed the words "Against Special Tax," and if a majority shall vote in favor of the special tax the same shall be annually levied and collected in the manner prescribed in said section four thousand one hundred and fifteen of the Revisal.

SEC. 3. In case a majority of the qualified voters shall vote against the special tax, then the territory added to said district by section one of this act shall not become a part of said district, but the tax heretofore voted and now annually levied in the district shall be levied just as though this act had not been passed.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 24th day of February, A. D. 1915.

CHAPTER 93.

AN ACT TO REPEAL CHAPTER 134 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1903, RELATIVE TO THE CORPORATE LIMITS OF THE TOWN OF SHALLOTTE IN THE COUNTY OF BRUNSWICK; AND TO RE-ENACT SECTION 2 OF CHAPTER 339 OF THE PRIVATE LAWS OF 1899.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-four of the Private Laws of one thousand nine hundred and three, being an act to amend chapter three hundred and thirty-nine, Private Laws of one thousand eight hundred and ninety-nine, be and the same is hereby repealed; and section two of chapter three hundred and thirty-nine, Private Laws of eighteen hundred and ninety-nine, is hereby reënacted.

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

Ratified this the 24th day of February, A. D. 1915.

CHAPTER 94.

AN ACT TO AMEND CHAPTER 935 OF THE PUBLIC LAWS OF 1907, THE SAID ACT BEING SECTION 2924 (a) OF PELL'S REVISAL OF 1908, RELATING TO LEVYING POLL TAX FOR THE CITY OF SOUTHPORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That chapter nine hundred and thirty-five (935) of the Public Laws of one thousand nine hundred and seven, the same being section two thousand nine hundred and twenty-four (a) of Pell's Revisal of one thousand nine hundred and eight, be and the same is hereby amended as follows, to-wit: Add after the word "Rowan" the words "and the city of Southport in Brunswick County."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 24th day of February, A. D. 1915.

CHAPTER 95.

AN ACT TO AMEND SECTION 1, CHAPTER 261, PRIVATE LAWS OF 1909, TO PROMOTE THE HEALTH IN THE TOWN OF BAKERSVILLE, MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Sewer outlets.

SECTION 1. That section one of chapter two hundred and sixty-one of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended as follows: Strike out the words "any flowing stream," in lines three and four of said section, and insert in lieu thereof the words "to the waters of Cane Creek."

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 24th day of February, A. D. 1915.

CHAPTER 96.

AN ACT TO RAISE MONEY BY LOCAL TAX TO SUPPORT SYLVAN HIGH SCHOOL IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Petition for election.

SECTION 1. That upon a petition of one-fourth of the freeholders of the Sylvan Graded School District, indorsed by the county board of education of Alamance County, the board of county commis-

sioners of said county, after thirty days notice at the courthouse door and three public places in the Sylvan Graded School District, shall hold an election in the said Sylvan Graded School District to ascertain the will of the people within the said school district whether there shall be levied in said Sylvan School District a special annual tax of not more than twenty cents on one hundred dollars valuation of property and sixty cents on each poll to support and help maintain the said Sylvan High School in case such tax is voted. The board of county commissioners shall appoint a registrar and two poll-holders, and shall designate a polling place and order a new registration for such district, and the election shall be held in the district under the law governing general elections, as near as may be, and the registrar and poll-holders shall canvass the vote cast and declare the result, and shall duly certify the returns to the board of county commissioners, and the same shall be recorded in the records of the said board of commissioners: *Provided*, the expense of holding the said election shall be paid out of the general school fund of the county. At such election those who vote in favor of the levy and collection of the tax shall vote a ticket on which shall be printed or written the words "For High School Tax" and those who are opposed shall vote a ticket on which shall be printed or written the words "Against High School Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this act shall, upon collection, be placed by the county treasurer to the credit of the committee of said high school.

SEC. 2. That all money levied and collected under the provisions of this act shall be exclusively for high school purposes, and no part of this act shall add to or take from or in any way affect the provisions of the act providing for local tax to support the elementary school in the said Sylvan District.

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

Ratified this the 24th day of February, A. D. 1915.

CHAPTER 97.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN RED OAK SCHOOL DISTRICT AND OAK GROVE SCHOOL DISTRICT IN THE COUNTY OF NASH.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between Red Oak School District and Oak Grove School District in Nash County shall be as follows: Beginning at R. L. May's southwestern corner in J. W. Boundary.

Notice of election.

Tax to be voted on.

Election officers and polling place.

New registration. Law governing election.

Canvass and return of vote.

Record of returns.

Proviso: expense of election. Tickets.

Effect of election.

Tax exclusively for high schools. Elementary school.

Moore's eastern line; thence along the various courses of R. L. May's southern, eastern, and northern lines to his northern corner in the southern line of R. H. Whitfield's Crocker place, it being all the land now in the possession of said R. L. May in Red Oak Township: *Provided*, that this act shall be approved and ordered by the county board of education of Nash County.

Proviso: approval of county board.

SEC. 2. That all laws and clauses of laws contrary to the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from date of ratification.

Ratified this the 24th day of February, A. D. 1915.

CHAPTER 98.

AN ACT TO AUTHORIZE THE LEVY AND COLLECTION OF AN ADDITIONAL TAX FOR THE PURPOSE OF IMPROVING AND MAINTAINING THE PUBLIC SCHOOLS IN BUCKHORN SCHOOL DISTRICT, No. 3, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of increasing the annual special tax for school purposes in Special-tax School District, Number Three, Buckhorn Township, Wake County, North Carolina, the school committee, or a majority of them, of the said district may apply to the board of county commissioners of Wake County, asking that an additional tax of ten cents on the one hundred dollars of property and thirty cents on the poll be annually levied and collected in said district for the purpose of improving and maintaining the public schools in said district. Said application shall be made at any time within four 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 school committee, 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 the schoolhouse for the white race in said district. Said election shall be held under rules and regulations of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five and the acts of the General Assembly amendatory thereto: *Provided*, a petition to the county commissioners for this election shall be signed by one-fourth of the freeholders of the district.

School committee may apply for increase.

Time for application.

County commissioners to call election.

Polling place.

Law governing election.

Proviso: petition to be signed by one-fourth of voters.

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 voters in said district,

notice of which shall be given by advertisement once a week for four consecutive weeks in some newspaper published in Wake County, said publication to begin not later than the day on which the books are opened for registration of voters, and by posting a notice at three other public places in said district.

Notice of registration.

SEC. 3. That at said election those who are in favor of the levy and collection of said additional tax shall vote a ballot on which shall be written or printed the words "For Additional School Tax" and those who are opposed to the levy and collection of said additional tax shall vote a ballot on which shall be written or printed the words "Against Additional School Tax."

Ballots.

SEC. 4. That the number of votes cast for and against said additional tax shall be deposited in a special box, and the registrar and poll-holders shall canvass the vote cast and declare the result, and shall duly certify the returns to the board of county commissioners, and the same shall be recorded in the records of said board of commissioners. If at said election a majority of the qualified voters of said district shall vote "For Additional School Tax," the said board of county commissioners shall thereafter annually levy said additional tax hereinbefore mentioned in said district in the manner prescribed by law for the levying of school taxes, and when collected shall be appropriated and applied to the improvement and maintenance of the public schools in said district.

Canvass and return of votes.

Record of returns.
Effect of election.

SEC. 5. That if a majority of said qualified voters shall not vote for said additional tax, then other elections shall, upon application by said school committee, or a majority of the same, be thereafter held under this act: *Provided*, said elections shall not be held oftener than once a year.

Further elections.

SEC. 6. That this act shall not be construed to release or to repeal or in any manner interfere with any annual taxes heretofore voted by said district for school purposes.

Present taxes not released.

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

Ratified this the 24th day of February, A. D. 1915.

CHAPTER 99.

AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS FOR SELMA GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of raising money for purchase of site or sites and to build and equip a graded school building or buildings for Selma Graded School District, the board of trustees of Selma Graded School District is hereby authorized and

Purpose of bond issue.

Bond issue authorized.

Amount, maturity, interest.	empowered to issue bonds to an amount not exceeding forty thousand dollars, thirty-year, five per cent coupon bonds, interest payable semiannually on the first day of January and July in each year, said bonds and interest coupons to be payable at such place or places as may be designated by the said board of trustees. Said bonds shall be signed by the chairman and attested by the secretary, and the corporate seal of said board of trustees shall be attached, and the coupons on and attached to said bonds shall bear the printed facsimile of the signatures of the chairman and secretary of said board of trustees.
Authentication.	
Sales below par forbidden. Specific appropriation of proceeds. Purchasers not liable for diversion.	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 other than mentioned in this act. By this provision, however, no duty is imposed on the purchaser of said bonds to see how the proceeds of the bonds purchased by them shall be applied, this provision only applying to the officers of said Selma Graded School District. Said bonds shall be exempt from all taxation for county and municipal purposes.
Exemption from county and town tax.	
Special tax.	SEC. 3. That for the purpose of paying the interest on said bonds and providing a sinking fund for their retirement at maturity the board of county commissioners for the county of Johnston is hereby authorized and empowered to annually levy upon all taxable property within said district a special tax sufficient to pay the accruing interest upon said bonds and provide a sinking fund for their retirement at maturity, which levy for sinking fund shall in each year not be less than ten cents on the one hundred dollars valuation of property and thirty cents on the poll; the taxes herein provided for shall be extended as other taxes are extended and collected by the sheriff of Johnston County and paid to the treasurer of Selma 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, and shall be designated as "Selma Graded School Bond Fund"; from said funds or from other funds of the district said treasurer shall pay the interest upon said bonds as the same shall accrue, and that part not necessary for payment of such interest shall be by him set aside to the sinking fund, which shall from time to time be turned over by him to the treasurer of the sinking fund of Selma Graded School District hereinafter provided for, whose receipt shall relieve the treasurer of Selma Graded School District of all further liability regarding the same.
Minimum of tax.	
Collection and settlement.	
Taxes kept separate.	
Payment of interest.	
Settlement of sinking fund.	
Treasurer of sinking fund.	SEC. 4. That upon the ratification of this act by the electors of Selma Graded School District the trustees of said district shall appoint a treasurer, who shall be an individual, bank, or trust company, of the sinking fund of Selma Graded School District, whose duty it shall be to receive and properly account for all funds turned over to him or them by the treasurer of Selma Graded School District, together with four per cent interest thereon, pay-
Interest on sinking fund.	

able semiannually from and after thirty days after receipt of the same from the treasurer of said district. The treasurer of said sinking fund shall give bond in the sum of one thousand dollars before he or they enter upon the discharge of his or their duties, conditioned upon the faithful performance of his or their duties and the accounting for all moneys received by him or them, with interest as herein provided. The said treasurer shall annually thereafter be elected by the board of trustees of Selma Graded School District and shall give bond in double the amount of money on hand and which is estimated would be received during his or their term.

SEC. 5. That before the bonds provided for herein shall be issued this act shall be submitted to the qualified voters of Selma Graded School District for their approval or rejection by the board of county commissioners of Johnston County at an election to be held in said district at such time as may be designated in the 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 the same. Each voter who shall be in favor of issuing the bonds and paying and collecting the tax herein provided for shall cast a ballot upon which shall be written or printed the words "For Bonds." Each voter who shall be opposed to issuing said bonds and levying and collecting said tax herein provided for shall cast a ballot upon which shall be written or printed the words "Against Bonds." The number of ballots cast at such election shall be counted and the result certified to the register of deeds of Johnston County, who shall furnish to the chairman of the board of trustees of Selma 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 as by law required in cases of special elections.

SEC. 6. That said election shall be conducted under the same rules, regulations, and penalties as are provided by law for the election of members of the General Assembly, except that the registrar and poll-holders 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 laws of the State of all voters who are entitled to register in Selma Graded School District, and only such persons who register under the provisions of this act shall be entitled to vote in said election.

SEC. 7. If at the election herein provided for a majority of the qualified voters shall vote "For Bonds," then the board of trustees of Selma Graded School District shall proceed to issue and sell the bonds in this act provided for, or so many thereof as may in their

Bond for accounting.

Act submitted to election.

Notice of election.

Ballots.

Count of votes and certificate of result.

Record of certificate.

Law governing election.

New registration.

Issue and sale of bonds.

Denominations. judgment be necessary, in such denominations as may be fixed by said board for the purposes aforesaid.

Use of proceeds of bonds. SEC. 8. That in the event said bonds are issued as provided herein, the proceeds derived from the sale thereof shall be issued by the trustees aforesaid for the purpose of purchasing a site or sites for school buildings in said district, or purchasing additional ground for the same, and the erection thereon of a suitable building or buildings, and to equip and furnish the same for the use of the graded schools of said district. And the said board of trustees are fully authorized and empowered, in the event said bonds are authorized by the election herein provided for, to sell or exchange the present site and buildings thereon, if in their discretion it will best promote the school interests of said district, said sale to be effected by public or private sale, and the proceeds derived from such sale or exchange shall be reinvested in the purchase of a new site and the erection of buildings thereon, supplementary to the funds derived from the sale of the bonds aforesaid.

Sale or exchange of site and buildings.

Bonds not issued. SEC. 9. Should a majority of the qualified voters voting in any election held under the provisions of this act vote ballots "Against Bonds," then in that event no bonds shall be issued thereunder: *Provided*, that if such election shall be "Against Bonds" it shall not exhaust the powers of said board of county commissioners, upon petition of the graded school trustees aforesaid, to order and conduct a second election at any time within five years on the same proposition; and if at any such subsequent election a majority of the qualified voters shall vote "For Bonds," then and in that event said bonds may be issued and tax levied and collected as herein provided as if no prior election had been held.

Proviso: second election.

Tax for maintenance of school. SEC. 10. That the tax herein provided for shall in no wise affect the special tax levied for maintaining said school.

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 24th day of February, A. D. 1915.

CHAPTER 100.

AN ACT TO CORRECT ERRORS IN THE BOUNDARIES IN THE CORPORATE LIMITS OF THE TOWN OF ALBEMARLE, AS CONTAINED IN SECTION 1, CHAPTER 337, PRIVATE LAWS OF 1911, AND TO AUTHORIZE THE TOWN TO ISSUE BONDS.

Preamble. Whereas the town of Albemarle has recently had an accurate survey made of the corporate limits of said town, and granite blocks placed at each corner, and an accurate map made of the

town and its boundaries; and whereas it appears from said survey Preamble.
 that there are several small errors in the former boundaries of
 said town, as given in chapter three hundred and thirty-seven.
 Private Laws of one thousand nine hundred and eleven, and one
 line entirely omitted from said boundaries; and whereas it is the Preamble.
 purpose of this bill to correct said errors and to make the bound-
 aries conform to said accurate survey, the commissioners of said
 town have asked that the following bill be passed by the Legisla-
 ture now in session, to wit:

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter three hundred and thirty-
 seven, Private Laws of one thousand nine hundred and eleven, be
 stricken out and the following enacted in lieu thereof:

The corporate limits of the town of Albemarle shall be as fol- Corporate limits.
 lows, to wit: Beginning at an iron pin, the center of the square of
 the town of Albemarle, and thence runs S. 2-00-36 W. with Second
 Street to the crossing at South Street; thence the same course con-
 tinued, in all, 2195.0 feet, to a granite monument on the west side
 of First Street; thence N. 88-22-23 W. 1350.0 feet, crossing South-
 ern Railroad and Southbound Railroad, to a granite monument in
 the bottom-lands of Poplin Creek; thence N. 35-34-00 W. 1587.70
 feet, crossing Little Long Creek, to a granite monument in the old
 Concord road; thence with the said road N. 41-51-37 W. 272.00 feet
 to a granite monument in road; thence with road N. 56-54-37 W.
 814.4 feet to the intersection of the Concord and Charlotte roads;
 thence with present Concord road N. 47-35-37 W. 422.0 feet; thence
 continuing with said road N. 49-36-37 W. 428.1 feet to the center
 of said road opposite a granite monument on the east side of road;
 thence N. 73-56-09 E. parallel with Lowder Street and 200.0 feet
 north of said street 1468.36 feet to a granite monument on the
 west side of Broom Street; thence N. 79-17-07 E., crossing Little
 Long Creek and the Winston-Salem Southbound Railroad, 1156.79
 feet to a granite monument near southwest corner of Efir Mill,
 number one; thence N. 2-00-36 E. through Efir Mill, number one,
 parallel with Second Street, along the west side of Southbound
 Railroad 2350.63 feet to a granite monument at the upper entrance
 tower of the Wiscassett Mills; thence parallel with North Street
 S. 88-05-23 E., crossing Southern Railroad, through the Wiscassett
 Mill hill and new village 5280.0 feet to a granite monument, the
 northeast corner; thence S. 25-37-23 E. through the Mantel Fac-
 tory, crossing the Troy and Badin road, 2376.0 feet to a granite
 monument; thence S. 57-22-37 W. 2640.0 feet to a granite monu-
 ment on the north side of Kingsville road; thence N. 81-37-23 W.
 594.0 feet to a granite monument on the south side of Kingsville
 road; thence S. 35-22-37 W. 2310.0 feet to a granite monument on
 the east side of Fourth Street between Park and Summit avenues;

thence parallel with South Street N. 88-22-23 W. 1010.0 feet to a granite monument on the west side of First Street. The above courses are taken from the true meridian as taken from the North Star.

Bond issue authorized.

SEC. 2. The board of commissioners of the town of Albemarle are hereby authorized and empowered to issue coupon bonds of said town for street improvements, sewerage, lights, and water, which are hereby declared necessary expenses of the town, in such amounts as they may deem necessary, not to exceed the sum of seventy-five thousand dollars, as provided in article seven, section seven, of the Constitution, without submitting same to a vote of the people; they are also authorized and empowered to issue coupon bonds of said town in such amounts as they may consider necessary for other purposes after the question of issuing said bonds is first submitted to and ratified by a majority of qualified voters of said town. In submitting same to a vote of the people, the same rules and regulations shall be followed as is provided for holding elections and issuing bonds by said town under sections thirty-six to forty-three, inclusive, of chapter seven, Private Laws of one thousand nine hundred and seven.

Limit of amount.

Bond issue ratified by qualified voters.

Law governing elections.

Special tax.

SEC. 3. When any bonds are issued as provided in section two of this act, the said town of Albemarle is hereby authorized, empowered, and directed to levy, collect, and appropriate annually a special tax of sufficient rate and amount to pay the interest on all the said bonds as it becomes due, and the principal thereof at maturity.

Claims presented before suit brought.

SEC. 4. That all persons having claims against the town of Albemarle, of whatever nature or kind, shall first present the same to the board of commissioners of the town of Albemarle for payment at least sixty days before any suit shall be entered or maintained upon said claim: *Provided, however*, that the provisions of this section shall not apply to any actions now pending.

Proviso: actions pending.

SEC. 5. That all laws or clauses of law in conflict with this act be and the same are hereby repealed.

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

Ratified this the 24th day of February, A. D. 1915.

CHAPTER 101.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF GOLDSBORO TO CONDEMN LAND.

The General Assembly of North Carolina do enact:

Power to condemn land.

SECTION 1. If at any time the board of aldermen of the city of Goldsboro should need to purchase land for any public use of said city, and cannot agree with the owner of any such land as to the

price to be paid therefor, the board of aldermen of the city of Goldsboro is authorized and empowered to condemn any such land; and the proceedings for such condemnation shall be those as prescribed in chapter sixty-one of the Revisal of nineteen hundred and five, and laws amendatory thereto. Procedure.

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

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 102.

AN ACT TO AUTHORIZE THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF SOUTHERN PINES TO SUBMIT TO THE QUALIFIED VOTERS IN SAID TOWN THE QUESTION OF ISSUING BONDS FOR THE IMPROVEMENT OF THE STREETS, WATER-WORKS, ERECTION OF MUNICIPAL BUILDING AND JAIL IN SAID TOWN, AND LEVYING TAXES FOR PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners of the town of Southern Pines, Moore County, are hereby authorized and empowered, and it shall be their duty, to submit to the qualified voters residing in said town, at the general election to be held for the purpose of electing officers for the town on the first Tuesday after the first Monday in May, A. D. one thousand nine hundred and fifteen, at the regular polling places in said town, the question of issuing bonds to an amount not exceeding twenty thousand dollars, for the purpose of improving the streets, water-works system, and the erection of a municipal building and jail and paying off and discharging the indebtedness heretofore incurred for such purpose, under the provisions hereinafter named in this act, and levying and collecting annually a special tax to provide for the payment of the principal and interest on said bonds when due. The said election shall be advertised by the board of town commissioners for thirty days prior to said election in some newspaper published in said town, and held under the same rules and regulations prescribed for the election of municipal officers of said town in the charter of said town and the acts supplemental and amendatory thereto; and at said election all electors favoring said bond issue shall vote a ticket with the words "For Improvement Bonds" thereon, and all who oppose said bond issue shall vote a written or printed ticket with the words "Against

Town commissioners to submit question of bond issue.

Vote at general election.

Limit of amount.

Purpose of issue.

Advertisement of election.

Law governing election.

Tickets.

Ballot box.	Improvement Bonds" thereon. Said ballots shall be cast in a separate ballot box to be provided for the purpose, and the results of the election shall be ascertained by the judges of election at said polling place or places and certified and returned by them to the board of town commissioners within two days, who shall verify such return and cause the same to be recorded in their minutes, and shall also make return of said result, under the signature of the mayor and town clerk of said town, to the register of deeds for Moore County, who shall duly record the same.
Count and return of votes.	
Verification and record of returns.	SEC. 2. That if at said election a majority of the ballots cast be "For Improvement Bonds," the board of town commissioners for the town of Southern Pines is hereby authorized and empowered to issue and sell at public or private sale, as in its discretion it may deem for the best interests of said town, not exceeding twenty thousand dollars in bonds, in denominations of not less than one hundred dollars and not more than one thousand dollars, bearing date of June first, one thousand nine hundred and fifteen, and maturing not less than twenty nor more than thirty years from date of issue. Said bonds shall be executed in the corporate name of the town of Southern Pines, under its corporate seal, signed by the mayor and attested by the town clerk of said town, and shall bear interest at a rate to be fixed by said board of town commissioners, not exceeding six per centum per annum, evidenced by coupons attached thereto: said coupons shall bear upon their face the lithographed signatures of the mayor and town clerk of said town, and become due and payable at such time and place as said board of town commissioners, in its discretion, may determine. Said bonds shall bear upon their face reference to this act and that they are issued hereunder.
Issue and sale of bonds.	
Limit of amount.	SEC. 3. That the proceeds derived from the sale of said bonds shall be used for the purpose of improving the streets and water-works system and the erection of a municipal building and jail in said town, and in paying off and funding the necessary expenses of said town incurred in the improvement and repair of said streets and water-works system, and for no other purpose: <i>Provided, however,</i> that none of the bonds authorized by this act shall be disposed of by sale, hypothecation, or otherwise, for a less price than par and accrued interest: <i>Provided further,</i> that the purchaser of any of said bonds shall not be required to see to the application of said funds, or any part thereof. A record shall be kept by said board of town commissioners, in its minute-book, setting forth the amount of bonds issued and sold, the date of sale, to whom sold, the number of bonds, denomination and date of maturity thereof and the price received therefor.
Denominations.	
Maturity.	SEC. 4. That for the purpose of paying the interest and creating a sinking fund for the payment of the principal of said bonds when the same shall become due and payable, the said board of
Authentication.	
Interest.	
Specific appropriation of proceeds.	
Proviso: sale below par forbidden.	
Proviso: purchaser not bound for application.	
Record of bonds.	
Special tax.	

town commissioners is hereby authorized and empowered, and it shall be their duty, to levy and collect annually, in addition to all other taxes in said town, a special tax not exceeding thirty-five cents on each hundred dollars valuation within the corporate limits on real and personal property subject to taxation; said tax shall be levied and collected in like manner and at the same time as other town taxes. Limit of rate.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of 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 the 25th day of February, A. D. 1915.

CHAPTER 103.

AN ACT REGULATING THE ELECTION OF THE BOARD OF TRUSTEES OF THE ROXBORO GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That at the regular meeting of the board of commissioners of the town of Roxboro to be held in December, one thousand nine hundred and fifteen, the said board of commissioners shall elect a board of trustees for the Roxboro Graded School District, whose terms of office shall begin on January first, one thousand nine hundred and sixteen. Town commissioners to elect trustees.
Time of election.
Beginning of term.

SEC. 2. That two of said trustees so elected shall serve for a term of one year, two for a term of two years, and three for a term of three years. That thereafter, at the regular meeting of said board of town commissioners in December of each year, the successors of said trustees shall be elected by said board of town commissioners as the terms of said trustees shall expire, and said successors so elected shall serve for a term of three years. That in case of a vacancy in said board of trustees occasioned by death, resignation, or other cause, the other members of said board shall elect to fill said vacancy, and the person so elected shall serve out the unexpired term of his predecessor. Term of trustees.
Election of successors.
Vacancies.

SEC. 3. That the terms of the present members of the board of trustees of the Roxboro Graded School District shall expire upon the election and qualification of the trustees for said district as provided for in section one of this act. Terms of present trustees to expire.

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 25th day of February, A. D. 1915.

CHAPTER 104.

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE TOWN OF WHITEVILLE TO APPOINT A CONSTABLE FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Act amended.

SECTION 1. That chapter two hundred and sixty-seven, Private Laws of North Carolina, session one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of Whiteville, in Columbus County," be amended by striking out the word "constable" in line two of section three of said chapter two hundred and sixty-seven, and by striking out the word "constable" in line one of section four of said chapter two hundred and sixty-seven, and by striking out the word "constable" in line two of section nine of said chapter two hundred and sixty-seven, and by striking out the word "constable" in line three of section eleven in said chapter two hundred and sixty-seven.

Commissioners to appoint constable.

SEC. 2. That section seventeen of said chapter two hundred and sixty-seven be amended by adding to the end of said section seventeen the words, "commissioners of the town of Whiteville shall appoint a constable for said town of Whiteville."

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1915.

CHAPTER 105.

AN ACT TO AUTHORIZE THE DISINTERMENT AND REMOVAL OF CERTAIN DEAD BODIES FROM THE PRIVATE PROPERTY OF R. O. COTTER, IN SMITHFIELD, AND THE REINTERMENT THEREOF IN THE TOWN CEMETERY.

Preamble.

Whereas a number of dead bodies, comprising largely members of the family of the late John Thomas, colored, were years ago buried on a quarter of an acre lot near the present residence of R. O. Cotter, at Smithfield; and whereas the lands of said R. O. Cotter wholly surround said private burial ground, which constitutes a serious objection to the said Cotter family; and whereas there is situate in said town a public burial ground for colored people, adjacent to which the said R. O. Cotter has conveyed and sold to the proper authorities a quarter of an acre of land suitable for the interment of the dead bodies aforesaid: Now, therefore,

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That R. O. Cotter, of Smithfield, is hereby authorized to disinter and remove all dead bodies and the remains thereof from the private lot or burial ground situate near his residence, and wholly surrounded by his lands in Smithfield, and decently bury and reinter the same in the lot aforesaid adjoining the cemetery for colored people in Smithfield.

Disinterment and removal authorized.

Reinvestment.

SEC. 2. That the said disinterment, removal, and reinterment of the bodies and remains aforesaid shall be done at the expense of said R. O. Cotter; and before exercising the right conferred upon him in section one of this act, the said R. O. Cotter shall give notice of his intentions to the board of health of the town of Smithfield, which shall direct and superintend the removal of the bodies and remains without needless danger to the health of the inhabitants of the town of Smithfield.

Expense of removal.

Board of health to superintend removal.

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 26th day of February, A. D. 1915.

CHAPTER 106.
AN ACT FOR THE RELIEF OF J. S. COWAN, TAX COLLECTOR OF THE TOWN OF HAZLEWOOD.
The General Assembly of North Carolina do enact:

SECTION 1. That J. S. Cowan, tax collector for the town of Hazlewood, in the county of Haywood, be and he is hereby authorized and empowered to collect all arrears in taxes due the town of Hazlewood for the years nineteen hundred and eleven, nineteen hundred and twelve, and nineteen hundred and thirteen, with full power to levy, distrain, and sell for the collection thereof, or any part of same, in the same manner and to the same extent as authorized by the laws of such respective years for the collection of taxes.

Collection of arrears authorized.

Years.

SEC. 2. That the power and authority herein granted shall expire on the thirty-first day of December, one thousand nine hundred and fifteen.

Expiration of power.

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 107.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF GOLDSBORO TO MAKE A YEARLY BUDGET.

The General Assembly of North Carolina do enact:

Fiscal year.

SECTION 1. That the fiscal year of the city of Goldsboro shall hereafter be from May first to April thirtieth, inclusive.

Publication of financial statement.

SEC. 2. That the board of aldermen of the city of Goldsboro, on or before the first Monday of May in each year, shall prepare and have published a financial statement of all receipts and disbursements of the general fund and the water department of said city; this statement shall be made up of all receipts and disbursements of each department of said city. The annual financial reports of the commissioner of the sinking fund and the commissioner of the electric light fund of said city shall be made and published at the same time.

Reports of sinking fund and electric light fund.

Preparation and adoption of budget.

SEC. 3. For the purpose of efficiently distributing and disbursing the receipts annually coming into the city treasury, a budget shall be prepared and passed by the board of aldermen of said city during the month of May of each year; such budget to be passed by the board of aldermen after the first Monday in May of each year, and the same shall include the total estimated receipts for the current year, to be derived from all sources, which are credited to the general fund of said city; said budget shall also include the estimated disbursement for the current year from all funds credited to the general fund. Said disbursements shall include the amount to be appropriated for each department of said city. This budget, when passed, cannot be changed except at a regular meeting of said board upon a two-thirds vote of the board.

Change of budget.

SEC. 4. That all laws, clauses or parts 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 26th day of February, A. D. 1915.

CHAPTER 108.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A CHARTER COMMITTEE IN THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

Purpose of appointment.

SECTION 1. That for the purpose of investigating and promoting an amended or new form of government for the city of Goldsboro there shall be a committee appointed to be known as "The Charter

Official entitlement.

Committee of the City of Goldsboro," whose membership shall be constituted in the following manner: The mayor of the city of Goldsboro is authorized and directed, in the month of April, nineteen hundred and fifteen, to appoint three members of the board of aldermen of the city of Goldsboro and two citizens of said city, and in the month of June, nineteen hundred and fifteen, to appoint three members of the board of aldermen of said city and two citizens of said city, on said charter committee; and the chamber of commerce of the city of Goldsboro is authorized and directed, in the month of June, nineteen hundred and fifteen, to appoint five members of said chamber of commerce on said charter committee, which fifteen persons when so appointed shall constitute "The Charter Committee of the City of Goldsboro."

SEC. 2. That it shall be the duty of said charter committee of the city of Goldsboro to investigate the several forms of municipal government, and from time to time to hold public meetings in the city of Goldsboro for the purpose of discussing an amended or new form of government for the city of Goldsboro; and after such investigation and public discussion, and prior to January first, nineteen hundred and seventeen, said committee shall draft, or cause to be drafted, a new charter for the city of Goldsboro, which shall contain an amended or new form of government for said city, and which shall be presented, for enactment, to the General Assembly of North Carolina at its regular session for nineteen hundred and seventeen; such new charter, when passed by said General Assembly, to be submitted to a vote of the qualified voters of the city of Goldsboro for ratification at an election to be held for that purpose in said city of Goldsboro after the ratification of the act containing said new charter and prior to March thirty-first, nineteen hundred and seventeen.

SEC. 3. That all laws, clauses or parts 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 26th day of February, A. D. 1915.

CHAPTER 109.

AN ACT TO AMEND THE CHARTER OF PINE BLUFF OF MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventy-four of the Private Laws of one thousand nine hundred and thirteen be amended as follows: That the words "school committee" in the first line of section four shall be stricken out.

Appointments.

Committee to investigate plans of government.

New charter.

Ratification by voters.

Qualification for office.

- Beginning of term. SEC. 2. That the words "first Monday in June succeeding their election," in line five of section four, be stricken out and the words "from the date of their appointment or election" be inserted in lieu thereof.
- Vacancies. SEC. 3. That the words "and in case of a vacancy in any office, elective or appointive, the commissioners shall fill the vacancy" shall be inserted after the word "vacancy" in line sixteen of section five.
- List taker. SEC. 4. That the words "tax lister" in line three, section twelve, be stricken out and the words "list taker" be inserted in lieu thereof.
- Term of appointive officers. SEC. 5. That the words "shall hold office during the term of the board of commissioners which elects them and until their successors shall be elected and qualified, and," in lines five, six, seven, and eight, section twelve, be stricken out.
- Deposit of sinking fund. SEC. 6. That the word "or" shall be inserted in line ten, section twenty-six, before the word "shall."
- SEC. 7. That all laws and clauses of laws, so far as they are in conflict with this act, are hereby repealed.
- SEC. 8. That this act shall be in force from and after its ratification.
- Ratified this the 26th day of February, A. D. 1915.

CHAPTER 110.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WAGRAM, SCOTLAND COUNTY, NORTH CAROLINA, CHAPTER 161, SECTION 5, OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1911.

The General Assembly of North Carolina do enact:

- SECTION 1. That section five of chapter one hundred and sixty-one of the Private Laws of North Carolina, session one thousand nine hundred and eleven, entitled "An act to incorporate the town of Wagram, in Scotland County, North Carolina," be and the same is hereby amended by adding to said section, after the word "fires" in line seven of said section and before the word "make" in line seven of said section, the following: "to designate, define, and establish fire limits in said town and to prohibit by ordinance the erection of wooden buildings and structures, or buildings or structures of other inflammable materials, within said fire limits; and to enact ordinances for the protection of the property of the citizens of said town against fire, not inconsistent with the general laws of the State of North Carolina: *Provided, however,* that this
- Fire limits.
- Fire ordinances.
- Proviso: action discretionary.

section shall not be construed so as to mean that the commissioners or other governing body of said town shall be compelled to establish such fire limits or to enact such ordinances."

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 111.

AN ACT TO AMEND CHAPTER 306 OF THE PRIVATE LAWS OF 1913, REGULAR SESSION, ENTITLED "AN ACT TO MAKE PERMANENT THE PROCEEDS DERIVED FROM THE SALE OF THE ELECTRIC LIGHT PLANT OF THE CITY OF GOLDSBORO."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and six of the Private Laws of the General Assembly of North Carolina of one thousand nine hundred and thirteen, regular session, entitled "An act to make permanent the proceeds derived from the sale of the electric light plant of the city of Goldsboro," be and the same is hereby amended by repealing and striking out sections one and two of said act and enacting in lieu thereof the following: That, as heretofore, the money derived from the sale of the electric light plant of the city of Goldsboro to Carolina Power and Light Company shall be known and termed as "The Electric Light Fund." That the board of aldermen of the city of Goldsboro shall within thirty days after the ratification of this act and every four years thereafter appoint some suitable person, to be styled and known as "Commissioner of the Electric Light Fund of the City of Goldsboro," who shall hold his office for a period of four years from the date of his appointment and until his successor is appointed and qualified. That all uninvested money derived from the sale of the electric light plant of the city of Goldsboro to Carolina Power and Light Company, together with all the notes, bonds, mortgages, and securities on which the balance of the money derived from said sale has been loaned, shall be turned over and delivered to the commissioner of the electric light fund by the city treasurer and city clerk as soon as such commissioner is appointed and qualified. It shall be the duty of the commissioner of the electric light fund to safeguard said fund, its loans and securities, and make due investments of said fund: no investment, however, shall be made by said commissioner unless he shall have first secured the written approval so to do from a majority of the finance committee of the board of aldermen of said city. It shall be the duty of said com-

The electric light fund.

Commissioner of the electric light fund of the city of Goldsboro.

Funds and investments to be delivered to commissioner.

Duty of commissioner.

Finance committee to approve investments.

Collection of interest.

missioner to collect the interest from all investments made from said fund, whether or not such investments were made prior to or after his appointment; and all interest derived from all investments of said fund shall be turned over the first of each month by said commissioner to the city treasurer, and all such interest shall be used for no purpose other than for municipal lighting in said city; and said "Electric Light Fund" shall not be diverted to or used for any other purpose until July first, one thousand nine hundred and twenty-two, and then only by a vote of a majority of the qualified voters of the city of Goldsboro. The uninvested cash money of said fund shall be deposited in such banks in said city as the board of aldermen may determine. Said commissioner shall give such bond for the faithful performance of his duties, make such reports and statements, and receive such compensation as the board of aldermen of said city may determine.

Specific appropriation.

Diversion forbidden.

Deposit of cash.

Commissioner to give bond.

Loan or use of fund by city forbidden.

SEC. 2. That said commissioner shall not lend any of said fund to the city of Goldsboro, nor shall any part thereof be used in defraying any of the expenses for the government of said city.

SEC. 3. That all laws, clauses or parts 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 26th day of February, A. D. 1915.

CHAPTER 112.

AN ACT TO AMEND CHAPTER 442 OF THE PRIVATE LAWS OF 1911, ESTABLISHING A BOARD OF TRUSTEES OF THE ORIENTAL GRADED SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven, chapter four hundred and forty-two of the Private Laws of one thousand nine hundred and eleven, be amended to read as follows: That said taxes shall be collected by the sheriff or tax collector of Pamlico County at a time and in a 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 the board of graded school trustees of Oriental, who shall keep the funds levied from said taxes separate from all other funds. The said treasurer shall pay out said taxes and any other funds that may come into his hands for the use of said graded school only upon warrant of the chairman and secretary of said graded school trustees, said warrants shall also be approved by the county superintendent of public instruction in the manner now provided by law for the approval of other warrants.

Collection and settlement of taxes.

Taxes kept separate. Warrants on fund.

The said taxes so levied and collected shall be applied to the payment of the interest on said bonds as it shall become due, and the balance shall constitute a sinking fund for the payment of said bonds at maturity, which fund shall be invested by the treasurer of the board of graded school trustees, under the direction of said board with the approval of the county superintendent of public instruction: *Provided*, that all bonds hereafter executed by such sheriff or tax collector and treasurer of Oriental Graded School trustees for the faithful paying over of said taxes on the part of sheriff or tax collector and for the safe keeping and proper disbursement of same on the part of said treasurer, shall be in an amount sufficient to cover the taxes provided for in this act.

SEC. 2. That the board of county commissioners of Pamlico County shall cause to be paid to the treasurer of the board of graded school trustees of Oriental, by the first Monday in March, one thousand nine hundred and fifteen, such sum as is now due the Oriental Graded School District of the money that was collected in that district of the levy that was authorized to be collected under section six of chapter four hundred and forty-two of the Private Laws of one thousand nine hundred and eleven.

SEC. 3. That the board of trustees of the Oriental Graded Schools shall meet the first day of March, one thousand nine hundred and fifteen, and again the second Monday in July, one thousand nine hundred and fifteen, and annually thereafter, and elect one of their members chairman, one secretary, and one treasurer, and shall require their treasurer to give sufficient bond for the safe keeping of all moneys that may come into his hands by or under this act. The said treasurer shall have in charge the funds of the district for the payment of the interest and the establishment of a sinking fund heretofore provided, and whose receipt for all money shall be a sufficient voucher in the hands of all persons paying the same. The said treasurer shall make annual statement to the board of trustees, and shall furnish a copy of the same to the board of education of Pamlico County, of the receipts and disbursements of all moneys that come into his hands by and under the provisions of this act. The books and vouchers of the said treasurer shall be open to the inspection of the said trustees and the county superintendent at all times.

SEC. 4. That a properly certified copy of this act, under seal of the Secretary of State of North Carolina, shall be furnished the board of county commissioners of Pamlico County and a copy sent to the secretary of the Oriental Graded School Trustees.

SEC. 5. That all laws and clauses of laws in conflict with the foregoing are hereby repealed.

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

Ratified this the 26th day of February, A. D. 1915.

Application of tax.

Investment of sinking fund.

Proviso: bonds of sheriff or tax collector.

Moneys to be paid to school treasurer.

Meetings and organization of trustees.

Treasurer to give bond.

Charge of funds.

Annual statements.

Books and vouchers open for inspection.

Secretary of State to send copy of act.

CHAPTER 113.

AN ACT TO AMEND CHAPTER 104, PRIVATE LAWS OF 1913,
RELATIVE TO COLLECTING THE TAXES OF THE TOWN
OF MORGANTON.

The General Assembly of North Carolina do enact:

Penalties rescinded.

SECTION 1. That section nine of article eleven, chapter one hundred and four, Private Laws of one thousand nine hundred and thirteen, be and the same is amended by striking out all of the said section after the word "per centum" in line twenty-seven.

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

Ratified this the 26th day of February. A. D. 1915.

CHAPTER 114.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
HAYESVILLE IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter four hundred and sixty-eight, Private Laws of nineteen hundred and thirteen, be and the same is hereby repealed, and in lieu thereof the following is enacted:

Corporate limits.

"Beginning on the northeast corner of Lot No. 24 and corner of O. L. Anderson's land, and runs with the old town plat to the northeast corner of Lot No. 8, same being the G. W. Sanderson home place; thence south 65 east with the line of Sanderson's stable lot to its northeast corner; thence south 25 west to the south bank of the Hiawassee road in front of S. H. Allison's house; thence with the northeast bank of said road to the Town Creek; thence up said creek with its meanders to line of Lot No. 44; thence with said line of Lot No. 44 to the Beal and Ed. L. Anderson corner; thence with the Beal line to the Flora Davis corner; thence with the Flora Davis property and the town property to the G. W. Sanderson corner; thence south 60 west to the line of J. B. White's lot in the Ed. L. Anderson annex; thence with J. B. White's line to the Ketron line; thence with the Ketron and Anderson line to the Mary Ketron dower line; thence with the said line, including the dower, to the old Murphy road; thence with the old road and the new road to the Sanderson line; thence with the old town plat to the northwest corner of Lot No. 32; thence with the Sanderson line to the northwest corner of Lot No. 27 (Haigler

Annex); thence an easterly line to the Haigler and W. L. Anderson corner; thence with the east side of Riverside Avenue to a stake opposite the northwest corner of G. H. Haigler's hog lot; thence south 43 east with the fence to the Haigler and Anderson line; thence with said line to the corner of same; thence with town plat and the Anderson line to the beginning."

SEC. 2. That the word "fourteen" in line fourteen of section three in said chapter four hundred and sixty-eight be stricken out and in lieu thereof the word "fifteen" be inserted. Terms of officers.

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

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 115.

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

Whereas the city of Durham has heretofore contracted indebtedness to meet the necessary expense of the city to an amount in excess of the sum of seventy-five thousand dollars, and said city desires to issue long-time bonds in a sum not exceeding seventy-five 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, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen, or the city council, should such a body succeed said board of aldermen, as provided for in a new charter to be voted upon by the electors of said city, is hereby authorized to issue bonds to an amount not exceeding seventy thousand dollars, par value, for the purposes aforesaid. Bond issue authorized.
Amount.

SEC. 2. That the bonds authorized by this act shall be negotiable coupon bonds and in denominations of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), bearing interest from date of bonds at a rate not to exceed four and one-half per centum per annum, payable semiannually 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 the governing authority of said city and named therein, not to be less than five years nor more than thirty years Denominations.
Interest.
Maturity.

Proviso: bonds subject to classification.

from date thereof: *Provided, however*, that the governing authority, that is to say, said board of aldermen or its successors in office, said city council of said the city of Durham, may divide said bonds into classes as said governing authority 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 city clerk 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 such bonds, showing the number 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 governing authority of said city 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.

Authentication.

Record of bonds.

Bonds payable in gold coin.

Sale of bonds not below par.

Specific appropriation of proceeds.

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

Funds kept separate.

Specific appropriation.

SEC. 4. That the city treasurer of said city 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.

Resolutions concerning bonds.

SEC. 5. That the resolution of said governing authority, that is to say, said board of aldermen or its successors in office, said city council, 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 such governing authority, which meeting may be either a regular or special meeting of such governing authority, by a majority vote of all the members present at said meeting. No other 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 governing authority 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.

Levy of tax.

Constitutional equation.

SEC. 7. That any and all proceedings of said board of aldermen or its successors in office, said city council, 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 for sale of bonds.

SEC. 8. That the governing authority of the city of Durham may, if in its 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 governing authority 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 the governing authority of said city.

Appointment of trustee.

Investment of sinking fund.

Proviso: approval of investment.

SEC. 9. That this act shall be in force from and after the first day of June, one thousand nine hundred and fifteen; 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.

When act effective.

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 116.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-six, Private Laws of one thousand nine hundred and eleven, it being an act to charter the town of Selma, be and the same is hereby amended by

adding at the end of section twenty-two thereof the following, to be numbered subsection thirty-two of section twenty-two:

Railroad crossing.

"To require all railroad companies operating lines of railroad in said town to keep their crossings with public streets and thoroughfares in a good and safe condition at all times; and to that end said town may require such railroad companies to lay cement, gravel, crushed stone, or like substance between the tracks and for a reasonable distance on either side thereof, and keep the same on a level at all times with the top of the iron rails, so as not to obstruct, delay, or endanger persons or property in crossing the same."

Sales of stock of merchandise.

SEC. 2. That said charter be amended further by adding at the end of section thirty-one of said chapter one hundred and eighty-six, Private Laws of one thousand nine hundred and eleven, the following: "To regulate by ordinances from time to time the sale of bankrupt, receivers', trustees', and other second-hand stocks of merchandise of any kind, to prescribe on what dates such sales may be had and conducted in said town, and to lay and collect a special privilege tax thereon, not exceeding fifty dollars per day, the tax so collected to go into the town treasury as other general tax or special taxes."

License tax.

Cost of sidewalks.

SEC. 3. That said charter be further amended by striking out the words "one-half of" in line four, and all of the remaining section after the word "commissioners" in line six of section thirty-six on page four hundred and fifty-two, Private Laws of one thousand nine hundred and eleven.

Management and control of cemetery.

SEC. 4. Strike out all of section thirty-four on page four hundred and fifty-three of said chapter one hundred and eighty-six, Private Laws of one thousand nine hundred and eleven, after the word "have" in line three of said section, and insert the following: "exclusive management and control of the present town cemetery and all after-acquired lands for the use thereof, and they are hereby clothed with full power and the duty to care for and maintain the same in a suitable and proper manner at the expense of said town; and whenever it shall become necessary, in the opinion of the said town, to acquire additional lands for the use of the cemetery, the board of commissioners are authorized and directed to purchase additional lands, either contiguous to the present cemetery or apart therefrom; and to this end, if suitable lands cannot be acquired by purchase, the said board may condemn such lands as they may deem necessary for cemetery purposes as lands are condemned by railroad and public utility companies, with the right of appeal as provided in condemnation proceedings."

SEC. 5. That all laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 117.

AN ACT TO AMEND CHAPTER 77, LAWS OF 1883, SO AS TO ALLOW THE COMMISSIONERS OF THE TOWN OF MOUNT PLEASANT, NORTH CAROLINA, TO INCREASE THE TAX LEVY OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of the Laws of eighteen hundred and eighty-three, chapter seventy-seven, be amended by striking out the word "twenty" in line eight of said section and inserting in lieu thereof the word "fifty," and also by striking out the word "sixty" in line nine, said section, and inserting in lieu thereof the words "one dollar and fifty." Tax vote.

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

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 118.

AN ACT TO AMEND CHAPTER 253 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1911, RELATING TO OAK GROVE GRADED SCHOOL DISTRICT, SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifty-three of the Private Laws of North Carolina, session of nineteen hundred and eleven, be and the same is hereby amended as follows: That the offices of the board of trustees of said school district be and the same are hereby abolished, and in lieu thereof the board of education of Surry County shall immediately after the ratification of this act appoint a committee of three persons, residents of said Oak Grove Graded School District, who shall assume control and management of the affairs of the schools, school property, and all other affairs of the said school district, subject to the same supervision and control of the board of education of Surry County as in the case of other public schools of Surry County. Trustees abolished. Board of education to appoint committee.

SEC. 2. That the office of treasurer provided for in said act of the General Assembly of North Carolina, session of nineteen hundred and eleven, be and the same is hereby abolished, and the moneys derived from taxes levied and collected under the afore- Office of treasurer abolished.

Bank designated as trustee.

said act, and all moneys apportioned to said school district, shall be paid to the First National Bank of Mount Airy, as trustee for said school district, and by it disbursed on the warrant and authority of the board of education and the school committee of said district as in the case of other public schools; and the said First National Bank of Mount Airy shall semiannually render to the said board of education an itemized statement of all receipts and disbursements.

Semiannual statements.

Substitution of bank authorized.

SEC. 3. That the said board of education of Surry County is hereby authorized and empowered to substitute any other safe bank in Surry County as trustee to receive and disburse funds, as stated, at its discretion, and said First National Bank of Mount Airy or its substitute bank, as trustee, is hereby required to submit to the board of education of Surry County an itemized statement of all moneys by it at any time heretofore received belonging to said Oak Grove Graded School District, as well as a statement of all disbursements, and the balance it shall pay to the board of education upon its warrants; and upon its failure to submit said report, they are authorized to institute suit in the Superior Court of Surry County to compel said report for the collection of said moneys.

Statements covering funds heretofore received.

Construction of schoolhouse.

SEC. 4. That the board of education of Surry County is hereby authorized, empowered, and directed to construct and build a new schoolhouse building of such size and dimensions as it may in its discretion deem sufficient, and to be located on a lot of land to be secured by them by purchase or as is now provided in the general school law for schoolhouse sites, and to be located on either side of the sand-clay road and on the west side of Banner Town Baptist Church and east of James O. Belton's dwelling-house, and built and paid for out of first money belonging to said district; and they are authorized and empowered to sell the old schoolhouse and land in such manner as they deem wise and apply funds to the use of said school.

Location.

Sale of old schoolhouse and site.

Separate schools for races.

SEC. 5. That said act of nineteen hundred and eleven, Private Laws, chapter two hundred and fifty-three, be further amended as follows: It shall be the duty of the board of education of Surry County and the school committee of said district to provide separate schools for the white and colored races, in event the colored race shall require and justify the establishment of a school for such race, and in the event they shall not be sufficient in number to justify the establishment of such school for their accommodation, it shall be the duty of the board of education of Surry County to assign the colored pupils, if within said district, to some school for the colored race in Mount Airy Township.

Colored pupils to Mount Airy district.

Settlement by treasurer.

SEC. 6. That the treasurer heretofore of Oak Grove School District be and he is hereby required to submit to the board of education of Surry County an itemized statement of all moneys be-

longing to said school district, as well as a statement of all disbursements, and the balance he shall pay to said bank as trustee as in this act named, and it is made the duty of the said board of education of Surry County to require said statement and report of said treasurer of said board of trustees to be submitted to them at their regular meeting hereafter to be held, and upon failure to do so they are authorized to institute suit in the Superior Court of Surry County to compel said report.

Board of education
to enforce report
and settlement.

SEC. 7. That all laws and clauses of laws inconsistent with the provisions of this act be and the same are hereby repealed.

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 119.

AN ACT TO ENABLE THE TOWN OF DALLAS 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:

SECTION 1. That the board of aldermen of the town of Dallas be and it is hereby authorized to issue bonds to the amount not exceeding the sum of ten thousand dollars (\$10,000) par value, for the purpose of funding the outstanding unprovided-for indebtedness of the said town of Dallas, contracted for the necessary expenses thereof.

Bond issue authorized.
Amount.

SEC. 2. The resolution of the board of aldermen of the said town authorizing the issue and sale of the bonds authorized by this act may be introduced and passed at any meeting of the said board, either regular or special or call meeting, by a majority vote of the aldermen present at such meeting, 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 previous or present act of the General 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.

Resolution for issue
and sale of bonds.

Bonds to be legal
and binding.

SEC. 3. That for the purpose hereinbefore described, to wit, the funding of the outstanding unprovided-for indebtedness of the town of Dallas, the said board of aldermen of the said town of Dallas are fully authorized and empowered to issue coupon bonds

Bond issue authorized.

Amount.	under the corporate and official seal of the said town of Dallas, in amount not to exceed ten thousand dollars (\$10,000) in the principal, which said bonds shall bear interest from date of issue at the rate of six per centum per annum, to be due and payable semiannually 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, and at such place or places as the board of aldermen of the said town may direct.
Interest.	
Denominations.	All said bonds shall be issued in denominations of one hundred dollars and multiples thereof, as agreed upon by the board of aldermen and the purchasers of said bonds. But no one bond shall be for less than the sum of one hundred dollars. Said bonds shall be
Authentication.	dated at such time as said board may direct. All said bonds shall be numbered and signed by the mayor of the town and countersigned by its treasurer, and have the corporate seal of said town of Dallas attached, and the coupons shall bear the engraved or lithographed signature of the mayor. The said bonds shall be sold
Sale of bonds.	at either public or private sale, as the board of aldermen may determine, with or without public notice, for not less than par value and accrued interest.
Sale below par forbidden.	
Record of bonds.	SEC. 4. A record shall be kept of said bonds showing the numbers and denominations thereof, and to whom sold, and the date of issuance, and the maturity of each bond, and the amount received from sale thereof.
Specific appropriation of proceeds.	SEC. 5. The proceeds derived from the sale of the bonds, including any premium received from the sale thereof, shall be applied only to the outstanding unprovided-for indebtedness of said town contracted for as necessary expenses, including all debts due by note, accounts, or otherwise; but the purchaser of said bonds shall not be held responsible for the application of the money derived from the sale of said bonds.
Maturity.	SEC. 6. The principal of all of said bonds sold under the provisions hereof shall be due and payable on the first day of January, A. D. one thousand nine hundred and forty-five.
Special bond of town treasurer.	SEC. 7. Upon the sale of said bonds or any part thereof said board of aldermen may in its discretion require of the town treasurer a special bond, if they see fit, to protect the revenues received to pay the interest upon said bonds.
Special tax.	SEC. 8. To provide for the payment of said bonds and interest on same as it may accrue and become due, said board of aldermen shall levy and collect an annual and special tax on the polls, personal and real property, and other subjects of taxation in the said town sufficient to pay the interest semiannually on the said bonds and to create a sinking fund into which shall annually be paid a sum sufficient to pay off said bonds at maturity.
Collection of tax.	SEC. 9. All special taxes shall be collected from the polls, personal and real property, and other subjects of taxation of said

town in the same manner as other taxes of said town are levied and collected; the said special taxes shall be applied, when levied and collected, strictly to the payment of the interest on said bonds, and also to the annual payments into the sinking fund of a sufficient sum to pay off said bonds at maturity, and no other purpose. Specific appropriation of tax.

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 120.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF HOT SPRINGS TO LEVY A SPECIAL TAX TO PAY CERTAIN INDEBTEDNESS OF SAID TOWN.

Whereas the town of Hot Springs is indebted to the Nashville Bridge Company in about the sum of seventeen hundred dollars; and whereas the said town is unable to pay said indebtedness and its current expenses out of the taxes now allowed to be levied by law: Now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Hot Springs be and they are hereby authorized, empowered, and directed, at the time of levying other taxes in the year one thousand nine hundred and fifteen, and annually thereafter so long as it may be necessary for the purposes of this act, to levy a special tax of not less than fifty cents and not more than one dollar on each one hundred dollars worth of taxable property in said town, for the purpose of paying the indebtedness of said town to the said Nashville Bridge Company. Special tax.
Tax rate.

SEC. 2. That said tax shall be levied and collected as other taxes of said town are levied and collected, and when so collected shall be paid over by the tax collector of said town to the town treasurer and by him applied to the payment of the indebtedness herein mentioned.

SEC. 3. That any officer of said town who shall fail, neglect, or refuse to perform any of the duties imposed upon him by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 121.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
MARION IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Assessment on
abutting property.

Collection.

Lien of assess-
ments.

Enforcement of
collection.

SECTION 1. That chapter two hundred and ninety-one, section twenty-one, of the Private Laws of one thousand nine hundred and nine, be amended by striking out all of said section, after the word "sidewalk" in line sixteen, and inserting in lieu thereof the following, viz.: "and fifty per centum of the cost thereof shall be charged against such lot or lots, respectively, and shall cause the same to be entered by the secretary of said board of aldermen in a book to be kept by him for that purpose; and the said secretary shall place in the hands of the 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 other taxes of said town. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lot or 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 of collection, or 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 said chapter for the sale of real estate for unpaid taxes.

SEC. 2. That said chapter be further amended by adding to section twenty-eight the following, viz.:

License on
picture shows.

"(16) On every moving picture show, a tax of not less than ten dollars nor more than forty dollars per annum."

Time for listing
taxes.

SEC. 3. That section thirty-four of said chapter be amended by striking out the word "June" in line four and in line six, and inserting in lieu thereof, in said lines, the word "May."

Collection by
distress.

SEC. 4. That the tax collector of the said town be and he is hereby authorized and empowered to collect the taxes levied by the board of aldermen by distraint or otherwise, at any time within two years after the tax lists are placed in his hands for collection.

Collection of
arrears.

SEC. 5. That the said tax collector of the said town be and he is hereby authorized and empowered to collect arrears of taxes for the years of one thousand nine hundred and thirteen and one thousand nine hundred and fourteen.

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

Ratified this the 26th day of February, A. D. 1915.

CHAPTER 122.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WILSON TO CALL AN ELECTION OF THE QUALIFIED VOTERS OF SAID TOWN TO DETERMINE WHETHER CERTAIN STREETS, ALLEYS, AND SIDEWALKS OR CONTINUOUS PORTIONS THEREOF IN SAID TOWN SHALL BE IMPROVED BY ISSUING BONDS AND BY ASSESSING ABUTTING PROPERTY AND RAILROADS FOR A PORTION OF THE COST OF SUCH IMPROVEMENTS; AND TO AUTHORIZE THE SAID BOARD OF COMMISSIONERS TO MAKE SUCH IMPROVEMENTS AND ASSESS SUCH ABUTTING PROPERTY AND RAILROADS WITH A PORTION OF SUCH COST; AND TO ISSUE BONDS FOR ALL OR A PART OF SUCH COSTS AND TO LEVY A SPECIAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF SAID BONDS; AND TO REPEAL ACTS RATIFIED MARCH 1, 1913, AND OCTOBER 3, 1913, RELATING TO STREET IMPROVEMENTS AND ELECTRIC LIGHT PLANT IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Wilson is hereby authorized and empowered, as hereinafter provided, to call an election of the qualified voters of said town upon the question of permanently improving certain streets, alleys, and sidewalks or continuous portions thereof therein, designated and described hereinafter, by issuing bonds of said town in the manner, form, and amount and as prescribed in section nineteen hereof, and upon the conditions prescribed in this act, for the purpose of raising sufficient money to grade, pave, repave, macadamize, remacadamize, and otherwise permanently improve such designated streets, sidewalks, and alleys, or continuous portions thereof, as is more specifically provided herein, and to assess abutting property and railroads with a portion of the cost thereof, in the manner, under the procedure, and upon the terms and conditions prescribed in this act.

Sec. 2. In the event the said election is called, the said board of commissioners of the town of Wilson may call for and require a new registration of the qualified voters of the said town of Wilson, and the registration books shall be open as required by the general election laws of the State of North Carolina, and for the said election the said board of commissioners of the town of Wilson shall appoint one registrar, and also appoint two poll-holders as judges of said election; the election shall be held at the courthouse in the said town of Wilson, at which election those duly qualified voters

Commissioners authorized to call election.

Question to be voted on.

New registration.

Election officers.

Polling place.

Ballots.

desiring to vote for the said permanent improvements and the methods of payment heretofore indicated, and hereinafter more fully set forth, shall vote a ballot on which shall be written or printed the words "For Street Improvements," and those voters desiring to vote against the said improvements and the said methods of payment shall vote a ballot on which shall be printed or written "Against Street Improvements."

Notice of election.

SEC. 3. Notice of said election shall be given by the clerk of the town of Wilson by publication in a newspaper of general circulation therein, the first publication to be not more than sixty days and not less than thirty days before the date named for said election.

Returns of election.

SEC. 4. That the registrar and judges of election hereinbefore provided for holding said election, in making return of result thereof, shall incorporate therein not only the number of votes cast for and the number of votes cast against the aforesaid proposition in the said election in said town, but also the number of voters

Canvass of returns.

who had registered and qualified to vote in said election. The board of canvassers of said town for said election shall, in like manner as is provided by law for ascertaining the result of elections for mayor and board of commissioners of said town, canvass the vote cast in the said town in said election and the number of voters registered and qualified for said election in said town, and the said board of canvassers shall judicially determine and declare the result of said election. The said board of canvassers shall likewise prepare an abstract, tabulating and showing the number of votes cast for and against said proposition in said election, and the number of electors qualified to vote therein, and declaring the result of said election; and said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the clerk of the town of Wilson, who shall record said abstract in the town record book and file the original.

Abstract and record.

Streets and alleys designated for improvement.

SEC. 5. If in the said election a majority of the qualified voters of said town of Wilson shall vote "For Street Improvements," the said board of commissioners of the town of Wilson is hereby authorized and empowered, in the manner herein provided, to cause the following streets within said town, including alleys intersecting or entering any of said streets, or any continuous part of any said streets or alleys, to be graded, paved, repaved, macadamized or remacadamized, and to cause curbs and gutters to be constructed thereupon, and sidewalks to be built thereupon, and to provide for the payment of the cost thereof; that is to say, the following streets: Vance and Green streets from the tracks of the Atlantic Coast Line Railroad Company to Bragg Street; Nash Street from the tracks of the Atlantic Coast Line Railroad Company to Bynum Street; Barnes Street and that portion of Barnes

Street extended and known as Broad Street from the tracks of the Atlantic Coast Line Railroad Company to Warren Street; Lodge Street from South Street to Green Street; Spring Street from South to Vance streets; Goldsboro Street from South Street to the track of the Atlantic Coast Line Railroad Company; Tarboro Street from Spruce Street to Lee Street; Pine Street from Broad Street to Lee Street; Jackson Street from Broad to Green streets; Bragg Street from Nash Street to Lee Street; Park Avenue from Kenan Street to Broad Street; Daniel Street from Broad to Nash Street; Whitehead Avenue from Nash Street to Lee Street; Warren Street from Kenan Street to Nash Street; South Street from Lodge Street to Goldsboro Street; Kenan Street from Goldsboro Street to Tarboro Street; and from Warren Street to Deans Street; Lee Street from Goldsboro Street to Whitehead Avenue; Maplewood Avenue from Green Street to Woodard Avenue; Hill Street from Green Street to Lee Street.

SEC. 6. Before any improvements shall be authorized or made under this act, said board of commissioners shall pass a resolution ordering the same to be made and setting forth its intention to proceed under this act, and describing the street or alley or part thereof to be improved, or sidewalk to be constructed, the material, nature, and character of such improvement, with the terminal points and width thereof; but no improvement shall be embraced in any single resolution except such improvement as is practically uniform in extent and kind throughout the length of one public way or continuous part thereof to be so improved; and the improvement of a street or alley shall not be joined with sidewalk construction in the same resolution. The grading of sidewalks may be included in the cost of sidewalk construction, and curbing may be included either with street improvement or with sidewalk construction, as the said resolution may direct. The word "improvement" or "improvements" in this act shall be deemed to be the improvement or improvements set forth in the said resolution, whether the same be the improvement of a street or alley or the construction of a sidewalk. The said resolution shall direct the engineer or consulting engineer of the town, or such other officer or officers, citizen or citizens, as the board may designate, to prepare and file plans and specifications of such improvement and an estimate of the cost thereof, including the estimate of the cost of the expenses of preliminary and other surveys and the inspection and superintendence of such work, the preparation of plans and specifications and estimate, the printing and publishing of notices and proceedings, the preparation of bonds, and any other expenses necessary under this act, which expenses, except the cost of the work itself, are hereinafter referred to as incidental expenses.

Resolution to be adopted by commissioners.

Resolution to be adopted for each improvement.

Grading and curbing sidewalks.

"Improvement" defined.

Plans, specifications, and estimates.

Incidental expenses.

SEC. 7. Upon the filing with the town clerk (being that officer of said town sometimes termed "clerk" and sometimes "secretary")

Action on specifications and estimates.

of such plans, specifications, and estimate, said board may amend said resolution and may require new plans and specifications and a new estimate to be submitted, or the board may repeal said resolution in whole or may confirm the same by resolution.

Advertisement for bids.

SEC. 8. On and after the date of such confirmation the board shall cause to be published at least once in a newspaper of general circulation in the town, and a newspaper of general circulation throughout the State, a notice calling for sealed bids to be received on a date not earlier than fifteen (15) days from the first publication in each of said two newspapers, for the construction of the work.

Requirements for advertisements.

Said notice shall state that said improvement is to be constructed and payment therefor to be made under the provisions of this act. It may refer in general terms to the extent and nature of the improvement, and may identify the same by reference to the plans and specifications on file in the office of the clerk.

Bids for whole or part of work.

Bids may be requested for the entire work as a whole, or for any part thereof separately, and bids may be asked for any one or more improvements authorized by different resolutions; but any bid covering work to be done under more than one resolution shall be in such form as to permit a separation to be made of the cost under each resolution.

Checks filed with bids.

Bidders shall be required to file with their bids a certified check upon a bank or trust company of North Carolina in the amount of two and one-half per cent (2½%) of the amount of their bids, to insure the execution of a contract to carry out the work in accordance with such plans and specifications, and to insure the filing at the making of such a contract of a bond with sureties satisfactory to the board in the amount of ten per cent (10%) of the contract price, conditioned for the performance of the work in accordance with such contract.

Bids opened and read.

All bids shall be opened and read at one time at an open meeting of said board.

Payments on contracts.

When any contract shall have been entered into, payments of amounts due thereunder shall be made in cash upon monthly estimates of the engineer or consulting engineer to the amount of ninety per cent (90%) of such estimates, and the balance due shall be paid in cash within sixty (60) days after the acceptance of the work as hereinafter provided. No contractor shall be required to take any bonds or certificates of debt in payment.

No payment by bonds or certificates.

Right to reject bids and do work.

SEC. 9. The board may reject any or all bids, and if all bids be rejected, the town of Wilson may do the work itself.

Preliminary assessment roll.

SEC. 10. After a contract shall have been entered into for the improvement embraced by any resolution, or if the town shall do the work itself, after the improvement authorized by any resolution shall have been completed, the board shall cause a preliminary assessment roll to be made by the engineer or consulting engineer, and filed with the clerk, which roll shall state the following, unless the improvement be the construction of a sidewalk:

Roll to contain:

Description and owners of abutting lots.

1. A description of the lots and parcels of land within the town which abut upon the sides or ends of that part of any street or

alley improved or to be improved, with the name of the owner of each lot or parcel, where such name can be ascertained.

2. A description of any street electric or steam railroad track or tracks within the portion of the street to be improved, or for the laying down of which in said portion any franchise shall have been granted, giving the number of tracks, the distance between the tracks and the distance between the rails.

Description of street or railroad tracks.

3. A statement of the frontage and assessed valuation of such lot or parcel.

Frontage and valuation of lot.

4. The total cost of such improvement, which if made by contract shall be the price named in said contract, and the estimated cost of incidental expenses; but if the town shall do the work, the actual cost of said work and incidental expenses.

Cost of improvement.

5. The cost of intersections, including a proportionate part of the incidental expenses, but excluding any cost chargeable to railroads as hereinafter provided, which costs of intersections shall be chargeable to the town. The word "intersection" where used in this act shall be deemed to include not only that portion of a street or alley which is common to another street or alley, but also that portion of a street or alley which would be embraced within the extension, if extended, of another street or alley entering into it.

Cost of intersections.

Intersections chargeable to town. "Intersection" defined.

6. The cost of the improvement chargeable against any street electric or steam railroad as provided hereinafter.

Cost charged to railroads.

7. The amount of the cost chargeable to abutting property, including real estate owned by the town, and including real estate within the town limits abutting upon such intersection as above defined, being two-thirds ($\frac{2}{3}$) of the total cost after subtracting the cost of intersections as stated in the fifth section hereof.

Amount chargeable to abutting property.

8. The amount of the remaining cost chargeable to the town at large, being all of such remaining cost.

Amount chargeable to town.

9. The amount chargeable to abutting property per front foot.

Charge per front foot on property. Amount chargeable on basis of frontage.

10. The amount chargeable against each lot or parcel of land on the basis of frontage.

SEC. 11. If the improvement be the construction of a sidewalk, said preliminary assessment roll shall state the following:

Roll for sidewalk work to contain:

1. A description of the lots and parcels of land within the town in front of which the sidewalk was constructed, or is to be constructed, with the name of the owner of each lot or parcel where such name can be ascertained; a sidewalk shall be deemed to be in front of a corner lot, although it extends beyond that lot to the curb line of an intersecting public way.

Description of lots and names of owners.

2. A statement of the frontage and assessed valuation of each such lot or parcel.

Frontage and assessed valuation.

3. The total cost of such improvement, which, if made by contract, shall be the contract price named in said contract and the estimated cost of incidental expenses; but if the town shall do the work, the actual cost of said work and incidental expenses.

Cost of improvement.

Cost per front foot.

4. The amount of said cost apportioned per front foot for said lots and parcels.

Amount chargeable on basis of frontage.

5. The amount chargeable against each lot or parcel of land on the basis of frontage.

Notice for hearing on assessments.

SEC. 12. Upon the filing with the clerk of said preliminary roll, the board shall cause notice to be given in a newspaper published in the town twice weekly for two weeks, stating that at a meeting of the board to be held on a certain day and hour, not less than twelve (12) days from the date of such publication, any person whose property is described in the said preliminary roll may appear and file written objections to the amount of the cost apportioned against the same. In the event any such owner is an infant, idiot, lunatic, or incompetent, then the general guardian of such infant, idiot, lunatic, or incompetent, if he has such, shall act for him; if such person has no general guardian, the town attorney shall forthwith apply to the proper court for the appointment of a guardian for such person, and the clerk of said court shall make such appointment, and thereupon said board shall give like notice to such guardian, who shall thereupon appear and defend the interest of his ward.

Action when owners of lot are under disability.

Hearing on assessments.

SEC. 13. At the time and place stated in such notice the board shall meet and receive all remonstrances in writing, as stated in said notice. Then or thereafter the board shall either sustain or modify in whole or in part the *prima facie* assessment as indicated on said roll, either by confirming the *prima facie* assessment against any or all lots or parcels described therein or by increasing or reducing the same, according to the special benefits which said board decides each said lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this act shall have been omitted from said preliminary roll, or if the *prima facie* assessment has not been made against it, said board may place on said roll an apportionment to said property. The board shall complete said roll and render its decision as to all benefits by modifying or confirming said roll, but shall not confirm any assessment thereunder in excess of the amount said board shall deem to be the special benefits to the property assessed, nor in excess of fifty per cent (50%) of the assessed valuation of any such lot or parcel. Ten (10) days after such confirmation said assessment roll shall be delivered to the town clerk, and a duplicate thereof shall be filed with the tax collector, and such confirmation shall be final and conclusive: *Provided, however,* that if the owner of any railroad or any lot or parcel of land so assessed shall within ten (10) days from such confirmation file his written verified petition in the office of the clerk of the Superior Court of Wilson County setting forth that the amount so assessed against any of his property exceeds the amount of the special benefits it has sustained or will sustain by

Action by board.

Property omitted from preliminary roll.

Limit of assessment.

Delivery of assessment roll.

Proviso: petition to superior court.

reason of such improvement, or that it exceeds fifty per cent (50%) of the assessed valuation thereof, and shall at the same time file with said clerk a written undertaking in at least the sum of two hundred dollars (\$200), with a good and sufficient surety, to be justified before and approved by the said clerk, to the effect that the petitioner will pay to said town all costs and damages to be sustained by it by reason of such proceeding, and shall within ten (10) days from such confirmation deliver to the mayor of said town or leave in his office a copy of said petition, then the validity of such assessment against said property shall be determined as hereinafter provided. Upon motion of the petitioner or the town, the trial of said proceeding shall be by a jury of twelve men, or, with the consent of both parties, by a lesser number. Within five (5) days after the delivery of said copy or petition to the mayor or at his office, the town shall appear and answer the said petition and the case shall be heard upon such petition and answer and upon such evidence as may be presented to the court. The presiding judge of said court shall hear and determine, in term or vacation, whether such property has been assessed in excess of special benefits, or in excess of fifty per cent (50%) of assessed valuation, giving such hearing and determination precedence over all other cases so far as the same may be practicable. The decision of the court in said action shall be final and conclusive, without right of appeal therefrom. If the assessment against such property shall be sustained or reduced or abated by the court, the town clerk and tax collector shall note that fact on the assessment roll opposite the description of the property whose assessment was so contested. The cost of any such proceeding shall be paid by the party complaining of such assessment, unless the said assessment is reduced by the court ten per cent (10%) or more, and judgment shall be rendered against him for the amount of such costs; in case such assessment shall be reduced ten per cent (10%) or more, such costs and expenses shall be paid by the town, and judgment shall be entered against it for the amount thereof.

SEC. 14. The amount of the special assessment against any lot or parcel which may be set aside by the court in such proceeding, or in any other action or proceeding, or the amount by which any such assessment is so reduced, may by resolution of said board be made chargeable against the town at large; or, in the discretion of the board, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll, except that no notice of hearing upon such roll need be published or given as to any property whose assessment is not increased thereby. Said board shall take prompt action as herein provided, in case of the reduction or invalidation of any assessment, and any such action shall be noted by the town clerk and tax collector on said assess-

Bond accompanying petition.

Copy of petition to mayor.

Trial by jury.

Case heard on petition and answer.

Hearing during vacation.

Decision final.

Costs on appeal.

Amendment of assessment roll.

Action by board.

ment roll, unless a new roll shall be made and confirmed, in which case the former roll shall be a nullity and the right of petition as to the amounts apportioned by the new roll shall again be in force as to such new roll.

Assessments due and payable.

SEC. 15. Thirty (30) days after the confirmation of the assessment roll the amounts therein apportioned and assessed shall be due and payable at the office of the tax collector, except as to any property, including railroads, whose owners shall have filed a petition in the Superior Court as hereinabove provided, which assessment shall be due and payable five (5) days after the decision of the court thereupon, but not within said thirty (30) days: *Provided, however,* that the owner of any lot or parcel so assessed may, before such date on which full payment is required, file with the town clerk his written undertaking waiving all irregularity and illegality in connection with the said assessment against said lot or parcel, and agreeing to pay the same in equal installments in each of the five (5) succeeding years, at the times in said years at which the general town taxes are due and payable, with interest upon such deferred installments at the rate of six per centum (6%) per annum from the date of confirmation: *Provided, however,* that such undertaking as to any sidewalk assessment shall agree to pay such assessment, with such interest, at the time, between one and two years after the date of confirmation, at which general town taxes are due and payable. Upon the filing of any such undertaking, the assessments embraced by it shall be payable at the time or times stated therein, with such interest, and any assessment whose payment shall be so deferred may be paid at any time when accompanied by the payment of the interest accrued thereon and that will accrue to the next succeeding annual date for payment.

Proviso: undertaking to pay in installments.

Proviso: assessments for sidewalks.

Assessments payable as by undertaking.

Lien on property for assessments.

SEC. 16. The said assessment shall constitute a lien upon the property so assessed from the date of the passage of the resolution confirming the resolution ordering the improvement, of the same nature and to the same extent as the lien for general town taxes, and shall be collectible in the same manner and with the same penalties and under the same provisions as to sale and forfeiture as town taxes are collectible. All moneys collected of assessments embraced in any one assessment roll shall be placed in a separate fund, properly designated, and said fund shall be pledged to and used solely for the payment of the principal and interest of any bonds that may be issued under this act for the construction of the improvement or improvements for which said assessments were made, until all of said bonds and interest shall have been fully paid: *Provided,* that if bonds shall be issued as herein provided for more than one improvement, all assessments collected for such improvements may by resolution of the board be ordered to be placed in one fund, which shall be maintained, pledged, and applied to the payment of the principal and interest of such bonds.

Assessment kept as separate fund.

Specific appropriation.

Proviso: assessments pledged for aggregate of bonds.

Sec. 17. Wilson County, Wilson Township, and any school district wholly or partly within said town shall possess the same powers and be subject to the same duties and liabilities in respect of said assessment affecting their real estate that private owners of real estate possess or are subject to under this act, and such real estate of said county, township, and school district shall be subject to liens for said assessments in all cases where the same property would be so subject had it at the time the lien attaches been owned by a private owner.

County, township, and school property charged.

Sec. 18. As soon as any improvement shall have been completed the board shall cause a notice to be published in a newspaper published in the town, stating that at a meeting of said board to be held at a certain day and hour, not less than ten (10) days from the publication of such notice, said board will hear any remonstrances of persons interested in or affected by the said improvement as to the acceptance thereof by said board. At the time and place mentioned in said notice said board shall hear such remonstrances, if any, and may then or thereafter accept the said improvement.

Notice for hearing on acceptance of improvements.

Hearing.

Sec. 19. On or after the adoption of the resolution confirming the resolution ordering the improvement, the board may by ordinance or resolution issue bonds of the municipality for the payment of the cost of said improvement or any part of such cost, in any amount not greater than the estimate of cost, including the estimate of the cost of incidental expenses; but no bonds shall be issued in excess of the contract price and the estimated cost of such incidental expenses, unless such bonds shall have been delivered or sold or advertised for sale prior to the making of such contract. If bonds shall be authorized after such contract is made, they may be issued to the full amount of such contract and the estimated cost of such incidental expenses. Bonds may be issued in separate series for the cost of each improvement, or in one series for the cost of two or more improvements, and in further series for the cost of any one or more other improvements. Each series of bonds shall mature in annual installments on such date in each year and in such annual amounts as the board may determine, beginning not more than two (2) years from their date, nor extending beyond fifteen (15) years from their date, and no option of prior redemption of such bonds shall be reserved. They shall bear interest not greater than six per centum (6%) per annum, the first installment of which shall be payable not more than one year from their date, and the remaining installments at semi-annual intervals thereafter, and principal and interest may be made payable at any place in the United States. The said bonds shall be the absolute, general, and direct obligations of the town. They shall be in denominations of five hundred dollars (\$500) or one thousand dollars (\$1,000); they shall be signed by the mayor

Bond issue authorized.

Limit of amount.

Issue in series.

Maturity in annual installments.

Interest.

Obligation of bonds.

Denominations.

Authentication.

and clerk and sealed with the town seal. Coupons shall be attached thereto to evidence the installments of interest, which coupons shall be signed by said clerk, whose signature may be in facsimile. Such bonds and coupons shall be deemed properly signed, notwithstanding the persons whose signatures they bear may have ceased to be the officers indicated opposite their signatures prior to the delivery of said bonds. They shall be sold by the board at public or private sale, and in such manner as the board may determine, but shall not be sold at less than par and accrued interest except by a vote of at least four-fifths ($\frac{4}{5}$) of the members-elect of said board, and then at a price not less than ninety-seven cents (.97c.) on the dollar and accrued interest.

Sale of bonds.

Special tax.

SEC. 20. For the payment of the principal and interest of the said bonds as they mature, the said board is hereby authorized and required to levy an annual special tax upon all taxable property within the town over and above all taxes authorized or limited by law or by the charter of the town, sufficient to pay the interest and principal of said bonds at their several dates of maturity: *Provided, however*, that the amount of such annual tax levy may be reduced by the amount of assessment actually collected and then remaining in the special assessments fund or funds applicable to said bonds as hereinabove provided.

Proviso: tax reduced by assessments.

Effect and scope of election.

SEC. 21. It shall only be necessary to submit to the electors of said town, in one election, the proposition of making said improvements by bond issue or issues and the assessment of abutting property, and said election shall be deemed to authorize the paving of all or any continuous portion of the streets, sidewalks, and alleys designated herein and the issuing of bonds to pay for same. It shall not be necessary to submit to the electors of said town the proposition of confirming the special assessments or any special assessment roll prescribed hereinbefore, or any other matter or thing herein authorized, and all proceedings of the board herein authorized may be taken by resolution, any provision of the charter or general laws to the contrary, notwithstanding.

Irregularities or illegalities not vital cured.

SEC. 22. The purpose of this act being to provide a satisfactory and economical method by which public ways within the town of Wilson may be improved, it is hereby declared that no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way affect the validity of the orders for such improvement or special assessment or bonds or contract, unless such irregularities or illegality shall substantially affect the rights of said town or its inhabitants or the owners of property abutting upon the improvements made.

Assessments on railroad tracks.

SEC. 23. If there be any street electric or steam railroad track or tracks in any street to be improved under this act, or if any franchise therefor shall have been granted, the cost of such improvement between the rails of each track and to the distance of

eighteen inches beyond each rail, including switches and turnouts, shall be apportioned and assessed against the owners of such railroad (including such cost upon any intersection of public ways), such assessment shall constitute a lien upon all the franchises and property of any such railroad, to the same extent as other assessments herein provided for are constituted liens upon abutting property: *Provided, however*, that where any such railroad shall operate or be about to operate under any ordinance, contract, or franchise which provides for the amount, manner, and conditions of the payment of cost by such railroad, the foregoing provisions as to such railroad shall apply only to the extent the same may not be inconsistent with any such ordinance, contract, or franchise.

Lien for assessments.

Proviso: costs specified in franchise.

SEC. 24. Before making any improvement the board of commissioners shall have power to order all or any owners of abutting real estate to connect their several premises with gas, water mains, sewers, or other subterranean conduits, pipes, or ducts owned or operated or about to be constructed by the town of Wilson in front of their several premises; and upon default of any such owner for thirty (30) days after notice of such requirement shall have been served upon him, or published in a newspaper published in said town, said board may contract for or make such connection at such distance, under such regulations, and in accordance with such specifications as may be prescribed by it, and the whole cost of said connections shall be a charge against the particular premises with which the connection is made, and be forthwith due and payable, with the same penalties and with the same rights of collection and sale and forfeitures as obtain for town taxes.

Gas, water, and sewer connections.

Charge of cost of connections.

SEC. 25. The act of the General Assembly of North Carolina, session one thousand nine hundred and thirteen, ratified March first, one thousand nine hundred and thirteen, authorizing bond issue by the town of Wilson for electric light and power enlargement and permanent street improvement, is hereby expressly repealed.

Act specifically repealed.

SEC. 26. The act of the General Assembly of North Carolina, extra session, one thousand nine hundred and thirteen, ratified the third day of October, one thousand nine hundred and thirteen, authorizing bond issues for street improvement and enlargement of electric light plant, and providing for board of public works and fixing their duties, is hereby expressly repealed.

Act specifically repealed.

SEC. 27. This act shall not be construed to repeal any other powers of improvement, assessment, and issuance of bonds now in force in said town of Wilson by virtue of its charter or any law, but is intended as an additional method of providing for the improvement of certain public ways and the payment of the cost thereof.

Acts not repealed.

SEC. 28. This act shall be in force from and after its ratification. Ratified this the 27th day of February, A. D. 1915.

CHAPTER 123.

AN ACT TO AMEND CHAPTER 204 OF THE PRIVATE LAWS OF NORTH CAROLINA AT ITS SESSION OF 1909, RELATING TO THE ISSUING OF BONDS FOR PUBLIC IMPROVEMENTS IN THE TOWN OF WARSAW.

The General Assembly of North Carolina do enact:

Interest paid semi-annually.

SECTION 1. That section one of chapter two hundred and four of the Private Laws of the State of North Carolina, at its session of one thousand nine hundred and nine, be and the same is hereby amended by striking out the word "annually" in the twelfth line of said section and inserting in lieu thereof the word "semiannually," so as to make the interest coupons therein provided for payable semiannually instead of annually.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 124.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS AND LEVYING TAX IN AID OF THE GRADED SCHOOLS OF MOUNT AIRY.

Preamble.

Whereas the proceeds derived from a sale of the bonds voted for and issued under the provisions of act of the General Assembly of North Carolina, being chapter one hundred and six of the Private Laws of its session of one thousand nine hundred and five, for the erection and equipment of a building to be used for the Mount Airy Graded School was insufficient for that purpose, and the said graded school has since been burdened with indebtedness of one thousand two hundred dollars or more incurred in carrying out the

Preamble.

provisions of said act; and whereas the number of pupils attending said graded school has so increased as to render the enlargement of said building or erection or improvement of other buildings and an addition to its grounds requisite and necessary to meet the needs and requirements of the said schools, both white and colored: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the board of commissioners of the town of Mount Airy to issue coupon bonds in the name of the town of Mount Airy in such denomination and form as the said board of commissioners may determine, to an amount

Issue of bonds ordered.

Denominations.

Amount.

not exceeding twenty-five thousand dollars (\$25,000) and for the purposes hereinafter specified, which bonds are to bear interest from their date at a rate not exceeding six per cent (6%) per annum, payable semiannually, and are payable thirty (30) years after their date at such place as the board of commissioners may determine. That the said bonds shall be signed by the mayor of the town and attested by the secretary and issued under the corporate seal of the town; the interest upon said bonds shall be evidenced by interest coupons thereto attached in the usual form, and the said bonds, when issued, and the interest accumulating thereon, shall be fully binding upon the said town and its property and shall show upon their face that they were issued for school purposes.

Interest.
Maturity.
Authentication.
Obligation of bonds.

SEC. 2. That said bonds, when issued, shall be delivered to the treasurer of the said town, who is *ex officio* treasurer of the board of school commissioners of Mount Airy, to be by him, under the direction of the board of commissioners of the town of Mount Airy, sold and converted into money, and the proceeds thereof disposed of under the direction of the board of school commissioners of Mount Airy for the purposes of paying the balance due on the old indebtedness and for purchasing additional school grounds and erecting new school buildings and adding to and improving the present school grounds and buildings and paying the balance of the purchase money due for the lot bought for the colored school and for erecting the building upon said lot, and for such other purposes as may be necessary for equipping and conducting successfully the said schools: *Provided*, the said bonds shall not be sold for less than par value.

Bonds delivered to treasurer.
Use of proceeds.

SEC. 3. That the board of commissioners of the said town, upon 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 the town of Mount Airy sufficient to meet the interest of said bonds and pay the principal thereof when it shall become due and payable, and that the said taxes shall be levied by the board of commissioners of the town of Mount Airy on Tuesday after the first Monday in July of each year and shall be collected in like manner as the other taxes of the town and paid into the hands of the treasurer thereof for the purposes aforesaid.

Special tax.
Collection and settlement.

SEC. 4. That said bonds shall not be issued nor said taxes levied until authorized by a vote of the majority of the qualified voters of the said town at a public election to be held as hereinafter provided. That the board of commissioners of the town of Mount Airy shall order the said election to be held at such time as the board of school commissioners of Mount Airy may suggest. That at the time of the ordering of said election the board of commissioners of the town of Mount Airy shall appoint a resident of each

Bond issue to be authorized by voters.
Order for election.
Election officers.

of the wards or precincts in the said town as registrar for said election and two residents of each ward or precinct as judges for said election, and should the persons so named as registrars or judges refuse or decline to act, that the mayor of the town of Mount Airy is hereby authorized to fill said vacancy by appointing a suitable person in each ward to fill such position; that notice of said election shall be made twenty (20) days before the day of election and shall be published in one or more newspapers in the town of Mount Airy; said notice shall state the amount of the bond issue, the rate of interest, and the purposes for which the bonds are to be issued. There shall be a new registration of the qualified voters for said election in said town; that the registrars named shall open the registration books for the purpose of registering the voters for ten (10) days preceding the last Saturday before the election, excluding Sundays, and shall keep the books open on said days from nine (9) o'clock a. m. until sunset; that the registration books shall be kept open at some convenient place in each ward every day, and on Saturdays they shall be kept open at the voting precinct; that on the Saturday preceding the election there shall be no registration of voters, but the registrar and judges in each ward shall meet at the polling precinct for the purpose of hearing and determining any challenges that may be made of any voter who has registered; that challenges will be allowed to be made on the day of election; that on the morning of the election the polls shall be opened at sun-up and shall close at sundown; that immediately upon the closing of the polls the registrar and judges of the election shall count the ballots cast and shall place the returns in a sealed envelope and deliver same to the person selected by the registrar and judges, and he shall deliver same to the mayor of the town of Mount Airy, and the mayor shall immediately call together the board of commissioners of the town of Mount Airy and submit to the board the returns so delivered to him, and they shall announce the result of said election and shall spread the same upon the record book of the town, and no other record of said election shall be necessary to be kept. That those favoring the issue of said bonds shall vote a written or printed ballot with the words "For Schools"; those opposed to the issue of bonds shall vote a written or printed ballot with the words "Against Schools"; and if at such election the majority of the qualified voters of the said town shall vote ballots for schools written or printed thereon, then the said board of commissioners shall issue said bonds and levy tax sufficient to meet interest and principal thereof when due, as herein specified; and the money from the sale of said bonds shall be applied to the purposes and upon the terms and conditions herein stated: *Provided*, that if at the election hereinbefore provided for the majority of the qualified voters shall vote against schools, then authority is hereby conferred upon the said board

Notice of election.

New registration.
Regulations for registration.

Challenge day.

Challenges at election.
Hours of election.
Count and return of votes.

Canvass and record of returns.

Ballots.

Effect of election.

Application of proceeds of bonds.

Proviso: second election.

of commissioners of the said town of Mount Airy to order a second election at such time as the board of school commissioners of Mount Airy may suggest; and said second election shall be conducted in all respects as is provided for herein for the conduct of the first election; and that if at the second election the majority of the qualified voters of the town shall vote for schools, that then and in that event the board of commissioners of the town of Mount Airy shall issue said bonds and levy sufficient tax to meet the interest and principal in the same way as is provided in case the majority of the qualified voters of the first election shall vote for schools.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 125.

AN ACT TO AUTHORIZE THE ISSUING OF BONDS BY THE FAIR BLUFF SUPPLEMENTAL SCHOOL DISTRICT, No. 1, 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 the Fair Bluff Supplemental School District, Number One, for the white and colored races, hereinafter called the Fair Bluff District, is authorized and directed to submit, on the first Tuesday in June, one thousand nine hundred and fifteen, to the qualified voters of said Fair Bluff 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, 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. The said board of county commissioners shall appoint a registrar and two poll-holders for said election who shall canvass and declare the result of said election and make report thereof to the said board of county commissioners; and no other report or canvass shall be deemed necessary.

SEC. 2. In the event a majority of the qualified voters of said Fair Bluff 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 Fair Bluff District to

County commissioners to order election.

Date of election.

Law governing election.

Question to be voted on.

Ballots.

Election officers.

Canvass and return of votes.

Report to county commissioners.

Bond issue authorized.

Amount.	issue bonds in an amount not exceeding six thousand dollars
Authentication.	(\$6,000). Said bonds to be signed by the chairman and attested
Denominations.	by the secretary of said board, to be in denominations of five
Interest.	hundred dollars (\$500) each, to bear interest at a rate not ex-
Maturity.	ceeding six per cent, payable semiannually, and to run for a period
Sale not below par.	of thirty years. The said bonds shall be sold at not less than par.
Use of proceeds.	and the proceeds derived from the sale used in the erection of
Proviso: purchaser not liable for use.	suitable school buildings in said districts: <i>Provided</i> , that the pur-
Special tax.	chasers of said bonds shall in no particular be required to see to
	the application of the proceeds of the sale of such bonds.
	SEC. 3. That for the purpose of paying the interest and provid-
	ing a sinking fund for the payment of the principal of said bonds,
	it shall be the duty of the board of commissioners of Columbus
	County, in event a majority of the qualified voters of the said
	Fair Bluff District shall vote "For Building Bonds," to levy a tax
	to be collected in the same manner as provided by law for the
Collection and settlement of tax.	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
Proviso: subjects of tax.	the collection and paying over of county school taxes; and <i>Pro-</i>
	<i>vided</i> , that the special tax so levied and collected shall be only
Limit of rate.	on the property and polls in said district, and shall not exceed
	twenty-five cents on each one hundred dollars worth of real and
	personal property and seventy-five cents on each poll in said dis-
	trict.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 126.

AN ACT TO AUTHORIZE AND ALLOW THE TOWN OF SWAN QUARTER TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners of the town of Swan Quarter, for the purpose of buying, installing, and operating a gas-light plant and for the improvement of streets and sidewalks of said town, be and it is hereby authorized and empowered to issue coupon bonds of said town not exceeding in the aggregate a par value of five thousand dollars (\$5,000).

SEC. 2. That said bonds shall be due and payable not less than fifteen or more than thirty years from and after the date thereof

Bond issue authorized.

Amount.

Maturity.

and shall bear interest at a rate not exceeding six per cent per annum, payable at such time and such place as the said board may fix. Said bonds shall be signed by the mayor and such signature attested by the secretary of said board and the corporate seal of said town shall be thereto affixed, all by order of the said board of commissioners; and the coupons of said bonds shall bear the lithograph signature of said mayor and secretary.

Interest.

Authentication.

SEC. 3. That said bonds shall not be sold below par.

Sale below par
forbidden.
Special tax.

SEC. 4. That said board shall levy a tax on all taxable property and polls within the said town annually, sufficient to pay the interest on said bonds as the same shall fall due and provide a sinking fund for the redemption of said bonds at maturity.

SEC. 5. The sinking fund set aside each year for the redemption of said bonds may be invested in such securities as may be approved by a majority of the members of said board acting at any regular meeting thereof.

Investment of
sinking fund.

SEC. 6. That nothing in this act shall be construed as requiring the purchaser or purchasers of said bonds to see that the purchase money paid for said bonds is applied to the purpose described in this act; that said bonds may be issued in such form, denominations, tenor, and manner of execution, not inconsistent with the foregoing section of this act, as may be determined upon by said board of town commissioners.

Purchasers not
liable for misuse of
funds.Issue and execution
of bonds.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 127.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF CHARLOTTE TO ISSUE BONDS FOR THE PURCHASE OF LAND AND THE ERECTION OF AN INCINERATOR PLANT.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Charlotte is hereby authorized and empowered, for the purpose hereafter set forth, to borrow a sum not exceeding twenty thousand dollars, and to issue bonds or notes in the name of the city of Charlotte therefor in such denominations and forms as it may determine, not exceeding said sum, payable at such time and place as may be determined by said board of aldermen: *Provided*, that the time of payment of the principal of said bonds or notes shall not exceed five years from the date thereof; and *Provided further*, that the said board of aldermen may, if it shall so determine, issue five

Power to borrow
money.

Amount.

Issue of bonds or
notes.
Denominations and
forms.

Maturity.

bonds or notes of equal amounts, payable respectively in one, two, three, four, and five years and representing the total amount borrowed.

Interest. SEC. 2. That said bonds or notes shall bear interest at no greater rate than six per centum per annum, and the interest shall be made payable semiannually, and in no case shall the said bonds or notes be sold, hypothecated, or otherwise disposed of for less than their par value.

Authentication. SEC. 3. That said bonds or notes shall be signed by the mayor, attested by the city clerk and treasurer, and sealed with the corporate seal of the city of Charlotte, and shall have interest coupons attached thereto, which coupons shall bear the written signature of the city clerk and treasurer of the city of Charlotte, or said bonds or notes shall recite that they are payable, with interest at the rate of six per cent per annum from date, payable semiannually. The purchaser of said bonds or notes shall not be bound to see to the application of said purchase money. Said bonds or notes and the interest thereon shall be exempt from city taxation until after they become due. Said bonds or notes shall be sold at either public or private sale with or without notice, as the board of aldermen may determine.

Purchaser not bound for use of money. Exemption from city tax. Sale of notes or bonds. Purpose of issue. SEC. 4. That said bonds or notes shall be issued for the purpose of securing funds for the purchase of land and the erection of an incinerator plant for the consumption and disposal of garbage and other refuse in the city of Charlotte, which is hereby declared to be a necessary expense of said city. The proceeds from the sale of bonds or notes shall be used for no other purpose than that specified in this act.

Expense declared necessary. Special tax. 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 the taxable property in said city sufficient to pay the interest on said bonds or notes as the same becomes due, and also, at or before the time when the principal of said bonds or notes 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 property in said city: *Provided*, that the taxes collected under this act for the payment of said bonds or notes shall be used for no other purpose.

Levy and collection of tax. Proviso; specific appropriation. SEC. 6. That all laws and clauses of laws in conflict with this act shall be and are hereby repealed.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 128.

AN ACT TO INCORPORATE FUQUAY SPRINGS CONSOLIDATED GRADED SCHOOL DISTRICT, MIDDLE CREEK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That District Number One, Middle Creek Township, Wake County, which is described and bounded by and includes the territory lying within the following boundary lines: beginning in Harnett County line at intersection of Lillington, Piney Grove, and Holly Springs road, running thence northerly with said public road to J. M. Underwood's northwest corner; thence following his northerly boundary line in an easterly direction, including said Underwood's farm, to Teresa Wood's lands; thence following her westerly boundary line in a northerly direction, and including her farm, to Lott Howell's farm; thence following his westerly boundary line, crossing the Norfolk Southern Railroad, with said Howell's line in a northerly direction, including said Howell's farm, to his northwest corner in J. W. Adcock's line; thence in a northeasterly direction in a direct line to Andrew Wood's southeast corner in said J. W. Adcock's line, including all of said Adcock's farm included in this district and lying on the east side of same; thence with said J. W. Adcock's westerly boundary line in a northerly direction to the Teresa Wood lands; thence with her westerly boundary line in a northerly direction to Cary Powell's southwest corner; then with his westerly boundary line in a northerly direction, including his farm, to Tobe Spence's southwest corner; thence with his westerly boundary line in a northerly direction, including said Spence's farm, to his corner in line of Rev. Johnnie Jones, deceased, with said Jones' line in a westerly direction and thence in a northerly direction following the lines of the Johnnie Jones farm, and including all of said farm, to C. D. Powell's line; thence following his westerly and northerly lines, including all of said Powell's farm, to the line of the farm of Dr. A. J. Blanchard, deceased; thence with his westerly boundary line in a northerly direction, including said Blanchard farm, to the farm of John C. Utley; thence with said Utley's westerly and northerly boundary lines, including his farm, to said Utley's northeast corner; thence in a direct line, and including all lands south of said line, to the headwaters of Terrible Creek; thence following former Cardenas School District line down Terrible Creek to C. S. Ballentine's eastern line; thence following his easterly boundary line in a southerly direction, including the part of said Ballentine's farm south of Terrible Creek, to K. B. Johnson's line; thence with said Johnson's line in a southerly direction to line of Sam Johnson place.

now owned by J. B. Johnson, to Mrs. Eleanor Utley's northern line; thence with her northern line to another farm of J. B. Johnson, formerly owned by Lee Johnson; thence following his northern and eastern lines and continuing with his other lines, including all of said farm, crossing Norfolk Southern Railroad with said Johnson's line and including his farm, to Mrs. Eleanor Utley's farm; thence with her easterly boundary line, running in a southwesterly direction, including said Mrs. Utley's farm, to W. E. Sexton's farm; thence with said Sexton's southeasterly line in a southwesterly direction, including his farm, to J. A. Smith's farm; thence with said Smith's southerly boundary line in a southwesterly direction, including said Smith's farm, to Mrs. Caudace Gardner's farm; thence with her southeasterly boundary line in a southwesterly direction, including her farm, to J. C. Holland's farm; thence with said Holland's southeasterly boundary line in a southwesterly direction, including his farm, to John Gilbert farm (belonging to the Gilbert heirs); thence along their easterly boundary line in a southwesterly direction, including said lands, to W. A. McGuire's farm (known as the old Betts place); thence with said McGuire's southeasterly boundary line in a southwesterly direction to J. L. Shearon's farm; thence with said McGuire's line in a westerly direction, and including McGuire's farm, to Council Scott's farm, and with his south line in a westerly direction, and including said farm, to Mack Wester's farm, and with his south line in a westerly direction, including said farm, to the run of the creek in Stuart's mill-pond, and with the run of said creek to the Harnett County line; thence with said Harnett County line to the beginning, be and the same is hereby incorporated under the name and style of Fuquay Springs Consolidated Graded School District, Wake County, North Carolina, and is hereafter to be known and styled as such. The above described territory includes the lands of all of the above named parties and the lands of all others lying and being within the lines herein described.

SEC. 2. Any person or persons whose lands are contiguous to the above described territory may be admitted into the said district with all privileges and be subject to the same taxes as those residing within the district as aforesaid in the same manner provided by section four thousand one hundred and fifteen, chapter ninety-five of the Revisal of one thousand nine hundred and five, and the acts of the General Assembly amendatory thereto, providing for admission into special school-tax districts.

SEC. 3. 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 residents of the said district, who shall hold their office, have the same powers and duties in regard to the schools of said district and be appointed thereto in like manner as district school

Territory incorporated.

Corporate name.

Lands included in boundary.

Admission of contiguous lands.

Trustees to be appointed.

committeemen are appointed by the said board of education under the general school law of North Carolina, and the acts of the General Assembly amendatory thereto.

SEC. 4. Any vacancy occurring in the said board of trustees from any cause shall be filled, and the successors to the said trustees shall be appointed, by the board of education of Wake County in the same manner as in the case of district school committeemen. Vacancies.

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 the 27th day of February, A. D. 1915.

CHAPTER 129.

AN ACT TO VALIDATE THE ELECTION HELD IN AUTREYVILLE SCHOOL DISTRICT IN CUMBERLAND AND SAMPSON COUNTIES AND PROVIDE FOR THE LEVY AND COLLECTION OF TAXES IN SAID DISTRICT.

That whereas a small portion of the people and citizens of Cumberland County, Cedar Creek Township, included in the following boundary, viz., beginning at B. G. Bullock's east corner on South River and running west with said B. G. Bullock and F. J. Bullock's southern boundary line to south corner of F. J. Bullock's land; thence north with F. J. Bullock's western boundary line to what is known as Bullock's Branch; thence up said branch to R. L. Hall's east corner; thence with R. L. Hall's southern, western, and northern lines to J. H. Bullock's south corner; thence north with J. H. Bullock's, A. A. Autrey's, and W. B. Horn's west boundary lines to W. B. Horn's north corner; thence with the north boundary line of W. B. Horn's and F. I. McKenzie's to F. I. McKenzie's north corner; thence south with said F. I. McKenzie's and N. M. McDonald's east boundary line to South River; thence with South River to the beginning, have heretofore had an election ordered by petition and have voted themselves and the above bounden territory into what is known as the Autreyville Special-tax School District of Little Coharie Township, Sampson County, which said election, carrying a special tax of thirty cents on the one hundred dollars worth of property in said territory and ninety cents on the poll, has been regularly returned, and taxes have been assessed and partially paid for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen; and whereas some of the taxpayers refused to pay their taxes upon the ground that said levy was illegal; and whereas the citizens and

Preamble.
Preamble.

residents of that small portion of Cumberland County desire to join and be attached to the Autreyville School District: Now, therefore,

The General Assembly of North Carolina do enact:

Election declared regular and valid.

SECTION 1. That the election heretofore had in said boundary above set out, and the levy of taxes for the years of one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, be and the same is hereby declared to be regular and valid in all respects, and said territory in Cumberland County is attached to and made a part of said Autreyville Special-tax District.

Territory attached to school district.

Taxes to be collected.

SEC. 2. That the board of commissioners of Cumberland County shall cause the taxes for the said years of one thousand nine hundred and thirteen and one thousand nine hundred and fourteen to be collected by the sheriff or other tax collecting officers of said county, and that said taxes when so collected, less the legal commission for collecting the same, shall be paid over to the county treasurer of Sampson County and be credited to the special school-tax fund of said Autreyville Special School District.

Settlement.

Future levies and collections.

SEC. 3. That said board of county commissioners of Cumberland County shall hereafter proceed, when other special taxes are levied for school purposes in said county, to levy the tax of thirty cents on the one hundred dollars worth of property and ninety cents on the poll in the boundaries above set out, and when collected by the sheriff or other tax collector of the general taxes for said county, the same, except his usual commissions in such cases allowed, be paid over to the treasurer of Sampson County, who shall give him a voucher therefor, and the treasurer of Sampson County shall pay the same out in the same manner as he does the other special school taxes for said district of Autreyville.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 130.

AN ACT FOR THE RELIEF OF THE CAROLINA COMPANY AND ELLEN M. SPEIGHT.

Preamble.

Whereas, on the eighth day of February, one thousand eight hundred and ninety-three, the Tarboro Cemetery Association, a corporation, conveyed to the town of Tarboro a certain tract or parcel of land to be used for a cemetery for white persons only, which deed of conveyance is duly recorded in book eighty at page

twenty-three of the record of deeds for Edgecombe County, and fully describes the land conveyed; and whereas said land proved to be unfit for a burial-ground and has been abandoned by said town of Tarboro and another cemetery has been established, known as Greenwood Cemetery Company, near said town, to which all bodies which had been buried in the lot or parcel of land conveyed to the town of Tarboro as aforesaid have been removed, except five (5) bodies buried in the plat therein known as the "Potter's Field" and five others in the entire tract; and whereas the relatives of such deceased whose bodies still remain buried therein cannot be discovered: Now, therefore, to enable the Carolina Company and Ellen M. Speight, the present owners, to cultivate or use said land as they may deem best:

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the Carolina Company and Ellen M. Speight may and they are hereby authorized and empowered to remove the bodies of such persons as may be buried in that certain plat or parcel of land in Edgecombe County, State of North Carolina, near the town of Tarboro, and conveyed to the town of Tarboro by the Tarboro Cemetery Association by deed recorded in book eighty at page twenty-three of the records of deeds for Edgecombe County, and reinter said bodies in the cemetery known as Greenwood Cemetery.

Removal of bodies authorized.

Reinterment.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 131.

AN ACT TO AMEND CHAPTER 299 OF THE PRIVATE LAWS OF 1909 OF NORTH CAROLINA, ENTITLED "AN ACT TO INCORPORATE THE SALISBURY RAILWAY COMPANY."

Whereas the Salisbury Railway Company has been duly organized in the manner provided in chapter two hundred and ninety-nine of the Private Laws of one thousand nine hundred and nine of North Carolina; and whereas the time for beginning the construction of its road and expending ten per cent of the amount of its capital thereon was extended by chapter one hundred and eighty-nine of the Private Laws of one thousand nine hundred and eleven of North Carolina and again by chapter one hundred and twenty-three of the Private Laws of one thousand nine hundred and thirteen of North Carolina; and whereas said railway company desires a further extension of the time for such purpose: Now, therefore,

Preamble.

Preamble.

Preamble.

*The General Assembly of North Carolina do enact:*Time for beginning
of construction.

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 and after the twenty-fifth day of February, one thousand nine hundred and fifteen, 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 of the Revisal of one thousand nine hundred and five of North Carolina.

Acts ratified and
confirmed.

SEC. 2. That all acts and things heretofore done under or by authority of the original charter of the Salisbury Railway Company, being chapter two hundred and ninety-nine, Private Laws of North Carolina, session of one thousand nine hundred and nine, entitled "An act to incorporate the Salisbury Railway Company," and the amendments thereto, be and the same are hereby ratified and confirmed.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 132.

AN ACT TO ENLARGE SMITHFIELD GRADED SCHOOL DISTRICT AND INCREASE THE TAX RATE FOR THE MAINTENANCE OF THE SCHOOLS THEREIN.

The General Assembly of North Carolina do enact:

Tax rate.

SECTION 1. That chapter one hundred and seventy-nine, Private Laws of one thousand nine hundred and five, it being an act to create Smithfield Graded School District, be and the same is hereby amended by striking out all of section three thereof after the word "exceed" in line nine, and inserting in lieu of the same the following: "thirty cents on the one hundred dollars valuation of property and ninety cents on the poll."

Additional territory.

SEC. 2. That chapter three hundred and twenty-eight, Private Laws of one thousand nine hundred and eleven, relating to Smithfield Graded School District, be and the same is hereby amended by adding at the end of "Annex D," section ten of said chapter, the following: "Annex D shall also include the following additional territory, towit: Beginning at B. F. Johnson's northeastern corner on the 'old depot road' leading from Smithfield to Selma, and runs thence with said road to G. E. Thornton's northeastern corner; thence with Thornton's northern line in a westerly direction to Neuse River; thence down said river to B. F. Johnson's

northern line; thence with said Johnson's line in an easterly direction to the beginning, embracing the lands now owned by G. E. Thornton."

SEC. 3. That the property and polls located and situated within the bounds described in section two of this act shall hereafter constitute a part and parcel of Smithfield Graded School District, and shall be subject to all the taxes, assessments, conditions, and obligations of said district as if the same had been originally included in the territory described in chapter one hundred and seventy-nine, Private Laws of one thousand nine hundred and five, or in chapter three hundred and twenty-eight, Private Laws of one thousand nine hundred and eleven, which acts are hereby made to apply to this act.

Addition part and parcel of district.

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

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 133.

AN ACT TO REPEAL CHAPTER 79 OF THE PRIVATE LAWS OF 1907, INCORPORATING THE TOWN OF RONDA, WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-nine (79) of the Private Laws of one thousand nine hundred and seven of North Carolina, and the amendments thereto, be and the same are hereby repealed: *Provided*, this act shall not affect vested rights or any pending litigation.

Laws repealed.

Proviso: vested rights and pending litigation.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 134.

AN ACT TO AUTHORIZE A SPECIAL TAX LEVY FOR SELMA GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Johnston County are hereby authorized and directed to levy a special tax, not exceeding ten cents on the one hundred dollars valuation of

Special tax authorized.

Limit of rate.

property and thirty cents on the poll on all property liable for taxation in Selma Graded School District, for the purpose of paying off the present indebtedness against said district in an amount approximating thirty-five hundred dollars.

SEC. 2. That said special tax shall be in addition to all other school taxes now levied and collected for said district, and the same shall be collected by the sheriff of Johnston County and by him paid over as now authorized by law.

SEC. 3. That said special tax provided for by this act shall first be applied towards the payment of outstanding indebtedness legally incurred in behalf of the schools of the district, and after the discharge of said indebtedness the board of county commissioners shall, upon the application of the board of trustees of Selma Graded School District, continue annually to levy said special tax for the purpose of supplementing the fund now derived from all other sources for operating and maintaining the schools of said district; and the same shall be collected and paid over by the sheriff aforesaid.

SEC. 4. That this act shall in no wise affect the present levies and collections made for school purposes in said district, but all laws otherwise in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 27th day of February, A. D. 1915.

CHAPTER 135.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF TRUSTEES OF RED OAK SCHOOL DISTRICT TO ISSUE BONDS.

Whereas, by the provisions of chapter two hundred and forty of the Public-Local Laws of the extra session of nineteen hundred and thirteen of the General Assembly of North Carolina there was created and organized as a body corporate "The Board of Trustees of Red Oak School District"; and whereas the said board of trustees of Red Oak School District, for the purpose of building and equipping a school building in said Red Oak School District, has borrowed money, the amount of which now aggregates about twelve thousand five hundred dollars (\$12,500), and said board of trustees of Red Oak School District desires to issue bonds to the amount of twelve thousand five hundred dollars (\$12,500) in order to pay said indebtedness: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That in order to pay the existing indebtedness owing by "The Board of Trustees of Red Oak School District," incurred for the purpose of raising money to build and equip the school

Purpose of tax.

Addition to other taxes.
Collection and settlement.

Application of taxes.

Continuance of tax.

Present levies and collections not affected.

Preamble.

Preamble.

Bond issue authorized.

building of the Red Oak School District, the board of trustees of Red Oak School District, and its successors in office, are hereby authorized and empowered to issue and sell twenty-five (25) bonds, each in the principal sum of five hundred dollars (\$500), to bear a rate of interest not to exceed six per cent per annum, and after five years to be due and payable one each year for twenty-five successive years from and after the expiration of five years from the date of the bonds, to be fixed by the board of trustees of Red Oak School District, that is, the first bond to be due six years from and after the date of the issue. Said bonds shall not be sold or negotiated at less than par and shall bear interest payable annually from the date of their issuance. To each and every of said bonds there shall be attached as many coupons to represent the interest that shall be annually due as the bond itself shall have years to run before its maturity; that is to say, to the bond to be due in six years there shall be attached six coupons, representing the annual interest for six years; to the bond to be due in seven years there shall be attached seven coupons, representing the annual interest for seven years; to the bond to be due in eight years there shall be attached eight coupons, representing the annual interest for eight years; to the bond to be due in nine years there shall be attached nine coupons, representing the annual interest for nine years; to the bond to be due in ten years there shall be attached ten coupons, representing the annual interest for ten years; to the bond to be due in eleven years there shall be attached eleven coupons, representing the annual interest for eleven years; to the bond to be due in twelve years there shall be attached twelve coupons, representing the annual interest for twelve years; to the bond to be due in thirteen years there shall be attached thirteen coupons, representing the annual interest for thirteen years; to the bond to be due in fourteen years there shall be attached fourteen coupons, representing the annual interest for fourteen years; to the bond to be due in fifteen years there shall be attached fifteen coupons, representing the annual interest for fifteen years; to the bond to be due in sixteen years there shall be attached sixteen coupons, representing the annual interest for sixteen years; to the bond to be due in seventeen years there shall be attached seventeen coupons, representing the annual interest for seventeen years; to the bond to be due in eighteen years there shall be attached eighteen coupons, representing the annual interest for eighteen years; to the bond to be due in nineteen years there shall be attached nineteen coupons, representing the annual interest for nineteen years; to the bond to be due in twenty years there shall be attached twenty coupons, representing the annual interest for twenty years; to the bond to be due in twenty-one years there shall be attached twenty-one coupons, representing the annual interest for twenty-one years; to the bond to be due in

Amount and
denomination.
Interest.
Maturity.

Sale below par
forbidden.

Coupons.

twenty-two years there shall be attached twenty-two coupons, representing the annual interest for twenty-two years: to the bond to be due in twenty-three years there shall be attached twenty-three coupons, representing the annual interest for twenty-three years; to the bond to be due in twenty-four years there shall be attached twenty-four coupons, representing the annual interest for twenty-four years; to the bond to be due in twenty-five years there shall be attached twenty-five coupons, representing the annual interest for twenty-five years; to the bond to be due in twenty-six years there shall be attached twenty-six coupons, representing the annual interest for twenty-six years; to the bond to be due in twenty-seven years there shall be attached twenty-seven coupons, representing the annual interest for twenty-seven years; to the bond to be due in twenty-eight years there shall be attached twenty-eight coupons, representing the annual interest for twenty-eight years; to the bond to be due in twenty-nine years there shall be attached twenty-nine coupons, representing the annual interest for twenty-nine years; to the bond to be due in thirty years there shall be attached thirty coupons, representing the annual interest for thirty years.

Authentication.

Said bonds and each of them shall be signed by the chairman of said board of trustees of Red Oak School District in his official capacity, and shall be countersigned by the secretary or clerk of said board of trustees of Red Oak School District, but the coupons thereto attached may be signed by a facsimile lithographed signature of said chairman and of said secretary or clerk.

Obligation of bonds expressed on face.

The said bonds and coupons shall upon their face express that they

Special tax.

are payable out of the taxes levied and to be levied upon the taxable property and polls of said Red Oak School District. That for the purpose of providing for the payment of said bonds at their maturity and of the interest annually accruing thereon, the board of commissioners of Nash County shall annually, at the time of

Limit of rate.

levying other taxes, levy and lay a special tax of not more than thirty cents on every one hundred dollars worth of property and not more than ninety cents on every poll subject to taxation within Red Oak School District, the constitutional equation as to property and polls at all times to be observed. The tax provided for in this section shall be collected by the sheriff of Nash County and by him paid over to the treasurer of said Red Oak School District,

Collection and settlement.

and the taxes so collected shall be applied exclusively to the purpose to which they are herein dedicated. The treasurer of Nash County shall be *ex officio* treasurer of Red Oak School District and shall receive the moneys belonging to said school district,

Specific appropriation.
Treasurer.

whether raised by taxation or from the sale of bonds: *Provided, however,* that the levying and collecting of taxes hereunder shall in no wise affect the levying and collecting of the general taxes levied for school purposes under the general law in said district: and *Provided further,* that the money so held by the treasurer

Proviso: general school taxes.

Proviso: warrants on fund.

aforesaid for the use and benefit of Red Oak School District shall be paid out by him and disbursed only upon warrants signed by the president of the board of trustees of Red Oak School District and countersigned by its clerk or secretary, under its common seal.

SEC. 2. That it shall be the duty of the board of trustees of Red Oak School District to pay the interest on said bonds out of the moneys collected for that purpose, and the board of county commissioners of Nash County are directed to levy each year such a rate of property and poll in Red Oak School District as the board of trustees of Red Oak School District shall request, said rate not to exceed thirty cents on the one hundred dollars worth of property and ninety cents on the poll. In all such levies the constitutional equation between property and poll shall be preserved; and it shall be the duty of the board of trustees of Red Oak School District to loan out at interest with good security any surplus that may accumulate from taxes and otherwise.

SEC. 3. That for the purpose of carrying this act into effect the commissioners of Nash County are hereby authorized and directed to call an election in said Red Oak School District and submit to the qualified voters of said district the question of issuing said bonds and levying and collecting the taxes herein provided for, after first giving thirty days notice of said election by publication in some newspaper published in Nash County and by posting notices at four or more public places in said school district; said notices so posted and published shall set forth fully the objects of the election and the authority by which the same is called, and the said board of commissioners of Nash County shall appoint a registrar and two judges of election as officers of said election, all of whom shall be residents of and freeholders in said school district, and shall order an entirely new registration of the voters of said district, which said election shall be held under the same rules and regulations as are provided for the election of members of the General Assembly according to the general election laws of the State, except as to the time, of ordering and holding said election, which shall be left to the discretion of the board of commissioners of Nash County, and except as to the canvassing of the result of the same, which shall be as hereinafter provided. At the close of said election so ordered the registrar and judges of election shall count the votes cast and make their returns of the result to the county commissioners of Nash County on the first Monday in the month following said election. Said commissioners of Nash County at such time and at their usual meeting place are hereby required to canvass the returns to them made of said election and duly declare the result thereof, and the result of said election shall be spread upon the minutes of the board of county commissioners and the result duly recorded.

Payment of interest.

Tax levy.

Limit of rate.

Constitutional equation.

Investment of sinking fund.

County commissioners to call election.

Question to be submitted.

Notice of election.

Election officers.

New registration.

Law governing election.

Count and return of vote.

Canvass and record of returns.

Ballots.

SEC. 4. That at said election those voting for issuing 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 School," and all expenses of said election shall be paid out of the school funds of the Red Oak School District.

Issue and sale of bonds.

SEC. 5. If at said election the majority of qualified voters of Red Oak School District shall vote "For School," then the board of trustees of Red Oak School District shall proceed to issue and sell the bonds herein provided for.

Expense of issuing bonds.

SEC. 6. That before turning over to the treasurer of Nash County, as hereinbefore provided, the proceeds derived from the sale of said bonds the board of trustees of Red Oak School District are authorized and empowered to deduct from said proceeds the actual expenses of preparing, printing, and lithographing said bonds and negotiating the sale of said bonds, which last item may include reasonable attorney's fees to be fixed by the board of trustees of Red Oak School District: *Provided, however,* that before delivering the net proceeds of said bonds to said treasurer the board of trustees of Red Oak School District may require of him such additional official bond as they may deem necessary, not to exceed in amount the net sum paid over to him.

Proviso: additional bond of treasurer.

SEC. 7. That 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 27th day of February, A. D. 1915.

CHAPTER 136.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ROBERSONVILLE, MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Corporate limits.

SECTION 1. That section one of chapter one hundred and ninety-three of the Private Laws of one thousand nine hundred and five be and the same is hereby amended so as to read as follows, to wit: "Beginning at an iron stob on the south side of the Atlantic Coast Line Railroad track in the old town line of the town of Robersonville, Martin County, said iron stob being situate about fifty yards west of A. E. Smith's Hosiery Mill, and running thence S. 84 W. 829 feet; thence N. 22½ W. 153 feet; thence N. 57 E. 40 feet; thence N. 22½ W. 65 feet; thence -- 63 E. 122 feet; thence N. 56

E. 100 feet; thence N. 25½ E. 34 feet; thence N. 52 E. 54 feet; thence N. 21½ E. 48 feet; thence N. 58½ E. 131 feet; thence N. 61½ E. 231 feet; thence N. 77½ E. 376 feet with the center of a ditch to a stake; thence N. 2 E. 1600 feet to a stake in J. C. Stephenson's field, the old town line corner; thence N. 79 E. 210 poles to the Robersonville and Hamilton Road; thence N. 59 E. 184 poles; thence S. 6½ E. 106 poles to the Robersonville and Williamston road; thence S. 61 W. 122 poles to the southeast corner of the old cemetery lot; thence N. 76 W. 276 poles to a stake in R. A. Bailey's field; thence N. 2 E. to said iron stob at the beginning on said railroad."

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 27th day of February, A. D. 1915.

CHAPTER 137.

AN ACT TO ALLOW THE TOWN OF ROXBORO TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Roxboro is hereby authorized and empowered to issue bonds in the name of the town of Roxboro, in such denominations and forms as it may determine, to an amount not exceeding fifteen thousand dollars, payable thirty years from and after the date of issue at such placès as the board of commissioners may prescribe.

Bond issue authorized.
Denominations.
Amount.
Maturity.

SEC. 2. That the said bonds shall bear interest, payable semi-annually, at a rate not in excess of five per centum per annum, and they shall in no event be sold, hypothecated, or otherwise disposed of for less than their par value.

Interest.
Sale below par forbidden.

SEC. 3. That said bonds shall be signed by the mayor, attested by the clerk to the board of commissioners, and sealed with the corporate seal of the town; and shall have interest coupons attached thereto, which said coupons shall be receivable in town taxes, and which shall bear the engraved or lithographed signature of the mayor, and the said coupons as they are paid off and taken up shall be canceled by the treasurer of the town, who shall make reports of same to the board of commissioners at such times as said board may require, not less than once in each year.

Authentication.

SEC. 4. That for the purpose of paying said bonds at maturity, and said interest as same shall become due, the said board of commissioners is authorized and empowered, and it shall be the

Special tax.

duty of said board, to levy and collect each year for that purpose a special tax, not to exceed fifteen cents on each one hundred dollars valuation of property, not exceeding forty-five cents on each poll, upon all subjects of taxation which are now or may hereafter become subjects of taxation for general purposes under the provisions of the charter of said town and the general laws of the State governing municipal corporations: *Provided*, the taxes levied and collected under the provisions of this act shall be used for the purposes herein declared, and no other. Said taxes to be levied and collected at the same time and in the same manner as other taxes levied and collected under the authority of the charter of the town and the general laws of the State.

SEC. 5. That said board of commissioners shall not issue said bonds, nor any of them nor levy nor collect said taxes, until it shall have been authorized and empowered to do so by a majority of the qualified voters of the town at an election to be held at such time and place as the said board shall designate, of which election notice shall be given by publication thereof for three successive weeks prior to the date thereof in some newspaper published in said town not less than once each week, at which election those favoring the issue of bonds shall vote "For Bonds" and those opposing shall vote "Against Bonds." The said election shall be held in the same manner as is now prescribed by law for the election of town officers.

SEC. 6. That the rejection by the voters of any proposition submitted to them under the provisions of this act shall not prevent a submission of the same proposition to the said voters at any other time or times that the board of commissioners may appoint, and at any election held under the provisions of this act the said board of commissioners may order a new registration of the voters of said town; and a majority of the voters registering at such new registration shall constitute a majority of the qualified voters of said town.

SEC. 7. That said election may be called at any regular meeting of said board of commissioners, or at any special meeting called for that purpose; and after a majority of the qualified voters of said town shall have authorized the issuing of said bonds, the said board of commissioners may authorize the issue of same by resolution adopted either at a regular meeting of said board or at a special meeting thereof called for that purpose: *Provided*, that the resolution calling the said election and the published notice thereof shall show the amount of bonds which it is proposed to issue and the purpose for which the money will be used.

SEC. 8. The money derived from the sale of bonds authorized by this act shall be used for the purpose of paying off the indebtedness of said town incurred on account of the grading and improvement of its streets, and shall not be used for any other purpose:

Limit of rate.

Proviso; specific appropriation.

Levy and collection.

Issue approved by majority of qualified voters.

Notice of election.

Ballots.

Law governing election.

Subsequent elections.

New registration.

Call for election.

Resolution for issue of bonds.

Proviso; resolution to state amount and purpose of bond issue.

Specific appropriation of proceeds of bonds.

Provided, however, that the purchasers of said bonds shall be under no obligation or duty to see that the said money is properly applied, and no misapplication thereof shall in any way affect the validity of said bonds.

Proviso: purchasers not liable for appropriation.

SEC. 9. This act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 138.

AN ACT TO CHANGE THE BOUNDARY LINE OF FAIRFIELD TOWNSHIP CENTRAL HIGH SCHOOL DISTRICT, HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line of Fairfield Township Central High School District in Hyde County be and the same is hereby changed so as to cut off and exempt from taxation and from the benefits of said special-tax district the following territory: Beginning at the south boundary line of the lands of the John L. Roper Lumber Company on the west side of Mattamuskeet Lake, including the lands and other property of Alonzo Williams, Mattie Cahoon, D. L. Williams, H. S. Davenport, D. W. Hodges, and S. E. Baum, to the south boundary line of the township at the old turnpike road: *Provided,* this act shall be approved and ordered by the county board of education of Hyde County.

Boundary line changed.

Territory included.

Proviso: approval of board of education.

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

Ratified this the 27th day of February, A. D. 1915.

CHAPTER 139.

AN ACT TO INCORPORATE THE SISTERS OF OUR LADY OF MERCY OF NORTH CAROLINA, AND FOR OTHER PURPOSES.

Whereas the Sisters of Our Lady of Mercy of North Carolina appear to have been incorporated as a body politic and corporate by that name and style before the judge of probate and clerk of the Superior Court of New Hanover County, North Carolina, as shown by the certificate of J. Van Amringe, judge of probate and clerk of the Superior Court of New Hanover County, North Carolina, given under his hand and official seal of said court on January sixth, one thousand eight hundred and eighty; and whereas the articles of incorporation of said order do not appear to have

Preamble.

Preamble.

been recorded in said office and the original papers cannot be found after due and diligent search made therefor; and whereas the Sisters of Our Lady of Mercy of North Carolina upon or soon after the execution of said certificate commenced the business of teaching at Belmont and other places in North Carolina, and later on purchased property for a sanitarium from Dr. John Hey Williams and wife, Margaret J. Williams, formerly known as the Major W. W. McDowell property on South Main Street, now known as St. Joseph's Sanitarium on Biltmore Avenue, Asheville, Buncombe County, North Carolina, containing twenty (20) acres, more or less, by deed bearing date November thirty, one thousand nine hundred and eight, for the price of fourteen thousand and no one-hundredths dollars (\$14,000), and "Mother Mary Teresa, Sisters of Our Lady of Mercy of North Carolina," is named as grantee or party of the second part in said deed, but the property was paid for out of funds belonging to and earned by the said the Sisters of Our Lady of Mercy of North Carolina; and whereas the name of Mother Mary Teresa before she became a sister was Margaret Sullivan, and the name of Mother Mary Teresa was the name she took as mother of the order of the Sisters of Our Lady of Mercy of North Carolina; and whereas the order of the said the Sisters of Our Lady of Mercy of North Carolina, through Mother Mary Teresa, took possession of the said McDowell property, now St. Joseph's Sanitarium, soon after the purchase and execution of the deed therefor from Dr. John Hey Williams and wife, Margaret J. Williams aforesaid, and made improvements on said property, and have been using same for many years as a sanitarium; and whereas Mother Mary Teresa, for a long time Mother Superior of the said order of the Sisters of Our Lady of Mercy of North Carolina, having died on the twentieth day of July, one thousand nine hundred and fourteen, some question has been raised as to the regularity of the Williams deed to the St. Joseph's Sanitarium property aforesaid; and whereas on account of the uncertain status of the said the Sisters of Our Lady of Mercy of North Carolina for want of a definite and certain identity as well as on account of the uncertainty as to the grantee named in the deed to the McDowell property, now known as St. Joseph's Sanitarium, by reason of the fact that the articles of incorporation of the order of the Sisters of Our Lady of Mercy of North Carolina not having been recorded in the office of the judge of probate and clerk of the Superior Court of New Hanover County, North Carolina, as required by law: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Mother Mary Cecelia, Sister Mary Catherine, Sister Mary Gertrude, Sister Mary Frances, all of Belmont, Gaston County, North Carolina, and Sister Scholastica and Sister Loretto

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Corporators.

of Asheville, Buncombe County, North Carolina, and such other sisters as may now or hereafter belong to said order, and their successors in office, be and they are hereby created a body politic and corporate under the name and style of "The Sisters of Our Lady of Mercy of North Carolina," and as such shall be capable of suing and being sued and shall have all the powers and privileges belonging to corporations under the laws of the State of North Carolina.	Incorporation. Corporate name. Corporate powers.
SEC. 2. That the objects and purposes of the corporation shall be as heretofore, to wit:	Objects and purposes of corporation.
1. Teaching.	
2. Ministering to the sick.	
3. Engaging as heretofore in other forms of charitable work, including the continuation of the institution known as St. Joseph's Sanitarium at Asheville, Buncombe County, North Carolina, and of the hospital at Charlotte, North Carolina.	
SEC. 3. That the principal place of business of said order shall be at Belmont, Gaston County, North Carolina, but said order may have a branch office at Asheville, North Carolina, and such other places in this State as its board of directors may deem proper and necessary.	Principal office. Branch offices.
SEC. 4. That the said order or corporation may receive donations from any course by gift, deed, grant, or devise for the promotion of its purposes and objects, and may acquire title to and hold land not to exceed three hundred (300) acres, and other property, and may mortgage the same for the purpose of enlarging said St. Joseph's Sanitarium at Asheville, North Carolina, or for other purposes within the scope of its power and at the direction of its board of directors.	Power to receive, hold, and manage property.
SEC. 5. That the said order or corporation may employ any lawful means for raising money for the purposes herein set out.	Means for raising money.
SEC. 6. That the officers of said order shall consist of Mother Mary Cecelia, superior; Sister Mary Catherine, assistant; Sister Mary Gertrude, bursar or treasurer; Sister Mary Frances, novice-mistress, who shall hold said offices until other officers are elected in the manner hereinafter provided for, and who together with Sister Mary Scholastica and Sister Mary Loretto shall constitute the board of directors of said order; said board of directors at all times to consist of six (6) members, all vacancies to be filled by said board.	Officers of order. Terms of office. Board of directors. Vacancies.
SEC. 7. That the said board of directors shall meet on the second Monday in March, same being the eighth day of March, one thousand nine hundred and fifteen, and by a majority thereof prescribe by-laws for the government, regulation, and management of its business, and prescribe the time and place for holding its meetings and filling vacancies of the officers and directors caused by death or otherwise.	Meeting of directors. By-laws. Meetings.

Property purchased
with funds of
order.

Action for settle-
ment of title.

SEC. 8. That the said order of the Sisters of Our Lady of Mercy of North Carolina as herein incorporated be and is hereby authorized and empowered to take charge of any and all property purchased with funds belonging to and earned by said order and hold and use the same for the use and benefit of said order, and be and is hereby authorized and empowered to institute an action or actions in its name in the proper county in this State against any person or persons who may have conveyed any real estate to Mother Mary Teresa, Sisters of Mercy of North Carolina, and against any other person or persons who may claim an interest therein adverse to the said order, which was paid for with the money belonging to or earned by the said the Sisters of Mercy of North Carolina, and secure a reëxecution of such deed or deeds by the vendor or vendors so as to vest the title to said property in and to the Sisters of Our Lady of Mercy of North Carolina, its successors and assigns, free from all the claim, right, title, and interest whatsoever of the vendor or vendors named in said deed or deeds, their heirs or assigns, and otherwise proceed with the property purchased with funds belonging to or earned by the said the Sisters of Our Lady of Mercy of North Carolina as if said order had been duly incorporated before the judge of probate and clerk of the Superior Court of New Hanover County, North Carolina, on January sixth, one thousand eight hundred and eighty.

SEC. 9. That all laws and parts of laws inconsistent or in conflict with any of the provisions of this act are hereby repealed.

SEC. 10. That this act shall be in force and effect from and after the date of its ratification.

Ratified this the 1st day of March, A. D. 1915.

CHAPTER 140.

AN ACT RELATING TO THE CONSTRUCTION, ACQUISITION, AND OPERATION OF A WATER-WORKS SYSTEM BY THE TOWN OF TRYON, AND THE ISSUANCE OF BONDS OF SAID TOWN THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. The action of the board of commissioners of the town of Tryon in causing the construction of a water-works system in said town to be commenced and in agreeing to purchase for the sum of seven thousand five hundred dollars (\$7,500) the water-works system of the Tryon Water and Power Company, is hereby ratified and validated. Said board of commissioners shall have power to provide and establish a complete plant or system for sup-

Action of town
commissioners
validated.

Power to establish
complete plant.

plying water for the uses of said town and the inhabitants thereof, and for that purpose to use all water-works property, works, and materials already acquired or constructed or to be purchased pursuant to said agreement, and, within or without the limits of said town, to take and convey water from any source or sources; to acquire real and personal property and water rights or interests therein; to construct wells, reservoirs, basins, aqueducts, buildings, machinery, and appurtenances thereto; to lay, relay, and construct pipes, mains, and conduits; to condemn lands or other property or rights, and, in general, to do all other acts and things necessary, convenient, and proper to carry out the general purposes expressed in this act. All expenses incurred or to be incurred for said purposes are hereby declared to be necessary expenses of said town.

SEC. 2. In order to provide funds for the payment of the expenses incurred or to be incurred for the purposes aforesaid, said board of commissioners shall have power by resolution to cause to be issued bonds of the town of Tryon, to be known as "Water Bonds," in the aggregate principal amount of thirty thousand dollars. Said water bonds shall bear such rate of interest, not exceeding six per centum per annum, and be payable at such place or places and such time or times, not exceeding thirty years from their date, and be in such denomination and form and executed by such officers as the board of commissioners shall by resolution determine. Said bonds may be either coupon or registered bonds or coupon bonds with the privilege of registration either as to principal only or of conversion into bonds registered as to both principal and interest, and the faith and credit of said town shall be pledged for their payment. Said bonds may be sold at public or private sale for not less than their par value. Each of said bonds shall recite that it is issued pursuant to the authority of this act and of the resolution authorizing the issuance thereof, which shall be conclusive evidence of the validity of such bond and of the regularity of its issuance. There shall be raised annually by tax upon all the taxable property in said town, after the issuance of said bonds, a sum sufficient to meet and pay the interest thereon as the same accrues, and a sum to be paid into a sinking fund which will, together with the accumulations thereof, provide a fund sufficient to meet and pay the principal of such bonds at maturity: *Provided, however,* that so much of the revenues derived in each fiscal year from the operation of such water-works as may remain after paying all expenses of operating, managing, maintaining, and repairing said water-works shall be applied, first, to the payment of the interest payable in the next succeeding year on said bonds, and, next, to the payment of the amount required as aforesaid to be paid in such succeeding year into the sinking fund for said bonds; and the amounts required to be raised by tax in such suc-

Expenses declared necessary.

Bond issue authorized.

Official entitlement. Amount.

Interest.

Maturity.

Denominations.

Coupons or registered bonds.

Sale not below par.

Recital of bonds.

Tax for interest and sinking fund.

Proviso: receipts from water-works applied to bonds.

ceeding year for such purposes may be reduced by the amount of such water revenues actually collected and set aside for said purposes. The money paid into the sinking fund shall be kept in a separate account, and shall, under the direction of the board of commissioners, be used or invested from time to time in the purchase or retirement of said bonds or in the purchase of securities in which fiduciaries of this State are authorized to invest. The issuance of bonds under this act and the levying and collection of taxes for the payment of the principal and interest thereof shall not be subject to any limitation imposed by law upon the amount of the indebtedness of such town or the amount or rate of taxes levied or collected therein.

SEC. 3. The board of commissioners shall operate and manage said water-works, and may appoint such officers, agents, and employees as it may deem necessary for accomplishing the purposes contemplated by this act, and define their duties, regulate their compensation, and provide for their removal; and may make such regulations as said board may deem necessary and proper for the distribution, supply, use, and protection of said water and water-works, and for fixing and collecting water rates, rents, or charges for water, and for imposing penalties for the nonpayment thereof; and such rates, rents, or charges shall be and remain, until paid, liens upon the property or premises where such water is furnished, and such liens may be enforced in the same manner as liens for taxes are enforced in said town.

SEC. 4. If the revenues from said water-works system shall not be sufficient in any year to meet the expenses of operating, managing, maintaining, and repairing the same, the amount of the deficiency shall be raised by taxation in the next annual tax levy, and in the meantime by a temporary loan in anticipation of taxes to be collected in the next annual tax levy.

SEC. 4a. All acts and clauses of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 1st day of March, A. D. 1915.

CHAPTER 141.

AN ACT TO PROTECT STUDENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That any person, other than a common carrier, who shall carry away for hire or otherwise any minor student of Oak Ridge Institute, during its terms, without the written consent of

Investment of sinking fund.

Bond issue not subject to limitation.

Operation and management of water-works.

Regulations.

Liens for water rents.

Enforcement of liens.

Fund to meet deficiency.

Conveyance of students forbidden.

the parent of such student, or of the management of the school, shall be guilty of a misdemeanor and be fined not exceeding fifty dollars nor imprisoned more than thirty days, at the discretion of the court. Misdemeanor.
Punishment.

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

Ratified this the 1st day of March, A. D. 1915.

CHAPTER 142.

AN ACT TO AMEND CHAPTER 241, PRIVATE LAWS OF 1913, RELATIVE TO COMPULSORY SCHOOL LAW FOR DISTRICT No. 1 OF SYLVA TOWNSHIP IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and forty-one, Private Laws of one thousand nine hundred and thirteen, be and the same is hereby repealed, and the following substituted therefor, to wit:

"SECTION 1. That every person residing in District Number One, Sylva Township, and having under his or her control a child or children between the ages of eight and sixteen years, shall cause such child or children to attend some public school in said district, and such attendance shall continue during the school term; and for every neglect of such duty the person offending shall be guilty of a misdemeanor, and shall be punished as hereinafter provided: *Provided*, that an occasional absence from such attendance by such child or children amounting to not more than two unexcused absences in four consecutive weeks shall not be unlawful: *Provided further*, that the superintendent, principal, or teacher in charge of such school may excuse any child for a temporary absence because of an unusual storm or bad weather, sickness or death in the child's family, unforeseen or unavoidable accident, and such excuse or reason therefor shall be recorded by said superintendent, principal, or teacher in charge of said school and reported to the attendance officer as hereinafter provided: *Provided further*, that in case of protracted illness of any child whose attendance is required under this act, or in case of quarantine of the home in which the child resides, upon satisfactory evidence to this effect the attendance officer shall excuse from attendance such a child until he is fully restored to health or until the time required by law that he shall stay out of school after quarantine has been raised.

Persons having control to enforce attendance.
School age.

Attendance during term.
Misdemeanor.

Proviso: occasional absence.

Proviso: excuse by teacher.

Proviso: illness and quarantine.

"SEC. 2. That it shall be the duty of every parent, guardian, or other person in said district having under his or her care a child Reports of cause of absence.

between the ages of eight and sixteen years, to report to the teacher in charge, in writing, within three days, the cause of such absence, and for every neglect of such duty the person so offending shall be guilty of a misdemeanor and punished as hereinafter provided.

Misdemeanor.

Teachers to report absences.

"SEC. 3. It shall be the duty of every teacher in any school district to report weekly to the attendance officer the names of all children between the ages of eight and sixteen years who have been absent more than two days for four consecutive weeks, together with the names of parents, guardian, or other person in charge of said children.

Investigation by truant officer.

"SEC. 4. When any complaint is made to the truant officer by any principal, superintendent, or other person in control of any school as above described, of the failure of any person to comply with the foregoing provisions of this act, the truant officer shall immediately investigate the cause of such absence, and if, in his opinion, there does not exist a reasonable excuse therefor, he shall forthwith make complaint against the person having such child or children under his control, before some justice of the peace residing in the territory above described, who shall summon such person before him to answer such complaint.

Complaint and summons.

Failure in duty a misdemeanor.

"SEC. 5. That any teacher or attendance officer who shall fail to perform the duties prescribed by this act shall be guilty of a misdemeanor and be punished as hereinafter provided.

Punishment.

"SEC. 6. That upon conviction, any person violating the provisions of this act shall be fined five dollars and costs for each offense: *Provided*, that if any child has attended for a like time a private day school, or has already acquired the branches required by law to be taught in the seventh grade of the schools in this State, or if his physical or mental condition is such as to render his attendance impracticable or inexpedient, or if such child resides two and one-half miles or more from the schoolhouse by nearest traveled route, or in any case in which because of extreme poverty the services of such child or children are necessary for his own support or the support of his parents, then in any of such cases such penalty shall not be incurred.

Proviso: children not subject to law.

Appointment, pay, and duties of attendance officer.

"SEC. 7. That the school committee of said district is hereby authorized to appoint an attendance officer for said district, to fix his compensation and to prescribe his duties; they may appoint as such officer any constable, town marshal, or other discreet person."

SEC. 2. That all laws and clauses of laws in conflict with this act shall not be operative in said district.

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

Ratified this the 1st day of March, A. D. 1915.

CHAPTER 143.

AN ACT TO INCORPORATE WEAVER COLLEGE.

The General Assembly of North Carolina do enact:

- SECTION 1. That the board of trustees, constituting a corporation, by virtue of the act of the General Assembly of North Carolina, ratified on the fifteenth day of December, one thousand eight hundred and seventy-three, under the name of "The Trustees of Weaverville College," shall be and continue a body politic and corporate, and henceforth the corporation shall bear the name and style of "Weaver College," and under such name and style is hereby invested with all property and rights of property which now belong to the corporation under any other name or names heretofore used, and by this name may acquire and hold all such property as may be devised, bequeathed, or conveyed to it, and further, may use all the authority, privileges, and possessions that said corporation exercised under any former title and name, and shall be subject to all legal liabilities now outstanding against the corporation.
- SEC. 2. That from and after the ratification of this act the term of office of the present trustees of said corporation shall become immediately vacant, and T. H. Weaver, J. A. Nichols, Zeb F. Curtis, Frank Carter, Charles G. Lee, C. E. Chambers, F. E. Durfee, G. L. Hackney, F. M. Weaver, C. W. Byrd, H. A. Dunham, C. P. Weaver, D. Atkins, Zebulon Weaver, J. M. Queen, and their successors, shall at once constitute the board of trustees of Weaver College, and the said corporation, under said name and style, shall hold all property, investments, and assets of every character which now belong to the said corporation, or which may hereafter come into its possession, in trust for the Methodist Episcopal Church, South, and the said trustees shall, in the administration of their trust, act as agent of said church, and it shall be subject to the control and direction of the Western North Carolina Conference, or its successors in authority in the territory in which Weaver College is located; and if upon investigation at any time it should be deemed wise to remove any member or members of the board of trustees, the said Western North Carolina Conference shall have power, by a majority vote of its members, to remove from office such trustee or trustees and to elect their successors as hereinafter provided.
- SEC. 3. That the term of office of each and every trustee who is named in section two of this act shall expire at the time of the election of his successor by the session of the Western North Carolina Conference of the Methodist Episcopal Church, South, which shall be held in the year one thousand nine hundred and fifteen; and the said successors of the said trustees shall be fifteen in num-

Corporation continued.

Corporate name.

Property and rights vested.

Corporate powers.

Liabilities.

Board of trustees.

Property held in trust.

Control and direction.

Power to remove trustees.

Terms of trustees.

Number and election of successors.

ber, and that they shall be elected by the said Western North Carolina Conference of the Methodist Episcopal Church, South, in the following manner: The required number of suitable persons shall be nominated by the board of trustees of Weaver College, and these nominations shall be incorporated in the report of the Conference board of education, and shall be submitted to the Conference with that report for the final election or rejection by the said Conference of the persons whose election is proposed. The full term of office of a trustee shall be five years, and the order of the election of trustees shall be so arranged that three trustees shall be elected by each annual session of the said Conference. In the first election of trustees under the provisions and by the authority of this act, three trustees shall be elected for a term of one year, three shall be elected for a term of two years, three shall be elected for a term of three years, three shall be elected for a term of four years, and three shall be elected for a term of five years. The term of the first group of three thus elected shall expire at the time of the election of their successors by the said Conference in the year one thousand nine hundred and sixteen; the term of the second group shall expire when their successors are elected by the said Conference in the year one thousand nine hundred and seventeen; the term of the third group shall expire when their successors are elected by the said Conference in the year one thousand nine hundred and eighteen; the term of the fourth group shall expire when their successors are elected by the said Conference in the year one thousand nine hundred and nineteen; and the term of the fifth group shall expire when their successors are elected by the said Conference in the year one thousand nine hundred and twenty; and each succeeding year, after the year one thousand nine hundred fifteen, the said Conference shall elect for a term of five years the successors of those trustees whose terms have expired, and from time to time the said Conference shall fill by election, as herein provided for, any vacancies that occur in the board of trustees from death, resignation, or any other cause.

SEC. 4. That the said corporation is authorized to acquire or receive by purchase, gift, devise, conveyance, or otherwise, real and personal property, to be held and administered by the said trustees and their successors for the use and benefit of the said Weaver College (in accordance with the terms of any such conveyance, gift, will, or devise), to a value not exceeding in the aggregate one million dollars.

SEC. 5. That the said corporation is authorized and empowered by this act to conduct an educational institution of collegiate grade for men and women at Weaverville, North Carolina, to be known as Weaver College; and in connection with said college an institution for primary, intermediate, and secondary education; said

Method of election.

Terms of elected trustees.

Vacancies.

Power to hold property.

Limit of amount.

College to be conducted.

Primary, intermediate and secondary school.

institution to be held and administered by the board of trustees of Weaver College, as herein provided, in trust for the Methodist Episcopal Church, South, and under the control and direction of the Western North Carolina Annual Conference of the said church.

SEC. 6. That the said board of trustees shall be charged with the supervision and management of the said corporation, and the said institution or institutions, subject to the limitations herein imposed, and subject to their relation to the Methodist Episcopal Church, South, and subject also to the control and direction of the Western North Carolina Conference of said Church, as representative of said Church.

Supervision and management of corporation.

SEC. 7. That the said board of trustees shall have power to make rules, regulations, and by-laws not incompatible with the intent of the provisions of this act, and not inconsistent with the laws and Constitution of the State of North Carolina and of the United States. The said board of trustees shall fix the time and place of holding their annual and other meetings, and shall elect the president and teachers for the said college and its dependent schools, if any such be established under the provisions of this act, and shall elect annually from the members of the board of trustees an executive committee of five members, which committee shall have the same powers and shall perform the same duties as the board of trustees, when the said board of trustees is not in session. The president of the college shall be *ex officio* a member of the board of trustees and of the executive committee.

Rules, regulations, and by-laws.

Meetings.

Election of president and teachers.

Executive committee.

Powers of committee.

President of college *ex officio*.

SEC. 8. That five trustees shall constitute a quorum for the transaction of business by any of the regular or called meetings of the board of trustees, and it shall be the duty of the said board of trustees, or of the said executive committee, as shall be determined, to fix the salaries of the president and of the teachers, and to make all contracts and agreements necessary to the business management of the said corporation.

Quorum of trustees.

Salaries of president and teachers.

Contracts and agreements.

SEC. 9. That the faculty and trustees of the said Weaver College shall have power to confer such degrees and marks of honor as are conferred by colleges and universities generally, and shall have all other rights and privileges as are granted to colleges and universities by the State of North Carolina.

Degrees and marks of honor.

SEC. 10. That all laws and parts of laws, or of the charter heretofore granted by the General Assembly of North Carolina, which are in conflict with this act are hereby repealed.

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

Ratified this the 1st day of March, A. D. 1915.

CHAPTER 144.

AN ACT TO MAKE SCHOOL ATTENDANCE COMPULSORY
NINE MONTHS INSTEAD OF FOUR MONTHS IN THE
GREENVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-three of the Public Laws of nineteen hundred thirteen, being an act to require compulsory school attendance in North Carolina, shall be so changed that the period of compulsory attendance shall be the full public school term of nine months instead of four months each school year in the Greenville Graded School District, and that the provisions of said act shall apply as fully and completely in the Greenville Graded School District for the full public school term of nine months as if "four" were stricken out and "nine" inserted; and so far as the school subjects of the Greenville Graded School District are concerned, said act is hereby made to read the full public school term of nine months.

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

Ratified this the 1st day of March, A. D. 1915.

CHAPTER 145.

AN ACT TO INCORPORATE BENSON GRADED HIGH
SCHOOL, AND TO AUTHORIZE A BOND ISSUE.

The General Assembly of North Carolina do enact:

SECTION 1. That Public School District, Number One, white, Banner Township, Johnston County, which is described and bounded as follows, to wit, "Beginning at railroad bridge across Mingo Swamp, including the following premises: to the outside boundary lines of the lands of Mrs. Isham McLamb, Julia Holmes, L. A. Holmes, C. A. Reaves, Mrs. M. C. Benson, J. B. Parrish's Jernigan place, R. Manning, Henry Duncan, N. H. Gibbs, D. D. Creech, C. T. Johnson's Surlis place, W. D. Thomas, N. T. Ryals, R. S. Ryals, Mrs. H. Duncan, J. C. Bryant, J. H. Boone, Alonzo Parrish's Ivey place, Mrs. C. A. Jernigan, W. L. Mangum, U. P. Britt, Joseph Smith, Isham McLamb; thence Benson road to and including the lands of J. V. Moore, J. W. Wood, Jr.; thence easterly boundary line of Nathan McLamb, Jr., to and including the McLamb place owned by J. W. Wood, Jr.; thence to the railroad; thence down said railroad to the beginning, and including all territory embraced

Term of attendance extended.

Boundary.

within the above lines," be and the same is hereby incorporated under the name and style of Benson Graded High School of Benson, Johnston County, and is hereafter to be known and styled as such.

Incorporation.
Corporate name.

SEC. 2. That Eli S. Turlington, J. H. Rose, and J. L. Hall be and they are hereby continued in office as school committee for said district, to be hereafter known as trustees for the aforesaid school district, to hold office and perform all duties heretofore required of them, together with those imposed by this act, until their successors are appointed and have qualified as is now provided by law for the appointment of public school committeemen. Their successors shall be appointed, in the same manner as is now provided by law, by the board of education of the county of Johnston, and any vacancy occurring in said board by expiration of term, death, resignation, or otherwise shall be filled by the county board of education.

Trustees.
Appointment of successors.
Vacancies.

SEC. 3. That the said board of trustees at their first regular meeting, and annually thereafter, shall elect a treasurer, who shall have charge of all moneys received and disbursed on account of the school interests of said district, and said treasurer shall report monthly to said board his receipts and disbursements, together with vouchers for the same, and he shall give such bond as may be required by said board of trustees from time to time: *Provided*, that nothing herein shall prevent the said board of trustees from arranging with the solvent banks of the town of Benson to act as financial agents for said school district, and the compensation in any event shall be fixed by the said board of trustees.

Treasurer.
Monthly reports.
Bond.
Proviso: selection of bank as treasurer.

SEC. 4. That all moneys arising from the special school tax levied in School District Number One, Banner Township, now included in the territory set out in section one of this act, shall be paid by the sheriff of Johnston County to the treasurer of said board of trustees of Benson Graded High School, and the receipt of said treasurer for the amount of funds due said district from said special tax, countersigned by the chairman of the board of trustees, shall be a complete and full discharge of said sheriff and his official bond from any and all liabilities for the collection of said special tax so receipted for. All other public school funds derived from the State and county shall by the proper officer be paid over to the board of trustees herein provided for, to be used by them for the use and benefit of the schools of said Benson Graded High School, and for no other purpose.

Special school tax.
Other school funds.

SEC. 5. That said board of trustees of Benson Graded High School shall be and remain a body corporate under that name, and may adopt a common seal, and shall be capable of receiving gifts and grants, or purchasing and holding real and personal property, of selling and transferring same in furtherance of the interests of said school district, and for discharging other duties usually conferred upon like corporations.

Corporate powers.

Bond issue authorized.

Amount.

Maturity.

Interest.

Retirement of bonds.

Authentication.

Sale below par forbidden.
Specific appropriation of proceeds.
Proviso: purchasers not liable for application.

Special tax.

Collection and settlement.

Payment of interest.

Sinking fund.

Investment of sinking fund.

Proviso: loans paid on thirty days notice.

SEC. 6. That for the purpose of raising money to purchase a site or sites, and to build and equip a school building or buildings for Benson Graded High School, the said board of trustees is hereby authorized and empowered to issue and sell coupon bonds to an amount not exceeding thirty thousand dollars (\$30,000), to run for a period not exceeding thirty years from the date thereof, and to bear interest not exceeding six per cent per annum, payable semi-annually on such dates as may be fixed by resolution of said board of trustees. That said board of trustees may by the exercise of their own discretion arrange for the retirement of said bonds serially on such dates as may be fixed upon by a resolution of said board, the last series of which to mature and be retired not later than thirty years from the date of said bonds. Said bonds shall be signed by the chairman of said board of trustees and attested by its secretary, and the corporate seal of said board thereunto affixed, and the coupons on and attached to said bonds shall bear the printed facsimile of the signature of the chairman of said board of trustees.

SEC. 7. That said bonds shall not be sold for less than par, and the proceeds derived from the sale thereof shall not be used for any other purpose than mentioned in this act: *Provided, however*, no duty is imposed upon the purchaser of said bonds to see to the application of the proceeds thereof. Said bonds shall be exempt from all taxation, general and special, for county and municipal purposes.

SEC. 8. That for the purpose of paying the interest on said bonds and to provide a sinking fund for the retirement of said bonds at maturity, the board of county commissioners of the county of Johnston shall annually levy a special tax on all taxable polls within the bounds of said Benson Graded High School District not exceeding ninety cents, and shall likewise levy and assess a special tax on all personal and real property subject to taxation within said district not exceeding thirty cents on the hundred dollars valuation of property. That the said special tax shall be collected by the sheriff of Johnston County and promptly paid over to the treasurer of Benson Graded High School, who shall keep the same separate and apart from all other taxes and funds he may have in hand, which shall be designated as "Bond Funds." That out of said bond funds the board of trustees aforesaid shall annually set apart a sufficient amount to pay the interest on the bonds sold and outstanding, the remainder of said bond funds or taxes to be set aside to the sinking fund to be used to accumulate a fund for the retirement of said bonds at maturity; and the said board of trustees may invest said sinking fund in such manner as they may deem undoubtedly safe, to the end that a fair return of interest may be yielded thereon from time to time: *Provided, however*,

that such investment shall be so made and arranged that the same may be promptly paid and returned to the board on demand after thirty days notice.

SEC. 9. That before the bonds herein provided for shall be issued, this act shall be submitted to the qualified voters of Benson Graded High School District for their approval or rejection by the board of county commissioners of Johnston County at an election to be held in said district at such time as may be designated in the petition of said board of trustees: notice of said election shall be published for thirty days prior to the date of holding the same. Each voter who shall be in favor of issuing bonds and levying the special tax herein provided for shall cast a ballot upon which shall be written or printed the words "For Bonds," and each voter who shall be opposed to issuing said bonds and levying said tax shall vote a ballot upon which shall be written or printed the words "Against Bonds." The number of ballots cast at said election shall be counted and the result certified to the register of deeds of Johnston County, who shall furnish to the chairman of the board of trustees of Benson Graded High School a certified copy of said returns and forward a like copy to the Secretary of State, and the original returns shall be recorded and filed by the register of deeds of Johnston County as by law required in cases of special elections.

Act submitted to election.

Notice of election.

Ballots.

Count and return of votes.

Record of returns.

Law governing election.

Election officers.

New registration.

SEC. 10. That said election shall be conducted under the same rules, regulations, and penalties as are now provided by law for the election of members of the General Assembly, except that the registrar and poll-holders shall be appointed by the board of county commissioners instead of by the county board of elections. Said board of county commissioners, for the purpose of said special election, shall order an entirely new registration, and only such persons who register for the same shall be entitled to vote in said election.

Issue and sale of bonds.

Denominations.

Maturity.

Tax levied and collected.

SEC. 11. If at the election provided for a majority of the qualified voters shall vote "For Bonds," then the board of trustees of Benson Graded High School shall proceed to issue and sell the bonds provided for by this act, or so many thereof as may be necessary, in such denominations as may be fixed by said board, and to run for such time or times, not exceeding thirty years, as the said board may determine, the money derived therefrom to be used for the purposes indicated in this act; and, also, the special tax authorized by this act shall be levied and collected as herein provided.

Bond issue negatived.

Second election.

SEC. 12. Should a majority of the qualified voters in the election held under the provisions of this act be "Against Bonds," then and in that event no bonds shall be issued thereunder. However, it shall not exhaust the power of the board of county commissioners, upon the petition of the trustees aforesaid, to order and conduct a second election at any time within two years upon the same propo-

Result of second election.

sition; and if at such subsequent election a majority of the qualified voters shall vote "For Bonds," then and in that case the bonds herein provided for may be issued and sold and the special tax levied and collected as if no prior election had been held.

Present tax not affected.

SEC. 13. That the special tax herein provided for shall in no wise affect the special tax levied and collected from time to time for maintaining and operating the schools of said district; but this tax shall be in addition to all other school taxes levied and collected in said district.

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

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

Ratified this the 1st day of March, A. D. 1915.

CHAPTER 146.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF MINNEAPOLIS.

The General Assembly of North Carolina do enact:

Law repealed.

Proviso: vested rights and pending litigation.

SECTION 1. That chapter thirteen of the Private Laws of one thousand nine hundred and eleven is hereby repealed: *Provided*, this act shall not affect vested rights or apply to any pending litigation.

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

Ratified this the 1st day of March, A. D. 1915.

CHAPTER 147.

AN ACT ALLOWING THE TOWN OF NASHVILLE TO ISSUE BONDS FOR WATER-WORKS AND SEWERAGE AND ELECTRIC LIGHTS.

The General Assembly of North Carolina do enact:

Bond issue authorized.
Amount for water-works.

Amount for sewerage.
Amount for electric lights.

SECTION 1. That the board of commissioners of the town of Nashville is hereby authorized and empowered to issue, to an amount not to exceed fifteen thousand dollars, bonds to establish and operate a system of water-works, and twenty thousand dollars to operate a system of sewerage, and ten thousand dollars for electric lights, all of which is to be used to establish, construct, purchase, or otherwise secure and maintain a system of water-works and sewerage and electric lights in and for the said town.

That the said bonds are to be in the name of the said town and such denominations and in such form as said board of commissioners may determine. Denominations.

SEC. 2. That the said bonds shall be payable or redeemable at such place or places and such time or times as may be determined on by the said board of commissioners, not exceeding fifty years from the date thereof. Maturity.

SEC. 3. That said bonds shall bear interest at a rate not to exceed six per cent per annum from the date thereof, with interest coupons attached, payable semiannually at such place or places as may be deemed advisable by the 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. Sale below par forbidden.

SEC. 5. That the said bonds shall not be issued until authorized by a majority of the qualified voters of the said town of Nashville at an election to be held on a date to be designated by the board of commissioners of the said town of Nashville at any time after ratification of this act, at which election those favoring the issuing of said bonds and establishment of said electric light plant, water, and sewerage system shall vote a written or printed ballot containing the words "For Water-works," "For Sewerage," or "For Electric Lights," or "Against Water-works," "Against Sewerage," and "Against Electric Lights," according as each election or elections may be held; and it shall be the duty of the board of commissioners to give notice of the time, place, or purpose of said election for thirty days prior thereto in some newspaper published in the town of Nashville, if there be one; if not, some newspaper published in Nash County. That the 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. Bonds to be authorized by election.
Call for election.
Ballots.
Notice of election.

SEC. 6. That if the powers hereby conferred and heretofore provided shall be exercised and a majority of the qualified voters of said town shall vote "For Electric Lights," "For Sewerage," and "For Water-works," then the said board of commissioners shall issue bonds not exceeding said amount of fifteen thousand dollars for water-works, twenty thousand dollars for sewerage, and ten thousand dollars for electric lights, 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 said mayor and town clerk printed or lithographed with the coupons attached to said bonds; and the said bonds and their coupons shall become exempt from town taxes until they shall become due and tender of payment shall have been made; and the said coupons Law governing election.
Issue of bonds.
Amounts and purposes.
Authentication.
Exemption from town taxation.
Coupons receivable for debts to town.

shall be receivable in payment of town taxes or any other debt due to said town.

Special 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 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 to exceed sixty cents on the one hundred dollars assessed valuation of all the property, real, personal, and mixed, choses in action and solvent credits, and not to exceed one dollar and eighty 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 proportion of the foregoing levy each year as may be necessary to pay off said principal at its maturity; and under such levy the constitutional equation between polls and property shall 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 a system of water-works and sewerage and an electric light plant for said town.

Limit of rate.

Sinking fund.

Constitutional equation.

Taxes kept separate. Specific appropriation.

Construction and maintenance of works.

Condemnation of property.

SEC. 8. That the board of commissioners of said town shall have authority to establish, construct, and purchase and equip, operate, and at all times to maintain such system of water-works and sewerage and electric light plant in or near the said town, including all machinery and appliances necessary and pertinent to the same, and it shall have full power to purchase and condemn real estate for the said purposes and hold such real estate and personal property and to acquire all such rights and privileges as may be deemed right to enable them to build, erect, equip, establish, and operate and maintain such system of water-works and sewerage and electric light and power plant in such manner as to secure the full benefit thereof to said town and to its customers within or near said town.

Charge for use of utilities.

Rentals kept separate.

Application of proceeds.

SEC. 9. The board of commissioners of said town are authorized to charge its inhabitants for the use of said water-works, sewerage, and electric lights, each or all, by private persons in said town a uniform rate, to be prescribed by the board of commissioners, and the receipts arising from said rental shall be kept by the treasurer of said town and shall be applied to the payment of the operating expenses thereof and interest on said bonds and to provide a sinking fund for payment of the principal of said bonds.

Entry on lands.

SEC. 10. That for the purposes aforesaid the said commissioners shall have the right to enter upon the land of all persons, firms, and corporations within or without the limits of said town of Nashville for the purpose of making surveys, laying and putting down of pipes, drains, and appliances, erecting poles and hanging

wires for the purpose of constructing, operating, and maintaining said system of water-works and sewerage and electric light plant and for the purpose 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 interest in land that may be necessary to properly and effectively carry out the purposes of this act.

Power of condemnation.

SEC. 11. That when any person or persons whose lands are taken, used, and condemned under provisions of this act, claim damages therefor, he, she, or it shall, within thirty days of the time when same is so taken, apply in writing to the board of commissioners of the town of Nashville for the payment of the damage claimed therefor. In the event the claimant and the board of commissioners are unable to agree upon the amount of the said damage, then the said board of commissioners and the claimant shall each select an arbitrator, who shall be a freeholder and citizen of the town, which arbitrators 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 said commissioners, examine the lands condemned and ascertain the damage sustained and the special benefits, if any, accruing to the owner in consequence of the taking of his land for the purposes aforesaid, which special benefit shall be deducted from the damages, and shall make their report in writing to the said board of commissioners, assessing the amount to be paid such claimant, if any. The award shall be paid by said commissioners out of the funds provided for the erection and operation of said system. That each party shall be bound by the said arbitration.

Presentation of claims for damages.

Assessment by arbitration.

Payment of award.

Arbitration final.

SEC. 12. That nothing in this act shall be construed to require the purchasers of said bonds to see that the purchase money paid therefor is applied for the purposes prescribed in this act.

Purchasers of bonds not liable for application.

SEC. 13. That the result of said election provided for in section five of this act shall be certified by the officers holding the same to the board of commissioners of said town at such time as they may designate, and the result shall be recorded in the minutes of the town of Nashville and shall be held an immediate qualified evidence of the truth of the act therein certified.

Certificate and record of result of election.

SEC. 14. 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 a System of Water-works and Sewerage" and "For Electric Lights," then 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

Subsequent elections.

shall at any of said elections so called vote "For a System of Water-works and Sewerage and 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.

Call for elections together or separate.

SEC. 15. That the board of commissioners of said town may call and hold an election as above provided for either water-works, sewerage, or electric lights, either or all at one time, and sell bonds upon said election for the purpose herein stated for either water-works, sewerage, or electric lights, either or all at the same time, as it may seem wise and best to said board of commissioners.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 1st March, A. D. 1915.

CHAPTER 148.

AN ACT TO CHARTER THE CITY OF WILMINGTON AND TO PROVIDE FOR A MANAGERIAL FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Incorporation.

SECTION 1. That the inhabitants of the city of Wilmington shall be and continue, as they have been, a municipal body politic and corporate, and the corporation shall bear the name and style of city of Wilmington, 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 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 to be contracted with, to sue and be sued, and shall have all the rights, powers, privileges, franchises, and immunities necessary or belonging to or usually appertaining to municipal corporations.

Corporate name.

Powers and liabilities reposed.

Corporate powers.

SEC. 2. That the corporate limits and bounds of the city of Wilmington shall be as follows:

Corporate limits.

"Beginning on the eastern bank of the northeast branch of the Cape Fear River at the northern edge of the mouth of Smith's Creek, where Smith's Creek enters into the northeast branch of

the Cape Fear River, runs thence up Smith's Creek along the northern edge of the same to the point opposite where Green's Mill Creek enters into Smith's Creek; thence directly across Smith's Creek to the northeastern edge of Green's Mill Creek at its mouth; thence along the eastern edge of Green's Mill Creek to the point where the present city limits intersect the same; thence southwardly along the eastern line of Seventeenth Street as the same is shown on the present official map or plan of the city of Wilmington to where said line again intersects the northeastern edge of Green's Mill Creek; thence up the eastern edge of the same to a point opposite the mouth of Mineral Spring Branch, where the said Mineral Spring Branch empties into Green's Mill Creek; thence across Green's Mill Creek to the mouth of Mineral Spring Branch; thence up the thread of said branch to where the same runs under the embankment or bridge on the Wilmington-Wrightsville Turnpike road, formerly known as the "Old Shell" road; thence in a southwardly direction in a direct line to the southeastern intersection of the rights of way of the old Wilmington Seacoast Railroad Company, now the Tidewater Power Company's right of way, and the old Wilmington, Onslow and East Carolina Railroad Company's right of way, afterwards the Wilmington, New Bern and Norfolk Railroad Company's right of way, and now the right of way of the Atlantic Coast Line Railroad Company, said point being the southeastern intersection of the right of way of the Tidewater Power Company's line leading to Wrightsville Beach, and the Atlantic Coast Line Railroad Company's right of way near the point where the Tidewater Power Company's track crosses the Atlantic Coast Line Railroad Company's track above the same by embankment and trestle near what is known as Delgado; thence southwestwardly along the southern line of said right of way of the said Atlantic Coast Line Railroad Company to the eastern line of Seventeenth Street as laid down upon the present official map or plan of the city of Wilmington, which said right of way intersects said Seventeenth Street near Meares Street; thence southwardly along the eastern line of Seventeenth Street as laid down upon the present official map or plan of the city of Wilmington to the southern line of Greenfield Street as laid down upon the present official map or plan of the city of Wilmington; thence the same course continued to the northern edge of a stream known as Jumping Run Branch; thence down the northern edge of the run of said Jumping Run Branch with its various meanders to where the said Jumping Run Branch empties into Greenfield Lake, or mill-pond; thence along the northern edge of Greenfield Lake, or mill-pond, to the eastern side of the dam; thence along the eastern side of the dam southwardly to a point opposite the center of the mill race; thence westwardly to the center of the said mill race just west of the mill house;

thence down said mill race to where the said mill race reaches the eastern edge of the bridge over said race on the Federal Point road; thence westwardly along a line parallel with the southern line of Greenfield Street three thousand nine hundred (3,900) feet; thence northwardly and parallel to Front Street eleven thousand six hundred and forty-three (11,643) feet to a point where the northern line of Brunswick Street would intersect were said Brunswick Street extended westwardly across the river and on to Eagles Island, for a distance sufficient to intersect said last mentioned line; thence eastwardly and in a line which when run on the same course as the northern line of Brunswick Street runs, as laid down upon the present official map or plan of the city of Wilmington, to the western edge of the northeast branch of the Cape Fear River; thence along the western edge of the northeast branch of the Cape Fear River to a point directly opposite the northern bank of Smith's Creek at its mouth, the beginning point; thence directly across the river in a line running at right angles to the beginning point on the eastern bank of the northeast branch of the Cape Fear River at the mouth of Smith's Creek.

Wards.

SEC. 3. That the said city of Wilmington shall be divided into six divisions or wards, denominated first, second, third, fourth, fifth, and sixth wards respectively, and said wards shall be severally bounded as follows:

FIRST WARD.

First ward.

The First Ward shall include all of that part of the city within the boundaries above described, which lies within the following defined lines, namely: Beginning at a point in the western boundary of the city of Wilmington as defined in this act, where the center line of Red Cross Street as laid down upon the present official map or plan of the said city of Wilmington would intersect the said western boundary were said Red Cross Street extended across the river to the western boundary of said city in the same course as said Red Cross Street is running from Eighth Street to the river, as shown upon the present official map or plan of the city of Wilmington, and from that beginning point to run eastwardly in a straight line across the said river and to the center of Red Cross Street; thence along the center of Red Cross Street eastwardly to the center of the intersection of Red Cross and Eighth streets as the same is laid down and established on the present official map or plan of the city of Wilmington; thence eastwardly to the center of the intersection of the center line of MacRae Street with the intersection of the center line of Rankin Street; thence eastwardly along the center line of Rankin Street to its intersection with the center line of Fourteenth Street, and thence northwardly along the center line of Fourteenth Street,

were the same extended, to the northern boundary of said city as hereinbefore defined, to wit, the northern bank of Smith's Creek; thence along the northern bank of Smith's Creek and the northern limits of said city, to the extreme northwestern corner of the limits of said city as hereinbefore defined, and thence southwardly along the western line of said city, as above defined, to the beginning point.

SECOND WARD.

The Second Ward shall include all that part of the said city Second ward. within the following lines, viz.:

Beginning at the intersection of the center of Sixth and Red Cross streets and runs thence southwardly along the center line of Sixth Street as the same is laid down upon the present official map or plan of the city of Wilmington to its intersection with the center line of Dock Street as said Dock Street is laid down upon the present official map or plan of the city of Wilmington; thence westwardly with the center line of Dock Street to its intersection with the eastern bank of the Cape Fear River; thence westwardly in the same course to the western boundary line of the city as defined in this act; thence along the western boundary of the said city northwardly to a point where the center line of Red Cross Street would intersect said line were the same continued in the same course to the western boundary of the city; thence eastwardly along the southern boundary of the First Ward as herein defined to the intersection of the centers of Sixth and Red Cross streets, the beginning point of the Second Ward.

THIRD WARD.

The Third Ward shall include all that part of the said city Third ward. within the following lines:

Beginning at the intersection of the center line of Church Street with the center line of Sixth Street as the same are laid down and established on the official map or plan of the city, runs thence eastwardly along the center line of Church Street to the center line of Fourteenth Street as the same is shown upon the present official map or plan of the city of Wilmington; thence running northwardly along the center line of Fourteenth Street to where said line would intersect the southern line of the First Ward at the intersection of the center lines of Rankin and Fourteenth streets, and thence westwardly along the center line of Rankin and Red Cross streets and the southern line of the First Ward to the center of Sixth Street where the southern line of the First Ward and the eastern line of the Second Ward intersect, and thence southwardly along the center line of Sixth Street to the beginning point of the Third Ward on Church Street as herein defined.

FOURTH WARD.

Fourth ward.

The Fourth Ward shall include all that part of said city within the following lines:

Beginning at the intersection of the center line of Sixth Street with the center line of Church Street as laid down upon the present official map or plan of the city of Wilmington, and runs thence westwardly along the center line of Church Street to the eastern bank or edge of the Cape Fear River; thence westwardly the same course continued to the western boundary line of the city of Wilmington as established in this act; thence northwardly along the western boundary line of the city of Wilmington to the point where the southern line of the Second Ward intersects said western boundary line of the city; thence eastwardly along the southern boundary line of the Second Ward to the intersection of the center line of Dock Street with the center line of Sixth Street as laid down and established according to the present official map or plan of the city of Wilmington, and then southwardly along the center line of Sixth Street as laid down and established according to the present official map or plan of the city of Wilmington to its intersection with the center line of Church Street, the beginning point of said Fourth Ward.

FIFTH WARD.

Fifth ward.

The Fifth Ward shall include all that part of the said city within the boundaries above defined which lies south of the center of Church Street in an extended line across the river the same course to the western boundary of said city, and west of the center of Fourteenth Street, extended likewise to the southern boundary of said city.

SIXTH WARD.

Sixth ward.

The Sixth Ward shall include all the territory of said city within the above defined boundaries lying east of the center of Fourteenth Street and extending from the center of said street eastwardly to the eastern boundaries of said city and northwardly and southwardly along the said center line of Fourteenth Street extended to both the northern and southern boundaries of said city.

WILMINGTON TOWNSHIP.

Boundaries of townships.

SEC. 3½. That the boundaries of Wilmington Township in New Hanover County are hereby extended so as to cover and include the boundaries of the said city of Wilmington as defined in this act, and the board of commissioners of New Hanover County are hereby directed to change the limits of the townships adjoining said city of Wilmington which are affected by the change in the boundaries of Wilmington Township, to conform to such change.

PRECINCTS OF ELECTION.

SEC. 4. For the purpose of elections the city of Wilmington shall be divided into such precincts as the city board of elections may create: *Provided*, the voting places and boundaries of said precincts shall conform, as nearly as may be practicable, to those designated and prescribed for general election of State and county officers.

Election precincts.

CITY ELECTION.

SEC. 5. On the first Tuesday in May, one thousand nine hundred and fifteen, the qualified voters of the city of Wilmington shall elect a mayor and a board of aldermen of six members, one of which shall be a resident of each of said six wards, and no two of whom shall be a resident of the same ward. A removal of residence by an alderman from the ward of his election during the term of office for which he was elected shall forfeit and terminate his right to hold the office, and the board of aldermen shall elect his successor for the unexpired term.

City election.

Mayor and aldermen. Residence of aldermen. Removal to work vacancy.

TERM OF OFFICE.

SEC. 6. The mayor shall hold office for the term of two years, but shall continue in office until his successor is elected and qualified. The aldermen elected from the First, Fourth, and Sixth wards at the election of one thousand nine hundred and fifteen shall hold office for two years and until their successors are elected and qualified, and the aldermen elected from the Second, Third, and Fifth wards at said election shall hold office for the term of four years and until their successors are elected and qualified; and biennially thereafter, on the first Tuesday in May, there shall be elected by the qualified electors of said city a mayor and the successors of the members of the board of aldermen of said city whose term of office shall expire in said month and year. All aldermen elected after one thousand nine hundred and fifteen shall hold office for a term of four years from and after their election.

Term of mayor.

Terms of aldermen.

Terms after first election.

CANDIDATES FOR OFFICE.

SEC. 7. Candidates for the offices of mayor and aldermen at the first election hereunder, and biennially thereafter, shall be nominated at a primary election which shall be held on the second Tuesday preceding such general election in May. The name of any candidate for mayor or alderman of the city shall be printed upon the primary ballot, hereinafter prescribed, provided there is filed with the chairman of the city board of elections, hereinafter provided for, at least ten days prior to said primary election, a written notice giving the name of the candidate and the office

Candidates nominated.

Date for primary.

Notice of candidacy.

Indorsement of candidacy.

for which he is a candidate, and accompanied by a written petition or indorsement of such candidate, signed by at least one hundred of the citizens of the city of Wilmington in the case of a candidate for mayor, and twenty-five citizens of the ward from which a candidate proposes to run for alderman, indorsing such candidate for alderman, in the case of all candidates for alderman.

Nomination of mayor at large.

The mayor shall be nominated at such primary election by the electors of the city at large, and the candidate receiving a majority of the total vote cast at such election for mayor shall be the only candidate for mayor at said general election; and if no candidate shall receive a majority of all the votes cast for the candidates for mayor at such primary election, then the two candidates receiving the highest votes shall be candidates at the general election, and the one receiving the highest number of votes at said general election shall be declared elected mayor of the city of Wilmington for the ensuing term of two years.

Nominations for aldermen.

There shall be two candidates selected, or nominated, at said primary for the office of alderman from each of the six wards of said city, to be voted for by the electors at large at the general election for mayor and aldermen, and each elector shall have the right to vote for six candidates of his choice, one of which shall be from each of the six wards of said city, and any ballot containing the vote of any elector for two candidates from the same ward, or for more than six candidates, shall be null and void.

Candidates declared nominated.

The two candidates for alderman from each ward to be voted for at the general election shall be chosen, or nominated, at the primary election, by the vote of the ward, and the two candidates receiving the highest votes at said primary election shall be declared the nominees for the general election of mayor and aldermen.

Settlement of ties.

In case of any tie in the primary, in the vote of either the candidates for mayor or alderman, between those who would be entitled to run for such office in a second primary, such tie may be decided by agreement of the candidates in the presence of the city board of elections, or, in case of their inability to do so, such tie shall be determined and decided at a second primary to be held on Friday of the same week as the first primary, and in the same manner. The six candidates for alderman receiving a majority of the votes cast at the general election in one thousand nine hundred and fifteen shall be declared elected aldermen of the city of Wilmington for the ensuing term of office as hereinbefore prescribed.

Aldermen declared elected.

Publication of candidates.

SEC. 8. Immediately upon the expiration of the time for filing the said announcement the said chairman of the city board of elections shall cause to be published for three successive days in all the daily papers published in the city the names of the persons as they are to appear upon the primary ballots, and the said chairman shall thereupon cause the said primary ballots to be

Printing of ballots.

printed, authenticated with a facsimile of his signature upon said ballots. The names of the candidates shall be arranged with a square at the left of each man's name. The ballot shall be printed upon substantial white paper, and in the primary election shall be headed:

CANDIDATES FOR NOMINATION

Form of ballots.

For Mayor of the City of Wilmington:

(Names of candidates for Mayor)

For Alderman of the City of Wilmington for _____ Ward:
(Number of Ward)

(Names of candidates for Alderman)

and a similar ballot for each ward, with the names of candidates for mayor and names of candidates for alderman for said ward.

CHALLENGERS.

SEC. 9. That each candidate for the office of mayor shall at said primary election have the right to name and designate a challenger to represent him at said primary election for each and every voting precinct in said city of Wilmington, and each candidate for alderman shall likewise have the right to designate a challenger for each precinct in the ward in which he is a candidate, which designation shall be made to the chairman of the city board of elections at least three days before said primary election, and the candidates nominated at said primary election, or made eligible as candidates for the respective offices at the general election, shall likewise have the right to name and designate challengers for the general election by giving the same notice to the chairman of the city board of elections; and at said primary election and the succeeding general election for the offices of mayor and aldermen of the city of Wilmington all electors of the city of Wilmington who shall 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 elections shall be in the same general form as for such primary election, with the names of the candidate or candidates for mayor at the head and the names of candidates for alderman following in the numerical order of the wards; and in all elections in said city the election precincts, voting places, method of conducting elections and canvassing the vote, and of announcing the result, shall be the same as by law provided for the election of officers in said city 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.

Candidates to name challengers.

Challengers for general election.

Qualified elections.

Ballots.

CITY BOARD OF ELECTIONS.

City board of elections.

SEC. 10. There shall be a city board of elections, to be composed of the register of deeds of New Hanover County, the clerk of the Superior Court of New Hanover County, the chairman of the board of elections of New Hanover County, who shall be the chairman of said board, and two other members to be selected by the board of aldermen of the city of Wilmington at the first meeting held after its organization, and all said city board of elections shall qualify and their terms of office shall begin at the date of their election and expire two years thereafter, or when their successors shall be elected and qualified: *Provided, however,* that the present city board of elections shall continue in office until their successors shall be elected and qualified under this act.

Qualification and terms.

Proviso; present board continued.

Printing and delivery of ballots.

The said city board of elections shall cause the ballots hereinbefore provided for to be printed and delivered in sufficient quantities at each of the polling places for said city primary.

Count and return of votes.

The judges and poll-holders of elections shall immediately upon the closing of the polls, together with one representative of each candidate, if such representative be requested, count the ballots and ascertain the number of votes cast in said precinct for each of the candidates, and make return thereof to the city board of elections, upon proper blanks to be furnished by said city board of elections, within six hours after the closing of the polls. On the day following the said primary election the said city board of elections shall canvass the 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. The canvass of the city board of elections shall be publicly made.

Canvass of returns.

Publication of result. Canvass made publicly.

Agreeing to perform or performing service for reward a misdemeanor.

SEC. 11. (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 thing of value, or who does perform any service in the interest of any candidate for any office in consideration of any money or other thing of value, shall be guilty of a misdemeanor, and 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 days nor more than thirty days.

Punishment.

Other corrupt practices made misdemeanors.

(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 any question relative to his qualifications to vote at any election, or any person willfully voting or offering to vote at any 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 the

ward or precinct in which he offers to vote for four months, or who has not paid his poll tax as provided for by the 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.

Punishment.

SEC. 12. It shall be unlawful for any candidate for office or any officer of the city, directly or indirectly; to give or promise any person or persons any office, position, employment, benefit, or any thing of value for the purpose of influencing or obtaining the political support, aid, or vote of any person or persons; and 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.

Conduct by candidates declared misdemeanors.

Punishment.

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 were contributed, to whom the same were paid, and what was the consideration for such payment. Any violation of the provisions of this paragraph shall be a misdemeanor, and be a ground for removal from office. And all the provisions of the general law relating to elections applicable hereto shall apply.

Officers to file and publish statement of expenses.

Misdemeanor.

Removal from office. General law applicable.

VACANCIES.

SEC. 13. Should a vacancy occur in the office of mayor or board of aldermen at any time by reason of death, resignation, removal from the city, or other disability, the board of aldermen shall elect a citizen of the city of Wilmington to serve out the unexpired term of such office as shall become vacant. Such vacancy shall be filled outside of the board.

Aldermen to elect mayor to fill vacancy.

MEETINGS OF ALDERMEN.

SEC. 14. The board of aldermen shall meet in the city hall on the first Tuesday in May after their election and qualify, and regularly thereafter on the first and third Mondays of each month. Special session of the board shall be called by the city clerk and treasurer upon written request of the mayor or of three members of the board upon a day's written notice to each member of the board, served personally upon each member or left at his usual

Meetings of aldermen.

Special meetings.

Notice of special meetings.

place of residence; any such request and notice shall state the subjects to be considered at the meeting, and no other subject shall be there considered except by unanimous vote of the board. All meetings of the board, or committees thereof, shall be public, and any citizen of the city shall have access to the minutes and records thereof at all reasonable times. The board shall determine its own rules and order of business and shall keep a journal of its proceedings. Four members of the board shall constitute a quorum at all meetings.

HOLDING OTHER OFFICES, ETC.

SEC. 15. Neither the mayor nor any member of the board of aldermen shall hold any other office or employment during the term for which he was elected, compensation for which is paid out of the public moneys, nor be entitled or appointed to any office created by or the compensation of which was increased or fixed by the board of aldermen while he was a member thereof; and it shall be unlawful for the mayor, alderman, or other officer of said city, directly or indirectly, to become a contractor for work done for the city, or to become, directly or indirectly, personally interested in or receive profit from any purchase of supplies for any department of said city; and any such person so offending shall be guilty of a misdemeanor.

VOTING.

SEC. 16. No member present shall be excused from voting where he is personally interested, which fact shall be determined by the board. In all cases a failure to vote shall be entered upon the minutes as a negative vote. The affirmative vote of a majority of the members elected to the board shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances and resolutions shall be taken by "yeas" and "nays," and entered upon the journal.

ORDINANCE ENACTMENT.

SEC. 17. Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated, and general and special improvement resolutions may contain the various improvements to be made. No ordinance, unless it be declared an emergency measure in the opinion of the city attorney, shall be passed until it has been read on three separate days, or the requirement of reading on three separate days has been dispensed with by a unanimous vote of the members present: *Provided*,

Meetings public.

Access to minutes and records.
Rules of order and journal.

Quorum.

Other public employment forbidden.

Aldermen not eligible to offices created by them.

Personal interest in contracts forbidden.

Misdemeanor.

Aldermen not excused from voting.

Failure to vote a negative.
Vote necessary to pass ordinance.

Vote by yeas and nays.

Introduction of ordinances.

Readings on separate days.

Proviso: grant, renewals, and extensions of franchise.

that the requirement of reading on three separate days shall never be dispensed with on ordinances making a grant, renewal, or extension of a franchise. The first and third readings of all ordinances shall be in full. Readings in full.

SEC. 18. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contain the entire ordinance or resolution or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed. Amendments.

PUBLICATION OF ORDINANCES.

SEC. 19. Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the mayor and attested by the city clerk and treasurer. Every ordinance or resolution providing for public improvements, or assessing property, shall before its final passage be published by posting on a board at some public place in the city hall for ten days immediately prior thereto; and every ordinance of a general nature shall, upon its final passage, be promptly published in a like manner and place for ten days. Record and authentication of resolutions and ordinances.
Ordinances published before final passage.
Publication of ordinances.

INVESTIGATION BY BOARD.

SEC. 20. The board, or any committee thereof duly authorized by the board so to do, may investigate the transactions of any office or department of the city government and the official acts and conduct of any city official, and by similar investigations may secure information upon any matter within its province. In conducting any such investigations the board, or any committee thereof, may compel the attendance of witnesses and administer oaths and compel the production of books, papers, and other evidence, and for that purpose may issue subpoenas or attachments, to be signed by the presiding officer of the board or chairman of such committee, as the case may be, which shall be served and executed by an officer authorized by law to serve subpoenas and other process. If any witness shall refuse to testify to any facts within his knowledge, or to produce any papers or books in his possession or under his control, relating to the matter under inquiry before the board, or any such committee, the board shall have the power to commit the witness to prison for contempt. No witnesses shall be excused from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution, except for perjury. Willful false swearing in any such investigation and examination shall be perjury, and punishable as such. Investigations by board or committee.
Powers in conducting investigations.
Commitment for contempt.
Witnesses not excused.
Perjury.

SPECIAL AUDIT.

Annual audit.

SEC. 21. The board of aldermen shall cause an audit to be made of the books of account, records, and transactions of the administrative departments of the city at least once each year, and such audit shall be made by one or more competent accountants to be selected by the board of aldermen. Such report shall include a general balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules; summaries of income and expenditures, supported by detailed schedules; and also comparison, in proper classification, with the last previous year. Such report, or a condensed summary thereof, shall be printed for distribution, or published, as the board may direct. The board shall also have the power, and may employ the proper assistance therefor, to investigate any or all administrative departments with a view of eliminating conflict of power and administrative jurisdiction, and recommend methods of preventing waste and improving efficiency.

Contents of report.

Report printed.

Investigation of departments.

APPOINTIVE OFFICERS.

Appointive officers.

SEC. 22. The board of aldermen shall at the first meeting in May after their election and qualification, or as soon thereafter as practicable, appoint or elect an executive officer of the city of Wilmington, a city clerk and treasurer, an assistant clerk and treasurer, who shall be tax collector, a city attorney, and such assistants to these officers as may be found necessary, whose terms of office shall be at the will of the board, and shall fix their compensation; and shall also elect at the same time three public library trustees, who shall serve without compensation.

Terms and compensation.

Library trustees.

Fiscal year.

Appropriations for departments.

SEC. 23. That the fiscal year of the city shall extend from June first to May thirty-first of the year next following, and it shall be the duty of the board of aldermen, at the first regular meeting in May of each year, or as soon thereafter as is practicable, to appropriate such sums of money, respectively, for each of the various departments of the city government as it may deem necessary for their maintenance during the ensuing fiscal year. In addition to the appropriation herein provided for, the board of aldermen shall make such appropriation for contingent expenses as may be deemed necessary. In making such appropriation, due regard shall be had to the report and recommendation of the executive officer of the city, hereinafter provided for. The board of aldermen shall first make provision for the payment of interest on the outstanding bonded indebtedness of the city. Except for permanent improvement, to be made by special assessments herein elsewhere provided for, the total expenditures for all purposes, including interest on bonded debt, shall not in any fiscal year exceed the amount of total revenues raised from all sources by the city during such fiscal year, except for emergency appropriations made necessary by the act of God or the public enemy.

Contingent expenses.

Recommendations of executive officer.

Provision for interest on debt.

Expenditures not to exceed revenue but for emergencies.

POWERS OF BOARD OF ALDERMEN.

SEC. 24. The board of aldermen shall have control of all the finances and all the property, real and personal, belonging to the city; and all of the corporate powers conferred upon the city of Wilmington shall be exercised by the board of aldermen, subject to the provisions of this act and consistent with the powers herein granted; and, among the powers granted, shall have power and authority, by ordinance duly enacted:

Control of finances and property.

(1) To provide for the payment of any existing indebtedness and of any lawful obligation that may from time to time be made by the city, and to appropriate funds for that purpose.

Payment of debts.

(2) To establish, construct, open, close, grade, and keep in repair streets, sidewalks, public alleys, bridges, culverts, drains, and conduits in the city, and regulate the construction and use of same; to abate any obstructions and encroachments thereon, and to punish those causing or responsible for such obstructions or encroachments; and to establish and regulate public parks and grounds; and the naming of all streets, parks, and public places shall be subject to the approval of the board of aldermen.

Establishment and maintenance of streets.

(3) To prevent excavations on any street, sidewalk, public alley, park, or public ground, unless by permission of the board; to prescribe and exact fees for such privileges, and to require satisfactory bonds or deposits in cash, or securities, as guarantee for the proper restoration of such street, sidewalk, park, public alley, or public ground.

Excavations in streets and public grounds.

(4) To provide for the lighting of the streets, public grounds, parks, and public buildings.

Lights.

(5) To regulate the speed of all railroad trains, street cars, and locomotives within the city, and their stops at street crossings; to require all railroads or street railway companies to light

Trains, street cars, and locomotives.

the streets over or across which their trains or cars are operated where deemed necessary by reason of the operation of such trains or cars; to prescribe the kind of light to use, and to levy special-

Lights on tracks.

tax assessments upon them for street improvements in the same manner as against abutting property owners hereinafter provided for.

Assessments for improvements.

(6) To regulate and control the laying and construction of railroad tracks, turnouts, and switches, and to regulate, change, or alter the grades of same; to require that they be constructed and so laid as to interfere as little as possible with the ordinary travel and use of streets; to regulate and control the location and construction of street railroad and steam railroad tracks, turnouts, and switches, and to require railroad companies of all kinds to construct, raise, lower, alter, widen, or enlarge, at their own expense, such tracks, bridges, turnouts, culverts, crossings, and other things as the board of aldermen may deem necessary, and to

Regulation of tracks.

require the railroad companies to maintain gates or watchmen at street crossings when deemed necessary.

Regulation of power plants.

(7) To control and regulate the erection and use of steam and other power engines and boilers in the city, and to adopt such rules and regulations in relation thereto as may be deemed best for the public safety and comfort.

Regulation of inflammable substances.

(8) To regulate the transportation, storage, and use of gasoline, benzine, dynamite, and other substances which are explosive or highly inflammable and dangerous to the public safety.

Bicycles and motor vehicles.

(9) To regulate the use of bicycles, automobiles, motor cars, motorcycles, or other motor vehicles; to issue permits for the use of such, and to require the same to be numbered.

Inspection of dairies, milk, and foodstuffs.

(10) To provide for inspection of all dairies doing business within the city, and to regulate and maintain a standard for milk sold in the city; to provide for and regulate the inspection of all foodstuffs offered for sale in the city of Wilmington, and to impose license fees on all persons engaged in any of said businesses.

Slaughter-houses, abattoirs, and meat markets.

(11) To regulate, license, or prohibit the business of slaughtering animals and to regulate the selling of fresh meats in the city limits; to revoke such license for malconduct in business; to regulate and prescribe plans and specifications and conduct of slaughter-houses and abattoirs where animals are slaughtered and where fresh meats are kept or stored for use or sale within the city.

Regulations for health, comfort, and convenience.

(12) To require any owner or occupant of a dairy, grocery, meat, fish, or other market place, any restaurant or eating place, any blacksmith shop, slaughtering-house, or stable, to cleanse or operate same in such manner as may be necessary for the health, comfort, and convenience of the inhabitants.

Markets and market places.

(13) To establish markets and market places and provide for the government and regulation thereof.

Animals running at large.

(14) To regulate, restrain, and prohibit the running at large of horses, cattle, sheep, swine, goats, dogs, and other animals in the city, and to authorize the impounding and sale of the same for the cost of proceedings and the penalty incurred; to order the destruction of such as cannot be sold or are not reclaimed; and to impose penalties on the owners or keepers thereof for violating any ordinance; and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto if the provisions of the ordinance have been complied with.

Sales for charges.

Observance of Sunday.

(15) To pass ordinances for the due observance of Sunday and the maintenance of order in the vicinity of churches, schools, and hospitals.

Fire stations and equipment.

(16) To establish and own stations and equipment for extinguishing fires, and to provide everything necessary for the efficient operation of same.

- (17) To establish fire limits, and to regulate or prohibit the erection, building, placing, moving, or repairing of wooden buildings within said limits; to declare as nuisances all dilapidated buildings which they may deem dangerous, and to require the same to be removed in such manner as the board may direct. Fire limits.
- (18) To provide for the inspection of all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles in the city, and cause the same to be changed or removed and all wires placed underground, whether telegraph, telephone, light, power, or otherwise. Building inspections.
Erection of poles.
- (19) To authorize one or more officers, agents, or employees of the city to enter in and upon all buildings and premises within the city to inspect and discover whether the same are dangerous on account of fire or otherwise, or in an unclean state; to cause the defects to be remedied and filth and trash to be removed. Entry for inspection.
- (20) To require the construction of suitable fire-escapes on or in hotels, boarding-houses, factories, schoolhouses, and other buildings, whether now built or hereafter built; to prevent dangerous construction of chimneys, fireplaces, hearths, stoves, stove-pipes, flues, boilers, furnaces, and other heating apparatus, and cause the same to be removed and made safe; to prevent nuisances on account of dense smoke from boilers or furnaces, and to establish such regulations for the prevention and extinguishment of fires as it may deem expedient. Fire-escapes.
Regulation of construction.
- (21) To regulate the size, arrangement, and construction of theaters, tenement houses, audience rooms, public halls, and all buildings used for the gathering of a number of people, hereafter to be built. Further building regulations.
- (22) To define what shall be nuisances in the city, to abate them by summary proceedings, and to punish the authors by penalties, fines, or imprisonment. Definition and abatement of nuisances.
- (23) To establish one or more crematories, and to provide for the removal of all filth, carcasses of dead animals, and other unhealthful substances, for cremation; and to require the owners and occupants of all premises to keep them in a cleanly condition. Crematories.
- (24) To require the owners of private drains, sinks, and privies to fill up, cleanse, drain, relay, repair, remove, or fix and improve the same. If necessary, the city 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. Private drains, sinks, and privies.
- (25) To regulate the burying of the dead in the city. Burial regulations.
- (26) To establish, enlarge, or extend systems of sewerage and drainage and to require persons owning property within a reasonable distance to connect therewith; and to establish works or plants for sewage disposal, and to extend or build the same beyond the city limits when deemed necessary. Sewerage and drainage systems and connections.

Water-works.

(27) To own, maintain, and operate a system of water-works for the furnishing of a supply of water to the city and its inhabitants.

Supervision of transportation facilities.
Regulation of fares.

(28) That all transportation facilities in the city shall be under the supervision of the board of aldermen; it shall have the power to regulate fares for transportation by all licensed hacks and other vehicles in the streets of said city.

Penalties for breach of ordinances.

(29) To prescribe penalties and forfeitures for the breach of any ordinance enforcing the powers granted in this act, and to provide for the recovery of such fines and forfeitures.

Penalty for violation of ordinances.

(30) To prescribe penalties, not exceeding fifty dollars for each offense, for the violation of any ordinance, to be recovered before the recorder or a justice of the peace of New Hanover County.

Protection of certain purveyors.

(31) To protect hackmen, carriage drivers, chauffeurs, keepers of restaurants, boarding-houses, hotels, or lodging houses or places from being cheated, defrauded, or deprived of just compensation for services rendered or accommodation furnished, and, if necessary for the purpose, to make and enact ordinances prescribing fines and penalties.

Regulation of public shows.

(32) To provide for regulating and restraining theatricals, circuses, carnivals, and other public performances within the city, and levy license taxes thereon, and to enforce such provisions.

Docks, wharves, and warehouses.

(33) To pass all ordinances regulating the use of docks, wharves, and warehouses, and to regulate and fix the charges for the use of same.

Leases on streets bordering on river.

(34) To make temporary leases of any portion of the streets of the city of Wilmington bordering on the river not necessary to the public use. But no such lease shall be for a longer term than two years; and the board of aldermen shall have the right to terminate said lease upon thirty days notice to the lessee, notwithstanding the term shall not have expired.

Other powers and functions.

(35) To exercise any other powers and functions granted to municipalities by the general laws of the State, not inconsistent with any specific provisions of this charter.

MAYOR.

Election and term of mayor.

SEC. 25. The mayor shall be elected by the qualified voters of the city, and his term shall be for two years and until his successor is elected and qualified. The mayor shall be the official head of the city, for the service of process, for ceremonial purposes, and so considered by the Governor of the State in connection with the military law, and shall be *ex officio* head of the police force and have superior command, but the active control of the police department shall be under a chief of police, who shall be appointed as provided in section twenty-nine of this act. The mayor shall preside over the meetings of the board of aldermen,

Official head of city.

Ex officio head of police.
Chief of police.

To preside over aldermen.

and shall have no vote except in case of a tie, and the sale of city property. He shall appoint all standing and special committees of the board of aldermen. He shall have power to administer oaths and take affidavits.

No vote except on ties and on sales of property.
Appointment of committees.
Oaths and affidavits.

MAYOR PRO TEM.

At their first meeting the board of aldermen shall elect one of their members mayor *pro tem.*, to preside in the absence of the mayor and to act as mayor in the absence of the mayor from the city or during the disability of the mayor by reason of sickness or otherwise; and in case of a vacancy occurring in the office of mayor by reason of death, removal, resignation, or other permanent disability, the board of aldermen shall elect some citizen to fill his office until the next election for city officers.

Mayor pro tem.

Election to vacancy.

SEC. 26. The mayor shall sign all written contracts entered into by the board of aldermen on behalf of the city, and all other contracts and instruments executed by the city which by law are required to be in writing, except such contracts as are hereinafter required to be made or signed by the executive officer of the city of Wilmington.

Contracts to be signed by mayor.

LIBRARY TRUSTEES.

SEC. 27. (a) The three persons elected as library trustees by the board of aldermen as hereinbefore provided shall hold their office for two years from and after their election, and until their successors are elected, and shall meet together as soon as practicable after their election and organize themselves into a board of trustees, two of whom shall constitute a quorum, for the transaction of business, by electing one of their number chairman and another vice chairman; and shall take full charge of all books, magazines, periodicals, maps, and all other papers, desks, tables, bookcases, and other furniture belonging to the city of Wilmington and now used by the free library of said city, and manage and control the same; and shall have power to acquire by purchase, donation, or otherwise, books, magazines, periodicals, maps, desks, tables, chairs, bookcases, and any other furniture as may be needed for the use of the said free library: *Provided*, the expenditure shall not exceed the amount appropriated by the board of aldermen as hereinafter provided. The said board of trustees shall elect a suitable person to act as librarian, who shall also act as secretary of the board, and such assistant librarians as it may deem necessary, fix their salaries, and shall have power to make such rules and regulations for the government of said free library as it may deem best. In case of a vacancy occurring in the said board by death or otherwise, the board of aldermen shall fill the same.

Term of library trustees.

To meet and organize.

Quorum.

Organization.

Management and control of library.

Extension of library.

Proviso: limit of expenditures.

Election of librarian and assistants.
Secretary of board.

Rules and regulations.

Vacancies.

Appropriation for library.

(b) The board of aldermen of the said city of Wilmington shall appropriate annually a sum of money for the maintenance and support of said library for the free use of the people of the said city, said sum to be not less than one thousand two hundred dollars, or more than three thousand dollars, and shall be included in the annual budget of expenses for each and every year, beginning June the first, and shall be paid out by order of the board of aldermen as now provided by law. The board of aldermen of said city of Wilmington shall furnish rooms for the accommodation of said library.

Rooms for library.

EXECUTIVE OFFICER.

Appointment of executive officer.

SEC. 28. The board of aldermen, at their first regular meeting after their election, or as soon thereafter as practicable, shall appoint an executive officer of the city of Wilmington, who shall be the administrative head of the city government, and who shall hold office at the pleasure of the board of aldermen. During the absence or disability of the executive officer the board of aldermen may designate some properly qualified person to execute the functions of the office. The salary of the executive officer, and the time and manner of payment thereof, shall be fixed by the board of aldermen. He shall devote his entire time to the affairs of the city, and shall not actively engage in any other business. He shall not at the time of his appointment, or at any time during his tenure of office, have any personal interest, direct or indirect, in any contract made by the city.

Administrative head of city.

Temporary appointment.

Salary.

Exclusive employment. Interest in city contracts forbidden.

Powers and duties.

SEC. 29. The powers and duties of the executive officer shall be:

Enforcement of laws and ordinances.

(a) To see that the laws and ordinances are enforced, except those specially pertaining to the police department.

Attendance on and consultation with aldermen.

(b) To attend all meetings of the board of aldermen, and to enter into the discussions and deliberations of that body; but he shall have no vote. He shall make recommendations to and prepare business for the board, and shall, at least once a month, and whenever requested by the board, furnish the board with information regarding the affairs of any of the departments of the city.

Recommendations.

Monthly reports.

Establishment and organization of departments.

(c) To establish and organize such departments for the administration of the affairs of the city as he may deem proper or necessary for the efficient and economical administration, subject to the approval of the board of aldermen.

Appointment, pay, and removal of heads of departments and subordinates.

Appointments upon merit and subject to approval.

(d) Except as herein provided, to appoint and remove all heads of departments, except the head of the police force, and all subordinate officers and employees, and fix their compensation, all appointments to be upon merit and fitness alone, and subject to the approval of the board of aldermen.

Enforcement of terms and conditions of franchises.

(e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchises are faithfully kept and performed, and, upon knowledge of any violation

thereof, to call the same to the attention of the board of aldermen and to take such steps as are necessary to enforce the same.

(f) To superintend the construction, operation, and maintenance of all public works, including streets, sidewalks, sewers, water-works, public grounds, parks, etc. Superintendence of public works.

(g) To revoke licenses, pending action of the board of aldermen. Revocation of licenses.

(h) To supervise performance of all contracts of the city. Supervision of performance of contracts.

(i) To examine personally, or by duly designated deputy, all records, books, and accounts of each and every department of the city's administrative affairs. Examination of records and accounts.

(j) To purchase all supplies and materials used by the city. Purchase of supplies and material.

(k) To keep the board of aldermen fully advised as to the financial condition and needs of the city. Information furnished aldermen.

(l) To prepare in detail an annual budget, to be submitted to the board of aldermen at its first regular meeting in May of each year, which budget, or accompanying same, shall contain a statement of the expenditures in the various departments during the preceding year, and which budget shall include recommendations to the board of aldermen. Annual budget.

(m) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter. Statement of expenditures.

(n) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter. Recommendations to aldermen.

(o) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter. Other powers and duties.

CITY TAX COLLECTOR.

SEC. 30. The city tax collector 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 all sums appearing by the tax list as due for city taxes. He shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll tax, and taxes on personal property certified by the clerk of commissioners of the county, by order of the board of county commissioners, to be insolvent and uncollectible, and all taxes for which real estate has been sold and purchased by the city. He shall at no time retain in his hands more than five hundred dollars for a longer time than three days. The board of aldermen, at the first meeting in April in each fiscal year, shall appoint one or more of their number to be present and assist the city clerk and treasurer at the accounting and settlement between the tax collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The accounts so audited shall be recorded in the minute-book of the said board and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax collector who shall fail to settle and duly pay up the taxes due from him, and he shall not be eligible to reelection to said office. Power, authority, and liability of tax collector.

(p) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter. Charges and credits.

(q) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter. Payments.

(r) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter. Committee to assist in settlement.

(s) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter. Record of accounts and audit.

(t) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter. Removal for cause.

(u) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter.

(v) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter.

(w) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter.

(x) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter.

(y) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter.

CITY CLERK AND TREASURER.

Warrants and orders.

SEC. 31. That all warrants or orders drawn on the city clerk and treasurer by any of the executive departments of the city shall be signed by the executive head of the department in which said order originates, and countersigned by the executive officer of the city, and shall state the purpose for which the money is applied.

Method of accounts and form of reports.

SEC. 32. The city clerk and treasurer, subject to the approval of the executive officer, shall prescribe the methods of keeping accounts by all departments, and the form of reports to be rendered to the executive officer, who shall require that reports shall be made to him by each department, showing the receipt of all moneys by such departments, and the disposition thereof, at least once a month, and oftener if he desires. The city clerk and treasurer shall keep account of all appropriations made by the board of aldermen and expenditures made or contracted to be made thereunder.

Reports to executive office.

Details of reports.

Accounts of appropriations and expenditures.

Final settlements.

SEC. 33. He shall upon the death, resignation, removal, or expiration of term of any officer examine the accounts of such officer, and if he be found indebted to the city, he shall immediately give notice thereof to the board of aldermen and the city attorney, and the latter shall forthwith proceed to collect such indebtedness.

Approval of accounts before issue of warrant.

SEC. 34. No warrant for the payment of any claim shall be issued by the city clerk and treasurer until such claim shall have been approved by the head of the department for which the indebtedness was incurred, and by the executive officer of the city; each head of a department, and the executive officer of the city, and the surety on his bond, shall be liable to the city for all loss or damage sustained by the city by reason of the negligent or corrupt approval of any claim against the city in his department. Whenever any claim shall be presented to the city clerk and treasurer, he shall have the power to require evidence that the amount claimed is justly due and that such is in conformity with law and ordinance. For that purpose he shall summon before him any officer, agent, or employee of any department, or any other person, and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the city clerk and treasurer shall draw a warrant for any claim contrary to law or ordinance, he and his sureties shall be individually liable for the amount thereof, and he shall be guilty of a misdemeanor.

Liability for negligent or corrupt approval of claims.

Evidence required.

Examination under oath.

Liability for improper issue of warrant.

Accounting procedures.

SEC. 35. He shall install and maintain accounting procedures adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash receipts and disbursements; and the recorded facts shall be presented periodically to officials and to the public, in such summaries, and analytical schedules in detailed support thereof, as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government.

Periodical publication of summaries.

CITY ATTORNEY.

SEC. 36. The city attorney shall be an attorney at law admitted to practice in the State of North Carolina. He shall be the legal adviser of and attorney and counsel for the city, and for all officers thereof, in matters relating to their official duties. He shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds, and other instruments in writing in which the city is concerned, and shall indorse on each his approval of the form, correctness, and validity thereof. He may designate such assistant attorneys as the board of aldermen may authorize. He, or his assistants, shall prosecute such cases in the recorder's court, in the Superior Court, or on appeal in the Supreme Court, as the board of aldermen or executive officer of the city may, in writing, direct.

Qualification for.
Legal adviser
of city.

Enumeration
of duties.

Assistants.

Prosecuting
attorney.

Application for
inquisition.

SEC. 37. The city attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

Action for forfeiture
or specific per-
formance.

SEC. 38. When an obligation or contract made on behalf of the city, granting a right or easement, or creating a public duty, is being evaded or violated, the city attorney shall after appropriate action by the board of aldermen likewise apply for the forfeiture or the specific performance thereof, as the nature of the case requires.

OATHS.

SEC. 39. Immediately upon their election, or as soon thereafter as practicable, the mayor, the aldermen, and all officers elected or appointed by the board of aldermen, shall take and subscribe an oath to support, advance, protect, and defend the good order, peace, and welfare of the city of Wilmington and its inhabitants, and to faithfully demean themselves in their respective offices according to law and the ordinances and regulations thereof, and to support the Constitution of the United States and the Constitution and laws of this State.

Officers to qualify.

BONDS REQUIRED.

SEC. 40. The board of aldermen shall require the executive officer of the city of Wilmington, the city clerk and treasurer, assistant clerk and treasurer and city tax collector, or other person having charge of the city property or intrusted with money belonging to the city, except the library trustees, and every person, firm, or corporation contracting to furnish material or supplies or do work for the city of Wilmington, to give bond with good surety in some licensed and approved surety company, and of

Officers and agents
of whom bonds
are required.

Bonds.

Additional security.
Premiums on bonds.

sufficient amount to protect the city. Where the security in any such bond shall become insufficient or insolvent, it shall require additional security. The city shall pay the premiums on all bonds given by officers of the city, with regularly licensed and approved bonding companies as surety.

TAXES.

Taxing powers.

SEC. 41. That in order to raise a fund for the expenses incident to the proper government of the city, including interest on the bonded debt, and to provide a sinking fund, the board of aldermen shall annually levy and collect the following taxes, viz.:

Tax on property.

(1) On the real and personal property within the corporate limits and on the personal property owned by residents of said city, including money on hand and solvent credits, and upon all other subjects taxed now or hereafter by the General Assembly, *ad valorem*, a tax not exceeding two dollars on every hundred dollars value, exclusive of bond issues hereafter authorized.

Limit of rate.

Poll tax.

(2) A poll tax not exceeding two dollars a poll on the taxable polls of all persons who may be residents in the city on the first day of May of each year.

Advertisement for listing taxes.

SEC. 42. That the city clerk and treasurer, on the third Monday in April of each year, shall make advertisement in some newspaper published in the city, notifying all persons who own or have control of property liable to taxation by the city on the first of May to return to the tax collector at the city hall, on or before the last day of May, a list of their said taxable property. Said list shall state the number of lots or parts of lots, and all other property now taxable or that may hereafter be made taxable by the laws of the State or the ordinances of the city, and the list so returned shall be sworn to before said tax collector, and said tax collector shall administer the following oath: "I, A. B., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots and all other real estate owned by me in said city, a full and accurate list of all personal property, and a full and accurate list of all stocks, bonds, income, solvent credits, and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information, and belief: so help me, God."

Time of listing.

Details of lists.

Verification.

Tax book.

SEC. 43. That from the returns so made the tax collector shall within thirty days after the expiration of the time for taking said list make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes; and the tax collector shall copy in said book the assessments made by the board of township assessors of all real property within the city limits, and the said list may be revised, corrected, or amended by the board of aldermen for equalization purposes.

Assessment of real estate.

Equalization.

SEC. 44. That the tax collector 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 by the board of township assessors as soon as possible after, and by diligent inquiry from other sources, a list of taxable polls and other taxable property in said city whose owner shall have failed to return the same in the time and manner aforesaid, and said persons so listed shall forfeit and pay a sum fixed by the board, not exceeding twice the amount of the tax, which penalty may be recovered, as other fines and penalties imposed by the board of aldermen, before the recorder or any justice of the peace of New Hanover County.

Lists of delinquents.

Forfeit for failure to list.

SEC. 45. The board of aldermen shall annually levy the taxes on such subjects of taxation as above designated, and shall place the tax list in the hands of the collector for collection, as hereinafter provided, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of February next ensuing, and shall pay the moneys as they are collected to the city clerk and treasurer; and the collector for his compensation shall receive a salary to be fixed by the board of aldermen.

Levy and collection of tax.

Settlements.

Salary of collector.

SEC. 46. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same, and after October first he shall proceed to collect by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold is personalty, and of thirty days if the property be realty, and where there is no visible property he shall proceed by garnishment.

Collection by distress.

SEC. 47. That when the taxes 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 February, 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 board of aldermen, together with a particular description of the real estate, and thereupon the board of aldermen may order the same sold at the courthouse door, after advertising for thirty days in some newspaper published in the city; and the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and, if not redeemed as hereinafter provided, shall belong to the said city in fee.

Procedure for sale of real estate.

Returns of sales.

SEC. 48. That the collector shall return an account of proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on a book to be called "Tax Sales"; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury, subject to the demand of the owner.

Time for redemption.

SEC. 49. The owner of any land sold under the provisions of this act and amendments, or any person acting for him, may redeem the same, within one year after the sale, by paying to the purchaser the sum paid by him and twenty-five per cent on the amount of taxes and expenses, and the treasurer shall refund to the owner, without interest, the proceeds of the sale, less double the amount of taxes.

Conveyance of unredeemed property.

SEC. 50. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the city shall convey the same in fee to the purchaser, or his assigns, by deed, signed by the mayor, attested by the city clerk and treasurer, with the corporate seal attached; and the recital in such conveyance shall be conclusive evidence that the tax collector has complied with all requirements of this act necessary to make the sale valid, and the deed shall be presumptive evidence that the taxes for which the property was sold were due and unpaid.

License tax on poles.

SEC. 51. That in addition to subjects listed for taxation, the board of aldermen may levy a license tax in their discretion on all poles, whether telegraph, telephone, electric power wire, or otherwise, located in, on, over, or above any public alley, street, or sidewalk in the city limits, an annual tax or charge in the nature of rent, not to exceed one dollar per pole: *Provided*, the board of aldermen shall have power and authority to graduate the tax with reference to the number, location, and quality of the poles.

Proviso: graduation of tax.

Tax on trades, professions, franchises, privileges, and licenses.

SEC. 52. That the board of aldermen are hereby authorized and empowered to impose taxes on trades, professions, franchises, privileges, licenses, and other subjects of taxation not inconsistent with the Constitution of the State of North Carolina and the laws thereof.

Graduation of tax.

SEC. 53. That the board of aldermen shall have the power to graduate any of the license taxes on trades, professions, franchises, privileges, licenses, or businesses, by dividing the same into classes, according to size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class.

Doing business without license a misdemeanor.

SEC. 54. That any person carrying on or practicing any franchise, 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.

SEC. 55. That it shall be the duty of the board of aldermen, in their levy of taxes, to make provision for paying the interest on the bonded debt of the city and for the payment of said bonds as they fall due, but no owner of past-due bonds shall be paid interest thereon after advertisement in some newspaper to present the same to the city treasurer for payment.

Payment of bonded debt.

Interest to cease.

SEC. 56. The board of aldermen shall, during the month of August in each year, or at any other times deemed necessary by them, carefully review and justly revise the tax list hereinbefore mentioned, and correct any inequalities or errors appearing therein, either by reducing or increasing the assessment for taxation on any property listed thereon, or by supplying omission therefrom, or by amending same in any other manner proper and just.

Revision of list and equalization of assessment.

SEC. 57. That said board of aldermen shall preserve said list, mentioned in the preceding section hereof, among its records, and shall, immediately after its approval of same, cause to be made a copy of so much and such parts thereof as may be required for the use of the tax collector in collecting the taxes of said city. Said copy, or said copy amended, modified, or changed as hereinbefore provided, shall be delivered to said tax collector on or before the first Monday in September in each year, or as soon thereafter as practicable, and he shall receipt for the same, and the board of aldermen shall make an order directing and empowering said tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution from and after June first of the year for which such tax is due against the real and personal property of the persons charged in said copy, respectively.

Preservation of list.

Delivery of copy to tax collector.

Order for collection.

Force and effect of order.

SEC. 58. That whenever it shall appear to the board of aldermen of the city of Wilmington that property, real or personal, has escaped taxation in the said city for city purposes on account of the failure of the owner of the property to list said property for taxation, or for any other reason, it shall be the duty of the said board to notify the said persons or corporations whose property has thus escaped taxation to appear before it at a time and place mentioned in the notice and show cause, if any there be, why the said owner should not be charged with the tax on the said property for the year or years during which it escaped taxation. At the time and place mentioned in the notice the board of aldermen shall hear and determine the matter, and if they find that the said property was liable for taxation, and was not listed, they shall direct the city clerk and treasurer of the said city to enter upon the tax book against the owner of the said property, who should have listed it, the taxes due for the year or years it escaped taxation, and the tax thus levied shall be collected as other taxes

Notice to delinquents.

Hearing and orders.

against the owner who failed to list his property or whose property was not listed for any cause.

Right of appeal.

SEC. 59. That from the decision of the board of aldermen the owner may appeal to the next term of the Superior Court of New Hanover County, and the collection of such taxes shall be stayed pending such appeal, if the owner shall give bond in at least double the amount of the taxes assessed against him, conditioned that he will pay the city of Wilmington any judgment that may be had against him in the Superior Court upon such appeal, which bond shall in no case be less than fifty dollars.

Stay on appeal.

SALARIES.

Salary of mayor and aldermen.

SEC. 60. That the salary of the mayor and members of the board of aldermen shall be fixed and determined by the board of aldermen. The mayor of the city of Wilmington shall not receive a greater salary than the sum of twelve hundred dollars per annum, and the members of the board of aldermen shall not receive a greater salary than three hundred dollars per annum, which salaries shall be paid in equal monthly installments. All other officers of the city of Wilmington herein provided for, or which may hereafter be created by action of the board of aldermen, shall be paid a salary to be fixed and determined by the said board, which shall be paid to them in monthly installments of equal amounts, and no salary of any officer of the city of Wilmington, elected hereunder or appointed by the board of aldermen of the city of Wilmington, shall be reduced during the term of office for which he was elected or appointed.

Limit.

Salary of other officers.

Salaries not reduced during term.

HEALTH.

Board of health.

SEC. 61. It shall not be necessary for the city of Wilmington to create, establish, and maintain a board of health for said city, but all matters and things relating to the health department of said city shall remain and be under the supervision and control of the board of health of the county of New Hanover, under and by virtue of chapter three hundred and sixteen of the Public Laws of one thousand nine hundred and eleven and chapter sixty-two of the Public-Local Laws of one thousand nine hundred and thirteen, as amended by the acts of the Public-Local Laws of the extra session of one thousand nine hundred and thirteen, chapter two hundred and thirty-six, and the general laws of the State of North Carolina regulating county boards of health; and said county board of health of said county of New Hanover shall have supervision of and do and perform all necessary acts and things for the promotion and preservation of the health of said city of Wilmington, including all sanitary acts and measures and the enforcement of all rules and regulations which may be adopted or enacted: *Provided, however,* that nothing herein contained, or in any of said acts of the

Proviso: supervision of street cleaning.

said Legislature contained, shall prevent said city of Wilmington from exercising any municipal rights and powers in keeping the streets of said city in an orderly and clean condition, nor from removing therefrom any and all dirt, waste, or other casual obstructions to said streets, nor from the performance of any act or thing in the preservation of the condition of the streets or the health of the said city which may be rendered necessary and urgent by any epidemic or the sudden and unforeseen acts of nature or the elements; and it shall be lawful for, and authority is hereby given to said board of aldermen of said city of Wilmington to take over, assume, and perform any of the sanitary work within said city under contract, arrangement, or agreement with the board of health of New Hanover County for any stipulated term or period, and to pay for the same out of the city's funds, and provide any and all necessary means and machinery for the purpose, whenever such arrangement or agreement shall, in the joint opinion of the two boards, better promote the efficiency of the work and the interests and welfare of said city.

Powers of aldermen
as to sanitation.

WATER AND SEWERAGE.

SEC. 62. The board of aldermen shall have authority to extend, construct, maintain, change the location of, or discontinue the water mains and water pipes connected with its present system of water-works, and by ordinance shall have authority to regulate and control the introduction, distribution, and use of water in the said city, and fix the rate at which the same shall be furnished to consumers, and prescribe the time of payment, and may grant a rebate for payment of such rates within a designated time, and provide for the collection of all rents, rates, forfeitures, or emoluments from the operation of the water-works system and require the payment in advance of the water rates for water furnished in or to any building, place, or premises, and, after five days notice, may cause the water to be shut off from any building, place, or premises on account of the nonpayment of said rates or rent, and said premises, building, or place need not be furnished with water until the arrears, with interest thereon, and the expense of cutting off and reintroducing the water supply shall have been fully paid; and to prescribe penalties against any person who shall interfere with the water supply of any building, place, or premises or who shall turn on the water in or to any building, place, or premises after the same shall have been cut off and before payment of said arrears. They may require the owners of real property upon which residences or other buildings are located abutting upon the streets in which any water mains are located, or within a reasonable distance thereof, to connect said residences or other buildings with such water mains under such rules and regulations and upon such conditions as said board shall by ordinance fix and establish,

Mains and pipes.

Water rates.

Collection of rates.

Water cut off for
nonpayment.

Penalties for inter-
ference with water-
works.

Enforcement of
connection.

in which shall be included the right to fix reasonable fees and rates to be charged said property owners for the privilege of connecting with such water mains and the subsequent use thereof, which rates shall also apply to the owners whose property has heretofore been connected with the public water mains now established as well as those to be connected therewith. 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.

Ordinances.

Extension of sewer system.

Control of system.

Rates for use and connections.

Collection of rates.

Penalties for interference.

Enforcement of connections.

Forfeit for failure to make connections.

Enforcement of penalties.

SEC. 63. The said board of aldermen shall likewise have the authority to extend, construct, maintain, change the location of, or discontinue the sewers now connected with its sewerage system; and by ordinance shall have authority to regulate and control the existing sewerage system and all extensions thereof or additions thereto, and fix the rate at which the same may be used by the citizens of Wilmington; and all parties may connect therewith, by and with the consent of the city government; shall prescribe the time of payment and may grant a rebate for payment of such rates within a designated time, and provide for the collection of all rates, forfeitures, or emoluments from the operation of said sewerage system, and require payment in advance of the rates for connecting therewith, or for using the same, in any building, place, or premises, and may prescribe penalties against any person who shall interfere with any part of the sewerage system, or connections with any building, place, or premises, or who shall obstruct, disconnect, or interfere with the same or any part thereof; and upon giving a reasonable notice in writing, which shall not be less than thirty days, the board may require the owners of any real property upon which residences or other buildings are located abutting on the streets in which any sewers are located, or within a reasonable distance thereof, to connect said residences, or other buildings, with such public sewers under such reasonable rules and regulations, and upon such conditions, as the said board shall by ordinance fix and establish, in which shall be included the right to fix reasonable fees and rates to be charged such property owners for the privilege of connecting with such sewers and the subsequent use thereof; which rates as to use thereof shall apply to the owners whose property has heretofore been connected with the public sewers now established, as well as those to be connected hereafter. Any person who shall fail to make such sewer connections with the sewer main or mains as required in the written notice of the board of aldermen served on such person or his agent, within the time or period designated in said notice, shall forfeit and pay a penalty of one dollar per day for each and every day that the premises thereafter remain unconnected with the sewer main or mains, which penalty may be collected in the recorder's court of New Hanover County by an action in behalf of the city in the nature of an action of foreclosure for the sale of

the premises to satisfy the same, which action shall be conducted in the same form as provided in section seventy-two of this act, and the board of aldermen shall have no right or power to rebate or release such penalties, or any part of same, and on the trial of said action proof of the service of the notice upon the owner of said premises or his agent, in the manner provided in section sixty-eight, shall be sufficient, and the court may enter judgment and decree the sale of the property; and the provisions as to appeal to the Superior Court, provided for in section seventy-two of this act, shall be applicable to all suits or actions for penalties hereunder. The said board shall have the right and power to pass such ordinances as shall be necessary to enforce the collection of all such fees and charges hereinbefore provided for.

Right of appeal.

Enforcement of collection.

SEC. 64. That where unnecessary waste of water is known or suspected, the board of aldermen shall have the authority to cause entry to be made, at reasonable hours, after demand and refusal, into and upon any building, place, or premises where such water is taken and used, and examine and inquire into the cause of the waste thereof, and may prescribe penalties for any person who refuses to permit such examination or obstructs the performance of this duty; and the supply of water may be cut off until such examination is made.

Inquiries as to waste of water.

Penalty for obstructing examination.

SEC. 65. That accurate account shall be kept of all receipts and disbursements and expenditures on account of the operation of the water-works and sewerage systems separate from the other funds of the city.

Accounts of water-works and sewer system.

SEC. 66. That if any person or persons shall maliciously or willfully divert the water, or any portion thereof, from the city water-works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, or other property used or acquired for procuring or distributing the water, or connected with the sewerage system of said city of Wilmington, or any part of same, or shall otherwise interfere with, injure, destroy, or change either said water or sewerage systems, or any part of the same, the said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or shall be imprisoned not exceeding one year, at the discretion of the court.

Interference with water-works declared misdemeanor.

Punishment.

SEC. 67. That the said board of aldermen shall have the right to use the ground or soil within the right of way of any street railway or other railway, highway, public lane or alley, for the purpose of extending or improving, enlarging, or adding to the said systems of water-works or sewerage, and may carry pipes under any railroad or highway for said purposes, under condition that such property shall not be permanently injured, and shall be restored to its original condition, or damages done thereto repaired as expeditiously as may be reasonable and with as little inconvenience to the owners of such disturbed property as may be actually necessary.

Use of lands for systems.

Enforcement of connections.

SEC. 68. That whenever it shall become necessary, in the opinion of the board of aldermen of the city of Wilmington, that any premises now occupied or which may hereafter be occupied should be connected with the water system of said city, and the owner or agent of said premises shall fail to make such connection voluntarily, at his own expense, or neglect to do so, the board of aldermen of said city shall have the right and power to enforce such connection in manner and form following: The board of aldermen shall cause a notice in writing to be served upon the owner of said building or premises, or his agent, and if neither the owner nor agent can be located, then a notice placed conspicuously upon the premises itself shall be sufficient for such purpose, designating a time within which said owner is required to make such connection with the water-works system of said city, and if at the expiration of the time designated in said notice said owner or agent shall have failed, refused, or neglected to make such connection, or to give satisfactory proof to the board of aldermen of his purpose and intention so to do within a reasonable time, said board of aldermen may cause said connections with the water-works system of said city to be made by and under the supervision and direction of the city engineer of the city of Wilmington, subject to the supervision and control of the executive officer of said city as to cost of the same, and shall pay the cost of making such connection; and the cost thereof, furnished by the executive officer, shall be entered by the city clerk and treasurer in a book to be designated "Water and Sewerage Connections," which book shall be kept by him and be preserved as a record in his office for public examination, and the amount of such costs from the time of the completion of such work and the entry thereof on said book shall be and constitute a lien upon the property whereon said connections were made, of equal dignity to taxes, and shall be collected in manner and form as hereinafter provided.

Notice to owners.

SEC. 69. That whenever and wherever, for reasons satisfactory to the board of aldermen of the city of Wilmington, it shall be made to appear that the owner or owners of said premises cannot be found, nor any representatives of them can be located in the city of Wilmington, or that such owners are infants, or incompetents, or indigents, or prisoners, in either of such cases the board of aldermen may cause the work of making such connections with either the water or sewerage system, or both, to be done by the city of Wilmington under the supervision of the city engineer, subject to the supervision of the executive officer of said city as to the cost of same, and may provide the material and cost of doing the work at its own expense, and in the cost thereof may include an item of five dollars to reimburse the city for the services of its officers and time expended by them in making the same; and the total cost of the work shall be entered upon the book provided for

Work done and paid for by city.

Record of cost.

Lien on property for cost.

Work on property of nonresidents and persons under disability.

Lien on property for cost.

in the preceding paragraph, and shall be a lien upon said premises of equal dignity to taxes, and shall be collected as hereinafter provided.

SEC. 70. That it shall be unlawful for any owner of any real property in the limits of the city of Wilmington to maintain or use, or suffer or permit to be maintained or used, on any premises or property owned by him, any surface closet or privy of any nature or kind without first having obtained a permit or license from the board of aldermen of the said city; and any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both, in the discretion of the court; and the board of aldermen of said city of Wilmington shall have the right to fix the terms and prescribe the rules and regulations for issuing said license: *Provided*, it shall be the duty of the said city to cause said surface closets or privies to be inspected and cleaned, and kept in a clean and sanitary condition at its own cost and expense; and *Provided further*, that said board of aldermen may revoke such license at any time, and the owner of said premises be required to remove said surface privies or closets whenever the reasons for granting said license shall, in the opinion of said board, be removed and facilities afforded the owner for connecting his premises with the sewerage system of said city.

Surface closets or privies.

Misdemeanor.

Punishment.

License.

Proviso; inspection and sanitation.

Proviso; revocation of license.

SEC. 71. The board of aldermen, upon the request of any citizen who is the owner of any abutting premises required by the board of aldermen to be connected with the water or sewer mains of said city, may advance to said owner or his agent the necessary cost of the work when finished, and provide the manner and time of repayment of same, which shall likewise be entered upon said book and constitute a lien on said premises, and be collected upon default in the payment thereof as hereinafter provided.

Advances for water and sewer connections.

Advances a lien on premises.

SEC. 72. That the total cost against each property owner so entered upon the said book hereinbefore provided for shall bear interest from the date of said entry at the rate of six per cent per annum, and the time of payment thereof shall be fixed and determined by said board of aldermen, and upon default in the payment thereof by said owner within the time therein prescribed, the same shall be collected by said city of Wilmington by an action to be brought in the recorder's court of New Hanover County, which is hereby given exclusive original jurisdiction for said purpose, which action shall be brought in the nature and form of an action to foreclose said premises against which said charge is entered, and the service of the summons therein shall be upon the owner or his agent or representative personally, if such owner, agent, or representative can be found within the county of New Hanover; and if such owner, agent, or representa-

Interest on costs.

Time of payment.

Action for collection.

tive cannot be found, then service shall be made by publication as now provided by law, and said action shall stand for trial at the expiration of five days from the service of said summons either personally or by publication. That in said action and on the trial thereof the entry in the book hereinbefore provided for, or a certified copy thereof under the head of the city clerk and treasurer, with the corporate seal of the city of Wilmington attached thereto, shall be *prima facie* evidence of all the facts and things therein stated; and the only defense which the defendant in said action may set up in opposition thereto shall be a denial of the fact that the costs therein set forth were incurred or that the same have been paid; that a certificate of the city clerk and treasurer under seal of the said city, wherein the city of Wilmington shall be recited as the plaintiff and the name of the owner or owners of the premises recited as the defendants, together with a sufficiently definite recital of the premises to identify the same, and the amount of costs incurred in the making of the connections, and when the same was paid by the city, shall constitute a sufficient complaint in said action, and the prosecution of said action shall be conducted by the county solicitor of New Hanover County on behalf of the city, and judgment shall be entered by the court condemning said property to sale, and a date fixed for said sale; of which sale notice shall be given by publication once a week for four weeks in a daily newspaper published in the city of Wilmington, and the first publication thereof shall be thirty days prior to said sale, and said sale shall be made by and under the supervision and control of the county solicitor, who shall be appointed commissioner for such purpose. That said commissioner shall report to said court all his acts and doings in the premises for confirmation, and upon confirmation, the judgment of the court shall provide for all the costs and expenses of said action, including an allowance of five dollars to the commissioner, and any balance which may remain after the payment of the costs and expenses of said action and the judgment in favor of the city shall be paid into the office of the clerk of the Superior Court for the benefit of the owner or owners of the property; and in all such cases either party shall have the right of appeal to the Superior Court of New Hanover County from a final judgment entered therein, upon giving bond, with sufficient security, the amount of which shall be fixed by the recorder and the surety to be approved by the clerk, conditioned for the performance and payment of such judgment on the part of the defendant, if the defendant shall appeal, together with the costs of the action, the amount of which bond shall be at least double the amount of judgment rendered in favor of the city and one-half as much more, to cover the costs of the action. If the city appeals, no bond shall be required. On such appeal

Evidence.

Sole defense.

Complaint.

Prosecution of action.

*Judgment.

Sale.

Report.

Right of appeal.

Bond on appeal.

Transcript on appeal.

a transcript of the record in the recorder's court, duly certified by the clerk of said court, shall constitute the record in the Superior Court, and said appeal shall be heard in said court *de novo*. All judgments and decrees entered in any such action shall be entered upon the records in the office of the clerk of the Superior Court of New Hanover County and docketed in like manner as judgments of the Superior Court are now required to be entered and docketed by law, and shall have like force and effect of such judgments, and such appeals shall have priority of trial in the Superior Court over and above all other civil actions pending therein, and such appeal shall stand for hearing at the first term of the Superior Court which convenes after said appeal is taken from the recorder's court.

Judgments and
decrees docketed.

Priority of trial.

Trial term.

STREETS.

SEC. 73. That the board of aldermen shall have full power and authority, by ordinance, to grade, pave, repave, macadamize, remacadamize, and otherwise permanently improve for travel and drainage any street, sidewalk, or public alley of said city; to put down curbing, cross drainage, and crossings on the same; to lay out and bound new streets, or widen those already bounded, and make such improvements thereon as the public convenience may require.

Powers as to streets.

SEC. 74. 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 improvements, and of equalizing the assessment on real estate to pay the cost of such improvement, as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this act for street improvement, the board of aldermen shall have power and authority to pass ordinances assessing one-half of 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 portion thereof so paved or repaved, macadamized or remacadamized, which assessment shall be assessed equally and ratably against abutting owners of each side of the street, and it shall be incumbent on the owners of the real estate abutting on each side of the street or sidewalk or part thereof so improved or repaired to pay the amount so assessed for such improvement, and such cost and charges shall be a lien on all such abutting property from the completion of the work as provided in this act: *Provided*, that the board of aldermen shall not order such improvement district or section to be laid out until and unless the persons owning the land abutting on such street or sidewalk, or public alley, or the portion thereof

Section for permanent improvement.

Assessment of cost.

Apportionment of assessment.

Lien for assessment.

Proviso; request for improvement.

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, shall in writing request said board to make such improvement: *Provided*, that the city, out of its general funds, shall pay the cost of grading and curbing the streets, and the cost of 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 of grading, curbing, and intersections.

Proviso: bonds for improvements.

Work to be done by street railway and other railroad companies.

SEC. 75. That if any street railway company or other railroad company have tracks running through or across any street or streets, sidewalks, or public alleys, laid out as permanent improvement districts or sections, it shall be incumbent on such company to pave, repave, macadamize, remacadamize, or otherwise improve that part of such street or streets, sidewalks, or public alleys as is covered by said tracks, together with eighteen inches on each side of each line of track, and also so much of said street, sidewalk, or public alley as lies between double tracks, where said street railway or other railroad is double tracked, including all tracks which are now or which may hereafter be constructed by any such street railway or railroad 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 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 railway company, railroad company, or other occupant of the streets, sidewalks, or public alleyways the option of having said space paved or repaved, macadamized or remacadamized, by itself or otherwise; and the cost of such permanent improvement shall be assessed upon the franchise or property of said railway or railroad company, or both, located within said city of Wilmington, and shall constitute a lien thereon; and special-tax levies shall be made thereon for the purpose of collecting the same in the manner herein elsewhere provided for the assessment, levy, and collection of such assessments upon other property so improved.

Proviso: work done by city.

Assessment for payment.

Lien.

Notice for permanent improvements.

SEC. 76. All companies, corporations, and persons having franchises or permits to use the streets of the city for laying railway tracks, pipes, or conduits, and for other purposes requiring the excavation of the streets, sidewalks, and public alleys, shall be notified by the executive officer of the city when any street is to be permanently improved, and given a reasonable opportunity to lay said railways, pipes, or conduits, or do such work as they may be authorized to do under said franchises; and in case any such company, corporation, or person fails to lay said railway

Conditions after improvements.

or pipes, or to do said work before such permanent improvements are made, they shall not be permitted to do so thereafter, except upon such reasonable terms and conditions as the board of aldermen may fix.

SEC. 77. That in order to equalize the assessments on real estate for the purposes described, as elsewhere provided in this act, the board of aldermen shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be made throughout the entire length of such work or improvement, and shall then prorate one-half of the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge to and assess upon each side of the street upon which said work is done its pro rata share of the entire cost of all such improvements as may be made under the provisions of this act: *Provided, however,* in order to avoid obstructing lot owners in subdividing and selling their property, by reason of the liens hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit, and shall file in the office of the city clerk and treasurer a plat of the subdivisions, making the lots fronting on the streets so paved or improved of any desired frontage, but not less than fifteen feet, and not less than sixty-six 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 fifteen feet in front or width and not less than sixty-six feet in depth; and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain chargeable with its ratable proportion of said assessment and liens, according to its frontage. That the board of aldermen shall cause to be established a permanent grade on any such street, sidewalk, or public alley, to be accurately surveyed, and a map to be made of the various lots and properties on such street, sidewalk, or alley, or portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivisions, if any; and the said map shall be filed with the city clerk and treasurer, to be subject to public inspection; and when the assessments and liens, as provided for in this act, shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the city clerk and treasurer, or other proper clerical city officer, shall write upon said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens, and the date and amount of all payments made on any of said assessments and liens: *Provided,* that no section or district shall be ordered or declared a section or district for permanent street improvement under the provisions of this act

Estimate of cost.

Prorate cost.

Proviso: subdivision of lots.

Minimum of division. Lien on front lots only.

Lots charged ratably.

Grade, surveys, and maps.

Map subject to inspection.

Assessments entered on map.

Indexed record of assessments.

Proviso: improvements necessary to establishment of sections.

until and unless one-third, at least, in frontage of the various lots or properties abutting on the streets or sidewalks of such district or section shall have been built up or improved for business or residential purposes: *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 assessed for permanent street improvement 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 subsections, 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 special tax to pay the same and the interest thereon, as hereinafter provided.

SEC. 78. That notice of the assessment or 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 once a week for four weeks in some daily newspaper published in the city of Wilmington, which notice shall state the time and place at which 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 be an infant, idiot, lunatic, or incompetent, then his general guardian, if he has such, shall act for him; if he has none, on application by the city it shall be the duty of the clerk of the Superior Court of New Hanover County to appoint a guardian *ad litem* to act for him or them. 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 New Hanover County

Proviso: limit of amount and time of assessment.

Proviso: subsections.

Bond issues and special tax.

Notice of hearing on assessments.

Persons under disability.

Right of appeal.

Superior Court, by serving upon said city notice in writing of his intention so to do, and specifying in said notice the grounds of his objections to said findings, and by filing within the time prescribed for taking appeals in the office of the clerk of Superior Court of New Hanover County a written undertaking in at least the sum of two hundred dollars, with sufficient surety to be justified before and approved by the 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 said 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 of said assessment shall be discharged; if, however, the issues, or any of them, be found in favor of the city of Wilmington to any amount, then judgment shall be rendered in favor of said city for such an amount, to the end that no merely technical objections shall defeat the rights of the city; and the amounts so found, together with the costs of the appeal, which costs shall be assessed as costs in other civil actions, shall be and constitute 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 Wilmington, as elsewhere in this act provided.

Notice and bond on appeal.

Case on appeal.

Pleadings.

Judgment.

SEC. 79. That in addition to notice by publication to property owners affected by improvements to abutting real property, as elsewhere provided by this act, the board of aldermen shall 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 Wilmington or any other proper officer. Should any such person be a nonresident of the city of Wilmington, then said notice shall be served on such nonresident's agent in the city having charge of said property, or said notice may be mailed to the last known address of said nonresident.

Personal notice.

Notice to non-residents.

SEC. 80. Nothing in this act shall be construed to make it mandatory on the board of aldermen to require abutting property owners to pay any part of the cost of macadam, but it shall be in the discretion of said board to exercise its judgment about the

Assessment for macadam discretionary.

Charge for permanent pavements mandatory.

Proviso: issue for bonds for sidewalks.

Assessments for sidewalks.

Lien on property.

Enforcement of collection.

Proviso: improvements without petition filed.

Notice of issue of bonds.

cost of macadam; but it is hereby made mandatory upon said board to charge one-half of the cost of bitulithic, asphalt, vitrified brick, and other permanent pavements against the abutting property when petitioned for 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, or any portion of same, not including curbing, to the abutting property, the property on each side of the street to pay or bear the cost of the sidewalk on its respective side, which cost shall be a lien on the abutting property, as herein elsewhere provided, and paid immediately, or as soon thereafter as practicable, by the property owners, and not by an issue of bonds, as is elsewhere provided, if the board of aldermen so determine; and such charge or assessment shall be enforced and collected by the tax collector by the sale of the abutting property specially benefited in the same manner as real estate is sold for taxes: *Provided, however*, that nothing herein contained relating to the method of paving, when the work is petitioned for by the abutting owners, shall prevent the board of aldermen from proceeding under the provisions of this act to pave any street, sidewalk, or alley without any petition therefor and charging the assessment herein provided for, to wit, one-half of the cost of the work, against the abutting owners on each side thereof, whenever the same shall be deemed necessary or for the public good.

SEC. 51. As soon as the amount chargeable to the real estate to be specially benefited, as 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 shall cause a notice to be published once a week for two weeks in some daily newspaper published in the city of Wilmington, substantially in the following form:

STREET IMPROVEMENT NOTICE.

Form of notice.

"Notice is hereby given that a contract has been let for (describing the work, and street, sidewalk, or alley), and that the improvement chargeable to real estate to be benefited has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk and treasurer. 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 and treasurer, within the time stipulated in said notice, a written notice that they elect to pay the special assessments on their property, describing the same."

SEC. 82. 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, and 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 treasurer, with corporate seal affixed, 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 semiannually, 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 clerk and 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 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.

SEC. 83. That all funds derived from assessments heretofore or hereafter levied by the board of aldermen upon private property, on account of the improvements of the streets, sidewalks, and public alleys upon which such property abuts, shall, when collected and received by the city of Wilmington, constitute a special fund, to be designated "Street Improvement Fund," and the same, with funds derived from the taxes hereafter authorized to be levied for street improvements, shall be kept separate from all other funds of the city, and a separate record thereof shall be kept by the city clerk and treasurer, and said funds and every part thereof shall be applied by the said board of aldermen exclusively to the payment of any bonds issued against the property from which such funds were derived, or to reimburse the city in case the city has financed the improvement.

Bond issue authorized.

Official entitlement. Series of bonds.

Interest.

Sale below par forbidden. Authentication.

Recitals.

Sale.

Maturity.

Payments to contractors.

Special assessment.

Assessments included in tax roll.

Lien as for taxes.

Special fund.

Official entitlement.

Funds and accounts kept separate.

Exclusive appropriation.

Water and sewer pipes.

SEC. 84. That for the preservation and protection of the pavements and improvements herein provided for, the board of aldermen of said city shall have and are hereby given power and authority, in all cases where any of the public streets or alleys of said city whereon water and sewer pipes have been laid or are conveniently accessible are being paved or are about to be paved, to lay its water and sewer pipes from its mains to the line of the abutting property so as to enable the property owner to connect his premises with the same, under the supervision of the city engineer, and shall make proper branch water pipe and sewer connections for said lots or parcels of land, from said water pipes and sewers to the edge of such lots or parcels of land: *Provided*, that in all sections for permanent paving, the board of aldermen may require any person, firm, or corporation owning or using gas mains, gas pipes, or any other pipes whatever, or underground electric or other wires, in or under said streets so being paved or about to be paved, to forthwith make all their lateral connections in said streets, at least to the edges thereof, before said streets are paved, and so as not to interfere with the progress of the paving; and for failure for thirty days after notice of said requirement to comply with same, said person, firm, or corporation so in default shall thereby thereafter forfeit the right to use said streets for the purposes aforesaid, and the board of aldermen of said city may at its discretion remove said gas mains, pipes, and wires from said streets.

Branch pipe lines.

Proviso: gas companies to establish laterals.

Forfeit for failure.

Removal of mains.

Record of assessments.

SEC. 85. That the city clerk and treasurer shall keep a record in his office of all assessments made against property for street improvements, which said record shall contain a description of the property against which such assessments are made sufficiently definite for purposes of identification, and the amount of such assessments against each piece of property, for the purpose of public examination and inspection and as a record of his office, which shall be kept in a book to be designated "Street Improvement Assessments."

Record open for inspection.

CONDEMNATION.

Purchase of land.

SEC. 86. That when, in the opinion of the board of aldermen, any land, right of way, privilege, or easement shall be required for the purpose of opening new streets, or of extending or widening those already open, or for the extension and maintenance of the drainage and sewerage systems of the city of Wilmington, or for other public purposes, said city may purchase the same from the owner or owners thereof, and pay such compensation therefor as may be agreed upon; and when in any case said board shall find that additional land, water rights, privileges, rights of way, or easements are necessary to the operation of the system of water-works or sewerage, they may likewise purchase the same at an agreed price;

- but if said city should be unable to agree with the owner thereof for the purchase of any such land, rights, privileges, or easements therein, condemnation of the same for such public use may be made in the manner hereinafter set forth. The city shall file with the clerk of the Superior Court of New Hanover County its verified petition, praying for the appointment of commissioners to appraise and value the real property, or rights, privileges, or easements proposed to be taken or condemned for the purpose aforesaid, and to ascertain and report to the court what sum should be paid to the owner or owners as damages for the property rights, privileges, or easements so taken, the said assessment to be made by the commissioners according to the value of the property, or rights, privileges, or easements to be acquired for public use. The petition shall set forth and describe the particular property, rights, privileges, or easements proposed to be taken or condemned for the purpose aforesaid, and shall also state the names and residences of the owner or owners thereof, and of the persons who have any interest therein which may be affected by the said condemnation, and whether any of the said owners are minors with or without guardians.
- SEC. 87. That upon the filing of the said petition the clerk of the Superior Court shall issue a summons to the parties interested in the lands, rights, privileges, or easements described in the petition, requiring them to appear at his office in the courthouse of said county on a day at least ten days after the service of the said summons, and answer or otherwise plead to the petition, and the said proceedings shall be conducted in all respects as are other special proceedings, and the clerk may issue process and make publication for parties, and appoint guardians, in like manner as is provided by law in the case of special proceedings.
- SEC. 88. 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 New Hanover County to ascertain and assess the value of the property, rights, privileges, or easements proposed to be taken, and the damages to be paid to the owner thereof by said city or said board, as the case may be. The clerk shall issue a notice of their appointment to the said freeholders, to be served upon them by the sheriff of the county, and when so notified, after being duly sworn by the clerk of said court, they shall within five days go upon the premises and ascertain the value of the lands, rights, privileges, or easements proposed to be taken for public use, determine by a majority vote the amount of damages to be paid for the same, and make report of their findings to the clerk of the Superior Court of said county within ten days after notice of their appointment. Before making such report they may take the evidence of witnesses offered
- Right of condemnation.
- Procedure for condemnation.
- Recitals of petition.
- Summons to issue.
- Procedure as in special proceedings.
- Appointment of jury.
- Notice to jurymen.
- Findings and report.
- Evidence.

- Time for filing exceptions. 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 the said report with said clerk, and all issues of fact and law raised before the clerk in the said proceedings and upon the said exceptions shall be transferred to the Superior Court for trial, in like manner as provided in the case of other special proceedings pending before the clerk; and the said issues shall be tried at the first term of the Superior Court after they are transferred, unless, for good cause shown, the trial or hearing of the matter is continued by the court; and the trial of said issues shall have precedence over all other civil cases or matters on the docket of the said court. From the judgment of the Superior Court, rendered in said proceedings, any of the parties may appeal to the Supreme Court as in other cases pending in the Superior Court: *Provided, however*, that no appeal either to the Superior or Supreme Court shall hinder or delay the city or board in opening such streets, in constructing such lines, or erecting such improvements.
- Transfer to superior court.
- Trial at first term.
- Right of appeal.
- Proviso: appeal not to delay work.
- Considerations governing assessments. SEC. 89. That in making the valuation and assessment aforesaid, the commissioners shall take into consideration the loss or damage that may accrue to the owner by reason of the land or right of way being surrendered, and also any benefit or advantage such owner may receive from the opening, extending, or widening of the street, or any other improvements thereof, and shall ascertain the amount of loss or damage in excess of the said benefit or advantage, or the value or amount of such benefit or advantage in excess of loss or damage, as the case may be. That in any case where the benefits to land caused by the erection of any such improvement are ascertained to exceed the damages to the land, then the city or board shall pay the costs of the proceedings, and shall not have a judgment for the excess or benefits over the damages.
- Excess of benefits not charged.
- Appraisals not specially provided for.
- Resolution for condemnation of land. SEC. 90. 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 nearly as may be, to the ordinary practice and procedure in such court.
- SEC. 91. That when it is proposed to condemn any land, rights, privileges, or easements for the purpose 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 nearly as may be, the nature of the improvement for which the

land is required, and authorizing the executive officer of the city to proceed in accordance with this act.

SEC. 92. When any proceedings for appraisal of property or rights under this act shall have been instituted, no change of ownership or transfer of the real estate, or any interest therein, or of the subject-matter of the appraisal or any part thereof shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Proceedings not affected by change of ownership.

SEC. 93. If at any time after the attempt to acquire such property or rights, by appraisal or damage or otherwise, it shall be found that the title to said property or right proposed to be taken, or which has been acquired or condemned, is 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 possession of the same, and, if not in possession, to take possession and use such property or rights during the pendency and until the final conclusion of such new proceedings, and may stay all actions and proceedings against the petitioner on account thereof, upon such petitioner paying into court a sufficient sum, or giving security as the court may direct, for the damages which may be finally assessed and recovered against it; and in every case any party interested in such property or rights may conduct the proceedings to a conclusion, if the city delays or omits to prosecute the same.

Proceeding to perfect title.

Possession during pendency.

Stay of proceedings.

SEC. 94. That where any notice is required to be given in said proceedings, and the person to be notified is a nonresident of New Hanover County, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be; and if the said person is a nonresident of the State, the notice may be served by the publication thereof once a week for four weeks in a newspaper published in the city of Wilmington; and the affidavit of the publisher, proprietor, or foreman of said newspaper that said notice was so published shall be sufficient *prima facie* evidence of such publication, and the time of notice shall be counted from the first day on which the notice was inserted in said newspaper.

Notice to non-residents.

SEC. 95. That the title to any real estate, rights, privileges, or easements which has been condemned under the provisions of this act shall vest in the said city, upon its paying into court, or to the parties entitled to receive the same, the amount of compensation or damages recovered against it, together with the costs adjudged to be paid by it in the said proceedings, and upon its further complying in all respects with the judgment of the court.

Titles vested in city.

Copy of judgment registered.

SEC. 96. A copy of the final judgment of the court, duly certified by its clerk, shall be registered in the office of the register of deeds of New Hanover County aforesaid, and said copy so certified by the clerk, or a copy of the registry of such judgment, duly certified by the register of deeds, shall be received as evidence in all the courts of this State; and where the said copy is offered in evidence in any court not held in the county of New Hanover, the certificate shall have affixed to it the official seal of the certifying officer.

Copy received in evidence.

FRANCHISES.

Limit on time of franchises.

SEC. 97. No franchise for the use of streets, sidewalks, highways, or other public property of the city shall be hereafter granted, extended, or renewed, for a longer period than thirty years, and no ordinances granting any such franchise shall be passed until the full text thereof shall have been published for three weeks in a daily newspaper of the city, at the expense of the applicant applying for such franchise, before the second reading of such ordinance; and all such ordinances shall be read at three separate regular monthly meetings of the board and an "aye" and "nay" vote shall be taken and recorded on the second and third readings; and the rules shall not be suspended so as to pass such ordinance in a shorter time; neither shall such ordinance be passed unless some reasonable time limit shall be therein provided for the commencement and completion of the work authorized, and the board shall have the right to fix such terms and conditions upon which such franchise shall be granted. No franchise to construct and operate any street or other railway upon any street in said city shall be granted except on the condition that the company owning and operating such railway shall keep up and maintain the street between and at least eighteen inches on each side of every line of such railway, and all space between tracks where said street railway or other railroads are double-tracked.

Ordinances to be published.

Readings and vote.

Rules not suspended.
Time for commencement and completion of work.
Terms and conditions.

Conditions of railway franchise.

Renewal of grant.

SEC. 98. The board of aldermen may, by ordinance and in the manner hereinbefore specified for granting franchises, renew any grant for the construction or operation of any utility not earlier than two years prior to its expiration, upon such terms as may be conducive to the public interest.

Construction of franchises.

SEC. 99. All franchises or privileges for the occupation of the streets shall be strictly construed in favor of the city, and no franchise or privilege shall be held to have been granted unless granted in clear and unmistakable terms.

Grants subject to rights of city.

SEC. 100. The grant of every franchise, privilege, or renewal thereof, shall be subject to the right of the city, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare, and ac-

commodation of the public, including among other things the right to enact and enforce ordinances to acquire proper and adequate extensions of service, and to protect the public from danger and inconvenience in the operation of any work or business authorized by the grant of the franchise, and the right to make and enforce all such regulations as shall be necessary to secure adequate, sufficient, and proper service and accommodations for the people, and to insure their comfort and convenience without discrimination.

SEC. 101. Revocable permits for laying spur tracks across or along streets and public places to connect any steam, electric, or other railroad with any warehouse, factory, or other establishment needing switching facilities, shall not be considered to be franchises, as that term is used in this act, but such permits may be granted and revoked by the board of aldermen from time to time, in accordance with such terms and conditions as may be prescribed by general ordinance.

Revocable permits for spur tracks.

SEC. 102. The board of aldermen may by ordinance grant to any individual, company, or corporation operating a public utility or quasi-public utility the right to extend the appliances and service of such utility. All such extension shall become a part of the aggregate property of the utility, and shall be subject to all the obligations and reserved rights in favor of the city applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made, or any renewal thereof.

Grant for extension of utilities.

Grants subject to reserved rights.

SEC. 103. No right to construct, maintain, or operate any public utility in the city of Wilmington shall be exclusive or perpetual.

Exclusive or perpetual grants forbidden.

PUBLIC PROPERTY.

SEC. 104. That the title to all parks, public buildings, and other public property belonging to the city, except as herein provided, shall vest in the city, and shall be under the control and in the custody of the board of aldermen; and such officials, servants, and agents as shall be needed to care for, manage and look after the same shall be appointed and their terms of office and compensation fixed as herein elsewhere provided.

Titles to public property to vest in city.

Control and custody. Appointment, term, and compensation of officers, servants, and agents.

SEC. 105. That the board of aldermen shall have exclusive control of all trees upon the streets or public property of the city, and shall have power to pass proper ordinances for the regulation and management of all parks within the city limits, and the use thereof by the public, and in their discretion to create a park commission and define its duties.

Trees.

Parks.

Park commission.

POLICE.

Appointment of officials.

Power and authority of policemen.

Execution of process.

Policemen to be sworn.

Designated officers and policemen to give bonds.

Badges.

SEC. 106. The police powers of the city of Wilmington shall be exercised by such officials as may be appointed by the executive officer of the city, subject to the approval of the board. The persons exercising the police powers shall have all the power and authority now or which may hereafter be vested in sheriffs and constables for the preservation of the peace of the city by suppressing disturbances and arresting offenders. They shall execute all processes directed to them by the mayor or the recorder or other lawful officer, and shall have the same power in regard thereto as sheriffs and constables. The members of the police force shall take oath before the executive officer for the faithful performance of their duties imposed by law and the ordinances of the city, and such officers and policemen as the executive officer may designate shall give bond for the faithful accounting of all moneys that may come into their hands by virtue of their office. Any officer exercising police powers shall wear a badge while on duty.

INSPECTION.

Inspection of buildings.

Supervision and inspection of electrical works and appliances.

Plumbing work.

SEC. 107. That, subject to the provisions of this act, provision shall be made for the inspection, by the executive officer of the city or his deputies, of all buildings which may be in course of erection or alteration, according to the building ordinances of the city, and reports of the condition thereof shall be made and kept by the executive officer. All electrical works and appliances used and intended for the use of manufacturing, supplying, or receiving electricity within the city either for light, heat, power, telephone, telegraph, or signaling systems shall be supervised and inspected. All plumbing work, water fixtures, and sewer connections shall also be inspected and required to conform to the city ordinances.

FIRE PROTECTION.

Fire protection.

Destruction of houses.

Arrest during fires.

SEC. 108. Authority is hereby conferred, subject to the provisions of this act, to make provisions for the protection of the lives and property of the people against loss or damage by fire. In case of fire the executive officer, or the person exercising the duties of chief of the fire department, may order the blowing up, pulling down, or the destruction of any house or houses in his judgment necessary for the prevention of the spread of fire, and no person shall be held civilly or criminally liable for giving or obeying such order.

SEC. 109. That persons exercising the duties of firemen shall have power and are hereby authorized to make arrests during fires for interference with or obstruction of their operations.

SEC. 110. 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, squares, and railroad crossings, in going to or operating at any fire, and any interference with the operations of the firemen in the discharge of their duty, or any of the apparatus, shall be unlawful.

Fire apparatus to have right of way.

Interference with firemen unlawful.

CIVIL SERVICE.

SEC. 111. The civil service commissioners provided for by section nineteen of chapter seventy-five of the Private Acts of one thousand nine hundred and eleven, and the powers therein granted them, shall continue in full force and effect as to the police and fire departments of the city of Wilmington.

Civil service commissioners retained.

JURY DUTIES.

SEC. 112. All officers of the city, and all persons exercising the powers of policemen or firemen in the city, shall be exempted from militia or jury duty and from arrest by civil process while in discharge of their duties.

Exemptions of policemen and firemen.

MISCELLANEOUS.

SEC. 113. That in all judicial proceedings it shall be sufficient to plead any ordinance of said city by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances, published in book form by authority of the board of aldermen, shall be admitted in evidence in all courts and shall have the same force and effect as would the original ordinances.

Pleading ordinances.

Printed ordinances admitted as evidence.

SEC. 114. That in addition to the other modes of collection in this act provided, all taxes due the city, whether general or special, and all assessments for street improvements or otherwise, may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as *prima facie* evidence of the statements made therein, and the city shall have equal right to become the purchaser at all sales of property for taxes or assessments due it, under judgment or otherwise.

Civil action for taxes and assessments.

Prima facie evidence.

City may become purchaser.

SEC. 115. That it shall be lawful for the policemen to serve all civil process or notices that may be directed to them by the mayor or by any court, under the same regulations and penalties as are or may be prescribed by law in the case of constables.

Policemen to serve civil process.

SEC. 116. That no levy shall be made on any property belonging to the city, nor shall any levy be made upon 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 taxable by such corporation.

Payment of debts by city.

- Failure of officer to settle with successor a misdemeanor. SEC. 117. That any officer of the city of Wilmington who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals, or effects of such city shall be deemed guilty of a misdemeanor, and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.
- Punishment.
- Control of tax lists. SEC. 118. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax, and subject to be corrected or altered by them, and shall be open for inspection by the public, and upon demand of the authorities imposing tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction, and any tax collector who shall fail or refuse to surrender his list upon such demand shall be deemed guilty of a misdemeanor.
- Open for inspection.
- Failure to surrender list a misdemeanor.
- Sale of real estate by unanimous vote.
- Execution of deed. SEC. 119. That the board of aldermen shall have no power to sell any real property belonging to the city, except by a unanimous vote of the entire board and the mayor, 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.
- Forfeit of office for malfeasance. SEC. 120. That any alderman or other officer or employee of the city of Wilmington convicted of bribery or of any crime amounting to malfeasance in office shall forfeit his office and the emoluments thereof.
- Claims for damages within six months. SEC. 121. 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 and 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.
- Statute of limitations.
- REPEAL.
- Act to become charter of city. SEC. 122. That from and after the ratification of this act as hereinafter provided for the same shall thenceforth be the charter of the city of Wilmington, and all laws now constituting the charter of the city and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds, and all laws of public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, so far only, however, as they may affect this
- Laws repealed.
- Exception.

city: *Provided, however,* that such repeal shall not annul any ordinances, by-laws, or rules of the corporation in force at the time of the ratification of this act, unless the same be inconsistent with this act. Nor shall such repeal affect any act done, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty, or obligation possessed by or due to the corporation by its present name, from any corporation or person whatever, be lost, affected, or impaired, but the same shall remain in full force, and be possessed, enforced, and enjoyed in the name and for the use of the corporation by the name of the city of Wilmington.

Proviso: effect of repeal.

SEC. 123. That no offense committed and no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty, or forfeiture shall have been mitigated by the provisions of the act such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided,* that no suit or prosecution pending at the time of repeal for any offense committed or for any penalty or forfeiture incurred under any of the acts or ordinances hereby repealed shall be affected by such repeal: *Provided further,* that no law heretofore repealed shall be revived by the repeal of any act repealing such law; and *Provided, lastly,* that all persons who at the time when the said repeal shall take effect shall hold any office under any of the acts hereby repealed shall continue to hold the same until their successors are elected or appointed according to the provisions of this act, except those offices which have been abolished and those to which a different provision shall have been made by this act.

Offenses, penalties, and forfeitures not affected by repeal.

Exception.

Proviso: pending suits.

Proviso: laws not revived.
Proviso: officers to hold over.

SEC. 124. It shall be the duty of the Secretary of State to furnish a certified copy of this act to the mayor of the city of Wilmington immediately after the ratification of the same.

Secretary of State to furnish copy of act.

SEC. 125. That this act shall not go into effect, unless the same shall be ratified by a majority of the votes cast by the qualified voters of the city of Wilmington at a special election to be held on the fifth Tuesday in March, one thousand nine hundred and fifteen; said election to be held according to the law prescribed for holding elections in the city of Wilmington. Those favoring the adoption of this act as the charter of the city of Wilmington shall vote a written or printed ballot containing the words "For Charter," and those opposed to the adoption of this act shall vote a written or printed ballot containing the words "Against Charter": *Provided,* that only fifteen days notice of said special election shall be required; that the registrars shall be appointed at least twenty days before the time prescribed for holding said election; that a new registration shall be required; and that the registration books shall

Act to be ratified by voters.

Date for election.

Law governing election.
Ballots.

Proviso: notice of election.

Registration.

New registration.

Qualified voters.

be kept open for not less than ten days; and *Provided further*, that each resident of the city and the new territory included in the limits of said city as herein defined, and who shall otherwise be qualified electors under the laws of this State, shall be entitled to vote in this election and in the primary and general election, and any special election held or herein provided for the year one thousand nine hundred and fifteen; and *Provided further*, that the city board of elections, now in office, shall establish such voting places and precincts in the new territory as it may deem necessary.

Proviso: polling places and precincts.

BONDS.

Bond issues to be authorized by majority of qualified voters.

SEC. 126. That no bonds, except bonds necessary to refund bonds falling due, or street improvement bonds authorized in this act, shall be issued by the city of Wilmington for any purpose unless such issue of bonds be authorized by a majority vote of the qualified electors of the city; and no election for the issue of bonds shall be held except after thirty days notice of same has been given by publication in some daily newspaper published in said city; and said notice shall contain a statement of the amount of bonds sought to be issued, together with the purpose for which said bonds are sought to be issued. All municipal bonds and coupons shall be hereafter made payable at the office of the city clerk and treasurer unless otherwise provided by the act of the Legislature authorizing their issue.

Notice of bond elections.

Recitals of notice.

Place for payment of bonds.

HOSPITALS.

Establishment and maintenance of hospitals authorized. Contribution to James Walker Memorial Hospital.

SEC. 127. The city of Wilmington is hereby authorized and empowered to create, organize, and establish any and all necessary hospitals, and to support and maintain the same; and it is hereby especially authorized and empowered to contribute to the permanent support and maintenance of the James Walker Memorial Hospital of said city conformably to the requirements and provisions of chapter twelve of the Private Laws of one thousand nine hundred and one, as amended by chapter thirty-eight of the Private Laws of one thousand nine hundred and seven, or of any other act or law concerning said hospital which may hereafter be enacted by the General Assembly of North Carolina.

CORPORATE SEAL.

Corporate seal.

SEC. 128. The corporate seal of the city of Wilmington heretofore used by said city shall be and remain the corporate seal of the city of Wilmington under this act, and said seal shall be lodged in the custody and keeping of the mayor of the city of Wilmington for preservation and safe keeping and shall be affixed by him to all proper documents.

Custody and keeping.

SINKING FUND.

SEC. 129. That wherever in this act, or in any other act relating to said city of Wilmington, it is provided that bonds may be issued by said city it shall be competent for the board of aldermen, and said board is hereby authorized and empowered, to provide for creating a fund to pay said bonds at maturity and all coupons thereon in such manner and at such times as said board may deem best, whether said provisions shall be contained in this act or said acts or not.

Sinking fund for bonds.

SEC. 130. This act shall take effect from and after its ratification.

Ratified this 1st day of March, A. D. 1915.

CHAPTER 149.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF SHOAL CREEK SPECIAL SCHOOL DISTRICT IN JACKSON COUNTY THE QUESTION OF VOTING A SPECIAL TAX FOR THE PURPOSE OF LIQUIDATING CERTAIN DEBTS.

The General Assembly of North Carolina do enact:

SECTION 1. That a special election of the qualified voters of the special-tax district of Shoal Creek Graded School is hereby authorized to be had on the second Tuesday in April, one thousand nine hundred and fifteen, to vote upon the question of whether or not a special tax shall be levied in said district of not exceeding thirty cents on the one hundred dollars valuation of property and ninety cents on each poll in each of the years one thousand nine hundred and fifteen and the year one thousand nine hundred and sixteen, for the purpose of liquidating certain indebtedness incurred by said special school district in constructing, furnishing, and fitting the graded school building at Shoal Creek, in said district, which taxes when so voted shall be levied and collected as other school taxes in said county of Jackson.

Special election.

Date.

Questions to be voted on.
Limit of tax rate.

Years of levy.

Purpose of tax.

Levy and collection.

Tickets.

Election officers.

Polling place.

New registration.

SEC. 2. That at said election those who are in favor of the levy and collection of such 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"; that at the regular meeting of the board of commissioners for said county on the first Monday in March the said commissioners shall appoint a registrar and two poll-holders and shall designate a polling place at which said election shall be held; that there shall be a new registration of the qualified voters for the said election, and the commissioners of

Law governing election.
Canvass and return of vote.

Record of return.

Proviso: county commissioners to act as board of elections.

said county shall furnish the necessary registration and poll books, and the said election shall be held in the said district under the law governing the general elections, as nearly as may be, and the registrar and poll-holders shall canvass the vote cast and declare the result and shall duly certify the returns to the board of commissioners of said county, and the same shall be recorded in the records of said board of commissioners: *Provided*, that the board of commissioners of said county shall take the place of the county board of elections under the general laws for the purposes hereof, when not inconsistent.

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

Ratified this the 2d day of March, A. D. 1915.

CHAPTER 150.

AN ACT TO PROVIDE FOR A BOND ISSUE BY THE BETHEL GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

County commissioners to order election.

Question of bond issue.
Amount.

Denominations.

Interest.

Authentication.

Sale below par forbidden.
Maturity.

Advertisement of election.

Election officers.

Canvass and declaration of result.
Ballots.

Special tax.

SECTION 1. That the board of commissioners of Pitt County shall, upon the recommendation of the board of trustees of the Bethel Graded Schools, call an election for the purpose of submitting to the qualified voters of the said Bethel Graded School District the question of the issuance of not more than ten thousand dollars (\$10,000) in coupon bonds, of such denominations as shall seem advisable to the aforesaid board of trustees, bearing interest at a rate not to exceed six per cent per annum, with interest coupons attached, which shall be payable semiannually, at such time and place as shall seem advisable to the said board of trustees, said bonds to be duly signed by the trustees of the said Bethel Graded Schools, and not to be disposed of at less than their par value. Said bonds shall be payable within thirty years.

SEC. 2. *Art. 1.* The election submitting the issuance of the aforesaid bonds shall be advertised in a newspaper printed in Pitt County, by the board of commissioners of Pitt County, for thirty days prior to the date of such election, and for such election there shall be appointed a registrar and two poll-holders, to conduct the said election, who shall canvass and declare the result. Those voting for the bond issue shall have written or printed upon their ballot the words "For Bonds" and those voting against the bond issue shall have written or printed upon their ballot the words "Against Bonds."

Art. 2. Should a majority of the qualified electors of the said district vote in favor of the bond issue, there shall be levied annually by the board of commissioners of Pitt County, on all per-

sons and properties liable for taxation within the said school district, a special tax of not less than ten cents (10c.) on the hundred dollars and thirty cents (30c.) on the poll, nor more than thirty cents (30c.) on the one hundred dollars and ninety cents (90c.) on the poll, the said tax to be collected by the sheriff of Pitt County and turned over to the treasurer of the aforesaid board of trustees of the Bethel Graded Schools, the proceeds therefrom to be used in providing for the payment of the said bonds and the interest thereon, for purchasing materials and erecting a brick school building on the grounds of the Bethel Graded Schools, and for any other expense necessary for erection and equipment of such school building.

Limit of rate.

Collection and settlement.

Use of proceeds.

Art. 3. The proceeds arising from the sale of the bonds shall be expended by the board of trustees of the Bethel Graded Schools in erecting, completing, and equipping such a brick school building as may be required, and for no other purpose.

Expenditures.

Sec. 3. Art. 1. Be it also provided that an election resulting unfavorable to the issuance of such bonds and the levying of such tax as the aforesaid shall not exhaust the power of the said board of trustees to submit the question of levying such tax and issuing such bonds at another and subsequent election to be held as heretofore provided, at any time within six years after the date of such original election.

Subsequent election.

Art. 2. Be it further provided that the limits of the aforesaid Bethel Graded School District may at any time be enlarged and new territory included therein, upon a vote of the majority of the qualified voters of the said additional territory; but no person or persons, having been included in the aforesaid school district, shall be exempted at any time thereafter from the payment of all taxes subsequently levied against their poll or property as herein provided.

Enlargement of district.

Ratified this the 2d day of March, A. D. 1915.

CHAPTER 151.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FAIRMONT, ROBESON COUNTY, SO AS TO PROVIDE FOR SEWERAGE, WATER-WORKS, AND ELECTRIC LIGHTS AND TO CREATE A SINKING FUND, AND FOR LIKE PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas the town of Fairmont, in the county of Robeson, on account of its large number of inhabitants and by reason of its growing population, its commercial and manufactur-

Necessity for works.

ing interests, it is necessary that a modern electric lighting system and a modern water-works and sewerage system be installed for the convenience and health of said town and community; and whereas it is necessary to install a complete water-works system to protect the property of said town from destruction by fire: Now, therefore, these improvements are hereby declared public necessities.

Public necessity.

Incorporation.

Property and rights vested.

Liabilities continued.

SEC. 2. That the inhabitants of the town of Fairmont, in the county of Robeson, shall be and continue, as they have heretofore been, a body politic and corporate, and shall be and remain invested with all the property and rights of property and the powers heretofore given which now belong to said corporation, and with all other rights, powers, and privileges now vested therein, including those given by the general law and the several acts relating thereto, both in the public and private acts of this State; and the provisions of this section shall in no manner alter, modify, or impair any ordinance, rule or law of said town, nor in any manner change or impair the obligations or liabilities of said town on any bond, contract, or obligation heretofore issued or now in force, nor shall in any manner alter, change, or modify or restrict any existing rights, powers, and privileges of the said town or its mayor or commissioners.

Sewer system.

SEC. 3. That the mayor and commissioners of the town of Fairmont shall have full power and authority to install, erect, equip, and maintain a modern sewer system for the purpose of supplying the same to the inhabitants of said town.

Water-works system.

SEC. 4. That the mayor and commissioners of the town of Fairmont shall have full power and authority to erect, equip, and maintain a modern water-works system for the purpose of supplying water for any and all purposes to the inhabitants of said town.

Mains and connections.

SEC. 5. That the mayor and commissioners of the town of Fairmont shall have full power and authority to construct, equip, maintain, and operate all mains, both for sewer and water purposes, and all connections that may be necessary or expedient for the successful and proper use and conduct and maintenance of the said sewerage and water-works system, with full power to condemn property for the purpose of installing, equipping, and maintaining the same.

Power to condemn property.

Electric light plant.

SEC. 6. That the mayor and commissioners of the town of Fairmont shall have full power and authority to purchase, acquire, erect, equip, and maintain and operate a modern electric light plant and system for the purpose of furnishing electric lights to the town of Fairmont and its inhabitants, or to any other person, firm, or corporation elsewhere, if they so desire.

Power to condemn lands.

SEC. 7. That in order to more effectually carry out the purposes of this act and the authority and power by it delegated and for the purpose of purchasing, acquiring, installing, equipping, and maintaining the sewer system, water-works system, and electric

lighting system, or any of these as above provided, the said mayor and commissioners shall have full power and authority and the right to condemn lands for the purpose of putting in sewer mains and connections wherever they may determine to be proper, and for the purpose of the erection of a water-works system, including the site for the plant and the water supply, and the necessary water mains and laterals for the conduct of water to the places desired, and all other purposes for which it may be necessary to condemn land, and also for the purpose of a site to erect an electric lighting plant for the purpose of carrying the electricity therefrom for the purposes of power and lighting the streets of said town and for the use of the inhabitants thereof or other persons, firms, or corporations anywhere in said town, and said condemnation shall give the said town of Fairmont a perpetual easement to the extent that the said commissioners may deem necessary for the above purposes, or for any other incidental purpose thereto.

Condemnation a perpetual easement.

SEC. 8. That the above given power and right of condemnation shall be exercised by the said mayor and commissioners of said town by determining that the same is necessary for any of the above purposes set out, including the amount of land necessary to be condemned, which shall be specified in an ordinance duly passed, and then the said town shall make *bona fide* effort to acquire the same by purchase, and if the same cannot be acquired by purchase for any sum that the said mayor and commissioners may deem a reasonable value therefor, and if for any reason a good and indefeasible title to a perpetual easement in the same cannot be obtained by purchase or agreement, then the said mayor and commissioners, in the name of the said town of Fairmont, shall have full power and authority to institute an action in the Superior Court of Robeson County and condemn the same for any of the purposes mentioned in this act; and in said action the property owners shall have full right to set up any defense that they may have, and to have the same heard in said action, including the right to contest the regularity of the passing of the ordinance condemning said property; and in said action the damages to the property condemned shall be assessed, and any special benefits that the owner or owners of the property sought to be condemned shall be assessed and deducted from the amount of damages so assessed, and the said town, upon the payment into court of the amount of the damages assessed, or, in the case of special benefits, the difference between the amount of damages assessed and such special benefits, shall have a good and indefeasible title to a perpetual easement in the said property so condemned for any and all of the purposes specified in this act; and in case of infants who are interested in said property, or unknown parties, the court shall, as now allowed by law, make them parties and adjudicate their interests and the damages assessed in such manner as to make perfect the title to the town to the easement so acquired.

Purchase of property.

Action for condemnation.

Defense.

Assessment of damages.

Title vested upon payment.

Persons under disability.

Limit of land.

SEC. 9. That the amount of land which may be condemned for the purposes of water supply and sites for the water-works system and electric lighting system shall not exceed two acres.

Action discretionary.

SEC. 10. That the said mayor and commissioners of the town of Fairmont shall have the full power and authority as to them and in their discretion shall deem best, to determine by ordinance or ordinances duly passed to what extent and where they shall install, purchase, acquire, equip, maintain, and operate said sewerage system and electric light system and water-works system.

Purchase of light plant.

SEC. 11. That the mayor and commissioners of the said town of Fairmont shall have full power and authority to purchase and acquire the Fairmont Light and Power Company, a corporation, and the Fairmont Power and Light Company the full power to sell and convey to the said town the electric lighting plant now located in said town and owned and operated by said Fairmont Light and Power Company under the terms of the franchise entered into by and between the said town and power company, it being stipulated in said franchise granted to said Fairmont Light and Power Company that the said town shall have the right and privilege to purchase said electric lighting plant under the terms and stipulations contained therein and in the method fixed thereby.

Bond issues authorized.

SEC. 12. That full power and authority are hereby given to the mayor and commissioners of said town to issue coupon bonds in the name of the town of Fairmont and in such denomination and in such amount and in such form as the said mayor and commissioners may determine, to an amount not exceeding fifty thousand dollars, and for the purposes herein specified or any of them, which bonds are to bear interest from their date, at such rate as the said mayor and commissioners shall determine, not to exceed six per centum per annum, payable semiannually, to be payable thirty years after their date at such place as the mayor and commissioners may determine. That said bonds shall be signed by the mayor of the said town and attested by the clerk and treasurer thereof, and issued under the corporate seal of the said town, and the interest upon said bonds shall be evidenced by interest-bearing coupons thereto attached, in the usual form or in such form as the said mayor and commissioners may determine, and the said bonds when issued, and the interest accumulating thereon, shall be fully binding upon said town and its property, and all the property within the corporate limits of said town, and shall show upon their face that they were issued under and by virtue of the provisions of this act: *Provided, however,* that the purchaser or purchasers thereof shall not be required to look to the application of the purchase money of said bonds for said purposes.

Amount.

Interest.

Maturity.

Authentication.

Obligation of bonds.

Recital of bonds.

Proviso: purchasers not liable for application.

Sale of bonds.

SEC. 13. That the said bonds, when issued, shall be delivered to the clerk and treasurer of said town, by him to be sold and converted into money under the direction and supervision of the said

<p>mayor and commissioners of the said town, and the proceeds thereof deposited in a bank to be fixed upon by the said mayor and commissioners thereof, for the purposes specified in this act, as determined by said mayor and commissioners, and the interest on said bonds shall be payable semiannually on the first days of January and July of each year until said bonds shall be paid; that the coupons shall be received in payment of tax, polls, and debts due said town and the said bonds shall not be sold for less than their par value: <i>Provided, however,</i> that the mayor and commissioners of said town may authorize the clerk and treasurer to pay reasonable commissions, which commissions shall be fixed upon and determined by the said mayor and commissioners, for the sale of said bonds, if it shall be necessary to do so, of which necessity the said mayor and commissioners shall be the judges: <i>Provided further,</i> that the supervision and control of the deposit of the funds arising from the sale of said bonds shall be absolute in the mayor and commissioners of said town.</p>	<p>Deposit of proceeds.</p> <p>Interest paid semiannually.</p> <p>Coupons receivable for debts.</p> <p>Sale below par forbidden. Proviso: commissions on sales.</p> <p>Proviso: control of funds.</p>
<p>SEC. 14. That in order to pay interest on said bonds and to create a sinking fund for the payment of the principal at their maturity or redemption, the mayor and commissioners of said town are hereby fully authorized and empowered and it shall be their duty, annually, to compute and levy, at the time of levying of taxes of said town, sufficient special tax upon the real and personal property within the corporate limits of said town and other subjects of taxation therein, and on the polls of said town, always, however, observing the constitutional equation between taxes on property and taxes on polls, with which regularly and promptly to pay the interest on said bonds and to create a sinking fund as herein provided.</p>	<p>Special tax.</p> <p>Constitutional equation.</p>
<p>SEC. 15. That said special tax shall be collected at the same time and in the same manner as other and <i>ad valorem</i> taxes are collected, and shall be paid over by the tax collector of said town to the treasurer of said town, both of which officers shall give sufficient bond, in addition to the bonds now required of them, the former for the collecting of said taxes and paying them as aforesaid, and the latter for their safe keeping and proper disbursement, and the amount of the bonds of said officers shall be fixed by the mayor and commissioners of said town.</p>	<p>Collection and settlement.</p> <p>Bonds of officers.</p>
<p>SEC. 16. That the taxes levied and collected for the purposes of this act shall be kept separate and distinct from all other taxes, and shall be used only for the purposes for which they were levied and collected.</p>	<p>Taxes kept separate.</p> <p>Specific appropriation.</p>
<p>SEC. 17. That the said funds when deposited as directed in this act shall be kept in a separate deposit, designated as follows: "Town of Fairmont Improvement Bond Account."</p>	<p>Separate deposit.</p>
<p>SEC. 18. That on or before the first day of January and the first day of July of each and every year the clerk and treasurer</p>	<p>Official entitlement. Report of bonds outstanding and coupons due.</p>

of the said town shall submit to the cashier of such bank a statement showing the number of said bonds outstanding and the coupons due and payable on said dates, together with the amount of interest thereon, together with the proper authority to said cashier to pay said coupons upon presentation of the same to him; and after the first day of January and July of each and every year the cashier of said bank shall at once submit a statement to the clerk and treasurer of said town, showing the payment of coupons and to whom paid, and said coupons shall be attached to said statement, marked "Canceled."

Authority for payment.

Report of payments.

Investment of sinking funds.

Statements of investments published.

Investments approved.

Personal interest of officers.

Contracts void.

Misdemeanor.

Bonds exempt from taxation.

Coupons receivable for taxes.

Interest to cease on tender of payment.

Collection of tax by distress.

SEC. 19. That the said sinking fund shall be under the direction and supervision of the mayor and commissioners of said town, and shall be invested in safe interest-bearing securities, or other safe investments, which shall be made and approved by the said mayor and commissioners; that the said mayor and commissioners shall publish, as a part of the annual statement required to be published by the said town of Fairmont, a statement showing how and in what said funds are invested, the names of the person, firm, or corporation holding the same, the rate of interest paid thereon, and the said statement shall also contain a certificate that the said investments are approved by the mayor and each of the commissioners of said town.

SEC. 20. That no commissioner or other officer of the said town or other person connected with the government of the said town shall be personally or pecuniarily interested, either directly or indirectly, in the investment of said fund, or in the proceeds thereof, and that in the event that such contract shall be made the same shall be void and unenforceable on the part of such officer or other person so offending, and the person who shall become interested therein in violation of this section shall be guilty of a misdemeanor.

SEC. 21. That the bonds authorized to be issued by this act, and their coupons, shall not be subject to taxation by the State, county, or said town until after they become due and tender of payment shall have been made by the town through its treasurer at the place designated for the payment thereof, and the coupons shall be received in payment of town taxes for any fiscal year in which they shall become due, or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment when due, at the place designated for the payment of the same, he or they shall not be entitled to any interest thereon from the time of tender of payment by said town at the places designated for the payment of the same.

SEC. 22. That the said town of Fairmont shall have all the power and authority which are now or may be hereafter vested in it by a general or special law in regard to the collection of taxes and the sale of property for delinquent taxes, in regard to levying,

collection, and enforcement of tax liens and sales of property for taxes, and the same shall be held to be conferred upon said town, whether expressly enumerated in this act or not, to the same extent and in the same manner as are now or may hereafter be conferred upon the said town for the collection of other taxes.

SEC. 23. That it shall be construed and held that all laws, both public and private, relating to the town of Fairmont or municipal corporations generally are hereby so amended as to confer full and ample power upon the said town and the properly constituted authorities thereof for the execution of the purposes of this act.

SEC. 24. That before the mayor and commissioners of the town of Fairmont shall issue the bonds provided for in this act and begin with the improvements contemplated by the same it shall be necessary that a petition of at least a majority of the qualified voters of said town shall petition the mayor and commissioners thereof, requesting that these improvements, or any of them, be installed and begun; and when this shall be done it shall then be the duty of the said mayor and commissioners to issue bonds and sell the same and begin the installation of the said improvements as in their discretion may seem best and as above set out. That the said mayor and commissioners are hereby fully authorized and empowered to pass upon said petition and to determine whether the same is genuine and whether the signatures of the same are qualified voters of said town, and whether a majority of the qualified voters of said town have in fact signed said petition, and the action of said mayor and commissioners taken upon same and recorded in the minutes of said town shall be conclusive proof that the said petition was presented in good faith and signed by a majority of the qualified voters of said town.

SEC. 25. That this act shall be in force and effect from and after its ratification.

Ratified this 2d day of March, A. D. 1915.

CHAPTER 152.

AN ACT TO FACILITATE THE COLLECTION OF TAXES IN THE TOWN OF HERTFORD AND IN THE HERTFORD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That all taxes due the town of Hertford and the Hertford Graded School District shall be due and payable on the first Monday in September in each year.

SEC. 2. That upon all taxes due for the current year which are not paid by the first day of January of the succeeding year there

Laws amended.

Petition for action by commissioners.

Duty of commissioners.

Examination of petition.

Action conclusive.

Tax due and payable.

Penalty for delay.

shall be added a penalty of five per cent; that on the first day of each succeeding month there shall be added an additional penalty of one per cent: *Provided, however*, that the total penalty hereunder shall not exceed ten per cent.

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

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

Ratified this the 2d day of March, A. D. 1915.

CHAPTER 153.

AN ACT TO ALLOW THE CITY OF SALISBURY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Salisbury is hereby authorized and empowered to issue bonds in the name of the city of Salisbury, in such denominations and forms as it may determine, to an amount not exceeding in the aggregate two hundred thousand dollars, payable at such times and such places as the board of aldermen may prescribe: *Provided*, that the time of payment of such bonds shall not be less than thirty nor more than fifty years from date of each issue.

SEC. 2. That the said bonds shall bear interest at no greater rate than five per centum per annum, and that the interest shall be made payable semiannually, and that the said bonds shall in no case be sold, hypothecated, or otherwise disposed of for less than their par value and accrued interest.

SEC. 3. That said bonds shall be signed by the mayor, attested by the city treasurer, and sealed with the corporate seal of the city, and shall have interest coupons attached thereto, which said bonds and their coupons shall be exempt from city taxation, which said coupons shall be receivable in payment of city taxes, and which said coupons shall bear the engraved or lithographed signature of the city treasurer. That for the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the board of aldermen, and 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 the said city, and in the manner and at the same time as other taxes are collected under said charter: *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: *Provided further*, that the city treasurer, as said coupons are paid off and taken up, shall cancel them

Proviso: limit of penalty.

Bond issue authorized.

Amount.

Proviso: maturity.

Interest.

Sale below par forbidden.

Authentication.

Exempt from city tax.

Coupons receivable for tax.
Authentication of coupons.
Special tax authorized.

Proviso: specific appropriation.

Payment and cancellation of coupons.

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

Report of cancellation.

SEC. 4. That the said board of aldermen shall not issue said bonds, nor any of them, nor levy or collect said taxes until it shall have been authorized and empowered to do so by a majority of the qualified voters of the city voting in and at an election or elections to be held at such time and place and for such amount or amounts as said board shall appoint and designate, of which election or elections notice shall be given for twenty days in some newspaper published in said city; at which election or elections those favoring the issue of the said bonds and the levy and collection of said taxes for the payment of said bonds and coupons shall vote "For Bonds" and those opposing it shall vote "Against Bonds": *Provided, however,* that the said board of aldermen may at any election or elections for the purposes of this act, in its discretion, order a new registration of voters; in case a new registration is ordered by the board of aldermen, the registration books must be left open at least fifteen days before said election. If a majority of the votes cast in any such election for the purpose of this act are "For Bonds" the board of aldermen are hereby authorized and empowered to issue the bonds and levy the said taxes as aforesaid.

Bond issue subject to election.

Notice of election.

Ballots.

Proviso: new registration.

Effect of election.

SEC. 5. That the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same proposition to the said voters at any other time or times that the board of aldermen may appoint in accordance with the preceding section.

Subsequent election.

SEC. 6. That the said bonds may be issued for the purpose of funding the city's floating indebtedness, including the mortgage bonds against the water-works system of said city, for the purpose of maintaining, extending, enlarging, and operating the water-works and sewerage systems of said city and for the purpose of building, constructing, improving, and maintaining the streets and sidewalks of said city, and for the purpose of constructing and building adequate school buildings for the school children of the city of Salisbury, and for the purpose of extending the lighting system and the lights over and along the streets of the city of Salisbury, and for the purpose of purchasing land and building thereon a city hall: *Provided, however,* that the said board of aldermen shall, in the resolution calling the election, and in the notice to the people of the said election, state the amount of bonds to be issued under said election and the purpose for which the said bonds are to be issued: *Provided further,* that said bonds shall be used for no other purpose: *Provided further,* that the purchasers of said bonds shall not be required to look to the application of the purchase money.

Purposes of bond issue.

Proviso: recitals of notice for election.

Proviso: specific appropriation.
Proviso: purchasers not liable for application.

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

Ratified this the 2d day of March, A. D. 1915.

CHAPTER 154.

AN ACT TO AUTHORIZE THE REMOVAL OF CERTAIN BODIES FROM GRAVES ON THE LANDS OF M. G. MYERS IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Removal authorized.

SECTION 1. That it shall be lawful for M. G. Myers at his own proper cost and expense to remove the bodies buried in two graves on his farm in Yadkin County: *Provided* said bodies are reinterred in some church graveyard in a decent and proper manner, and the markers thereto, if any, are also removed and properly erected at said church graveyard.

Proviso: reinterment.

Notice of removal.

SEC. 2. That before the person named above shall exercise the right herein granted, he shall cause a notice to be published for two issues in the nearest newspaper, stating therein the time and place of the removal of said bodies.

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

Ratified this the 2d day of March, A. D. 1915.

CHAPTER 155.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHERRYVILLE AND TO INCREASE THE INCORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Corporate limits.

SECTION 1. That section two of chapter two hundred and ten, Private Laws one thousand nine hundred and thirteen, be stricken out and the following substituted in lieu thereof, to wit: "That the corporate limits of the town of Cherryville shall be one and one-half miles square, to be determined by closing-in lines running three-quarters of a mile north, south, east, and west from the center of the intersection of Mountain Street in said town of Cherryville with the main track of the Seaboard Air Line Railway."

Election.

SEC. 2. That the foregoing section shall not become effective until submitted to a vote of the qualified electors of the town of Cherryville, including the territory proposed to be added to the incorporation of said town, and not unless a majority of the qualified electors of the town of Cherryville, including the territory added, voting at said election, shall vote in favor of extending the incorporate limits of said town; and the board of aldermen of the town of Cherryville shall, upon petition of one-fourth of the freeholders of the town of Cherryville, including the territory to be

Majority.

Petition and order for election.

covered by the extension of the incorporate limits, order an election to be held upon the question of extending the incorporate limits as herein provided, and shall have prepared proper ballots for said election, and those in favor of the extension of the incorporate limits shall vote a ballot on which the words "For Extension" shall be written or printed, and those against the extension of the incorporate limits shall vote a ballot with the words "Against Extension" written or printed thereon, and said election shall be held under the general law as provided for holding elections for members of the General Assembly, and said election to be held at such time as the board of aldermen of the town of Cherryville shall designate, but said election shall not be ordered unless and until one-fourth of the freeholders as herein provided shall petition for same, and at said election all qualified electors who live in the town of Cherryville or in the territory to be included in said town shall be entitled to vote at said election if properly registered on the question of extension. If a majority of the electors so qualified as herein provided, voting at said election, shall vote in favor of the extension of said incorporate limits, then the board of aldermen of the town of Cherryville shall declare, by proper resolution, the extension carried and that said incorporate limits are so extended, and section one of this act shall then become effective and binding; but if a majority voting at said election shall vote against extension, then section one of this act shall become null and void.

Ballots.

Law governing election.

Election not ordered without petition.

Voters.

Effect of election.

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

Ratified this the 2d day of March, A. D. 1915.

CHAPTER 156.

AN ACT TO AUTHORIZE THE TOWN OF WAYNESVILLE TO ISSUE BONDS IN THE SUM NOT EXCEEDING \$6,000, FOR THE PURPOSE OF PURCHASING THE WATERSHED NECESSARY FOR THE PURPOSE OF PROTECTING THE WATER SUPPLY OF SAID TOWN.

Whereas the board of aldermen of the town of Waynesville have heretofore built and constructed a water system sufficient to supply the citizens of said town with pure water; and whereas it is necessary that the town of Waynesville own and control the watershed from which its supply of water is taken: Now, therefore,

Preamble: construction of water system.

Preamble: necessity declared.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of aldermen of the town of Waynesville be and they are hereby authorized to issue bonds

Bond issue authorized.

Amount.	to an amount not exceeding six thousand dollars, par value, for the
Purpose of issue.	purpose of purchasing the watershed necessary for the protection
Bonds, coupon or registered.	of the water furnished the citizens of the said town. Said bonds authorized by this act shall be either negotiable coupon bonds or
Form and denominations.	registered bonds issued in the name of the town of Waynesville, in such form and of such denomination as may be deemed best by
Payable in gold coin.	said board of aldermen, payable, both principal and interest, in gold coin of the United States at such time or times, place or
Interest.	places, and said bonds shall bear interest not exceeding five per cent, due and payable semiannually from date of their issue, as
Maturity.	the board of aldermen of said town may determine. Said bonds shall be due and payable not more than thirty years from their
Authentication.	date and shall be signed by the mayor and countersigned by the treasurer and sealed with the corporate seal of said town, and the coupons of said bonds shall bear the engraved or lithographed
Coupons receivable for debts to town.	signature of the mayor and treasurer, and the said coupons shall also be receivable in payment of any and all debts due the town.
Sale of bonds at not less than par.	That 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 par value and accrued interest thereon;
Commission.	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 the
Specification.	sale of said bonds; and the proceeds of said bonds, including any premium received on the sale thereof, shall be applied to the payment of the purchase price of said watershed, and the purchaser of said bonds shall not be bound to see to the application of the purchase money.
Purchase or condemnation.	SEC. 2. That said board of aldermen may acquire said watershed by purchase from the owners thereof, and in the event of a
Procedure for condemnation.	failure to agree on the purchase price may, and it shall be their duty to, condemn so much of said watershed as may be necessary for the purpose of this act, and have the compensation therefor assessed and fixed by filing a petition before the clerk of the Superior Court of Haywood County against the owner or owners of such land, setting forth the necessary and proper facts to be set out, specifying what land is desired as accurately as can reasonably be done, proceeding as provided in the Revisal of one thousand nine hundred and five, chapter sixty-one, entitled "Railroads," and in such proceedings, and if the land or right demanded and required no appeal shall stay further proceedings for the possession and control of said lands, upon the payment or deposit with the clerk of the Superior Court of Haywood County the sum fixed as the value of said lands. The final judgment, if it shall condemn said land, shall on the payment of the compensation fixed either to the parties owning the land or to the clerk of the Superior
Force of final judgment.	

Court of Haywood County, have the force and effect of a deed in fee simple, conveying and vesting said lands in the board of aldermen of said town.

SEC. 3. That the resolution authorizing the issuing of the bonds may be introduced and passed at the same meeting, 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 such meeting. That no other or further proceeding shall be necessary for the issuing of said 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.

Resolution for issue of bonds.

Bonds valid and binding.

SEC. 4. 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.

Special tax.

Levy of tax.

Constitutional equation.

Levy and collection.

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

Ratified this the 2d day of March, A. D. 1915.

CHAPTER 157.

AN ACT TO ESTABLISH THE CHERRYVILLE GRADED SCHOOL DISTRICT AND TO PROVIDE AN ELECTION IN SAID DISTRICT AND TO EMPOWER THE AUTHORITIES TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory lying within the following boundary, which boundary includes the town of Cherryville, Gaston County, North Carolina, towit, beginning at the iron bridge across Lick Ford Creek north of the town of Cherryville, and running thence up Lick Ford Creek to W. H. Putnam's land; then with his line in a southern direction to E. D. Stroup's east boundary line, and then with his line to S. S. Mauney's corner; then with

Boundary.

S. S. Mauney's northern boundary line to R. G. Brown's north boundary line; then west with Brown's line to the Gaston and Cleveland County line; thence with said Gaston and Cleveland County line to W. G. Stroup's southern boundary line; thence with his said line to the Carroll heirs' southern boundary line; thence with their line to Mike Black's southern boundary line; thence with his and Jacob Mauney's line to Carroll's corner; thence with Mauney and George Beam's southern boundary line to Lawson Sipe's corner; thence with his line to Greer Dellinger's corner; thence with Greer Dellinger's southern boundary line to D. F. Dellinger's southern boundary line; thence with D. F. Dellinger's southern boundary line in a northeast direction to his and F. C. Sipe's corner; thence, crossing the road with Sipe's line, to Philip Mauney's corner; thence with Philip Mauney's southern and eastern boundary lines to Carmel Foster's corner; thence in a northwest direction to William Mauney's corner; thence with Mauney's and Foster's line to their corner; thence in a northwest course to Beaver Dam Creek; thence down said creek to A. H. Black's boundary line; thence with his line to Black's and Holland's line; thence with their line north to Mauney's and Black's corner; thence through Mauney's line northwest to Anthony and George's corner; thence with their line northwest to their corner; thence through George's line northwest to railroad at George's and Hallman's line; thence north with Hallman's and George's line to Roseman's line; thence north with Roseman's and Hallman's line to Joe Anthony's line; thence west with Joe Anthony's and Julius Hovie's line to Ray Eaker's line; thence north with his line to Pink Rudasill's line; thence west with Ray Eaker's and Rudasill's line to Stough Eaker's line; thence west with Stough Eaker's to C. M. Eaker's line; thence with his line to Indian Creek; thence up Indian Creek to the mouth of Lick Ford Creek; thence west with Lick Ford Creek to the beginning, shall be and is hereby constituted a public school district to be known as "Cherryville Graded School District."

School district
constituted.
Official designation.

Board of trustees.

SEC. 2. That the public or graded schools in said district shall be (provided a majority of the qualified voters within the aforesaid boundary, or district, shall approve this act at the election hereinafter provided for) under the control of a board of trustees composed of five members, three of which trustees shall be residents of the town of Cherryville, and two of which trustees shall be residents of that part of the boundary constituting the Cherryville Graded School District lying outside of the corporate limits of Cherryville; that the following persons shall constitute the board of trustees of said Cherryville Graded School District, to-wit, N. B. Kendrick, D. P. McClurd, H. C. Harrellson, John W. Quinn, and C. M. Eaker. The first two named shall hold office until the first Tuesday in May, one thousand nine hundred and

Residence of trustees.

Trustees named.

Terms of office.

eighteen; the next two named shall hold office until the first Tuesday in May, one thousand nine hundred and seventeen, and the last named above shall hold office until the first Tuesday in May, one thousand nine hundred and sixteen, or until their successors are elected and qualified, and upon the expiration of their respective terms of office the successors of each shall be elected for a term of two years by the qualified voters of the boundary set forth in section one foregoing, at the same time and place and in the same manner as the commissioners of the town of Cherryville are elected; and the commissioners of the town of Cherryville shall, in the order made for the holding of the town elections, designate the ward and polling place where the voters of the Cherryville Graded School District living outside of the corporate limits of the town of Cherryville shall register and vote, whenever a trustee is to be elected, and after the termination of the term of office of said trustees as fixed by this act their successors elected as above provided shall hold their office for a term of two years only. Any vacancies that may occur in said board of trustees, except vacancies as shall be caused by the expiration of the term of office of any member thereof, shall be filled by the members of said board: *Provided*, that if the election authorized herein shall carry, then the commissioners of the town of Cherryville shall not be authorized to appoint a board of trustees as heretofore, and there shall be only one board, composed of five members as herein expressly provided for.

SEC. 3. That the board of trustees hereby created and provided for, and their successors in office, shall be a body politic and incorporated by the name and style of "Board of Trustees of the Cherryville Graded School District," and by that name shall be capable of receiving gifts and grants, purchasing and holding real and personal estate, selling and 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. If a majority of the qualified voters of the boundary set forth in section one of this act shall approve this act at the election herein-after provided for, then in that case title to all the property belonging to the town of Cherryville, or to the board of education of Gaston County, within the boundary of the aforesaid Cherryville Graded School District, and now being used for school purposes, shall immediately vest in the board of trustees of the Cherryville Graded School District.

SEC. 4. That said board of trustees shall have entire and exclusive control of the graded schools and all public school property in said Cherryville Graded School District, and shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall employ and fix the compen-

Election of successors.

Polling place.

Term of elected trustees.

Vacancies.

Proviso: power of town authorities revoked.

Incorporation.

Corporate name.

Corporate powers.

Conveyances to trustees.

Property to vest.

Control of schools and property.

Rules and regulations.

Employment and pay of officers and trustees.

- School census. sation of officers and teachers annually, subject to removal by said board: shall make an accurate census of the school population of the district, as required by the general law of the State, and do all other lawful acts proper to the management of said school: *Provided*, that all children resident in said district between the ages of six and twenty-one 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: children admitted free of charge.
- Pay students.
- Election of treasurer. SEC. 5. That said board of trustees, annually, beginning with the first Monday of the month after the election hereinafter provided shall be held, provided this act is approved at said election by a majority of the qualified voters of the aforesaid Cherryville Graded School District, shall elect one of their number as treasurer and custodian of all public school funds and the public school money derived from the State for the benefit of said school district, and the same, together with the money arising from any special tax, gifts, grants, apportionments or otherwise, shall be paid to and received by the treasurer of said board of trustees, and the said treasurer shall report monthly to the said board of trustees his receipts and disbursements and vouchers for the same. The money so received shall be held by said treasurer as a fund to be disbursed only upon the order of said board and signed by its chairman and countersigned by its secretary. The said treasurer shall furnish annually to the said board of trustees a statement, in writing, of his receipts and disbursements of the school money, properly indorsed and approved by the chairman and secretary of said school board. The bond required of said treasurer shall be fixed by the board of trustees in an amount sufficient to secure all school money which may at any time come into his hands, and the compensation for such services as treasurer shall not exceed the sum of fifty dollars annually.
- Monthly reports.
- Orders for disbursements.
- Annual statements.
- Bond of treasurer.
- Special tax. SEC. 6. That for the purpose of this act, that is, for the maintenance of the schools in said Cherryville Graded School District and payment of interest on the bonded indebtedness and the creation of a sinking fund, the board of trustees of said Cherryville Graded School District shall, and they are hereby authorized and empowered, beginning with the fiscal year June first, one thousand nine hundred and fifteen, and annually thereafter, to levy and cause to be collected a special tax on all the taxable property and all the polls in the aforesaid Cherryville Graded School District: *Provided*, that said particular or special tax shall not exceed sixty cents on the one hundred dollars valuation of all taxable property in said district and one dollar and eighty cents on all taxable polls in said district: *Provided further*, that the taxes levied under this act shall be due, payable, and collectible in like time and manner as are the taxes for county and State purposes: *Provided*,
- Proviso: limit of tax rate.
- Proviso: collection of tax.
- Proviso: sole special tax.

that the foregoing shall constitute the only special tax that shall be levied for schools in the aforesaid Cherryville Graded School District, and that any special tax now provided for by law, except the tax herein named, shall be abolished if this act shall be approved by a majority of the qualified voters of the Cherryville Graded School District at the election hereinafter provided for: *Provided*, the valuation of all property in said district shall be the same at which it is assessed for county and State purposes.

SEC. 7. The said board of trustees shall immediately after the levy of the taxes aforesaid furnish the register of deeds of Gaston County with a copy of the order making said levy, and said register of deeds shall add said special tax to the tax levied for county and State purposes on the taxpayers of the aforesaid Cherryville Graded School District, and he or other proper officer shall place same upon tax receipts and said tax shall be collected by the regular tax collector of Cherryville Township at the time he collects the other taxes provided by law, and said taxes shall be paid over to the treasurer of Gaston County and by him accounted for and paid to the treasurer of the board of trustees of the Cherryville Graded School District upon order from the board of trustees of said Cherryville Graded School District, and the bond of the officials collecting and handling said tax shall be liable for the faithful payment thereof.

SEC. 8. That the board of trustees herein provided shall be and are hereby authorized and empowered, upon the approval of this act by a majority of the qualified voters of the aforesaid district, to issue and sell bonds in the name of the board of trustees of the Cherryville Graded School District to an amount not exceeding thirty thousand dollars, of such denominations and of such proportions as said board of trustees may deem advisable, said bonds bearing interest from date thereof at a rate not exceeding six per cent per annum, with interest coupons attached payable annually, and 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, as said board of trustees may determine; 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 graded school building as may be required, and in furnishing same with school furniture and other necessary equipment.

SEC. 9. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for less than their par value, nor shall said bonds nor their proceeds be used for any other purpose than that declared in this act: *Provided*, the purchaser of said bonds shall not be required to see to the proper and faithful expenditure of the proceeds derived from the sale of said bonds.

SEC. 10. That the taxes herein provided for shall be for the purpose of paying said bonds and interest on same, and creating

Present tax rescinded.

Proviso: valuation of property.

Order for tax filed with register of deeds.

Register of deeds to add tax.

Tax receipts.

Collection and settlement.

Bonds of officers liable.

Issue and sale of bonds.

Amount.

Denominations.

Interest.

Maturity.

Specific appropriation of proceeds.

Sale below par forbidden.

Specific appropriation.

Use of taxes.

a sinking fund for the payment of the principal thereof, and for the necessary expenses incident to the maintenance of the graded schools in said district.

Trustees to establish schools.

SEC. 11. That it shall be the duty of said board of trustees to establish public graded schools for the children of the said graded school district, and said board of trustees shall apportion and use the funds derived from the special tax herein provided for, and from all other sources, in such manner as to them may seem just and wise.

Apportionment of funds.

Payment of bonds and interest.

SEC. 12. That the said board of trustees are hereby authorized and empowered to provide for the payment of said bonds and interest thereon out of the funds arising and derived from the special tax hereinbefore provided for, and to provide a sinking fund for the payment of said bonds when they shall become due, and are further authorized to lend said sinking fund on approved real estate, secured by first mortgage.

Sinking fund.

Interest of sinking fund.

Town commissioners to order election.

SEC. 13. That it is hereby made the duty of the commissioners of the town of Cherryville to order and provide for an election to

Time for election.

be held in the town of Cherryville at a time and place to be fixed by the said commissioners not later than ninety days after the ratification of this act, at which election all the qualified voters

Voters.

living within the boundary set forth in section one of this act shall be entitled to vote, and at which election there shall be only one polling place, which place shall be named in the advertisement

Polling place.

Election officers.

of said election, and said commissioners of Cherryville shall appoint one registrar and two poll-holders for said election, and shall

New registration.

Notice of election.

order a new registration, and shall make publication of said election by advertising the same for thirty days in five public places in the boundary set forth in section one of this act, and also a

Recitals of notice.

newspaper published in the town of Cherryville, which advertisement shall give the names of the registrar and poll-holders, designate

Registration.

the polling place and date of said election, and place for registration and the time when the registration books shall be

opened and closed, and the registration books shall be kept open for twenty days prior to said election (Sundays excepted) from

nine o'clock a. m. until five o'clock p. m. on each day (Sundays excepted) and until nine o'clock p. m. on each Saturday during the

registration period, and the registration books shall be closed for registration on the second Saturday before the said election; and

Ballots.

said commissioners of the town of Cherryville shall provide ballots, without device, for all voters in said district on which shall

be written or printed the words "For Schools" and the words "Against Schools," and the officers of said election shall make due

Returns.

return of the result of said election to the commissioners of the town of Cherryville within ten days after said election shall be

held, and the commissioners of the town of Cherryville shall canvass said returns and declare the results and record the same in

Canvass and record of returns.

their minutes; and if said commissioners shall ascertain and de-

Effect of election.

clare that a majority of the qualified voters have voted "For Schools," and enter the same on their minutes, such entry shall be *prima facie* evidence of such fact, and upon such entry the provisions of this act shall be in full force and virtue; but if said commissioners shall ascertain that a majority of said qualified voters have not voted "For Schools," then the provisions of this act shall be void and shall not be in force. The election aforesaid shall be held, except as hereinbefore stated, under the general law governing the holding of elections in any city or town, as set forth in the Revisal of one thousand nine hundred and five.

Law governing elections.

SEC. 14. That if a majority of the qualified voters at the election herein provided for shall vote "For Schools," then no other special tax for the support of schools shall be levied upon the property embraced within the territory described in section one of this act, and the bonds now authorized to be issued by the town of Cherryville for school purposes shall not be issued; otherwise, said bonds may be issued, and any special tax shall be and remain as heretofore.

Former special tax rescinded.

Power to issue bonds revoked.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 2d day of February, A. D. 1915.

CHAPTER 158.

AN ACT TO AMEND CHAPTER 39, PRIVATE LAWS OF 1907, RELATIVE TO THE CHARTER OF THE TOWN OF NEWTON.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-nine, Private Laws of one thousand nine hundred and seven, be amended by striking out the word "June" in lines thirteen and fifteen of section forty and by inserting in lieu thereof the word "May."

Date of tax listing.

SEC. 2. That chapter thirty-nine, Private Laws of one thousand nine hundred and seven, be amended by striking out the word "June" in lines one, five, and six of section forty-one, and by inserting in lieu thereof the word "May."

Advertisement for listing.

SEC. 3. That chapter thirty-nine, Private Laws of one thousand nine hundred and seven, be amended by striking out the word "June" in line two of section forty-three and by inserting in lieu thereof the word "May."

Time for levy.

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 159.

AN ACT TO INCORPORATE THE TOWN OF WALNUT IN
MADISON COUNTY.

The General Assembly of North Carolina do enact:

- Town incorporated.
Corporate name.
General law applicable.
- SECTION 1. That the town of Walnut in Madison County be and the same is hereby incorporated under the name and style of Walnut, and as such shall be subject to and governed by all the provisions of chapter sixty-two of the Revisal of one thousand nine hundred and five of North Carolina and the acts of the General Assembly amendatory thereof not inconsistent with this act.
- Town officers.
Town elections.
- SEC. 2. That the officers of said town shall consist of a mayor and three aldermen, one treasurer, and a policeman, who shall be duly elected on the first Tuesday after the first Monday in May, nineteen hundred and fifteen, and every two years thereafter, under the rules and regulations prescribed by the laws of the State governing the holding of elections for incorporated cities and towns: *Provided*, that the treasurer of said town shall serve as tax collector. Said officers elected shall have all the powers, rights, and be subject to the same duties as are prescribed in said chapter sixty-two of the Revisal of one thousand nine hundred and five.
- Proviso: treasurer to serve as tax collector.
- Tax rate.
- SEC. 3. That the aldermen of said town may in the manner prescribed by law annually levy a tax not to exceed fifty cents on the one hundred dollars worth of property and one dollar and fifty cents on the poll in said town subject to taxation, and shall have all the powers to enforce the payment of the same that is given other municipal corporations in said chapter sixty-two of the Revisal of one thousand nine hundred and five and the laws amendatory thereto.
- Collection of tax.
- SEC. 4. That the corporate limits of said town shall be as follows: Beginning at a stake on the north side of Brush Creek at the mouth of the Thomas Branch; thence down and with the meanderings of Brush Creek so as to include where E. C. Wardrup now lives, to the mouth of the Hopewell Branch; thence up and with the meanderings of said branch to the mouth of a small branch at or near where C. W. Fain now lives; thence up and with said small branch to the head; thence east to the Thomas Branch, including where Garfield Davis now lives; thence down and with the meanderings of the Thomas Branch to the beginning.
- 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 from and after its ratification.
- Ratified this the 2d day of March, A. D. 1915.

CHAPTER 160.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF ELM CITY TO ISSUE BONDS IN A SUM NOT TO EXCEED \$7,000, FOR THE PURPOSE OF PAYING OFF CERTAIN INDEBTEDNESS INCURRED BY THE SAID BOARD OF ALDERMEN IN THE CONSTRUCTION AND MAINTENANCE OF A WATER AND SEWERAGE SYSTEM IN SAID TOWN AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS BY TAXATION.

Whereas the General Assembly of North Carolina in regular session one thousand nine hundred and thirteen passed an act entitled "An act to authorize the board of aldermen of the town of Toisnot to issue bonds in the sum of ten thousand dollars for the construction and maintenance of a water and sewerage system in said town"; and whereas the said act was ratified the twelfth day of March, A. D. one thousand nine hundred and thirteen, as will appear more fully by reference to chapter four hundred and seventy of the Private Laws of North Carolina, session one thousand nine hundred and thirteen; and whereas it was declared in the said act that the issue of said bonds was a lawful exercise of power of the town of Toisnot, and the purposes for which the said bonds were to be issued were also declared to be a municipal necessity; and whereas the said act provided that the said board of aldermen of the town of Toisnot should not issue the said bonds or any part thereof until it first caused to be held in said town of Toisnot a public election to ascertain whether said bonds should be issued; and whereas, under the provisions of the said act, the said election was held, at which election a majority of the votes cast were in favor of the issuance of said bonds; and whereas the said bonds were issued and sold under the provisions of the act; and whereas the said water and sewerage system in said town was constructed by the said board; and whereas the proceeds of the sale of the said bonds were inadequate and insufficient to pay the actual cost of the construction of the said water and sewerage system; and whereas, in order to complete the construction of the said water and sewerage system and pay for the same it became necessary for the said board of aldermen to borrow the sum of six thousand dollars from the banks of the said town and about six hundred dollars (\$600) from the general funds in the hands of the treasurer of the said town; and whereas the said board of aldermen for said purpose borrowed the sum of five thousand dollars (\$5,000) on January twentieth, one thousand nine hundred and fourteen, from the Elm City Bank and pledged the credit of the said town for the payment of the said amount by executing a note

Preamble. therefor; and whereas the said board of aldermen on July eighteen, one thousand nine hundred and fourteen, borrowed the sum of one thousand dollars (\$1,000) from the Toisnot Banking Company for said purpose and pledged the credit of the said town for the

Preamble. payment of the said amount by executing a note therefor; and whereas the said notes have been renewed; and whereas the said note for five thousand dollars to the Elm City Bank will mature on May twenty, one thousand nine hundred and fifteen; and whereas the said note for one thousand dollars to the Toisnot Banking Company will mature on May eighteen, one thousand nine hundred and fifteen, and will have to be paid, together with interest thereon; and whereas, in order to pay the said notes, together with the interest, and pay back to the treasurer of the said town the six hundred dollars borrowed from the general funds in the hands of the said treasurer, and pay certain expenses incident to the issue and sale of said bonds, it will require about seven thousand dollars (\$7,000); and whereas the entire proceeds of the sale of the bonds for ten thousand dollars authorized under chapter four hundred and seventy of the Private Laws of North Carolina, session one thousand nine hundred and thirteen, together with the proceeds of the two notes for six thousand dollars as aforesaid, and the money borrowed from the general funds of the said town, then in the hands of the treasurer of said town, were used for the construction and maintenance of a water and sewerage system in said town; and whereas, in order to pay the said notes and indebtedness, together with the interest and expenses aforesaid, a bond issue in the sum of seven thousand dollars (\$7,000) will be necessary; and whereas the General Assembly of North Carolina in extra session, one thousand nine hundred and thirteen, passed an act entitled "An act to change the name of Toisnot to Elm City"; and whereas under the provisions of said act all laws theretofore enacted governing the town of Toisnot were made to apply to the government of Elm City; and whereas said act was ratified the eleventh day of October, one thousand nine hundred and thirteen: Now, therefore,

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Bond issue authorized. SECTION 1. That the board of aldermen of the town of Elm City be and the same are hereby authorized, empowered, and directed to issue the bonds of the said town in the name of the town of Elm City, North Carolina, in such denominations and forms as it may determine, and to an amount not to exceed the sum of seven thousand dollars (\$7,000), payable twenty years after the date of issuance thereof and at such places as the board of aldermen may prescribe. The said bonds shall bear interest at the rate of six per cent per annum from the date of issuance, said interest to be payable semiannually, and to be so expressed upon the face of said

Denominations.

Amount.

Maturity.

Interest.

bonds. The said bonds may be either registered or coupon or partly registered and partly coupon, and all other matters in detail connected with the issue of said bonds may be prescribed by the board of aldermen of said town. The said bonds when issued shall be signed by the mayor and by the town clerk, and the seal of the town shall be attached thereto. The issue of said bonds is hereby declared to be a lawful exercise of power of the town of Elm City, and the purposes for which issued are hereby declared to be a municipal necessity. There shall be levied and collected each year upon the taxable property and polls of said town for the purpose of paying the interest and creating a sinking fund for the ultimate payment of said bonds annually a tax of not more than thirty cents on each taxable poll and not more than ten cents on each one hundred dollars worth of taxable property. Out of the moneys so collected the interest shall be paid as it becomes due, and the balance remaining of said taxes shall be invested in the sinking fund, the purpose of which is to ultimately pay off the said bonds; and the board of aldermen are hereby authorized to invest the said money in any of the bonds so issued or in other securities which they may consider most advantageous to said town.

Bonds, registered or coupon.
 Authentication.
 Lawful exercise of powers.
 Necessity declared.
 Special tax.
 Limit of rate.
 Payment of interest.
 Sinking fund.
 Investment of sinking fund.

SEC. 2. That the bonds issued under this act shall be for the sole purpose of paying the indebtedness incurred in erecting, constructing, equipping, establishing, operating, and maintaining a water-works and sewerage system to supply the citizens of the town of Elm City with water and to properly drain and carry off the sewerage of said town.

Sole purpose of issue.

SEC. 3. That the clerk of the town of Elm City shall provide a record in his office in which shall be entered and kept the names of all purchasers of said bonds and the number and amount of the bonds purchased, and also a record of the bonds redeemed, together with the date of their redemption, and the bonds and coupons when redeemed shall be recorded as redeemed and canceled, and a record of said redemption and cancellation shall be made.

Record of bonds.

SEC. 4. That before selling said bonds the board of aldermen of the town of Elm City shall advertise the same for twenty days immediately preceding day of sale in some newspaper published in Wilson County and such other papers as in their discretion they may deem best, giving the time and place where bids will be opened for the sale of said bonds and the terms upon which said bonds are issued: *Provided*, that the said board of aldermen shall have the right in their discretion to reject any and all bids for said bonds, and may sell the same privately: *Provided*, that the said bonds shall not be sold for less than par except by a four-fifths vote of the said board, when the said bonds may be sold for not less than two and one-half (2½) per cent below par.

Advertisement of sale.
 Proviso: right to reject bids.
 Sale below par.

Specific appropriation of proceeds.

That the proceeds arising from the sale of said bonds issued under the provisions of this act shall be applied and appropriated only for the purpose of paying the balance of the indebtedness incurred in constructing the said water and sewerage system in said town, together with the necessary expenses incident to the issuance and sale of said bonds. That the taxes authorized to be levied in this act shall be collected as all other town taxes.

Levy and collection of tax.

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 from and after its ratification.

Ratified this the 2d day of March, A. D. 1915.

CHAPTER 161.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A COUNTY FARM-LIFE SCHOOL IN CONNECTION WITH AN ADDITIONAL PREPARATORY AND HIGH SCHOOL IN THE COUNTY OF FORSYTH. TO BE KNOWN AS "THE CLEMMONS FARM-LIFE AND HIGH SCHOOL."

The General Assembly of North Carolina do enact:

High school to be established and maintained.
Official title.

SECTION 1. That there shall be established and maintained, as hereinafter provided, in the village of Clemmons in the county of Forsyth, a high school to be known as "The Clemmons Farm-life and High School" for the education, training, and preparation of white boys and girls for farm life, home-making, and other pursuits and avocations.

Course of study.

SEC. 2. The course of study in said school shall be subject to the approval of the State Superintendent of Public Instruction and the county board of education of Forsyth County, and shall include, in addition to the high school studies, practical work on the farm by boys pursuing farm-life course and practical work in all subjects relating to housekeeping and home-making by the girls.

Practical work.

Information to state superintendent.

SEC. 3. It shall be the duty of the county board of education of Forsyth County, with the assistance of the county superintendent, to furnish the State Superintendent of Public Instruction with such information relative to said school as he may require from time to time, and to make such local rules and regulations for the employment of teachers and the conduct of said school as may be necessary; and said school shall be subject to such inspection as the State Superintendent of Public Instruction may direct, and shall make such reports as shall be required by him. No teacher

Local rules and regulations.

Inspection and reports.

Teachers employed.

shall be employed in the high school department who does not hold a high school teacher's certificate from the State Board of Examiners or is not a college graduate; nor shall any such teacher be employed without the approval and the recommendation of the county superintendent; and no person shall be employed as principal in charge of said school who does not hold a certificate from the State Board of Examiners and the president of the North Carolina College of Agriculture and Mechanic Arts, stating that he has furnished satisfactory evidence to them of his qualifications by special training and practical experience for said position; and no person shall be employed for the special training of girls for home-making and housekeeping who does not hold a high school teacher's certificate on all required subjects, and also a certificate from the State Board of Examiners and the president of the State Normal and Industrial College, stating that such person has furnished to them satisfactory evidence of qualifications by special training and practical experience for said position.

Principal.

Teacher for special training of girls.

SEC. 4. There shall be established and maintained in connection with said school such a preparatory and high school course of study as is prescribed in the elementary public schools and under the high school law of the State; and the public school of the district, the high school, and farm-life school shall be merged into and become the preparatory and high school department of the Clemmons Farm-life School as an organic part thereof; and the appropriation for the maintenance thereof shall be the same as the appropriation required for the public school and high school under the provisions of the public school and public high school law of the State, except that no appropriation from the State shall be made for said high school as a fifth county high school. The requirements for teachers in the public high school department shall be the same as are required for high school teachers under the high school law. Said high school department and course of study shall be under the direction of the county board of education and the superintendent and the principal of the farm-life and high school.

Preparatory and high school course.

Schools merged.

Appropriations.

Requirements for teachers.

Direction of high school department.

SEC. 5. That for the maintenance of the farm-life school the county board of education of Forsyth County shall appropriate annually, from any surplus money remaining in the school fund of said county after they shall have provided for a six months school term and also provided for the needs of the county high schools, not exceeding two thousand five hundred dollars. In case there should not be available from funds in the hands of the county board of education, as above provided, any part of the aforesaid two thousand five hundred dollars, the board of county commissioners of Forsyth County shall appropriate from the general fund of the county a sum sufficient to make up the difference. Upon its being made to appear to the State Board of Education that

Appropriation from county school fund.

Appropriation from county general fund.

Appropriation from State.	said amount has been provided by the above mentioned county boards of Forsyth for said purpose, said State Board of Education shall appropriate and pay to the county board of education of Forsyth County for such purpose an amount equivalent to that appropriated and furnished by the county board of education and the board of county commissioners of Forsyth County to said work, not to exceed two thousand five hundred dollars annually, to be paid by the State Treasurer out of the funds appropriated for the maintenance of county farm-life schools by chapter eighty-four, of the Public Laws of one thousand nine hundred and eleven. It shall be the duty of the county board of education to apportion and distribute for the maintenance of the public school run in connection with the high school and farm-life school such an amount as the Clemmons Public School District is entitled to in the general State school law sufficient to provide for such school term in said district as is required and provided in the public school law of North Carolina, being a part of chapter eighty-nine, Revisal of one thousand nine hundred and five, as amended by the acts of one thousand nine hundred and seven, one thousand nine hundred and nine, one thousand nine hundred and eleven, and one thousand nine hundred and thirteen.
Apportionment to public school.	SEC. 6. That every applicant who is a resident of Forsyth County shall have the privilege to attend the farm-life school who has attended some elementary public school in the county and has passed successfully the seventh grade of the elementary course of study: <i>Provided</i> , that the county board of education shall have the power to divide the county into not more than five high school districts, and that pupils, before being admitted to the farm-life school at Clemmons from each of the districts, shall attend the high school in their district and shall pass successfully the first and second years of high school studies, or shall produce a satisfactory certificate from the county superintendent of public instruction that he or she is qualified to pass an examination equivalent to such two years course in the high school. There shall be offered in each of the public high schools to pupils in the first and second years a course in elementary agriculture, housekeeping and home-making under the direction and supervision of the county superintendent and farm-life teachers. Any white teacher in the public schools of Forsyth County shall have the privilege to attend the farm-life school without further examination. Short courses in farm-life subjects shall be offered every year to farmers and farmers' wives. Pupils from other counties may be admitted to said school upon payment of such rate of tuition as may be fixed by the county board of education of Forsyth. All students who are residents of Forsyth County shall be admitted to said school without charge of tuition.
Admission of pupils.	SEC. 7. That the county board of education, by and with the approval of the State Superintendent of Public Instruction, shall
Courses in agriculture and domestic science.	
Right of attendance to teachers.	
Short courses.	
Pupils from other counties.	
Students from Forsyth county free.	
Lease of buildings and land.	

have power and authority to contract with the Board of Provincial Elders of the Southern Province of the Moravian Church for the leasing for a term of years of the Clemmons school buildings and equipment, together with such land belonging to said school and lying in and adjoining the village of Clemmons in Forsyth County on terms to be agreed upon by the said county board of education and Board of Provincial Elders of the Southern Province of the Moravian Church, the rental from which is to be used and managed by the Board of Provincial Elders of the Southern Province of the Moravian Church to maintain the school property at Clemmons and to keep up insurance on the buildings and equipment; to make repairs; to keep the property in good condition, and for new buildings and equipment for the use of said Clemmons school.

Use of rentals.

SEC. 8. This act shall not be construed to take the management and control of the Clemmons Church and school property from the management and control of the Moravian Church at Salem.

Management of Clemmons church and school property.

SEC. 9. The passage of this act shall not in any way interfere with the high schools now already established in the county of Forsyth.

SEC. 10. This act shall be in effect from and after its ratification and all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 162.

AN ACT TO AMEND THE CHARTER OF THE PINE BLUFF GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and seventy-one of the Private Laws of one thousand nine hundred and thirteen be amended as follows: That the words "qualified voters" in line two, section two, be stricken out, and the words "*bona fide* residents" be inserted in lieu thereof.

Trustees.

SEC. 2. That the words "and approved by the town auditor" be inserted after the word "secretary" in line seventeen, section six.

Approval of orders.

SEC. 3. That the words "the town auditor shall have access to the books of the district at all times, and at the end of each school year shall audit the books of the district and submit a written report to the board of trustees" be added to and be a part of section nine.

Audit of accounts.

SEC. 4. That all laws and clauses of laws, so far as they are 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 3d day of March, A. D. 1915.

CHAPTER 163.

AN ACT TO AMEND CHAPTER 464, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1913, RELATIVE TO THE INCORPORATION OF THE STEWARTSVILLE CEMETERY ASSOCIATION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and sixty-four of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding at the end of section four of said chapter the following: "The said association is hereby given power to divide the said cemetery into two sections, assigning one to the white people, one to the colored people, and may assign one section to the Croatan Indians, and shall prescribe the bounds of each where white bodies, the bodies of colored persons, or those of Croatan Indians may be buried, and after the said association shall have laid off the same, shall have power to remove all bodies that have been or may be hereafter buried in the division assigned to the white race, and any person or persons who shall hereafter bury the bodies of one race in the division assigned for the burial of another race, as set forth above, shall be guilty of a misdemeanor, and the said cemetery association shall be the sole judges of the matter of the color of the person so buried."

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

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 164.

AN ACT TO CHANGE THE CORPORATE BOUNDARY OF THE TOWN OF LENOIR, LEAVING OUT THE LANDS OF J. L. KIRBY, J. HENRY BUSH, J. H. POWELL, AND MISS CLARA POWELL.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate boundary line of the town of Lenoir in Caldwell County be and the same is hereby changed as follows: the new line shall begin on a ledge of rock in the old line and in the gap at the head of the hollow or ravine just north of the home of Wash Sudderth, colored, and run a straight line

Sections for white people and for colored people. Section for Croatan Indians.

Removal of bodies.

Burial in wrong section misdemeanor.

Association judge of color.

Boundary changed.

New line.

south thirty-six minutes east to a cedar tree, a corner of the old line, at the edge of the Taylorsville and Wilkesboro public road near T. H. Broyhill's store and near the covered bridge over Zacks Fork in said road.

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 165.

AN ACT RELATIVE TO THE ENLARGEMENT OF SCHOOL DISTRICT No. 1, DAVIDSON TOWNSHIP, IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundaries of School District Number One, Davidson Township, Iredell County, be enlarged as follows, to wit: beginning at the point where J. M. Templeton's line joins said district at B. S. Templeton's corner, and then following the line of J. M. Templeton to J. S. Duckworth's line, the present district line; thence beginning at the corner of J. S. Duckworth and J. S. Templeton, and following the line of J. S. Templeton to the point where J. S. Templeton's line touches the line of District Number One, the said district being so enlarged as to include the farms of J. M. Templeton and J. S. Templeton.

Boundary set out.
Metes and bounds.

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 166.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter three hundred and thirty-two of the Private Laws of North Carolina, one thousand nine hundred and thirteen, be and the same is hereby amended by striking out in line four, after the word "city," the following: "and two aldermen from each ward, whose term of office shall be two years, one to be elected on the first Tuesday in May of each year by the qualified voters of their respective wards," and in lieu thereof shall be inserted the following: "and one alderman from

Election of aldermen.

each ward, who shall be elected by the qualified voters of the whole city on the first Tuesday in May, one thousand nine hundred and fifteen, and biennially thereafter."

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 167.

AN ACT TO AMEND, REVISE, AND CONSOLIDATE THE CHARTER OF THE TOWN OF FUQUAY SPRINGS, WAKE COUNTY, AND TO ALLOW SAID TOWN TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Charter amended,
revised, and consol-
idated.

SECTION 1. That chapter two hundred and ninety-two of the Private Laws of one thousand nine hundred and nine, incorporating the town of Fuquay Springs, Wake County, together with the amendatory acts thereto, be amended, revised, and consolidated as follows, to wit, and the following shall be the charter of the said town of Fuquay Springs: That the inhabitants of the said town of Fuquay Springs, in the county of Wake, shall be and continue, as they heretofore have been, a body politic and incorporate, and in the name of the town of Fuquay Springs may contract and be contracted with, sue and be sued, plead and be impleaded; may purchase, receive by donation, devise, and otherwise, any property of any nature whatsoever, and may hold and convey the same; 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 of said town, 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 herein granted and conferred.

Incorporation.

Corporate name.

Corporate powers.

Corporate limits.

SEC. 2. That the corporate limits of the said town shall be as follows: Beginning at a stake, J. A. Sexton's (deceased) corner, with J. D. Ballentine, formerly A. P. Fuquay's corner, with Wilborn in the Jones line, and runs, according to true meridian as indicated by monuments set by United States Government at Agricultural and Mechanical College, Raleigh, North Carolina, east with said Sexton and Ballentine line three thousand eight hundred and eighty-eight feet to a stake on the east of Neils Creek; thence north six thousand four hundred and eighty feet to a stake near a small branch on B. G. Ennis's land; thence west five thousand one hundred and eighty-four feet to a stake in an old field:

thence south five thousand four hundred and eighty-three feet to a stake in Powell's line; thence with said Powell's line south eighty-six degrees thirty minutes east four hundred and ninety-two feet to a stake, Powell's northeast corner; thence to the beginning.

SEC. 3. That the officers of the said town shall consist of a mayor and five commissioners, who shall on the first Saturday after the first Monday in May, one thousand nine hundred and fifteen, and every two years thereafter be elected by the qualified voters of said town.

Town officers and elections.

SEC. 4. Any qualified voter of the said town shall be eligible to the office of mayor or commissioner.

Voters eligible to office.

SEC. 5. Every person entitled to vote in the county of Wake for members of the General Assembly, and who shall have been a voter and a resident of the town of Fuquay Springs ninety days preceding the day of election, and registered as hereinafter provided for, shall be entitled to vote for mayor and commissioners, or at any election held therein for any municipal purpose.

Voters.

SEC. 6. The mayor, immediately after his election, before entering upon the duties of his office shall take before a justice of the peace or clerk of the court the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and impartially, according to my best skill and ability, all the duties of the office of mayor of the town of Fuquay Springs while I continue therein; and I will cause to be executed as far as is in my power all the laws, ordinances, and regulations for the government of Fuquay Springs, and in the discharge of my duties do equal justice in all cases: so help me, God." That said mayor

Mayor to qualify.

Form of oath.

when present shall preside at all meetings of the board of commissioners, and when there is an equal division upon any question or in the election of any officers by the board he shall determine the matter by vote; he shall vote in no other case, and if he shall be absent the board may appoint a chairman *pro tempore* to exercise his duties at the meetings of the board. In case of the death, resignation, or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur, the board of commissioners may, by a majority vote of all of said commissioners, elect his successor to fill out the unexpired term of said mayor, and in case of his temporary absence may appoint some one to act in his place, and the person so appointed shall have all the powers and shall perform all the duties of said mayor during such temporary absence.

Duty and vote of mayor.

Chairman *pro tempore*.

Vacancy.

SEC. 7. 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 duly and impartially perform the duty of commissioner of the town of Fuquay Springs according to his best skill, ability, and judgment.

Commissioners to qualify.

- Powers under general law. SEC. 8. That the board of commissioners of said town shall have all powers, privileges, and immunities conferred upon them by the general law of the State of North Carolina applicable thereto, not inconsistent with the provisions herein contained. That the said board of commissioners shall have power to appoint a constable to execute the laws and ordinances for the government of Fuquay Springs, to fill any vacancy in the board of commissioners that may occur during their term of office, and also to appoint such other officers as they may deem necessary for the efficient enforcement of the regulations, ordinances, and by-laws of Fuquay Springs. They may also appoint a clerk and treasurer for the board. They shall require the tax collector and treasurer to give such bond as they may deem necessary for the faithful performance of their duty. In case of vacancy in the office of mayor, or during his temporary absence or inability to perform the duties of his office, the board shall have the power, as above set forth, to fill the same *pro tempore*.
- Constable.
- Vacancies in board.
- Other officers.
- Clerk and treasurer. Bond of tax collector and treasurer.
- Mayor pro tempore.
- Present mayor and commissioners to continue. SEC. 9. That the present mayor and commissioners of said town are hereby declared like officers with powers and duties of mayor and commissioners of Fuquay Springs until their successors are elected and qualified.
- Notice of municipal election. SEC. 10. It shall be the duty of the commissioners at their regular meeting in April of each alternate year to give twenty days notice by advertisement of any municipal election by publishing it in a newspaper published in Fuquay Springs and by advertising at three other places in the corporate limits of said town. It shall be the duty of the said commissioners to appoint a registrar and inspector of election, and the registrar so appointed shall open the registration books ten days preceding the election and keep them open until Thursday 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 registered illegally at any time within the ten days or on the day of election: *Provided*, this section shall apply only to the election of officers for said town.
- Election officers.
- Registration.
- Challenges.
- Proviso: election for officers only.
- Law governing election. SEC. 11. That the election for mayor and commissioners for said town of Fuquay Springs shall be held and proceeded in as provided in chapter ninety of the Revisal of one thousand nine hundred and five.
- Violation of ordinances a misdemeanor. Limit of punishment.
- Mayor given jurisdiction. SEC. 12. That any person violating any ordinance of Fuquay Springs shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment or labor on the streets for thirty days. The mayor of said town is hereby given jurisdiction of the offense mentioned in this section.
- Issue and execution of precepts. SEC. 13. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Wake County, or to such other officer to whom a justice of the peace may direct

his precepts. An indorsement by the mayor or court of the name of a witness upon a summons or warrant shall be an authority for the officer to execute the same. Witnesses.

SEC. 14. That the mayor shall have the power to commit any person convicted of the violation of any town ordinance to the county or town prison until the fine and cost imposed by him and the jail fees are paid, and such person can only be released as provided in like cases in other courts: *Provided*, such person so offending may be required, at a reasonable wage to be fixed by the commissioners, to work on the streets of said town until said fine and all costs are paid. Commitments.
Proviso: street work for fines and costs.

SEC. 15. 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, to execute the by-laws, rules and regulations made by the commissioners; and in all cases where a defendant may be adjudged to be imprisoned by the said court or mayor it shall be competent for the said court or mayor to adjudge, also, that the said defendant work during the period of his confinement on the public streets or other public works of said town, or the mayor shall have the power and authority to hire the defendant, on conviction, to any party having in charge the building or repairing of the public roads in Middle Creek Township, Wake County, for labor on said roads. Mayor an inferior court.
Jurisdiction.
Sentences to labor.
Hire of convicts to county.

SEC. 16. When any land or right of way shall be required for the purpose of opening new streets within the corporate limits of the town, or for extending or adding to any street already open, or for widening the same, or for the purpose of providing a town cemetery, or extending same, or for any other public use allowed by this charter or under the general law, and the parties owning same, either for want of the capacity in said parties to agree, on account of nonage, or any other reason, fail to agree as to the compensation for the same, and the same cannot be purchased from the owner or owners by agreement, the said town of Fuquay Springs is hereby given the right, if it shall so desire, to condemn the said land for said purpose or purposes by suit in Wake County Superior Court, in which suit, in the complaint, the purposes for which said land is desired to be condemned shall be set forth, and may proceed to condemn the same and have the compensation therefor to be paid to the owner or owners assessed by a jury; and when said town shall have paid said compensation into court or to said owners, title thereto shall be full and complete for the purposes for which the same is subject to be condemned, and said suit shall be conducted as any other suit in said court; but if the summons is duly Right to condemn lands.
Procedure for condemnation.
Title upon payment of award.
Case for trial at return term.

served on all the parties interested either by publication as provided by law or by personal service, and said service completed and the complaint filed ten days before the beginning of said term, then and in that event said action shall be returnable and triable at the return term named in the summons therein. Either party may appeal from the judgment as in any other case. In addition to the right to condemn by suit, as above given, the said town shall have the right, at its election, to condemn any land that it may desire for any of the purposes mentioned in this charter, by passing an ordinance duly condemning the same and laying the same out; and if the parties owning said land or any of them and the town commissioners cannot agree upon a compensation therefor, then they may select three freeholders, resident in said town, one to be selected by the board of commissioners, one to be chosen by the property owners, and the two so chosen shall choose the third person, and said three persons when so chosen shall proceed to assess the compensation therefor to be paid by the said town and the condemnation thereof, and they shall report their award to the said board of commissioners and to the owner or owners of said property; and if any party shall be dissatisfied with such award, then in that case either party may appeal to the Superior Court of Wake County, but such appeal shall not hinder or delay the said board of commissioners in putting said land to the use desired, and that such appeal when so docketed shall stand for trial on the first day of the next term of civil court. The methods of condemnation herein provided for shall not conflict with each other, and the board of commissioners of said town is given full right to pursue any method it may desire, and the institution of suit for condemnation hereunder for any purpose allowed by this charter shall be an election to pursue such method. Whenever the method of condemnation by assessing the damages therefor by arbitration shall be pursued, when the award shall be reported to the said board of commissioners, and the compensation allowed in said award or on appeal from said award by the said owner or owners of the property condemned, the title to the land shall pass to and be vested in the town of Fuquay Springs, for the purposes for which it is condemned, as fully as if a judgment had been obtained therefor by suit in the Superior Court in the first instance, and such appeal shall decide only the amount of damages which the said property owner or owners may be entitled to recover.

SEC. 17. The town of Fuquay Springs shall have the power to enact and enforce all ordinances necessary to protect health, life, and property and to 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 life, health, and property of all inhabitants of said town, and to enact and enforce any and all ordinances upon such subjects.

Right of appeal.
 Further right of condemnation.

Arbitration for assessment of price.

Right of appeal.

Trial of appeal.

Methods of condemnation elective.

Vesting of title in condemnation by arbitration.

Appeal as to amount of damage only.

Legislative powers.

SEC. 18. That should any property lying within the town limits, as given in this act, be hereafter platted into blocks and lots, and streets laid off between same, such streets shall immediately, by such act, become the property of the town of Fuquay Springs: *Provided*, that in no case shall the town of Fuquay Springs be required to pay for any of said streets, at whatever date opened.

Streets property of town.

Proviso: payment by town not required.

Powers as to streets.

SEC. 19. The town of Fuquay Springs shall have the power to lay out, open, alter, widen, lower, extend, grade, narrow, cleanse, sell, convey, supervise, maintain, move, embellish and ornament the streets, highways, sidewalks, public grounds and places, and to vacate and close same; put drains and sewers therein; provide for and regulate the lighting thereof, and regulate, control, license, prescribe, and supervise the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above, or beneath the surface thereof; to regulate and control the use thereof of any and all persons, animals, and vehicles in whatever way or for whatever purposes; 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.

SEC. 20. The town of Fuquay Springs may by appropriate penal ordinance compel the construction and laying of sidewalks by property owners in front of or abutting the land on their property, and may prescribe the character of such sidewalks and manner in which they shall be laid. Should any person or corporation owning property in the town of Fuquay Springs fail or refuse to construct sidewalks in front of or abutting on their property in accordance with the ordinance passed by the town of Fuquay Springs, in addition to the penalty provided for herein the said town shall have the right to have said sidewalk constructed in accordance with such ordinance at the expense of the abutting property owner, and said expense shall be a first lien on said abutting property and may be collected in the same manner as the taxes of said town: *Provided*, the town shall first establish the proper grading and place the curbstone at the expense of the said town.

Construction of sidewalks.

Sidewalks built by town on default by owner.

Lien for and collection of cost.

Proviso: grading and curbing.

SEC. 21. Said town of Fuquay Springs shall 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 person 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 same in such manner as shall be pre-

Condemnation of nuisances.

Abatement.

Building regulations.

scribed by the laws of said town; and as to all buildings, cisterns, wells, privies, and other private improvements to be constructed in the future, they shall have the power, and it shall be their duty, to have the same so constructed and so located as not to interfere with the health of persons or the safety of persons or property within the said town.

Market places and abattoirs.

SEC. 22. Said town of Fuquay Springs shall have the power to establish, lease, buy, erect, maintain, own, regulate, and operate market places and abattoirs, and to build, own, and maintain buildings therefor and to rent and lease the same.

Burial grounds, crematories, and cemeteries.

SEC. 23. Said town of Fuquay Springs shall have the power to regulate burial grounds, crematories, and cemeteries, and to prohibit burial within the town limits if deemed advisable or if found necessary to protect public health, and to condemn and close burial grounds and cemeteries in the more thickly settled portions of the town, and, when demanded by the public interest or public health, or for the purpose of widening the streets of said town or the laying of sidewalks therein, 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 purposed to be used for the reintering of bodies in the same manner as in condemnation of streets (section sixteen), and use such condemned ground formerly used for cemeteries for such other purposes as may best subserve the interest of the town, or may sell same at a price to be fixed by the board of commissioners and may use the money so received in such manner as they may think best for the good of the town. Any citizen of the town of Fuquay Springs may petition the board of commissioners of said town to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds as aforesaid, and the said board of commissioners may in its discretion require the party petitioning for the removal of such bodies as aforesaid to pay all the expenses of removing same and of providing a suitable place for the reinterment of said bodies. The town of Fuquay Springs shall have the power to acquire the land and ground inside or outside the town limits by purchase, gift, or otherwise, to be devoted to and used for the purpose of public and private cemeteries, and to pass such suitable regulations concerning the burial of the dead in such cemetery and make such charges for the burial of the dead therein as may be deemed proper by the board of commissioners; and the said town shall also have the power to appropriate private property lying within or without the town limits to be used and devoted to cemetery purposes as herein set forth, by condemnation proceedings brought for such purpose, and in such case the proceedings had to condemn such land shall be governed and controlled by the

Removal and reinterment of dead bodies.

Power of condemnation.

Petition for removal of dead bodies.

Expense of removal and reinterment.

Power to acquire land for cemeteries.

Burial regulations.

Condemnation of land for cemeteries.

board of commissioners as provided for in section sixteen of this act. The said board of commissioners may sell off private lots for burial purposes in any cemetery owned by said town, at such price as the board of commissioners may deem reasonable.

Sale of cemetery lots.

SEC. 24. The town shall have the power to enforce the by-laws and ordinances of the town by fine not to exceed fifty dollars or imprisonment for thirty days: *Provided*, that no ordinances or by-laws shall provide less penalty for like offenses than is prescribed by laws of the State.

Punishment for violation of ordinances.
 Proviso: penalty prescribed by State.

SEC. 25. The right of control, easement, use, ownership of and title to the streets, highways, public thoroughfares, and property of the town of Fuquay Springs, and all other public places and property, are hereby declared to be inalienable except by ordinance duly passed by a majority of all the members of the board of commissioners, and no grant or franchise or lease or right to use the same, either on, along, through, or across, under, or over the same, by any private corporation, association, or any individual, shall be granted by the board of commissioners, unless submitted to a vote of legally qualified voters of said town, for a longer period than thirty years: *Provided, however*, that whenever application is made for any grant or franchise, lease, right, or privilege in or to the streets or public thoroughfares of the town of Fuquay Springs by any person or corporation, if they so request, the board of commissioners shall submit the same at an election called for that purpose, the expense of which shall be borne by the applicant for said franchise; and if at said election the majority of the votes cast by the legally qualified voters shall be in favor of making said grant as applied for, said grant may be made for such term of years as specified in the ordinance submitting the same to said election: *Provided*, that no grant shall be made or authorized for a longer period than fifty years. The board of commissioners may also, upon its own motion, submit all applications or ordinances requesting the granting of franchises or special privileges in or to the streets, public thoroughfares, and highways of the town of Fuquay Springs to an election, at which the people of Fuquay Springs shall vote upon the proposition therein submitted, the expenses of which election shall be paid by the applicant or applicants therefor. No such franchise shall ever be granted until it has been read in full at two regular meetings of the board of commissioners. The board may, however, in their discretion, in the ordinance granting any franchise, contract with said corporation as to terms and conditions upon which such franchise is granted.

Rights inalienable but by ordinance.

Grants, franchises, and leases submitted to election.

Proviso: election at expense of applicant.

Grant made on majority of votes cast.

Proviso: limit of time.
 Further powers to call elections.

Procedure for granting franchise.

SEC. 26. 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 cent of the assessed valuation of the real and personal property of said town; said bonds to be issued

Bond issues.

Limit of amount.

- Denominations. in the name of the town of Fuquay Springs, and in such denominations and forms and payable at such times and places as the board of commissioners of said town may determine; said bonds shall run not less than ten nor more than forty years and shall bear interest at a rate not to exceed six per cent per annum; and the money arising from the sale of these bonds shall be used for public improvements, consisting of a system of water-works, sewerage, electric light and power plant, grading and macadamizing streets in said town, and for such other improvements as within their sound discretion the board may deem for the best interest of the town, as well as for purchasing the necessary property and acquiring all rights, privileges, and power necessary for the proper maintenance, usage, and operation of such improvements. The bonds herein provided for shall be styled as the board of commissioners shall direct, and shall be signed by the mayor and secretary of said board.
- Maturity.
- Interest.
- Use of proceeds.
- Style and authentication of bonds.
- Powers as to water-works and electric light and power plants.
- Bonds to be approved by majority of qualified voters.
- Advertisement of election.
- Specifications of call for election.
- Ballots.
- Proviso: new registration.
- SEC. 27. The said board of commissioners shall have the power to purchase, acquire, hold, lease, manage, control, and operate, and to sell, lease, dispose of to such person or persons, private, public, or public *quasi* corporation or corporations, and for such price or prices and on such terms and conditions as the commissioners may deem proper, water, electricity, water rights, power privileges, and appropriations for milling, manufacturing, domestic and other uses and purposes; and to develop, control, generally deal in and dispose of to such person or persons, firm or firms, private, public, or public *quasi* 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 be made for these purposes are hereby authorized.
- SEC. 28. 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. Said election shall be advertised thirty days by publication in some newspaper published in Wake County and in any other manner in which the said board of commissioners may see fit. The board of commissioners in calling said election shall specify in said call the purposes for which the funds to be derived from sale of said bonds, if said bonds are voted, are to be used; and the proceeds of same, if voted as aforesaid, shall be used for no other purpose than that specified in said call. At said 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*, that

said board of commissioners may at any election held hereunder, in their discretion, order a new registration of all the qualified voters residing in said town of Fuquay Springs, and for this purpose the said board of 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 commissioners shall appoint a registrar and judges of election; and the registration of voters, except as herein provided, and challenge of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided; that the votes shall be counted at the close of the polls and returned to the said board of commissioners at its next regular meeting next following the election, and said board of commissioners shall canvass, tabulate, and declare the result of the election, which shall be recorded in the minutes of the board of commissioners, and no other recording and declaration of the result of said election shall be necessary: *Provided*, that if a majority of said qualified voters shall fail to vote "Issue" as herein provided, said board of commissioners may, in their discretion, order another election or elections, for which provision is herein made, to be proceeded in and held in like manner as above provided, at any time said board may see fit.

Proviso: election officers.

Law governing registration and challenges.

Count and return of votes.

Canvass and record of returns.

Proviso: further elections.

SEC. 29. That for the purpose of paying the interest on said bonds as it may become due and the creating of a sinking fund sufficient to meet the payment of said bonds at their maturity, said board of commissioners are hereby empowered to levy a tax on all real and personal property in said town, in addition to the tax to provide funds for the necessary governmental expenses of said town which said town is required to annually levy and collect, a tax not to exceed sixty cents on the one hundred dollars worth of property and one dollar and eighty cents on the poll. That all taxes of said town shall be listed, levied, assessed, and collected, except as in this chapter otherwise provided, under the same rules and regulations and subject to the same penalties as are provided by law for the listing, levying, assessing, and collecting State and county taxes.

Special tax.

Limit of rate.

Listing of property and levy, assessment, and collection of taxes.

SEC. 30. That the taxes so levied as provided in section twenty-nine shall be collected as other taxes and shall be kept by the treasurer of the board of commissioners of said town 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 purposes for which said bonds are voted as stated in the call for the election as aforesaid. The said treasurer of the board of commissioners shall be commissioner of the sinking fund of said bonds and he shall be required to execute such bond as the board of commissioners shall direct for the safe keeping of said funds and the faithful performance of his duties

Taxes kept separate.

Specific appropriation.

Commissioner of sinking fund.

Bond as commissioner.

- Report. as commissioner, and he shall make such reports from time to time as the said board of commissioners may direct.
- Tax listing. SEC. 31. 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 places and hours at which he will meet the taxpayers for said purpose.
- Notice.
- Limit of tax rate. SEC. 32. That said commissioners are authorized to levy a tax rate in said town which shall not exceed one dollar on the hundred dollars worth of property and two dollars on the poll for general town purposes. The commissioners may also levy such license or privilege taxes upon subjects mentioned in section three of article five of the State Constitution as may be just and reasonable and not in conflict with the laws of this State.
- License taxes.
- Assessment of property. SEC. 33. That any assessor or assessors appointed under the general law, whose duties it shall be to assess for taxation the real and personal property of said town of Fuquay Springs, shall meet with the board of commissioners of said town, and they shall assess said property jointly. A majority vote of all the members of said board of commissioners and said assessor or assessors shall determine the amount at which said property shall be assessed, and said assessment shall not be lowered in any case by any one having authority to lower same without first giving said board sufficient notice of the requested reduction to enable said board to be heard concerning same: *Provided*, the said board of commissioners may, in its discretion, by a majority vote of said board, refuse to interfere or have anything to do with the said assessment as aforesaid, in which case the assessment of said property shall be made in the same manner, under the same rules and regulations, as obtain under the general law for the assessment of State and county taxes: *Provided further*, that nothing herein contained shall be construed to prevent a just and equitable adjustment, by lawfully constituted authorities, of the assessment of the property of any person, firm, or corporation in said town of Fuquay Springs.
- Vote to determine amount.
- Notice given of proposed reduction.
- Proviso: action in discretion of commissioners.
- Proviso: adjustment of assessments.
- Provisions unconstitutional not to affect others.
- SEC. 34. That if any provision herein contained should be held and construed to be in conflict with the Constitution of this State, such unconstitutionality shall not in any way affect any other provision contained herein.
- SEC. 35. That all laws and clauses of laws in conflict herewith are hereby repealed.
- SEC. 36. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1915.

CHAPTER 168.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WEST ASHEVILLE, IN THE COUNTY OF BUNCOMBE AND STATE OF NORTH CAROLINA, AS CONTAINED IN CHAPTER 80 OF PRIVATE LAWS OF 1913 (EXTRA SESSION).

The General Assembly of North Carolina do enact:

SECTION 1. Strike out the last three lines of section two of chapter eighty of Private Laws of nineteen hundred and thirteen (extra session) and insert in lieu thereof the following, towit: "Creek; Boundary. thence down and with Smith's Mill Creek to the western bank of the French Broad River; thence with said western bank of the French Broad River to the beginning."

SEC. 2. If the person elected mayor of the said town of West Asheville shall neglect or refuse to qualify at twelve o'clock meridian on Wednesday following the date of election, as provided in section four of chapter eighty of the Private Laws of nineteen hundred and thirteen (extra session), or if after he shall have qualified there shall occur any vacancy in the office of mayor of said town, or if the mayor shall become a nonresident of said town or for three consecutive months shall absent himself therefrom, the aldermen of said town shall at their next regular meeting declare said office of mayor vacant and shall at their next regular meeting thereafter choose by ballot some competent person as mayor of said town for the term or the unexpired portion of the term, as the case may be. In like manner all vacancies in the office of alderman shall be filled by the remaining aldermen; and the aldermen of said town shall establish as many voting places therein as they shall from time to time deem necessary, and shall appoint for said town such policemen and other officers as they may deem proper, to execute such precepts as may be lawfully issued to them and to preserve the peace and good order of said town.

SEC. 3. That said board of aldermen may establish the width and grade and ascertain the location of the streets, alleys, and sidewalks of said town already established, and may reduce the width thereof or discontinue any of them. It may establish, acquire, and improve, and, together with the mayor, control parks or other pleasure grounds for the use of said town, and may pass ordinances and regulations for the proper protection, maintenance, management, and control of the same. It may also protect and control the shade trees already growing or hereafter planted on the streets, public squares, public grounds, public alleys, and sidewalks of said town; may remove any such trees from time to time, or plant others on said streets, squares, grounds, public alleys, and sidewalks, as to it may seem best. Said board of aldermen may also permit the erection of telegraph poles, telephone poles, electric

Vacancy in
mayoralty.

Election to fill
vacancies.

Vacancies of alder-
men.
Polling places.

Policemen and
officers.

Streets, alleys, and
sidewalks.

Parks and pleasure
grounds.

Shade trees.

Poles.

- Other structures. light poles, street car poles or other poles upon the streets, public squares, public grounds, public alleys, and sidewalks of said town, or prohibit or prevent such erection of the same, and may control or regulate all such poles 'as shall have been or may be hereafter so erected, and the use of the same at any and all times, and may remove or cause to be removed the same at any time or times and in such manner and upon such notice as to it may seem proper. It shall also have power to regulate, control, license, prohibit, and remove all structures and things of whatsoever name or character erected, constructed, put or placed on, above, or under the streets, public squares, public grounds, public alleys, and public sidewalks of said town.
- Notice of claims before action. SEC. 4. No action for damages against said town of any character whatever, either to person or property, shall be instituted or maintained against said town unless within sixty days after the happening or infliction of the injury complained of the complainant, his executor or administrator, shall have given notice to the board of aldermen of said town 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.
- Statute of limitations. SEC. 5. That the mayor and board of aldermen of said town 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 public squares and alleys of said town, and put down crossings, curbings, and cross-drains and otherwise properly improve them; that the mayor and board of aldermen shall begin the said work at once and prosecute the same as vigorously as practicable under the provisions of the charter of said town: *Provided, however,* that the nature and kind of material used in such improvement shall be left absolutely to the discretion of the board of aldermen in all such cases.
- Street improvements. SEC. 6. That the mayor and board of aldermen of said town by their officers shall have the exclusive control and management of the work of improving said streets, and the cost thereof shall be paid out of the street improvement fund provided for herein and out of any other funds belonging to said town that may be available for such purposes, the said town itself being liable for costs of all curbing and for one-third of the cost and expenses of improving any street or roadway between the curbings, and the abutting land on each side assuming the liability hereinbefore created: *Provided, however,* that whatever of the costs of the street improvements which may be paid or assessed against the property of any street railroad or railway company, as provided for by law, shall be deducted from the proportion of the costs of such improve-
- Proviso: nature and kind of material.
- Control and management of street work.
- Cost on town.
- Proviso: assessments on railroad companies.

ment for which the said town is liable as aforesaid, whether such street railway or street railroad shall run through the center or upon either side of the street so improved as aforesaid; and the amount to be paid by said street railway or street railroad company as provided for by law shall not, in any event, be deducted from any sum assessed against the abutting landowners under the provisions of this charter.

SEC. 7. That there shall be added at the end of section six of said chapter eighty of the Private Laws of nineteen hundred and thirteen (extra session) the following: "Whenever any street in said town shall have been graded, guttered, and curbed in whole or in part, including the sidewalks, it shall be incumbent upon the owner or owners of the land on said street or part thereof so improved to pave, repave, and repair, whenever in the opinion of the board of aldermen it may be necessary, the sidewalks on their own side respectively the full width across their respective fronts, with such material and in such manner as the board of aldermen of said town may direct. When such land corners on two or more streets, the owner or owners thereof shall pave, repave, or repair the sidewalks on such streets along his or their front and side, where the board of aldermen may direct, at his or their own cost: *Provided, however,* the town shall in no wise be held chargeable with or responsible for any part of the cost of paving, repaving, or repairing the sidewalks along any corner lot except for a frontage of fifty feet and a depth of side of one hundred feet; the board of aldermen being hereby invested for the purposes of this proviso with the power of determining in any case upon what street any such corner lot fronts. Whenever any street shall have been graded, guttered, and curbed, the board of aldermen shall, through the town clerk, notify the owner or owners of the land fronting or cornering thereon to at once 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 thereof, shall cause said sidewalks to be so built, repaved, or repaired and charge the cost thereof against such lots respectively and cause the same to be entered by the town clerk in a book to be kept by him for that purpose; and the said clerk shall place in the hands of the marshal or policeman of said town, immediately, copies of such charges, and the said officer shall forthwith proceed to collect the same and account therefor to said town. The amounts of such charges shall be and constitute, from the commencing 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 said lot, shall be advertised and sold by the marshal or a

Sidewalks improved.

Corner lots.

Proviso: liability of town.

Determination of frontage.

Notice for sidewalk improvement.

Work done by town.

Lien on land for cost.

Enforcement of collection.

Payment in installments.	policeman of the town for the payment of the same, under the same rules and regulations and in the same manner as may be prescribed in said town for the sale of real estate for unpaid taxes; but said board of aldermen may, in its discretion, divide any such amount 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."
Water-works and sewers.	SEC. 8. That section twelve of said chapter eighty of the Private Laws of nineteen hundred and thirteen (extra session) be amended by adding thereto the following: "Said board of aldermen shall from time to time lay, build, and construct in said town such system or systems of water-works, water pipes, sewerage and sewer pipes, storm sewer pipes, and storm sewer culverts and extensions of the same as to it may seem advisable, or cause the same to be so laid, built, constructed, and 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, on any public street or alley where such water and sewer pipes have been laid or are conveniently accessible, or on any line of pipes, to connect such lot with such sewer and water pipes in the manner and at the place designated by said board of aldermen, upon like notice, terms, and conditions as are herein provided for paving sidewalks, and upon failure of the owner or owners to so connect the same within the time in such notice required, said board of aldermen may enter upon such lot and make such connection and charge the costs thereof against such lot in the same manner as herein provided in the case of sidewalks, and such costs so charged shall be collected and shall constitute a lien upon such lots in the same manner and to be enforced in the same manner and with like powers and privileges as is herein provided in regard to sidewalks; and in all cases where a sewer, storm sewer pipes, and storm sewer culverts shall be laid by or under the authority of said board of aldermen in any street in said town, or anywhere else in the said town, the costs and expense of laying and constructing same shall be assessed against the property abutting on each side of said street as well as against all property within the radius of benefit arising from such improvements, though not actually abutting thereon; the property liable to assessment hereunder and the apportionment of costs and expenses of said improvement against the same, in case of disagreement between the owner or owners thereof and said board of aldermen as to the pro rata part of said costs and expense which should be assessed against any piece or parcel of property benefited as aforesaid, to be determined by a jury of six freeholders of said town unconnected by consanguinity or affinity with any of the persons sup-
Requirement of connections.	
Connection by town at cost of lot owner.	
Lien for cost.	
Enforcement.	
Assessment for cost of sewers.	
Procedure for assessment.	

posed to be affected by said improvements, and summoned to pass upon said question above mentioned by the marshal or any policeman of said town upon writ to him directed by the mayor under the seal of said town, commanding that such be done and succinctly describing the duties to be performed by such jury. These jurors shall be sworn, by the mayor or any other person competent to administer oaths in this State, to faithfully and impartially execute the duties of their office before entering upon the duties thereof. Each member of said jury, sworn as aforesaid, shall repair to the mayor's office or town hall at a date and hour to be named in the mayor's said writ, not more than five days after the date of the same, for the purpose of being sworn as herein required. Upon the assembly of said jury at the mayor's office or town hall, any person summoned as aforesaid, upon excuse offered satisfactory to said mayor, may by him be excused from further service, and it shall be the duty of the mayor to require the marshal or any policeman of the town to forthwith summon another person, having the qualifications herein described, to serve upon such jury in place of the juror so excused by the mayor. Immediately after being sworn, as aforesaid, said jury as finally constituted shall proceed, without unnecessary delay, to view the street and section in which the improvement has been or is proposed to be made as hereinbefore described, and all the property deemed by them to be beneficially affected thereby as herein described, and shall within a reasonable time thereafter, not exceeding five days, and after due consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece of property deemed by them to be beneficially affected by said improvements, together with the amount of the special benefit thereto, arising from such improvements, and giving also the name or names of the supposed owner or owners thereof. In case of inability of said jury, with a majority concurring, to agree upon the special benefit to any piece or parcel of land as aforesaid, arising from such improvements, after being together and considering same for twenty-four hours, they may be excused from further consideration thereof by said mayor, and shall file their report as hereinafter required concerning the pieces or parcels of land upon which they shall have been able to agree; and the mayor may by writ as hereinbefore described immediately require another jury of seven persons, possessing the same qualifications as said first mentioned jury, to be summoned and qualified as aforesaid, who shall forthwith proceed in the manner and within the time hereinbefore mentioned, to pass upon and determine the questions left undetermined by said first named jury, and file their report in the manner and in the time herein required in cases where there is no disagreement upon the part of the jury. After making up their report as herein required, said jury shall forthwith file the same with the clerk

Procedure on failure of jury to agree on assessment.

Report of jury.

of the town, who shall submit it to the board of aldermen at their next regular meeting after the date on which the same is filed as aforesaid, for their action. Said board of aldermen shall at said meeting or at any regular meeting thereafter, not exceeding twenty days from the date of the submission of the same, require the town clerk to publish a notice of not less than ten days in some newspaper published in the city of Asheville, North Carolina, and with a general circulation in the county of Buncombe, to the effect that said jury has made its report and has prorated and assessed the costs and expense of said improvement (which shall be generally described) against the property specially benefited thereby, naming, where possible, the owner thereof or the party in whose name said property may be listed for taxation, or in case the name of the owner cannot be ascertained and said property is not listed for taxation, then the name of the party occupying the same, if any, and admonishing all persons interested therein, particularly those named in said notice, that said report has been filed with the town clerk and that they and each of them are required to be and appear at a regular meeting of said board of aldermen, to be specified in said notice and to be held not less than ten days after the date of the expiration of said notice, and show cause, if any should exist, why said report should not be approved and confirmed by said board of aldermen; and at such meeting said board of aldermen shall take up and consider report of said jury and hear any competent evidence from any person interested in the property affected thereby, touching any matters covered by said report, and to that end said board of aldermen are hereby constituted a court with power to send for persons and papers, to provide for the examination of witnesses, and to punish witnesses or others, in proper cases, for contempt of court. After hearing evidence as aforesaid and duly considering said report, or, in case no objection is made, after duly considering said report, said board of aldermen may approve, correct, amend, modify, or reject the same or any item therein as to them may seem best and proper, and said report or said corrected, amended, or modified report, as the case may be, shall then be entered in full in a book provided for that purpose by the board of aldermen and to be entitled "Record of Sewer Liens," which book shall be properly and accurately indexed, as near as may be, in the name of the owner of the property affected by said improvement so as to enable the public, to whom said book, with its index, shall always be open and accessible during business hours, to readily ascertain what property may be affected by the said assessment and the amount of said assessment against each piece or parcel of property. Any aggrieved person may appeal from the final determination of said board of aldermen with respect to said report or any item therein, as aforesaid, within ten days after the date of such final determination, to the next

Publication of report.

Hearing on report.

Powers to aldermen as of court.

Action on report.

Record of sewer liens.

Right of appeal.

term of the Superior Court of Buncombe County beginning more than ten days after the date of such appeal, by serving notice of appeal upon the mayor of said town and specifying therein the particulars in which he considers himself aggrieved by such determination of said board of aldermen. On any such appeal the appellate court shall have power to increase, affirm, or diminish the amount appealed from, but not to adjudicate the necessity of the improvement, and such appeal shall in no wise hinder, obstruct, or delay said improvement. The amount of any special benefit or enhanced value so assessed against any premises, parcel or lot of land by the board of aldermen of said town, or on appeal adjudged against the same, shall upon such final determination of said board of aldermen with respect thereto, in case no appeal is taken therefrom, or upon final judgment of the court in case of any such appeal, be and become a lien in favor of said town on said property on which it has been so assessed or adjudged as of the time of such final determination on the part of the board of aldermen, and shall be paid to the town in three equal annual installments of one, two, and three years respectively, together with interest on each installment at the rate of six per cent per annum from said date. If any installment shall remain unpaid for thirty days after its maturity all the installments then unpaid shall become due, and the property and premises so assessed and charged shall be sold for the payment of the same, and of the expenses of such sale and costs, by the marshal or any policeman of said town under the same rules, regulations, restrictions, and other provisions as are prescribed for the sale of real estate for unpaid taxes in said town. The installments of the assessments herein mentioned, or any part of same, may be assigned and transferred by said town, either absolutely or conditionally, as to the board of aldermen may seem best.

SEC. 9. That section thirteen of said chapter eighty of the Private Laws of nineteen hundred and thirteen (extra session) be and the same is hereby amended by adding thereto the following:

(a) All privileges and franchises and charters whatsoever, granted by the board of aldermen of said town, and all ordinances thereof conferring any such privileges, franchises, or charters, may be altered, amended, modified, repealed, or revoked by said board of aldermen from time to time, anything in such privileges, franchises, charters, or ordinances contained to the contrary notwithstanding.

(b) Any street railroad which has been constructed or hereafter may construct its lines of road or part thereof over any of the streets of said city shall maintain such roads or part thereof or construct the same only upon the following conditions: It shall use only such rails and other material as the board of aldermen may designate; it shall properly grade, complete, and

Jurisdiction on appeal.

Lien of assessment on property.

Payment in installments.

Enforcement of collection.

Transfer of assessments.

Franchises subject to revocation or amendment.

Regulation of street railways and tracks.

pave the street between its rails and fifteen inches from the outside of each rail in such manner as said board of aldermen may direct; it shall keep such street or streets in good condition and repair, and in such condition and repair as said board of aldermen may from time to time order, so long as it shall use the same. If it shall fail to comply with any provisions of this section, or to keep any such street in condition and repair as aforesaid, said board of aldermen may cause anything to be done which said railroad has so failed to do, and the costs thereof shall be charged against such railroad and constitute a lien from the commencement of the work paramount to every other lien upon the charter and franchise of such railroad, and upon all the property of whatever kind of such railroad in said county of Buncombe, and such property may be sold for the payment thereof in the manner prescribed for the sale of property for taxes in said town, and any such failure on the part of said railroad shall operate as a forfeiture of its right to use such streets or any of them or any part of any of them, as such board of aldermen may determine.

Forfeiture of charter.

Arrest by marshal and policemen.

SEC. 10. Arrests may be made by the marshal or any policeman of said town anywhere in said county of Buncombe, whenever any officer making such arrest has in his hands a warrant against the person arrested, issued by the mayor of said town or a justice of the peace of said county of Buncombe or other competent authority, or whenever any misdemeanor or violation of any ordinance of said town has been committed in his presence, or whenever a misdemeanor or violation of any ordinance of said town has been committed and he has reasonable cause to believe that the person so arrested is guilty of such offense and may make his escape before a warrant can be obtained, or whenever a warrant has been issued against the person so arrested and is outstanding unexecuted in the hands of the marshal or any policeman of said town, or in the hands of the sheriff or deputy sheriff or constable of said county of Buncombe.

Arrest without warrant.

Powers of marshal and policemen.

SEC. 11. In making arrests the marshal or any policeman of said town shall have all the powers of sheriff or constable of said county of Buncombe, as well as all the powers by this act conferred upon him.

Summons to witnesses.

SEC. 12. Whenever any arrest is made by an officer of said town, he may summon any of the bystanders, or other persons having information in regard to the matter for which such arrest is made, and witnesses to attend as such at a hearing of the charge upon which such arrest is made, and any such summons shall be effectual and binding in the same manner as if made by subpoena for such persons so summoned duly issued and served in such cases.

Election of tax collector.

SEC. 13. That the board of aldermen of said town shall elect, at the same time and place that they elect or appoint other officers

for said town, a tax collector for said town, who shall be a citizen and qualified voter of said town and whose duties shall be such as are herein set forth, and such as may hereafter be prescribed by law for such officers; and such officer shall hold his office for a term of two years from and after his election and qualification and until his successor is duly elected and qualified; and the said board of aldermen shall immediately fill any vacancy occurring in said office; and it shall be the duty of said board of aldermen to fix the salary for said tax collector and to prescribe such other and further duties as they may deem proper, and said tax collector, before entering upon the discharge of his duties, shall take an oath to faithfully and impartially discharge the duties of his office, and shall give bond in such amount as may be required by the board of aldermen of said town for the faithful performance of the duties of his office; and it shall be his duty to faithfully and promptly collect such taxes as may be properly prescribed or levied in said town, as may be required by law, and to duly and properly account for the same to the proper authorities of said town.

Term of office.

Vacancy.

Salary.

Qualification and bond.

SEC. 14. All taxes of said town shall be listed, levied, assessed, and collected, except as in this charter otherwise provided, in the same manner and under the same rules and regulations and subject to the same penalties as are provided by law or shall hereafter be provided by law for listing, levying, assessing, and collecting State and county taxes in this State, and the fiscal year of said town shall begin with the first day of June in each and every year, and the poll taxes and *ad valorem* taxes of said town shall become due on the first day of September.

Tax listing and levy and collection of taxes.

Fiscal year.

SEC. 15. Whenever any taxes in said town shall be due and unpaid, the tax collector thereof shall proceed to collect the same as follows:

Collection by distress.

(1) If the person charged have personal property anywhere in the county of Buncombe of a value as great as the tax charged against him or against his property, said tax collector shall seize and sell the same as the sheriff is required to sell personal property under execution.

Sale of personal property.

(2) If the person charged have not personal property to be found in said county of Buncombe of a value as great as the tax charged against him and his property, said tax collector shall levy upon the lands of the delinquent in said county of Buncombe, or any part of such lands, and after due advertisement sell the same for the payment of said taxes. Such advertisement shall be made in some newspaper published in said county of Buncombe for at least twenty days immediately preceding such sale, and by posting a notice of such sale at the courthouse door in said town at least twenty days before such sale, which shall contain at least a concise description of the real estate to be sold, the name of

Sale of real estate.

Advertisements.

the person who appears upon the tax list as owner thereof, the amount of taxes for which said sale is to be made, and the day and place of such sale. The said tax collector may divide such real estate into as many parts as he may deem convenient, employing, if necessary, a surveyor for that purpose, and in such case shall sell as much thereof as shall be required to pay said taxes and all expenses attendant thereon, together with all penalties; and if such real estate shall not be so divided, he shall sell the whole. For every piece of real estate or part thereof so advertised said tax collector shall also collect, in the same manner as such taxes, the sum of fifty cents to defray the expenses of such advertisement. All such sales shall be made at the courthouse door of said county of Buncombe at public auction to the highest bidder for cash, upon any day of the month or week except Sunday or a legal holiday; and if no person will bid enough to pay such taxes, penalties, and expenses, in case such real estate is sold without such division, said tax collector shall bid on behalf of said town the amount of said taxes, penalties, and expenses, and if no higher bid shall be made, the same shall be struck off to said town; and if no person will bid an amount or amounts, in case said land is sold in parcels, sufficient in the aggregate to pay such taxes, penalties, and expenses, such real estate shall be then immediately sold as a whole, and if no person will bid enough for the whole to pay said taxes, penalties, and expenses, said tax collector shall bid for the whole on behalf of said town the amount of said taxes, penalties, and expenses, and if no higher bid shall be made, the same shall be struck off to said town; and in all cases where real estate shall be struck off to said town as herein provided it shall belong to said town in fee simple, unless redeemed in the manner prescribed by law or this charter. Said tax collector shall immediately thereafter return to the board of aldermen of said town, by filing the same with the clerk of said board, a statement of his proceedings, showing the purchaser or purchasers of such real estate, and the amounts for which each piece or part thereof was sold, which shall be entered by the clerk of said board upon the minute-book of said board of aldermen, and if there shall be a surplus after paying said taxes, penalties, and expenses, the same shall be paid to the treasurer of said town, subject to the demand of the person entitled to the same.

SEC. 16. The owner of any real estate or interest therein sold as aforesaid, his heirs, executors, administrators, or assigns, may redeem the same within one year after the sale, upon the same terms and conditions and subject to the same provisions and in the same manner as are prescribed by law for the redemption of real estate sold for State and county taxes, except that all the duties, functions, and powers provided in such law to be discharged and exercised by the sheriff or tax collector shall be discharged and exercised by the tax collector of said town.

Subdivision.

Cost of advertisement.

Place and manner of sale.

Purchase by town.

Report of sales.

Time for redemption.

SEC. 17. On any such sale of real estate said tax collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for State and county taxes, which may be assigned or transferred by the purchaser, whether an individual or said town, as such last mentioned certificates are allowed by law to be assigned or transferred; and if the real estate sold as aforesaid shall not be redeemed as hereinbefore provided, said tax collector or his successor in office, under the direction of said board of aldermen, at any time within one year after the expiration of one year from the date of sale, on request of the holder of such certificate and production of the same, shall execute to the purchaser, his heirs or assigns, a deed in fee simple for the conveyance of the real estate described in such certificate; and if such certificate shall have been lost, said board of aldermen, on being fully satisfied thereof by due proof, shall direct said tax collector to execute such conveyance, and said tax collector shall so execute the same. Any such deed shall be similar in form to the deed directed by law to be executed to a purchaser of real estate sold for State and county taxes who is entitled to a conveyance of the same, and shall be subject to the same rules, provisions, presumptions, and conclusions as such last mentioned deed, and effective to the same extent as such last mentioned deed.

Certificate to purchaser.

Deed for property not redeemed.

Form and effect of deeds.

SEC. 18. The board of aldermen of the town of West Asheville shall have the power to regulate the speed of all railroad trains, street cars, and locomotives within the said town, and their stops at street crossings; to require all railroads or street car railway companies to light the streets over which their said cars are operated where deemed necessary by the said board of aldermen, and to prescribe the kind of lights to be used.

Traffic regulations.

SEC. 19. No such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of a rightful owner, if said real estate be in other respects sufficiently described to insure identification.

Sales of real estate for taxes.

SEC. 20. That the board of aldermen of said town shall have the power and authority to improve the streets, alleys, and roads of said town and to apportion the costs and expenses thereof against said town and private property within the radius of special benefit thereto, as may be deemed by them equitable and just, and to provide for and secure the payment of said assessments and charges on such private property by creating liens thereon for said purpose, making the same payable in such manner and upon such terms as said board of aldermen may deem just and proper.

Street improvements.

Apportionment of costs.

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

Ratified this 3d day of March, A. D. 1915.

CHAPTER 169.

AN ACT TO AMEND THE CHARTER OF THE CITY OF HIGH POINT, TO CREATE THE OFFICE OF CITY MANAGER AND PRESCRIBE THE DUTIES THEREOF, AND TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR OFFICE BY PRIMARY ELECTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and ninety-five of the Public Laws of one thousand nine hundred and nine be and it is hereby amended by striking out all of section twenty-six thereof and inserting and substituting in lieu thereof the following:

City council.

SEC. 26. *Elective Officers.* 1. All powers conferred on the city of High Point shall, unless otherwise provided in the charter or this act, be exercised by a mayor and four councilmen, who together shall constitute and be designated the city council. From

Mayor.

and after the fourth day of May, one thousand nine hundred and fifteen, W. P. Pickett shall be and he is hereby appointed to fill

Councilmen.

the office of mayor, and he, together with R. B. Terry, C. D. Smith, S. L. Davis, and A. E. Alexander, who are hereby appointed councilmen, shall constitute said city council, the first three of whom

Terms of office.

shall hold office until Tuesday next following the second Monday of May, one thousand nine hundred and seventeen, and until their

respective successors are elected and qualified, and the others of

whom shall hold office until Tuesday next following the second

Monday of May, one thousand nine hundred and nineteen, and

until their respective successors are elected and qualified. The

successors of the persons hereinbefore named shall be elected by

the qualified electors of the city at large. The members of said

council hereinbefore named and their successors in office shall

devote to the service of the city such of their time as shall be

necessary for the prompt and efficient administration of its affairs,

and the term of office of any such member shall immediately end

upon his ceasing to be a resident of said city. The mayor shall

be *ex officio* president of said city council and shall have and

exercise all the powers of a member thereof.

Successors.

Time devoted to city.

Mayor president and member of council.

Successors to present mayor and councilmen.

2. The mayor and other members of the city council in the

next preceding paragraph named, and their successors in office,

shall be deemed and held in law and in fact the successors of

the present mayor and commissioners of said city of High Point,

and upon their qualification all the powers, rights, and duties of

the present mayor and commissioners of said city shall cease and

determine; and from and after said fourth day of May, one thou-

sand nine hundred and fifteen, the city council in the next

preceding paragraph named shall have and exercise all the rights,

powers, and duties of mayors and boards of aldermen of cities

Powers, rights, and duties determined and re-vested.

and towns now or hereafter conferred by the Constitution and laws of the State of North Carolina and by the terms of this act, except as herein provided.

3. On Tuesday next following the first Monday of May, nineteen hundred and seventeen, and biennially thereafter on Tuesday next following the first Monday of May the city council shall cause to be held in said city of High Point an election for mayor and two councilmen; and the mayor so elected shall hold office for the term of two years from and after Tuesday next following the second Monday of May of the year in which he is elected and until his successor is elected and qualified, and the councilmen so elected shall hold office for the term of four years from and after Tuesday next following the second Monday of May of the year in which elected and until their respective successors are elected and qualified; and the mayor and councilmen so chosen shall at the end of one week after their election qualify as required by this act or other provisions of the charter of the city and the Constitution and laws of the State of North Carolina. Each member of the city council, in addition to the other qualifications prescribed by law, shall be at the time of his election a qualified elector of the city of High Point and not in arrears in the payment of taxes or other liabilities to the city; and he shall have been for three years next preceding such election a citizen and resident of said city.

City elections.

Terms of office.

Officers-elect to qualify.

Eligibility of councilmen.

4. In each ward of the city, as the same may be legally defined, there shall be established and arranged at least one voting place, and where two or more voting places are established they shall be so located as to be most convenient to the greatest number of voters, and for each there shall be a separate and distinct set of election officers, ballot boxes, and registration books: *Provided*, no voter shall vote other than in the district or precinct of his residence.

Voting places.

Election officers.

5. Four weeks next preceding each election for mayor and councilmen there shall be held in the several election precincts within the city of High Point a primary election for the purpose of nominating the candidates of each and every political party for such offices. Such primary election shall be conducted in all details, as far as practicable, in accordance with the general laws of the State governing elections in municipalities, unless herein otherwise provided, and all acts made criminal if committed in connection with a general election or a municipal election shall likewise be criminal, with the same punishment, when committed in a primary election held hereunder.

Primary election.

Law governing primary elections.

6. At least two weeks before the time of holding a primary election in this act provided for, the city council shall appoint three judges of election for each precinct or voting place in said city, of whom not more than two shall be members of the same political party, and the persons so appointed shall serve both in

Election officers.

such primary election and in the regular municipal election following such appointment.

Registration.

7. The registration books shall be kept open before such primary election during such time and in such manner as the city council shall determine, and while so open, electors may be registered for both primary and general municipal elections: *Provided*, a new registration shall be required and provided for by the city council for the first primary election held hereunder, and no person shall be eligible or qualified to vote in any primary or municipal election unless he be a *bona fide* resident of said city and a legal elector and has duly caused his name to be registered on such registration books. The city council shall have power to make such further rules and regulations concerning registration books and the registration of electors not inconsistent with the provisions of this act as it may deem necessary and just.

Proviso: new registration for first election.

Qualified voters.

Rules and regulations by city council.

Notice of candidacy.

8. Every candidate for selection as the candidate of a political party for mayor or councilman shall file with the city secretary, at least ten days before such primary election is to be held, a notice stating his party affiliation, the office for which he is a candidate, and a pledge to abide by the result of and support the party candidates nominated in such primary election by the political party with which he affiliates, and at the same time shall pay to the city secretary the sum of five dollars, which shall by such secretary be covered into the city treasury; and every such candidate shall make under oath and file with the city secretary two days before such primary election an itemized statement of all money spent by him and all money known by him to have been spent by others for him in connection with his candidacy or for the purpose of promoting the same, as also to make under oath and file within ten days after such primary election with the city secretary an itemized statement of all money or other things of value spent by him and all money or other things of value spent by others in his behalf, as also all money contributed to him directly or indirectly by any person or corporation, together with the names of the contributors; and failure or refusal to so make and file either of such statements shall constitute a misdemeanor, punishable in the discretion of the court. The city council may in its discretion cause all such statements to be published in one or more newspapers published in the city.

Entrance fee.

Itemized statements of expenditures.

Failure a misdemeanor.

Punishment. Publication of statements.

Report as to candidacy.

9. When the time for filing notice of candidacy, as hereinbefore limited, shall have expired, the city secretary shall forthwith certify to the city council the facts as to such notices as have been filed with him; and the city council, under such rules and regulations as may be prescribed by it for the purpose of carrying out the provisions of this act, shall without delay, at the expense of the city, cause a sufficient number of official ballots to be printed for each political party having candidates to be voted for in the primary election and distributed to the several judges

Printing and distribution of ballots.

- of election, whose duty it shall be to have them at the several polling places on the day of the primary election. Upon such official ballots shall appear only the names of candidates who shall, under the provisions of this act, have filed notice of their candidacy and otherwise complied with the requirements of this act. There shall be so printed ballots for each of the several political parties in the city, as hereinafter defined and described, and the names of the respective parties and the candidates shall be printed on the ballots prepared for the respective parties with which the candidates affiliate, and upon the ballots the office for which each candidate is a candidate shall be indicated. Any elector or other officer charged with duties hereunder who shall accept appointment and who shall, without previously resigning, fail to perform in good faith the duties prescribed by this act shall be guilty of a misdemeanor, punishable in the discretion of the court; and in the event of a resignation or inability of any such officer, the vacancy so caused shall be filled by appointment of the city council.
10. There shall be as many kinds of official ballots as there are political parties members whereof shall have filed notice of their candidacy for primary elections, and all ballots shall be printed on white paper in black ink and shall be of the same size and style of printing, and the name of the party whose ballot it is shall be printed in bold-faced type at the top thereof. Only such official ballots shall be voted, and if other ballots be cast they shall not be counted.
11. Each elector shall be permitted to vote for his choice of candidates by making a cross-mark in the small squares opposite the names of the respective candidates for whom he elects to vote. It shall be the duty of the city secretary to place the names of the candidates of each political party in a box and, without discrimination or preference, fairly draw therefrom one name at a time until all the names of the candidates are withdrawn, and place such names upon the printed ballot in the order so drawn. The drawing shall be in public and each candidate or his representative shall have opportunity to witness it.
12. It shall be the duty of the city secretary to provide a ballot box for each precinct or polling place.
13. Each elector shall be furnished by the judges of election ballots as desired by him of the political party the ballot whereof he proposes to vote, and he shall be required to disclose the name of the party printed thereon, and no more. He may in the manner hereinbefore prescribed mark such names as he desires, and these and only these shall be counted as being voted for by him, and he shall have the right to so vote for only one candidate as his choice for each office. He may deposit his ballot in the ballot box or he may permit a judge of election to deposit it for him. Any person who has become of the age of twenty-one years be-
- Names appearing on ballots.
- Ballots for each political party.
- Failure of officer to perform duty a misdemeanor.
- Punishment.
- Vacancies.
- Ballots for all political parties.
- Style of ballots.
- Only official ballots counted.
- Method of voting.
- Arrangement of names.
- Drawings public.
- Ballot boxes.
- Ballots furnished voters.
- Names marked.
- Deposit of ballots.
- Persons qualifying between primary and election.

- Primary poll book. twen the time when the books for registration shall have closed and the day of the primary election, and who is otherwise qualified and desires to register and vote, may do so in the manner herein provided. At the time of voting the name of the elector shall be entered on a primary polling book to be provided and kept for the purpose, under rules prescribed by the city council, and upon said book shall be entered opposite the name of such voter and in proper column provided for the purpose the name of the political party whose ticket he shall have voted, and such book shall be filed for safe keeping until the next election with the city secretary.
- Places for arrangement of ballots. 14. It shall be the duty of the city council and of the judges of election of each precinct to make all necessary arrangements for providing a proper place in each precinct or polling place in which each elector shall have an opportunity, both at all primary and all municipal elections, to arrange his ballot in secret and without interference from any other person whatever, and it shall be the duty of the judges of election to give any elector any information which he may desire in regard to the kind of ballot which he may be entitled to vote and the names of the candidates thereon, and, in response to questions asked by such elector, they may communicate to him any information which he may desire in regard to the kind of ballot which he may be entitled to vote and the names of the candidates thereon and any information necessary to enable him to mark his ballot as he desires; but no other person than the elector and such election officer as he may request to aid him in marking his ballot shall be permitted to interfere with or see his ballot.
- Information given by judges.
- Interference forbidden.
- Opening of ballot boxes. 15. When the polls shall have closed, the ballot boxes shall be opened in the presence of the judges of election at the several precincts and such electors as may desire to be present. The ballots of each of the several parties in the boxes in each precinct shall be counted and bound in separate packages and the result shall be forthwith certified to the city secretary upon blanks to be provided by the city council.
- Count and return of votes.
- Names printed on official ballots. 16. Only those who shall have filed notice of their candidacy and have otherwise complied with the requirements of this act with reference to primary elections shall have their names printed on the official ballots of their respective political parties. In all cases where only one aspirant for nomination for a particular office to be voted for by his political party shall have filed such notice, the city secretary shall, upon the expiration of the time limited for filing such notices, declare him the nominee of his party for such office, and his name shall therefore not be placed on the primary ballot, but shall be placed on the ballot to be voted at the municipal election as his party's candidate for such office.
- Sole candidates declared nominees.
- Compilation and tabulation of returns. Person receiving majority declared nominee. 17. The city secretary shall compile and tabulate the returns for each candidate for each office for each party voted for in the primary election, and if a majority of the entire votes cast for

all the candidates of any party for a particular office shall be for one candidate he shall be declared by the city secretary the nominee of his party for such office.

18. All nominations shall be determined by a majority of the votes cast by the electors of the respective parties. If no aspirant shall receive a majority of the votes cast, a second primary shall be held, in which only the two aspirants which shall have received the highest and next highest number of votes shall be voted for: *Provided*, that if either of such two shall withdraw and decline to run and shall file notice to that effect with the city secretary, the city secretary shall declare the other aspirant nominated. If a second primary be ordered, it shall be held one week after the first primary and under the same laws, rules and regulations provided for such first primary, except that there shall be no further registration of voters other than such as may have become legally qualified after the first primary election, and such persons may register on the day of the second primary and shall be entitled to vote therein under the provisions of this act.

Nominations determined by majority.
Second primary.

Proviso: withdrawal.

Time and regulation of second primary.

19. When on account of errors in tabulating the returns and filling out blanks the result of a primary election in any one or more precincts or polling places cannot be accurately known, the city secretary shall be allowed access to the ballot boxes in such precincts to make a recount and declare the results.

Record of ballots.

20. The term political party as herein used shall include all political parties having candidates voted for for State offices at the general election in one thousand nine hundred and fourteen, and, in addition, any political party which may be declared to be such by a declaration signed by one hundred legal voters resident in the city of High Point and filed with the city secretary thirty days before the time fixed for candidates for said office to file notices with the city secretary.

Political party defined.

21. In the event that any person who shall have been nominated in any primary election as the candidate of the political party for the office of mayor or councilman shall die, resign, or for any other reason become ineligible or disqualified between the date of such primary election and the ensuing municipal election, the vacancy caused thereby may be filled by the action of the executive committee of such political party within said city of High Point.

Vacancies in nominees.

22. That all the expenses incident to holding primary elections in said city of High Point shall be paid by the city out of funds not otherwise appropriated.

Expenses paid by city.

23. The city council shall make all necessary regulations concerning municipal elections and the manner and method of holding the same. Such regulations shall, however, be in keeping with the provisions of this act and, as far as practicable, with the provisions of the statutes of the State of North Carolina applicable to such elections; and it shall provide for canvassing the

Regulations by city council.

returns and declaring the results thereof and for issuing proper certificates to successful candidates.

Ballots for city elections.

Separate ballots for each political party.

Distribution of ballots.

Style of ballots.

Names of candidates of parties.

Independent candidates.

Proviso: petition for independents.

Method of voting.

Ballots furnished to electors.

Deposit of ballots.

Ballots preserved and returned with poll lists and registration books.

Returns.

24. It shall be the duty of the city secretary, at least three days before any municipal election, to cause to be printed the ballots to be used in such election. He shall prepare and cause to be printed a separate set of ballots for each political party which shall have nominated candidates for election as mayor and councilman in the preceding primary election in this act provided, and shall not later than sunset of the day next preceding the day of election deliver to the judges of election of each precinct or voting place a sufficient number of such printed ballots. On the ballots of each political party which shall have nominated candidates in the primary election shall be printed the name of such party, and under the names of the respective political parties shall appear the offices to be filled by the election and the names of the nominees. No name other than that of a person chosen in the primary election shall be printed as the candidate of a political party for any office; but upon the petition of any elector who is duly qualified to hold the office for which he desires to be a candidate, if filed before or at the time of declaring the result of the preceding primary election, that his name be placed on an official ballot as an independent candidate for such office, such petition to contain a statement under oath that the petitioner does not affiliate with any political party, it shall be the duty of the city secretary to cause to be printed the name of such person as an independent candidate for office: *Provided*, that in addition to such petition there shall be filed with the city secretary, and within the same time, a petition duly signed by ten per centum of the electors who shall have voted in the last election in said city for mayor that the name of such person be so printed as an independent candidate for such office. Opposite the name of each candidate to be voted for shall be a small square, and a vote for any candidate shall be indicated by making a cross mark (thus X) in such square, and no elector shall vote for more than one candidate for any office.

25. It shall be the duty of the judges of election of each precinct or polling place to have the ballots so delivered to them by the city secretary, as hereinbefore provided, at such precinct or polling place at sunrise of election day and to furnish the same to electors presenting themselves to vote in accordance with their request. After marking his ballot as hereinbefore provided in connection with primary elections the voter shall deposit the same in the ballot box which shall be furnished by the city council. The ballots cast at such election shall, after being counted by the judges of election, be carefully preserved and, together with the poll lists, which shall be signed by the judges of election, and the registration books, shall be delivered to the city council. The city council shall prescribe rules and regulations for certifying

- the result of elections in each precinct or polling place by the judges of election to the city secretary, who shall, under the supervision of the city council, compile and tabulate the same, and the record of such compilation and tabulation shall be preserved in such manner and under such rules as the city council may prescribe.
26. The powers and duties of the mayor shall be such as are conferred upon him by this act, together with such others as are conferred by the city council in pursuance of this act, and no others. He shall preside at all meetings of the city council and shall have the right to vote upon all questions, but shall have no vote in case of a tie. He shall be recognized as the official head of the city and shall be so considered by the public for all ceremonial purposes. He shall have power to administer oaths. Such functions not enumerated in this act as are conferred upon mayors by cities and towns by the general laws of the State shall be exercised by the city manager hereinafter provided for, unless the city council shall designate some other person to exercise such functions. In the event of the temporary disability of the mayor, the functions of the office shall devolve upon some member of the city council who shall be designated by that body at its first meeting after organization under this act and after each general municipal election and shall be known as mayor *pro tempore*. He shall receive the same compensation as other members of the city council.
27. The city council in meeting assembled shall have power to remove from office the mayor or any councilman for misfeasance, malfeasance, corruption, neglect of duty, or other misconduct in office; but the mayor or councilman so to be proceeded against shall have at least ten (10) days notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the grounds for his proposed removal. He shall have the right to be heard in person or by counsel in his defense. In the event of the removal of the mayor or any councilman, the vacancy so caused shall be filled by the city council or the remaining members thereof.
28. If any person chosen mayor shall refuse to qualify, or there shall be a vacancy in the office of mayor caused by death, absence, resignation, permanent disability, or otherwise, after election and qualification the city council shall choose as mayor some person duly qualified to fill such office for the term or the unexpired term so made vacant, as the case may be, and on like occasion and in like manner the city council shall choose other councilmen to supply the place of such persons as shall refuse to act after election, and shall fill all vacancies that may occur in the period or time between regular elections.
29. The members of the city council hereinbefore named shall on the fourth day of May, nineteen hundred and fifteen, after

Compilation and record of returns.

Powers and duties of mayor.

President of council.
Power to vote.
Official head of city.

To administer oaths.
Functions exercised by city manager.

Mayor pro tempore.

Compensation.

Removal of mayor or councilman for cause.

Notice of motion and copy of charges.

Right to be heard.

Vacancy caused by removal.

Other vacancies.

First meetings.

- Stated meetings. qualifying, convene for the transaction of business, and thereupon shall fix stated meetings not less than two (2) in each and every calendar month. All meetings of the city council shall be held in the city hall and shall be open to the public. Special meetings of the city council shall be held at the call of the mayor or any two (2) of the councilmen, but at such meetings shall be considered only such matters as shall have been mentioned in the call therefor, written notice whereof shall be delivered to each member of the council. A majority of the city council shall constitute a quorum for the transaction of business. Each member of the city council, including the mayor, shall be paid the sum of two dollars (\$2) for each and every stated or special meeting which he shall attend.
- Meetings public.
- Special meetings.
- Quorum.
- Pay of councilmen.
- Quorum.
- Meetings public.
- Journal.
- Ordinances, resolutions, and motions.
- Ayes and noes.
- Vote on final passage.
- Public emergencies.
- Proviso: franchises not granted as emergencies.
- Oaths of councilmen.
- Legislative powers.
- Control and supervision of departments.
- Rules and regulations.
- Creation of offices and salaries.
30. A majority of the members of the council 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 a part of the archives of the city. The council shall act only by ordinance, resolution, or motion, and each ordinance, resolution, or motion, 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 appropriation. The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of proceedings, and every ordinance, resolution, or motion shall require on final passage the affirmative votes of a majority of all the members of the city council. 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.
31. Before entering upon the duties of his office each member of the city council shall take the oath of office prescribed by the Constitution of the State, as also an oath that he is not under direct or indirect obligation to appoint or elect any person to any office, position, or employment under the city government.
32. The city council 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 the State touching every object, matter, and subject within the purview of the local government instituted by the charter and this act.
33. The city council shall have control and supervision over all the departments of the city, except as herein otherwise provided, and to that end shall have power to make and enforce such rules and regulations as it may see fit and proper for and concerning the organization, management, and operation of all the departments of the city and whatever agencies may be created for the administration of its affairs. It shall have power to create such

offices as it may deem necessary for the prudent and successful administration of the affairs of the city and to fix the salaries of the persons appointed thereto: *Provided*, that the term of any such office created by it shall never exceed the period of one year; and it shall have the power to abolish at any time any such office and to terminate the official duties and relations of the persons occupying the same. All offices created by the city council shall be filled by a majority of all the members of said council. A majority of the council shall have power to discharge any officer or employee of the city. All salaries and wages to be paid employees of the city, unless otherwise provided, shall be fixed by a majority vote of the council.

Proviso: term of office.

Abolition of ordinances.

Offices filled by majority.

Discharge of officers and employees. Salaries and wages.

34. It shall be the duty of the city council on the second regular meeting in May of each and every year, or as soon thereafter as practicable, to appropriate such sums of money, respectively, to the several departments of the city government as it may deem necessary for the maintenance and operation thereof during the current year. In addition to the departmental appropriations herein provided for, the council shall also make such appropriations for contingent purposes as may be deemed necessary.

Appropriations to departments.

Contingent expenses.

35. The city council shall require a statement to be published monthly in one or more newspapers of the city showing a full, clear, and complete statement of all taxes and revenue collected and expended during the preceding month, indicating the respective sources from which the moneys were derived and the disposition made thereof, and showing all disbursements during said period.

Statements published monthly.

36. In making up the budget allowances for any current year the city council shall first make provision for the payment of the interest and the creation, setting aside, and preservation of a legal sinking fund upon all of the outstanding indebtedness of the city, and make provision for the maintenance of the public school system, as provided for in this act, and shall then make such appropriations as the remaining revenues of the city may justify, to be appropriated among the respective departments or otherwise appropriated for public uses as to the city council may seem best: *Provided, however*, that in no case shall the entire appropriations so made, comprehending interest and sinking fund on the bonded debt and appropriations for all other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenue of the city derived from *ad valorem* taxes upon the basis of the total valuation of the property listed for taxation of the preceding year and of such other contingent revenues of the city as will probably accrue. It shall be deemed a malfeasance for the city council to make appropriations in the budget the sum total of which shall exceed the estimated available or probable revenues for any current fiscal year.

Budget.

Proviso: appropriations not to exceed estimated available resources.

Excessive appropriations a malfeasance.

Duties and compensation of officers.

37. The city council shall have the power from time to time to require further and other duties of all officers whose duties are herein or in the charter prescribed, and to define and prescribe 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. It shall also require bonds to be given to said city by all officers for the faithful performance of their duties, and shall require a new bond from any officer whenever in the judgment of said council the existing bond is insufficient; and whenever such new bond is required of any officer, he shall perform no official act until such bond shall have been given and approved. The city council 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 time.

Bonds of officers.

Vacancies.

Levy of tax.

38. The city council, 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 the charter may be levied, assessed, and collected at such times as the council in each case may prescribe. The city council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied, and imposed under the charter, and it is hereby authorized and to that end may and shall have 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 pass all ordinances deemed necessary to the levying, laying, imposing, assessing, and collecting of any taxes provided for in the charter. Unless otherwise provided for by this act and by ordinances passed thereunder, all property in such city liable to taxation shall be assessed in accordance with the provisions of the general laws of the State, in so far as applicable.

Powers in collection of taxes.

Assessment of taxes.

Management and control of finances. General appropriations.

39. The city council shall have the management and control of the finances of the city, except as otherwise herein provided. They shall have the power to appropriate money and provide for the payment of debts and expenses of the city; to provide by ordinances 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 city council shall also have the power to fund or refund by ordinance the whole or any part of the existing debts of the city, or any future debt, by acquiring and canceling evidences 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, using the sinking fund thereof.

Special appropriations.

Payment of debt.

Refunding of debt.

40. The city council shall by ordinance adopt such rules and regulations for its government and order of business as it may deem best. It shall be the judge of the qualification and election of its members, including the mayor, and shall have authority to recount the votes for any of its members and to correct the result which may have been heretofore declared, in the event that notice of a contest of any such election shall be given within thirty days after such election shall have been held. It shall also be the judge of the election and qualification of all other city officers, subject to the provisions of this act applying thereto. It may punish members or other persons during its sittings by fine for disorderly conduct.
41. The city council shall, after the fourth day of May, one thousand nine hundred and fifteen, have entire charge and control of the city schools of the city of High Point and shall succeed to and be vested with all powers and duties now conferred by law upon the board of school commissioners of the city of High Point; and said board of school commissioners shall thereupon cease to exist.
42. In the event of a vacancy in any office to which appointment is made under the provisions of the charter or otherwise by the city council, such vacancy shall be filled by a majority vote of the city council.
43. No member of the council nor other officer of the city shall be directly or indirectly interested in any work, business, or contract, the expense, price or consideration of which is paid out of the city treasury or by assessment levied by ordinance or resolution of the city council, or be the surety of any person in any contract, work, or business with the city for the performance of which security may be required, or be a surety on the official bond of any officer of the city. Contracts in violation of any one of the foregoing provisions shall be void, and no member of the city council shall be at any time during his term of office directly or indirectly interested in or in the employ of any school book publishing company or concern or school furniture company or concern.
44. No member of the city council shall hold any other public office in said city or hold any office or employment compensation for which is paid out of the city's moneys; nor be elected or appointed to any office created by or the compensation of which shall have been increased or fixed by the city council while he shall have been a member thereof, until after the expiration of at least one year after he shall have ceased to be a member of the city council; nor shall any member of the city council nor any other officer of the city of High Point be pecuniarily interested, directly or indirectly, in any contract let by the city or the city council nor in any manner wherein the rights or liabilities of the city of High Point are or may be involved. In the event that any such officer of the city of High Point shall become interested, directly or indirectly, in any contract or work, purchase or sale

Regulation of
order of business.

Judge of election
and qualification of
members.
Contested elections.

Judge of election
and qualification
of other officers.

Enforcement of
order.

Charge and control
of city schools.

Powers and duties
vested.

Vacancy.

Interest in contracts
with city
forbidden.

Contracts void.

Interest in school
books or furniture
forbidden.

Councilmen not
eligible to city
offices.

Interest in city
contracts.

Contract void.

made by the city of High Point, then said contract or work, purchase or sale shall become null and void and shall be discontinued, and new arrangements shall be entered into as in case of the incipency of the contract or work, purchase or sale. Any member of the city council or any officer or employee of the city becoming interested, directly or indirectly, as aforesaid, in any contract, work, purchase, or sale by or with any of the agencies aforesaid shall forfeit all right or claim to the title and emoluments of the office which he may happen to hold in said city, and shall be expelled therefrom by the city council, or, if it shall fail to remove said officer, employee, or member of the city council guilty as aforesaid, he shall nevertheless be subject to removal upon the action of any five citizens taken in the Superior Court of Guilford County in such proceedings as are appropriate and proper, and shall, in addition, be guilty of a misdemeanor or felony, as the case may be, as is or may be provided in the penal statutes of the State of North Carolina.

SEC. 2. That said chapter be also amended by adding at the end of section twenty-seven thereof the following:

12. There shall be appointed by a majority vote of the city council at the first meeting thereof after the qualification of its members as in this act provided, and annually thereafter at the first meeting after Tuesday following the second Monday of May of each and every year, an officer to be known as city manager. The person so chosen shall hold office for the term of one year and until his successor is duly appointed and qualified, unless sooner removed by the city council at its pleasure. The city manager shall be the administrative head of the city government. Before entering upon the discharge of the duties of his office he shall take an oath that he will faithfully perform such duties and shall execute and file with the city council a bond in favor of the city of High Point, with an incorporated bonding company or companies licensed to do business in the State of North Carolina as surety or sureties, conditioned upon the faithful discharge by him of such duties. The amount of such bond shall be prescribed by the city council, but in no event shall it be less than ten thousand dollars, and the premium thereon shall be paid by the city. It shall not be a condition precedent to the eligibility or qualification of any person to fill said office that he be a resident of the city of High Point at the time of his election. In the event of a vacancy in the office of city manager or during the absence or disability of the person appointed thereto the city council may designate a person who is duly qualified to discharge the duties of the office.

The city manager shall not be personally interested in any contract to which the city is a party for doing work for or supplying materials of any character to the city; nor shall he be a stock-

Councilmen expelled or removed.

Misdemeanor or felony.

Appointment of city manager.

Term of office.

Administrative head of city. Manager to be sworn and give bond.

Amount and premium of bonds.

Residence not required.

Vacancy.

Personal interest of manager in city contracts forbidden.

holder or interested in any manner in any corporation making or having such a contract with the city.

The city manager shall devote his entire time to the duties of his office and shall attend all meetings of the city council and recommend to it from time to time such measures and action as he shall deem necessary or proper, and supply it with all useful or necessary information and details concerning any of the departments or work under his control. He shall have entire charge and control of all of the executive work of the city in its various departments, and shall have and exercise entire control of the several heads of departments and employees of the city, and shall make all contracts for labor and supplies to be performed for or furnished to the city.

Entire time to work.
Attendance on and recommendations to council.

Charge and control of all departments.

Contracts for labor and supplies.

He shall see that the laws and ordinances of the city are enforced.

Enforcement of laws.

He shall have power and authority to revoke licenses, pending action thereon by the city council.

Revocation of licenses.

He shall have power and authority to appoint all subordinate officers and servants of the city and to remove or suspend any officer or servant employed by him: *Provided*, that nothing herein contained shall be construed to take from the city council the power and authority to elect the city secretary, auditor, attorney, recorder, assessor and collector of taxes, treasurer, chief of police, chief of the fire department, engineer, superintendent of water-works and sewerage, or health physician; but the officers and other employees of the police, fire, street, and water-works and sewerage departments shall be elected by the city council from a list submitted by the city manager, and if the city council is unable or refuses to elect from the list so furnished, it shall be the duty of the city manager to furnish from time to time other lists or names from which the city council shall elect.

Appointment, removal, and suspension of officers.
Proviso: officers elected by council.

Lists submitted by city manager.

The city manager shall see that all terms and conditions in favor of the city or its citizens imposed or contained in any public utility franchise are faithfully kept and performed, and, upon discovery or ascertainment of any violation or breach thereof, shall in writing bring such violation or breach to the notice and attention of the city council.

Supervision of grantees of franchises.

He shall prepare an annual budget and keep the city council fully advised as to the financial condition and needs of the city.

Annual budget.

He shall have authority and charge over all public works, the erection of buildings for the city, the construction of all improvements, paving, curbing, sidewalks, streets, bridges, and viaducts, and the repair thereof; he shall approve all estimates of the cost of public works and shall have the right to accept or reject work done or improvements made; he shall have control, management, and direction of all public grounds, bridges, viaducts, and public buildings; he shall have control of the location of street-car tracks

Further enumeration of powers and duties.

and telephone and telegraph poles and 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, and shall secure all rights of way and easements connected with the water-works and sewerage systems and the extension of streets.

Duties imposed by
city council.
Salary.

The city manager shall perform such other duties as may be imposed upon him by the city council; and his salary shall be fixed by the city council.

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

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 170.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF MOUNT GILEAD GRADED SCHOOL DISTRICT TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING A GRADED SCHOOL BUILDING AT MOUNT GILEAD, MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. That for the purpose of raising money to secure a site and to build and equip a graded school building for Mount Gilead Graded School District the board of trustees of said Mount Gilead Graded Graded School District is hereby authorized and empowered to issue bonds to an amount not exceeding twenty thousand dollars, payable at such time and place as it may designate, which bonds shall bear interest not exceeding six per cent per annum, payable semiannually, 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 Mount Gilead 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 years from the date of their issue.

Amount.

Interest.

Denominations.

Authentication.

Maturity.

Sale below par
forbidden.
Specific appropriation.

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.

Special tax.

SEC. 3. That in order to pay the interest on said bonds as the same becomes due, the board of county commissioners of Mont-

gomery County is required and directed to levy and collect, in addition to all other taxes in said Mount Gilead 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 Mount Gilead Graded School District and turned over to the treasurer of the board of trustees of said Mount Gilead 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 twenty-five (25) cents on the one hundred dollars valuation of property or seventy-five 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 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 Mount Gilead 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.

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 site, erection, construction, and equipment of a graded school building for said Mount Gilead Graded School District, and said fund shall be expended under the supervision and direction of the board of trustees of said Mount Gilead 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

Tax ad valorem.

Constitutional
equation.
Levy, collection,
and settlement.Proviso: limit of
tax rate.Proviso: funds
kept separate.Specific appropri-
ation.
Payment of cou-
pons and report of
payment.

Sale of bonds.

Proceeds paid to
treasurer.

Bond of treasurer.

Treasurer to
receive no compen-
sation.Issue and sale of
bonds.
Bonds subject to
call.

Use of proceeds.

Supervision of
expenditures.

Vouchers.

Proviso: surplus
applied to interest
on bonds.

site, 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.

Proviso: purchasers not liable for application.

Bond issue submitted to election.

County commissioners to order election.

Election officers.

Advertisement of election.

Law governing election.

Ballots.

Effect of election.

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 Mount Gilead Graded School District, and to that end the county board of commissioners of Montgomery County shall, upon the recommendation of the board of trustees of said school district, call an election at any time within twelve months after the ratification of this act, in which shall be submitted to the qualified voters of Mount Gilead 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 poll-holders 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 newspaper published in Montgomery 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," and those voting against the issue of said bonds and the levy of said tax 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 Montgomery 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 Montgomery 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 semiannually, 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 elec-

Subsequent election.

tion 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.

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.

SEC. 8. That the treasurer to the board of trustees of Mount Gilead 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 ratification.

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 171.

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF BELMONT GRADED SCHOOL DISTRICT TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING A GRADED SCHOOL BUILDING AT BELMONT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the following described territory lying and being in Gaston County, North Carolina, near to and including the town of Belmont and bounded as follows: beginning at old Oliver's Ford on the south fork of the Catawba River, runs with the old Oliver's Ford road to the Belmont-Mount Holly road; thence in a direct line to old Sifford's Ferry on the Catawba River; thence with said river to old Walker's ferry; thence with the old Walker's ferry road to the lands of Captain Thomas Williams; thence north of the Williams land and south of the Leeper, Hanks, and Groner lands to the south fork of the Catawba; thence with said stream to the beginning, be and the same is hereby created a school district under the name and style of "Belmont Graded School District" for white and colored children.

SEC. 2. That the following named persons be and they are hereby appointed trustees for said district, towit: W. B. Puett, R. L. Stowe, A. J. Rankin, J. Q. Hall, C. H. Lineberger, J. L.

Terms of office.	Armstrong, and W. R. Stowe. The said W. B. Puett, R. L. Stowe, and A. J. Rankin shall hold office until the first Monday in July, one thousand nine hundred and eighteen, and until their successors are elected and qualified; the said J. Q. Hall and C. H. Lineberger shall hold office until the first Monday in July, one thousand nine hundred and seventeen, and until their successors are appointed and qualified, and the said J. L. Armstrong and W. R. Stowe shall hold office until the first Monday in July, one thousand nine hundred and sixteen; that upon the expiration of the terms of office of the trustees as herein mentioned, their successors in office shall be appointed by the board of education of Gaston County, to hold office for a term of three years and until their successors have been appointed and qualified.
Successors and term.	
Official title.	SEC. 3. That the said seven persons above named are hereby appointed the board of trustees of "Belmont Graded School District," and as such they and their successors in office shall be and remain a body corporate under the name and style of the "Board of Trustees of Belmont Graded School District," and shall adopt and use a common seal and shall be capable of receiving gifts and grants, purchasing and holding property, real, personal, and mixed, selling, conveying, mortgaging, and transferring the same for school purposes, and of prosecuting and defending suits for or against said corporation. Conveyances to said corporation shall be to the "Board of Trustees of Belmont Graded School District," and all deeds and mortgages and other contracts affecting real property and all bonds or other obligations shall be deemed sufficiently executed when signed by the chairman of said board and attested by the secretary and the common seal affixed thereto.
Incorporation.	
Corporate name.	
Corporate powers.	
Conveyances to board.	
Execution of contracts.	
Meeting and organization.	SEC. 4. That as soon as practicable after the ratification of this act the said board of trustees shall meet and appoint from their number a chairman, a secretary, and a treasurer, who shall hold office until the first day of July, one thousand nine hundred and eighteen, and until their successors are appointed and qualified; and their successors in office shall be appointed by the said trustees from their number, to hold office thereafter for a term of three years. The treasurer shall have charge of all funds coming into the hands of said board of trustees and shall pay them out only upon order of said board signed by the chairman and countersigned by the secretary. Before entering upon his duties as such treasurer he shall be required to execute a bond payable to the board of trustees of Belmont Graded School in a sum of not less than twenty-five thousand dollars, with good and sufficient sureties to be approved by the board of commissioners of Gaston County.
Terms of officers.	
Appointment of successors.	
Orders on funds.	
Bond of treasurer.	
Bond issue authorized.	SEC. 5. That for the purpose of raising money to build and equip a graded school for the Belmont Graded School District, the board of trustees of the said Belmont Graded School District

is hereby authorized and empowered to issue bonds to an amount not exceeding twenty-five thousand dollars, payable at such places as it may designate, which bonds shall bear interest not exceeding six per cent per annum, payable semiannually at such time and place as said board may designate, and evidenced by coupons attached to said bonds. Said bonds shall be signed in the name of the board of trustees of the Belmont Graded School District by the chairman of the said board, attested by its secretary, and shall mature in not less than twenty nor more than thirty years from the date of their issue.	Amount. Interest. Authentication. Maturity.
SEC. 6. 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 five of this act. Said bonds shall be sold in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, to suit the purchaser or purchasers thereof: <i>Provided</i> , the purchasers of said bonds shall not be required to see to the application of the proceeds of the sale thereof.	Sale below par forbidden. Specific purpose. Denominations. Proviso: purchaser not bound by application.
SEC. 7. That the board of commissioners of Gaston County shall annually, at the time of levying other taxes, levy and lay a special tax of not more than fifteen cents on every one hundred dollars worth of property and not more than forty-five cents on every poll subject to taxation within the said graded school district, to meet the annually accruing interest on said bonds and provide a sinking fund for the payment of the same. The taxes provided for in this section shall be collected by the sheriff of Gaston County and by him paid over to the treasurer of said graded school district, and shall be applied exclusively to the purpose for which they are collected.	Special tax. Limit of rate. Collection and settlement. Specific appropriation.
SEC. 8. 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 lend any and all moneys and the accruing interest on the same, remaining from the special taxes or sinking fund, upon notes secured by first mortgage on real estate, to be approved by said board of trustees.	Payment of interest. Investment of sinking fund.
SEC. 9. That any money of said sinking fund so loaned shall bear the legal rate of interest in North Carolina, and any interest thereon shall be annually reloaned in the same way.	Interest on sinking fund.
SEC. 10. That for the purpose of submitting to the qualified voters of the Belmont Graded School District the question of issuing said bonds and levying and collecting all taxes hereinbefore provided for, the county board of commissioners of the county of Gaston, upon petition of the board of trustees of the Belmont Graded School District, or upon petition of one-fourth of the freeholders of said district, indorsed and approved by the county board of education, shall within thirty days thereafter order an election to be held in said district at the usual polling place in Belmont,	County commissioners to order election. Petition for election.

- Election officers. appoint a registrar and two judges of election, and shall give thirty days notice in some newspaper published in Gaston County, and shall order an entire new registration of voters for said election.
- Notice of election.
- New registration.
- Ballots. SEC. 11. That at said election those voting for issuing said bonds and levying and collecting all the taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those voting against issuing said bonds and levying and collecting said taxes as herein provided for shall vote a written or printed ballot containing the words "Against School Bonds." Said election shall be held under the same rules and regulations as are now provided for election of members of the General Assembly.
- Law governing election.
- Canvass and return of votes. SEC. 12. That the registrar and judges of election at the close of said election shall canvass the votes and declare the result of election and make returns thereof to the county board of commissioners of Gaston County, and the board of commissioners shall order said returns recorded in the office of the register of deeds of Gaston County.
- Record of returns.
- Issue and sale of bonds. SEC. 13. That if at the election a majority of the qualified voters of the Belmont Graded School District shall vote for bonds, then the board of school trustees shall proceed to issue and sell the bonds or so many thereof as shall be necessary in their judgment and discretion for the purposes aforesaid.
- Subsequent election. SEC. 14. That if the majority of the qualified voters shall fail to vote in favor of issuing said bonds and levying and collecting the particular tax, the said board of county commissioners of Gaston County, upon petition of said board of trustees of Belmont Graded School District, or upon petition of one-quarter of the freeholders, approved by the board of education for said county, may order another election every twelve months after said first election for a period of three years thereafter; and if at any one of said elections a majority of the qualified voters shall vote "For School Bonds" it shall have the same force and effect as if no election had been previously held.
- By-laws. SEC. 15. Said board shall have power to make such by-laws not inconsistent with this act as they may deem expedient for the transaction of their business.
- Power to condemn property. SEC. 16. That in addition to the powers and duties hereinbefore and hereinafter imposed upon said board of trustees, it shall be their duty, and they are hereby empowered: To condemn private property for public school use in said district whenever they shall deem it necessary; and whenever private property in said district shall be required for public school use, and it is so determined by resolution duly adopted by the board of trustees, such determination shall be final, and no appeal shall lie therefrom, and the said board of trustees shall appoint an appraiser, and the owner of such private property may appoint one appraiser and the
- Determination final.
- Procedure for appraisal.

two appraisers so appointed shall appoint a third appraiser, each of which appraisers shall be a resident and freeholder in said district. Such appraisers shall meet within three days after their appointment, and after each being duly sworn to act impartially and according to his best judgment, they shall proceed to appraise the damage which will ensue to such private property owner in consequence of such condemnation, and shall report their finding, verified by their oaths, to the private owner and to the board of trustees, without delay; and whenever, within six months thereafter, said board shall pay or tender payment of the amount named by said appraisers to such private owner, the property so appraised shall be deemed condemned for public school use; but the owner of property so condemned shall have the right to appeal from the findings of such board of appraisers to the Superior Court of Gaston County for trial by jury. In case the private owner shall desire to appeal, he shall cause written notice to be served upon the board of trustees by some proper officer, leaving a copy of such notice with the secretary of the board of trustees or with any member of said board within thirty days from the date of the finding of the appraising board, and the officer serving such notice shall return the original notice, with the manner and date of service indorsed thereon, to the clerk of the Superior Court of Gaston County, who shall forthwith docket the cause for trial at the next ensuing term of the said Superior Court for the trial of civil actions, when the cause shall stand for trial as any other civil action. In case the private owner shall refuse or fail to appoint an appraiser as hereinbefore provided within ten days after being notified to do so, he shall be deemed to have waived his right to so appoint, and the board of trustees may appoint an appraiser in behalf of such private owner and the appraisement be proceeded with in like manner as if such private owner had exercised his right to appoint.

Land condemned on payment or tender.

Right of appeal.

Notice of appeal.

Case docketed.

Trial term.

Trustees to appoint appraiser on refusal of land-owner.

SEC. 17. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1915.

CHAPTER 172.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BELMONT.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Belmont, in Gaston County, North Carolina, be and the same are hereby enlarged and extended so as to include the following territory, viz.: Beginning at a stake near a telegraph pole on the right of way of the Atlanta and Charlotte Air Line Railway Company,

Corporate limits extended.

Boundary.

a corner of the lands of the National Yarn Mills, incorporated, and runs thence south seventy-six east twenty-seven and one-half poles to a stone, another corner of said lands; thence east two hundred and thirty-eight and three-quarter poles to a stake on the bank of the Catawba River; thence up the meanders of said river ninety-six poles to a stake on the bank of the river; thence north eighty-five and one-half west fifty-seven poles to a stake in the road; thence south twenty and three-quarters west twenty-five and one-third poles to a stake; thence south seventy-one and one-third west thirty-five and one-half poles to a stake; thence south forty-six and three-quarters west thirty-three poles to a stake on the edge of the macadam road; thence north fifty-five west eighty-eight poles to a stake; thence south seventy-five west thirty-eight poles to a stake; thence west sixteen poles to the present corporate line of said town; thence with said line to the beginning.

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 173.

AN ACT TO INCORPORATE THE TOWN OF TODD, IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

- Incorporation. SECTION 1. That the town of Todd, in Ashe County, North Carolina, be and the same is hereby incorporated by the name and Corporate name. style of "Todd," and it shall have all the provisions of the law Corporate powers. now in existence in reference to incorporated towns and not inconsistent with this act.
- Corporate limits. SEC. 2. That said town shall be incorporated in a square of one-fourth mile in each direction from the depot of the Virginia-Carolina Railroad at Todd, North Carolina.
- Town officers. SEC. 3. That the officers of said town shall consist of a mayor, three aldermen, and a town constable.
- Rules, regulations, SEC. 4. It shall be the duty of said mayor and aldermen to make and by-laws. such rules, regulations, and by-laws as may be necessary and not inconsistent with law for the proper government of said town.
- Town elections. SEC. 5. That there shall be an election held in said town by the qualified voters of said town on Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and every twelve months thereafter on said date, for the election of said mayor, aldermen, and constable, which said election shall be held under the same rules and regulations, as near as may be possible, for the holding of general elections in North Carolina; that said officers, when elected, shall hold their offices for a period of twelve months or until their successors are elected.
- Law governing elections.

SEC. 6. That the said board of aldermen of the town of Todd be and it is hereby empowered to condemn lands for the purpose of laying out, widening, or otherwise extending streets and alleys, and the same may be done under the general laws governing the condemnation of lands for public purposes.

Power to condemn land.

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 174.

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS 1905, SAME BEING THE CHARTER OF THE TOWN OF SPENCER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section eighteen, chapter thirty-seven of the Private Laws of one thousand nine hundred and five, be and the same is hereby amended as follows: At the end of section eighteen, after the word "Spencer," add the following: "To supply persons and corporations with electric current for lights, heat, and power, either by erecting an electric plant or by purchasing said electric current from any other electric power company."

Power to supply electric current.

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 175.

AN ACT TO PERMIT FUQUAY SPRINGS CONSOLIDATED GRADED SCHOOL DISTRICT IN WAKE COUNTY TO VOTE \$25,000 OF BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That a majority of the trustees of the Fuquay Springs Consolidated Graded School District, in Wake County, North Carolina, be and is hereby authorized and empowered to petition the board of county commissioners of Wake County, North Carolina, to call an election in said district, at a time and place to be specified by them, to determine the question, "Shall the Fuquay Springs Consolidated Graded School District, in Wake County, issue twenty-five thousand dollars of the bonds of said district, with interest coupons attached, to erect, equip, and maintain a graded school building in said district?"

Petition for election.

Question to be determined.

County commissioners to order election.

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

Question to be determined.

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 a registrar and judges of election; and the registration of voters, except as herein provided, and challenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided; that the votes shall be counted at the close of the polls and returned to the said board of county commissioners at its next 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.

Registration.

Proviso: election officers.

Registration and challenges.

Count and return of votes.

Canvass and record 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 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."

Preparation of bonds.

SEC. 5. That if a majority of the votes cast in said election shall be "For School Bonds" and the result shall be declared and recorded as aforesaid, then it shall be the duty of the said 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 twenty-

Denominations.
Amount.

- five thousand dollars, which said bonds shall bear a rate of interest not to exceed the rate of six per cent per annum, with interest coupons attached, payable semiannually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, as the said board of county commissioners of Wake County may determine; that said bonds and coupons attached thereto shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and that said bonds shall have upon them the seal of the county; that said bonds shall be styled bonds to erect, equip, and maintain a graded school building in the Fuquay Springs Consolidated Graded School District of Wake County.
- SEC. 6. That the following persons be and they are hereby appointed a special building committee for said Fuquay Springs Consolidated Graded School District: A. W. Thompson, James M. Judd, E. H. Howard, who as soon as practicable after the ratification of this act shall meet and elect one of their number president and another secretary and treasurer. Any vacancies occurring in said committee from any cause shall be filled by the board of education of Wake County in any way they may deem proper.
- SEC. 7. That upon the preparation, signing, and execution of said bonds 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 said board of education for Wake County may direct; that none of the said bonds or the proceeds thereof shall be used by said board of education for any other purpose than that provided by this act; that said bonds shall be numbered consecutively, and the coupons attached shall bear the numbers of the bonds to which they are attached. The bonds and coupons shall state the time, place, when they are due and when payable and by what authority they were issued. The said board of education for Wake County shall record all the proceedings in respect to said bonds in the minutes of its meeting, and when sold, the numbers of the bond or bonds, the denominations, to whom sold, and the number of coupons attached: *Provided*, the said treasurer of the school fund shall not sell any of said bonds for less than par value.
- SEC. 8. That when said bonds are issued and sold, the proceeds thereof shall be paid by the treasurer of the school fund in Wake County to the secretary and treasurer of the special building committee herein provided for, and the receipt of said secretary and treasurer for the amount which may come into the hands of the treasurer of the school fund of Wake County as aforesaid as proceeds derived from the sale of said bonds, when signed by the president of said special building committee, shall be a full
- Interest.
- Maturity.
- Authentication.
- Entitlement of bonds.
- Building committee appointed.
- President and secretary and treasurer.
- Vacancies.
- Delivery and sale of bonds.
- Specific appropriation.
- Bonds numbered.
- Receipts.
- Record of bonds.
- Proviso: sale below par forbidden.
- Proceeds to treasurer of building committee.
- Receipt.

- and complete discharge of said treasurer and his bond from any and all liability on account of said proceeds. Said proceeds 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 as a majority of the special building committee herein appointed shall direct, and in the maintenance of said public graded school as a majority of the trustees herein mentioned shall direct, and no other; that the said secretary and treasurer of the said special building committee 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 same, and for the faithful performance of his duties in this respect the said secretary and treasurer shall execute a bond payable to the State of North Carolina for use of said special building committee in such amount as the board of county commissioners of Wake County may direct, which bond shall be approved by them: *Provided*, if any funds shall remain from sale of said bonds after said building is erected and equipped, same shall be turned over to the treasurer of the school fund in Wake County, and shall be expended by the board of education of said county for the maintenance of said public graded school as a majority of the board of trustees herein mentioned shall direct, and no other; the county board of education may require the treasurer of said school funds to give sufficient bond, payable to the State of North Carolina, for use of said trustees, for the safe keeping of said funds in whatever amount the board of education may direct: *Provided further*, that the accounts of said special building committee herein appointed shall be audited by the county auditor of Wake County once each month: *Provided further*, upon the completion of the school building herein provided for and its equipment, and the turning over to the treasurer of the school fund of Wake County any funds remaining in their hands after said building is erected and equipped as aforesaid, the duties of said special building committee shall be at an end.
- SEC. 9. 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 fifty (50) cents on the hundred dollars of property and one dollar and fifty cents (\$1.50) on the poll in said Fuquay Springs Consolidated Graded School District of Wake County, to provide for the payment of the interest upon the same and to create a sinking fund sufficient to meet the payment 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 Fuquay Springs Consolidated Graded School. The said treasurer of the school fund
- Expenditure of proceeds.
- Funds and accounts kept separate.
- Bond of secretary and treasurer.
- Proviso: use of surplus.
- Bond of treasurer.
- Proviso: audit of accounts of building committee.
Proviso: termination of duties of building committee.
- Special tax.
- Limit of rate.
- Collection.
- Fund kept separate.
- Use of funds.
- Commissioner of sinking fund.

in Wake County shall be commissioner of the sinking fund for said bonds, and it shall be his duty to keep said funds, subject to the provisions hereinafter contained, invested in some safe security or bond; 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 duty as commissioner, and he shall make such reports from time to time as the said board of education or the trustees herein mentioned may direct: *Provided*, said commissioner of the sinking fund may deposit said funds in any local bank or banks doing business in said Fuquay Springs Consolidated Graded School District, in each bank in proportion to the total amount of paid-in capital stock, surplus, undivided profits, and deposits held by each bank as shown by the latest financial statement made by said bank or banks to the North Carolina Corporation Commission immediately preceding the apportionment as aforesaid, at four per centum per annum, in lieu of investing same in some safe security or bond as aforesaid: *Provided further*, before any of said sinking fund is deposited with any of said banks as aforesaid, the said commissioner of said sinking fund shall require said bank or banks making application for said funds to file with said commissioner a good and sufficient bond to fully secure the amount deposited with said bank or banks, and the payment of the interest on same as aforesaid, and the payment of both principal and interest to the said commissioner of the sinking fund at the maturity of said bonds: *Provided further*, that the trustees of the said Fuquay Springs Consolidated Graded School District shall maintain out of the funds derived from the tax herein provided for which may be available for the maintenance of said graded school a primary school in the former Cardenas School District, in which school shall be taught such studies as are usually taught in the primary grades from the first grade up to the sixth grade.

SEC. 10. That if a majority of the votes cast in the election herein provided for shall be in favor of said bond issue, and the result shall be so declared by the board of county commissioners of said county, then and in that event any special annual tax heretofore voted by any part of said school district for school purposes by this act is hereby repealed. If a majority of the votes cast in said election shall be against said bond issue, and the result shall be so declared as aforesaid, then any special annual tax heretofore voted by any part of said school district for school purposes shall not be construed to have been repealed, released, or in any manner interfered with by this act: *Provided further*, that if a majority of the votes cast in said election shall be against school bonds, House Bill number one thousand three hundred and seventeen and Senate Bill number two hundred and eighty-five of the General Assembly of North Carolina, session of nineteen hundred and fifteen, incorporating said Fuquay Springs

Investments of sinking fund.

Bond of commissioner.

Reports.

Proviso: deposit of sinking fund.

Proviso: bond for deposits.

Proviso: primary school.

Tax repealed on issue of bonds.

Tax continued unless bonds issue.

Proviso: effect of negative election on consolidated districts.

Consolidated Graded School District numbers one and three, in Middle Creek Township, Wake County (Cardenas and Fuquay Springs), shall remain as they were immediately prior to the passage of said House Bill number one thousand three hundred and seventeen and Senate Bill number two hundred and eighty-five, incorporating said Fuquay Springs Consolidated Graded School District.

Location of building.	SEC. 11. The Fuquay Springs Consolidated Graded School building herein mentioned shall be located within the town of Fuquay Springs on a site to be selected by a committee consisting of
Committee. Majority to govern.	W. H. Aiken, Dr. J. M. Judd, and J. Y. Joyner, State Superintendent of Public Instruction. A majority of said committee, in case they cannot agree unanimously upon a site, shall determine
Announcement of selection.	the matter. Said committee shall announce their decision as to the site within not less than ten days after the calling of the election for the bond issue provided herein.
Application of act.	SEC. 12. That this act shall apply only to the Fuquay Springs Consolidated Graded School District in Wake County.
	SEC. 13. That 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 3d day of March, A. D. 1915.

CHAPTER 176.

AN ACT TO INCORPORATE THE TOWN OF JEFFERSON, ASHE COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.	SECTION 1. That the town of Jefferson, in Ashe County, North
Corporate name.	Carolina, be and the same is hereby incorporated by the name
Corporate powers.	and style of "The Town of Jefferson," and it shall have all the provisions of the law now in existence in reference to incorporated towns and not inconsistent with this act.
Corporate limits.	SEC. 2. That said town shall be incorporated in a square one-half mile in each direction from the courthouse in said town.
Town officers.	SEC. 3. That the officers of said town shall consist of a mayor, three aldermen, and a town constable.
Rules, regulations, and by-laws.	SEC. 4. That it shall be the duty of the said mayor and aldermen to make such rules, regulations, and by-laws as may be necessary and not inconsistent with law for the proper government of said town.
First officers named.	SEC. 5. That the following named persons shall fill said offices until Tuesday after the first Monday in May, one thousand nine

hundred and fifteen, towit: W. H. Worth, mayor; E. A. McNeil, Charlie Neal, and Dr. J. W. Colvard, aldermen; and J. E. Koontz, town constable.

SEC. 6. That there shall be an election held for the offices mentioned in this act on Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and every year thereafter, under the same rules and regulations that govern State and county elections, and the mayor and aldermen shall appoint a registrar and two judges to conduct said election.

Town elections.

Election officers.

SEC. 7. That the said board of commissioners of the town of Jefferson be and it is hereby empowered to condemn lands for the purpose of laying out, widening, or otherwise extending streets and alleys, and the same may be done under the general laws governing the condemnation of lands for public purposes.

Power to condemn land.

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

Ratified this the 3d day of March, A. D. 1915.

CHAPTER 177.

AN ACT TO AMEND CHAPTER 336 OF THE PRIVATE LAWS OF 1905, AND TO ENLARGE THE HERTFORD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundaries of the Hertford Graded School District, created under and by virtue of chapter three hundred and thirty-six of the Private Laws of one thousand nine hundred and five, shall be all of that territory in the town of Hertford and all of that territory adjacent to the town of Hertford included within the following boundaries: beginning on the south side of Perquimans River opposite the end of the Granberry lane and running southwestwardly so as to leave the old Granberry residence to the west, to said Granberry lane; thence along said lane southwestwardly to Harveys Neck road; thence crossing said road and running same course of Granberry lane to the run of the branch of Skinners Creek; thence down said branch of Skinners Creek to Ross Mill Creek; thence up said creek and mill-pond in a westwardly direction to the lane leading to the H. J. Reed farm; thence northerly along said lane one hundred and ninety yards to a point two hundred yards south of the road leading from Hertford fork to Hunters fork; thence westwardly parallel with said road and two hundred yards to the south of said road to a lead ditch; thence northerly along said ditch to the aforesaid road opposite the end of a lane running through the farm of R. B. Thatch at the cotton gin; thence northeastwardly along said lane to the

Boundaries of territory.

end of same; and running the same course to the south side of Perquimans River; thence down said river to the beginning; and said boundaries shall hereafter constitute the boundaries of said Hertford Graded School District, in lieu of the boundaries set out in section one of the said chapter three hundred and thirty-six of the Private Laws of one thousand nine hundred and five.

Election on extension and tax levy.

SEC. 2. That an election of all the qualified voters within the said district described in section one hereof shall be held at such time as the board of commissioners of the town of Hertford shall designate, which shall be within ninety days from the ratification of this act, to vote upon the question of the extension and levy of the tax as provided in chapter three hundred and thirty-six, Private Laws of one thousand nine hundred and five, of the bound-

Notice of election.

aries of the district as above outlined, notice of which election shall be given at the courthouse door in Hertford and at three other public places in the town of Hertford, and in three public places in the district included herein outside the limits of the town of Hertford for thirty days prior to said election. At said

Ballots.

election all those qualified voters in favor of the extension and levy of the tax as provided by chapter three hundred and thirty-six, Private Laws of one thousand nine hundred and five, of the boundaries of the Hertford Graded School District shall vote a ballot containing the words "For Extension and Tax," and all those qualified voters opposing the extension of the said boundaries of the said Hertford Graded School District shall vote a ballot, containing the words "Against Extension and Tax." The said election shall be held in accordance with law and in the same manner as all elections for the town of Hertford: *Provided, however*, that in addition to the qualified voters of the town of Hertford, all qualified voters residing in the territory embraced in the district outside the limits of the town of Hertford shall be entitled to vote on this question.

Law governing election.

Proviso: qualified voters.

Effect of election.

SEC. 3. That if at said election a majority of the qualified voters of the said district shall cast a ballot for extension of the said boundaries of the Hertford Graded School District and levy the tax as provided by chapter three hundred and thirty-six, Private Laws of one thousand nine hundred and five, that said boundaries shall be those embraced in section one hereof. If the majority of the qualified voters of said district shall fail to cast their ballots for extension, then the boundaries of said district shall be those provided by chapter three hundred and thirty-six of the Private Laws of one thousand nine hundred and five.

Benefits and liabilities extended.

SEC. 4. That if the boundaries of the said Hertford Graded School District are extended so as to include the boundaries set out in section one hereof and levy the tax as provided in chapter three hundred and thirty-six, Private Laws of one thousand nine hundred and five, as authorized, then the said district shall be for all purposes entitled to all the benefits and emoluments of the

present Hertford Graded School District, and shall be liable and jointly responsible for any and all obligations of said Hertford Graded School District as now constituted.

SEC. 5. That if said district is enlarged as above outlined the said district shall have all the rights and privileges and be subject to all of the restrictions and liabilities set out in chapter three hundred and thirty-six of the Private Laws of one thousand nine hundred and five and chapter one hundred and fifty-four of the Private Laws of one thousand nine hundred and thirteen.

Application of former law.

SEC. 6. That if the said district is enlarged as above outlined, the commissioners of the town of Hertford are hereby authorized, empowered, and directed to levy and collect a graded school tax upon the outlying district outside of the corporation of the town of Hertford and included within the Hertford Graded School District in the same manner as the taxes for the graded school district are collected within the corporate limits of said town, and the rights, duties, and liabilities of the commissioners and tax collector of the town of Hertford be and they are hereby extended to the boundaries of the Hertford Graded School District as set out in section one hereof, for the purpose of levying and collecting the taxes for said district.

Levy and collection of tax.

Rights, duties, and liabilities extended.

SEC. 7. That all laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 178.

AN ACT TO AUTHORIZE THE MAXTON SPECIAL SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the school committee of Maxton Special School District is hereby authorized and empowered to issue coupon bonds of the Maxton Special School District to an amount not exceeding twenty thousand dollars, for the purpose of erecting a public school building in said district and furnishing the equipment thereof, and, if necessary, purchasing a suitable lot for said special school district.

Bond issue authorized.

Amount.

Purpose.

SEC. 2. That such bonds shall be payable or redeemable at such place or places, and at such time or times, not exceeding thirty years from the date thereof, as said school committee may determine, and shall bear interest from the date thereof at the rate of not more than six per centum per annum, payable semiannually

Maturity.

Interest.

- Authentication. on the first days of January and July of each year, at such place or places as said school committee may determine. Such bonds shall be signed by the chairman and attested by the secretary of said school committee, and shall have the corporate seal of said committee affixed thereto.
- Election for ratification,
Call for election.
Law governing election.
Notice.
Ballots.
- SEC. 3. That the provisions of this act in reference to the issuing of bonds and the levying of taxes shall be submitted to the qualified voters of the special school district for ratification or rejection at an election to be called by the board of aldermen of the town of Maxton within ninety days after the ratification of this act; and such election shall be held as elections for mayor and aldermen are held in said town, and all provisions of the law governing the holding of such municipal elections shall apply thereto, unless herein otherwise provided. Notice that such election has been called shall be published for not less than thirty days in some newspaper published in said town, which notice shall state the purpose of such election and the time at which it is to be held, and shall recite in full or in substance the provisions of this section. At such election those favoring the issuing of such bonds and the levying of the particular taxes hereinafter provided for shall vote a written or printed ballot containing the words "For Special School Bonds," and those opposing the issuing of such bonds and the levying of such taxes shall vote a like ballot containing the words "Against Special School Bonds."
- Return to show qualified voters.
Canvass of votes.
Abstract and record.
- SEC. 4. That it shall be the duty of the registrar and judges of election of the said town of Maxton to incorporate in the returns the result of said election in said special school district the number of qualified voters therein as shown by the registration books. The board of canvassers of said election shall canvass the votes cast at such election and shall judicially declare and determine the result thereof. Said board of canvassers of said election shall prepare and file with the town clerk an abstract setting out the number of votes cast and how cast in said special school district at said election, the number of qualified voters therein, and the result of said election as judicially declared and determined by said board; and said clerk shall record such abstract as a permanent record of said town and shall forthwith furnish to the said board of school committeemen a copy thereof, to the correctness of which he shall certify over his hand and the corporate seal of said town.
- Issue and sale of bonds.
- SEC. 5. That should the result of such election be favorable to such bond issue, said board of school committeemen shall without unnecessary delay proceed to issue the same in an amount not exceeding twenty thousand dollars and to make sale thereof in such manner and upon such terms as said board may deem most advantageous.

SEC. 6. That for the purpose of providing for the payment of such bonds and the interest thereon the board of aldermen of said town, at the time of levying the municipal taxes for the fiscal year beginning the first day of June, one thousand nine hundred and fifteen, and annually thereafter, shall levy and lay the following particular taxes: First, on all real and personal property within the corporate limits of said town, including money and solvent credits, and on all subjects of taxation upon which an *ad valorem* tax is or may be imposed by the General Assembly, a tax not exceeding ten cents on every one hundred dollars of valuation. Second, a capitation tax of not more than thirty cents on every taxable poll of male persons residing within the corporate limits of said town on the first day of June of each year; and the county commissioners of Robeson County shall at the next usual time of levying the county taxes, and annually thereafter, levy and lay the following particular taxes: First, on all real and personal property within the district, lying within the district and outside the corporate limits of said town of Maxton, a tax not exceeding ten cents on every one hundred dollars worth of valuation. Second, a capitation tax of not more than thirty cents on each taxable poll of male persons residing within the districts and outside of the corporate limits of the town of Maxton at the time the levy is made.

Particular taxes
by town.

Tax by county.

SEC. 7. That the taxes from within the corporate limits of the town of Maxton shall be collected by the town tax collector as other municipal and public graded school taxes are collected; and he shall pay over the same to the town treasurer, who in turn shall pay them over to the treasurer of the special school district, and the sheriff of Robeson County shall collect the taxes from the district lying outside the corporate limits of the town of Maxton at same time and in the same manner as the other taxes are collected, and shall pay the same over to the school treasurer; and said school treasurer shall keep such special school funds separate and apart from all other moneys in his hands, and shall pay out the same only upon the warrant of the chairman and secretary of said school committee.

Collections and
settlements.Funds kept
separate.
Warrants on funds.

SEC. 8. That said treasurer of said special school district shall keep all moneys realized from the sale of such bonds as may be issued in pursuance of this act separate and apart from all other funds in his hands, and shall pay out the same only upon the warrant of the chairman of the board of said special school district. The said school committee shall expend such moneys only for those purposes set out in section one of this act.

Proceeds of bonds
as separate fund.

Warrants.

Specific appro-
priation.

SEC. 9. That at the election herein provided for a new registration of the voters residing in said special school district shall be had.

New registration.

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

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 179.

AN ACT TO AMEND THE CHARTER OF PLYMOUTH AND TO LOCATE THE WARDS THEREOF.

The General Assembly of North Carolina do enact:

- Division of town. SECTION 1. That the said town of Plymouth is hereby divided into three wards for the purposes of municipal elections, and any and all elections held in said town after the ratification of this act shall be held in said wards as prescribed by this act. The said wards of said town are hereby located and designated as follows: First Ward, all of that part of said town lying to the east of the center of Washington Street from Roanoke River to the Atlantic Coast Line Railroad track; Second Ward, all of said town lying to the west of the center of Washington Street and north of the center of Third Street; Third Ward, all of said town south of center of Third Street and west of center of Washington Street.
- First ward.
- Second ward.
- Third ward.
- Councilmen elected from wards. SEC. 2. From and after the ratification of this act, and at each municipal election held as now allowed by law, there shall be elected from each of said wards two (2) councilmen to act as members of the board of councilmen of the town of Plymouth. The said councilmen shall reside in the wards from which they are elected and shall be residents of same for at least four (4) months prior to the election. The said six (6) councilmen shall constitute the board of councilmen for said town, and shall hold office as now provided by law.
- Residence.
- Board of councilmen.
- Election officers. SEC. 3. The town councilmen of said town thirty (30) days prior to any election for said town and to each municipal election shall appoint a registrar and two poll-holders for each ward, and may when necessary call a new registration and shall call a new registration for the next municipal election. The voters in each ward shall on election day vote in their respective wards at the courthouse in the First Ward, Swain's store in the Second Ward, and Peele's shop in the Third Ward. Said elections shall be conducted as now required by law.
- New registration.
- Polling places.
- Rights and powers vested. SEC. 4. The said board of councilmen as provided for by this act is hereby vested with all the rights, powers, and duties now conferred upon the mayor and board of councilmen of said town by law.

SEC. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 180.

AN ACT TO REVISE THE CHARTER OF THE CITY OF WINSTON AND THE CHARTER OF THE TOWN OF SALEM, AND TO ADOPT A CHARTER FOR THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Winston-Salem shall be and continue, as they have heretofore been, a body politic and corporate, and in the name of the city of Winston-Salem 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 said city, its welfare and improvement, and under the name and style aforesaid are hereby invested with all the property and rights of every kind that now belong to the present corporation of the city of Winston-Salem, and shall also be liable for all debts, claims, obligations, and duties which now exist against the city of Winston-Salem.

Incorporation.

Corporate name.

Corporate powers.

Property rights and liabilities vested.

SEC. 2. That the corporate boundary lines of the city of Winston-Salem shall be as follows, to-wit: beginning at an iron (five thousand one hundred and forty (5,140) feet north eighty-three degrees and fifteen minutes east in one thousand nine hundred and eleven from the center of Main Street, in the south property line of First Street, same being the beginning point of the corporations of Winston and Salem before consolidation, and running with the south property line of First Street extended): running north no degrees and fifteen ($0^{\circ}15'$) east six hundred and eighty (680) feet to an iron, in the south line of the hospital tract, twenty and four-tenths (20.4) feet east of the southwest corner of the hospital tract; thence with the south line of the hospital tract south eighty-seven degrees and seven minutes ($87^{\circ}07'$) east eight hundred and twenty-three and two-tenths (823.2) feet to an iron, the southwest corner of the hospital tract; thence north three degrees and eight minutes ($3^{\circ}08'$) east six hundred and seventeen and ninety-five one-hundredths (617.95) to an iron, the northeast corner of the hospital tract; thence north eighty-six degrees and forty-five minutes ($86^{\circ}45'$) west eight hun-

Corporate limits.

dred and fifty-four and four-tenths (854.4) feet, through the northwest corner of the hospital tract, to an iron in the old corporation line, same being nine and forty-five one-hundredths (9.45) feet west of northwest corner of the hospital tract; thence north no degrees and fifteen minutes ($0^{\circ}15'$) east eight thousand two hundred and eighty-nine and four-tenths (8,289.4) feet to an iron, the northeast corporation corner of the city of Winston-Salem; thence north seventy-nine degrees and thirty-five minutes ($79^{\circ}35'$) west two thousand one hundred and eighty and three-tenths (2,180.3) feet to the center line of the siding of the Norfolk and Western Railway Company; thence north forty-nine degrees and fifteen minutes ($49^{\circ}15'$) west two thousand nine hundred and seventy-four (2,974) feet to the southeast corner of the old fair ground tract, on the west side of Patterson Avenue (Depot Street), the same being the north side of a ten-foot alley or drive; thence with the north side of drive and where the south fence of the old fair ground formerly stood, south eighty-nine degrees and no minutes ($89^{\circ}00'$) west one thousand and seventeen and eight-tenths (1,017.8) feet to an iron in the line where the west fence of the old fair ground formerly stood; thence approximately parallel to Patterson Avenue (Depot Street) south one degree and fifty-five minutes ($1^{\circ}55'$) west four thousand two hundred forty-one and two-tenths (4,241.2) feet to a point (in a field adjoining the old water-works tract, referenced by an iron south eighty-eight degrees and five minutes ($88^{\circ}05'$) east seventy-seven and eighty-four one-hundredths (77.84) feet from the point, iron being near a fence); thence south thirty-one degrees and fifty-five minutes ($31^{\circ}55'$) west two thousand seven hundred and forty and ninety-five one-hundredths (2,740.95) feet to an iron, north of the abattoir, in line of the face extended and fifty-three and six-tenths (53.6) feet from the northeast corner; thence north eighty-nine degrees (89°) west five thousand five hundred and five and six-tenths (5,505.6) feet to an iron on the east side of Bethania road; thence with the east side of the Bethania and Brookstown roads to the right of way of the North Carolina Midland Railway Company; thence in a southwesterly direction with the right of way of said railway company to a point where said right of way intersects with the old Shallowford road at the overhead bridge on said road, the said place being known as Atwood Hill; thence with the north side of the old Shallowford road in a southeasterly direction to the center of Peter's Creek; thence in a southeasterly direction down the center of Peter's Creek as it meanders to the Paper Mill bridge over Peter's Creek; thence south sixty-four degrees and thirty minutes ($64^{\circ}30'$) east eight hundred and fifty-two and seven-tenths (852.7) feet to an iron on the north side of Academy Street and in the old corporation line; thence south five degrees and thirty-five minutes ($5^{\circ}35'$) east two thousand two

hundred and thirty-eight and seven-tenths (2,238.7) feet to an iron in a field; thence north eighty-four degrees and twenty-five minutes ($84^{\circ}25'$) east one thousand three hundred and twenty feet (1,320) to a stake in a field; thence south five degrees and thirty-five minutes ($5^{\circ}35'$) east seven hundred and sixty (760) feet, more or less, to the center of Salem Creek; thence up the center of Salem Creek as it meanders to the mouth of Brushy Fork Creek; thence up the center of Brushy Fork Creek as it meanders to the bridge over said creek at the Belews Creek road; thence in a northwesterly direction with the south side of Belews Creek road to an iron; thence north no degrees and fifteen minutes ($0^{\circ}15'$) east two hundred and twenty-one (221) feet to an iron, the point of beginning.

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

Present government to fill out terms.

SEC. 4. That all bonds or other indebtedness for which the city of Winston-Salem is liable are hereby declared to be the valid indebtedness of the city of Winston-Salem, notwithstanding any irregularity or invalidity in the act of the General Assembly authorizing the same, or the issuing thereof, or the purposes or use of the fund arising therefrom, and said indebtedness shall be paid as provided by the contracts in existence in regard thereto.

Indebtedness validated.

SEC. 5. That the city of Winston-Salem is hereby divided into four wards, to be known and designated as "Salem Ward," "First Ward," "Second Ward," and "Third Ward."

Wards.

That Salem Ward shall consist of all that territory of the city of Winston-Salem lying south and southeast of lines running as follows: Beginning at the intersection of Brushy Fork Creek and Belews Creek road, running thence in a westwardly direction with the south line of Belews Creek road to Greenwood Avenue; thence in a northerly direction with the center of Greenwood Avenue to First Street; thence in a westwardly direction with the center of First Street to Brookstown Avenue; thence in a southeasterly direction with the center of Brookstown Avenue to the point where it intersects with the Shallowford road; thence in a westwardly direction with the center of the Shallowford road to the head of Taylor's Branch, at or near Thomas Street; thence southwardly with Taylor's Branch to Peter's Creek, the corporation line.

Salem ward.

First Ward shall consist of all that territory lying between the northern and western boundary lines of Salem Ward and south and southwest of lines running as follows: Beginning at a point

First ward.

on the eastern boundary line of the city of Winston-Salem, where the same would be intersected by the center line of Fourth Street extended eastwardly, and running thence westwardly along the center line of Fourth Street to where Fourth Street intersects with Brookstown Avenue; thence in a northwestwardly course with Brookstown Avenue to the boulevard; thence a continuation of this line across the boulevard to the corporate limits of the city.

Second ward.

That Second Ward shall consist of all that territory lying north of the northern boundary of First Ward and south and west of the following lines: Beginning at a point on the eastern boundary line of the city of Winston-Salem where the same would be intersected by the center line of Seventh Street extended eastwardly; thence running westwardly along the center line of Seventh Street extended to the branch near Chatham road; thence northwestwardly with the courses of said branch to Peter's Creek; thence across said creek north to the boundary line of the city of Winston-Salem.

Third ward.

That Third Ward shall include all that portion in the territory of the city of Winston-Salem not embraced in the territory of the three wards above described.

Order for primary upon petition of voters.

SEC. 5a. That at a meeting not less than thirty (30) days prior to the city election the board of aldermen shall, upon application of the executive committee of one or more political parties for the city of Winston-Salem, or upon petition of one-tenth of the duly qualified voters of either political party, order a primary for such party or parties to be held and conducted under the plan of organization of such political party or parties to nominate candidates for mayor and members of the board of aldermen, and the persons receiving the highest number of votes of their respective parties shall be deemed to be the nominees of their said respective parties for said offices: *Provided*, that no one shall participate in such primary except duly qualified electors, and the city may pay the expense of holding such primary.

Candidates.
Nominees.

Proviso: voters at primary.
City to pay expenses.

Election for mayor.

SEC. 6. That on the first Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and on the first Tuesday after the first Monday in May biennially thereafter, there shall be elected a mayor, who shall be a resident of the city of Winston-Salem. That all persons voting for mayor shall cast their ballots in the respective wards in which said voters reside, and the person receiving the highest number of the aggregate of the votes of all the wards for the office of mayor shall be duly declared elected.

Person declared elected.

Election of aldermen.

SEC. 7. There shall on the first Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and on the first Tuesday after the first Monday in May biennially thereafter, be elected eight aldermen for said city, who shall hold their offices until their successors are qualified, of whom two shall be elected from Salem Ward, two from First Ward, two from Second Ward,

and two from Third Ward. Such aldermen shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of such wards respectively: *Provided*, that no alderman thus elected shall be eligible to hold an office of trust or profit to which he may be elected by the board of aldermen.

Residents of and elected by wards.

Proviso: ineligible for other office.

SEC. 8. That board of aldermen of the city of Winston-Salem shall, at least forty (40) days before any regular or special election held in the city, select a registrar of voters for each of the voting precincts of the city, as the same may be established by the board of aldermen, and shall give ten (10) days public notice of registration of voters in and for said wards, specifying the time and place of registration and the names of the registrars. Notice of all special elections shall be given by publication of the ordinance calling for same in a newspaper published in the city of Winston-Salem.

Selection of registrar.

Notice of registration.

Notice for special elections.

SEC. 9. Such registrars shall be furnished by said board of aldermen with registration books, and said registrars shall open their books at such places in the city of Winston-Salem as may be designated by said aldermen, and shall register therein the names of all persons applying for registration and entitled to register or vote in the ward or precinct for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of the colored voters and designating on the registration books opposite the name of each person registering the place of his residence in his ward, and if any applicant for registration shall not disclose the place of his residence in his ward his willful failure to do so shall be *prima facie* evidence that he is not entitled to register in such ward: *Provided*, that a new registration shall not be biennially held unless the board of aldermen shall determine that the same is necessary, and by due advertisement give notice of the same, and the place where the books of registration shall be opened; but a revision of the registration books shall be made, beginning on Saturday next preceding each election to be held for said city, in accordance with the provisions of the general law.

Registration books.

Registration.

Proviso: new registration.

Revision of registration books.

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

Time for and close of registration.

Persons becoming qualified.

Deposit of books for inspection.

SEC. 11. Whenever any person shall offer to register in said city the registrar may examine him on oath touching his qualifications to register, and may hear evidence thereof; and upon such exami-

Examinations on oath.

Interference with or suggestions to witness.

- nation it shall be unlawful for any person to interfere or suggest answers to the person being examined, and any person so offending, upon conviction, shall be fined ten dollars. If the registrar shall decide that any applicant for registration is entitled to register, he shall record his name, as herein prescribed, and shall issue to him a certificate of registration, printed or written, and which shall contain a statement of the name, age, and color of the applicant, and also the number of his ward and the place of his residence in the city. Any person not known to the registrar to be qualified to be a voter, offering to vote at an election in said city, upon challenge may be required to produce his certificate and prove his identity, and upon his failure to do so his vote shall not be received. In case it shall be made to appear that the certificate of any duly registered voter has been lost or destroyed, he shall be permitted to vote. The board of aldermen shall furnish the registrar with blank forms of such certificates.
- Certificate of registration.**
- Proof of identity.**
- Loss of certificate.**
- Blank forms.**
- Registration under oath.**
Form of oath.
- SEC. 12. Any person offering to register in said city shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I am, or will be, twenty-one years of age; that I have been, or will have been an actual *bona fide* resident of North Carolina for two years and an actual *bona fide* resident of ----- Ward, in Winston-Salem, for four months, on Tuesday after the first Monday in May next; that I have not been convicted of any crime under which the laws of North Carolina disqualify me to vote: so help me, God." If any person shall willfully swear falsely in such oath or affirmation he shall be guilty of a felony, and upon conviction thereof shall be punished as for larceny.
- False swearing felony.**
- Punishment.**
- Judges of election.**
- SEC. 13. The board of aldermen of the city of Winston-Salem shall, for each regular or special election held by the city, appoint two judges of election, who shall be of different political parties, for each of the several voting precincts of the city, to open the polls and superintend the same, and the polls shall be opened at such places in the wards respectively as the board of aldermen shall designate.
- Polling places.**
- Voters.**
- SEC. 14. All electors who have been *bona fide* residents of North Carolina for two years, of the city of Winston-Salem and of the ward in which they offer to register for four months next preceding the election, shall be entitled to vote hereunder. The polls shall be opened on the day of election from seven o'clock in the morning until sunset the same day. No person whose name has not been duly registered shall be allowed to vote, and any elector may challenge the name of any person appearing on the registration books. The provisions of the general election laws relating to challenges contained in sections four thousand three hundred and thirty-nine and four thousand three hundred and forty of the Revisal of one thousand nine hundred and five and amendments thereto shall apply to the elections provided for in this act. Bal-
- Hours of voting.**
- Registration necessary.**
Challenges.
- Law governing challenges.**
- Ballots.**

lots shall be on white paper and without device. The mayor, together with the two aldermen, shall be voted for on one ballot in each ward, respectively.

SEC. 15. After the ballots are counted they shall be carefully preserved, and shall be, together with the poll list, which shall be signed by the judges of the election, and the registration books, delivered to the mayor of Winston-Salem for preservation.

Ballots to be preserved.
Delivery of poll lists and ballots.

SEC. 16. The returns of the votes cast at such election shall be made and the same canvassed in accordance with the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five and amendments thereto.

Returns and canvass.

SEC. 17. Whenever under the provisions of this act any question is to be decided by the judges of election, and said judges cannot decide same by reason of a tie vote, the registrar shall cast the deciding vote.

Decisions by judges of election.

SEC. 18. That all elections held by virtue of this act shall be under the supervision of the chief of police of the city of Winston-Salem, who shall attend the polls and, by his regular force of police and such additional number whom the mayor may appoint as special deputies, preserve order.

Police supervision.

SEC. 19. That on Monday next succeeding the day of election the aldermen elected thereat shall qualify by taking the oath now provided by law for commissioners of towns; shall succeed to and have all the rights, powers, and duties now provided by law for such board as well as those conferred on them by the provisions of this act, and shall hold office until their successors are elected and qualified.

Day for qualification of aldermen.

SEC. 20. That the aldermen shall form a board, and a majority of them shall be competent to perform the duties prescribed for the aldermen. Within ten days after their election they shall convene for the transaction of business, and shall fix stated days of meetings for the year, which shall be as often at least as once every calendar month. Special meetings of the board of aldermen may be held on the call of the mayor or of a majority of the aldermen. Members of the board shall be given notice of special meetings.

Aldermen to form board.
Quorum.
Regular meetings.

Special meetings.

Notice.

SEC. 21. That the board of aldermen shall have power and authority to enact all ordinances, by-laws, rules and regulations for the government of the city of Winston-Salem as the board may deem necessary and as may be allowed by law and the provisions of this act and not inconsistent with the Constitution and laws of the State, and to provide for the execution of such ordinances, rules, and regulations; also to delegate to or confer upon committees of the board powers to act on behalf of the city in any or all matters of government or management thereof. The board of aldermen shall have power and authority to separate the business and work of the city into different classes or departments, to ap-

Legislative powers.

Delegation of powers to committees.

Creation and control of departments and officials.

point or select persons to take and have charge, supervision, and control of the different classes of work or departments; confer on or delegate to each of them power; prescribe and limit their duties, fix their compensation, adopt regulations for the government or conduct of said person or persons, and denote by name or otherwise the office or department so established or the officer so appointed.

City attorney.

SEC. 22. The board of aldermen may, at their organization meeting, or as soon thereafter as advisable, appoint a city attorney or attorneys; and they shall at the first regular meeting in September following their election, and biennially thereafter, elect a judge, an assistant judge, and a solicitor of the municipal court, all of whom shall hold office for two years and until their successors are elected and qualified; and the board of aldermen shall

Judge, assistant, and solicitor for municipal court.

Other officers.

at the first regular meeting in September of each year elect a clerk of the municipal court, a secretary, a treasurer, a tax collector, and a chief of police, all of whom shall hold office for one year and until their successors are elected and qualified. The offices of secretary and treasurer may be held by one person, if the board of aldermen so elect. All other officers not herein provided for may be elected at such time and for such terms and

Officers not provided for.

Aldermen not eligible.

Removal of officers.

receive such compensation as the board of aldermen may fix. No member of the board of aldermen shall be elected to either of the above offices. Any person elected to either of said offices may at any time be removed from his respective office by a vote of two-thirds of the entire board of aldermen, without assigning cause therefor. The board of aldermen shall elect a suitable person, not of their number, to fill any unexpired term or vacancy in any office. Nothing herein shall affect the tenure of any person now holding any office.

Vacancies.

Present incumbents.

Compensation fixed by aldermen.

SEC. 23. The compensation of all officers and employees of the city shall be fixed by the board of aldermen, but the salaries of the following officers shall not exceed the following amounts: The mayor, two thousand dollars per annum; the judge of the municipal court, one thousand five hundred dollars per annum; the solicitor of the municipal court, one thousand dollars per annum.

Salaries limited.

Mayor to qualify.

SEC. 24. The mayor, before entering upon the duties of his office, shall take the oath now prescribed by law for mayors, before the clerk of the Superior Court of Forsyth County. He shall, subject to the specific duties or powers imposed on other persons or officers under this charter, or authorized or prescribed under its provisions, have supervision of all of the city's affairs, shall acquaint himself with the necessities of the city, inspect the streets and other public places and public premises, supervise and keep up with its finances, its general income and disbursements, including bond issues, and shall make report to the board of aldermen of

Enumeration of duties and powers.

the general and financial condition of the city, and shall recommend in his report such matters as he may think to the interest and advantage of the city; keep his office in some convenient place designated by the board of aldermen, keep the seal of the city and preside at all meetings of the board of aldermen, except as otherwise provided, and when there is an equal division upon any question or in the election of officers by the board, he shall determine the matter by his vote, and shall vote in no other case. In addition to the above, the mayor shall have all other duties, powers, privileges, and rights as may be now or hereafter prescribed.

SEC. 25. The secretary shall keep minutes of the proceedings of the board of aldermen, and preserve all books, papers, and articles committed to his care during his continuance in office, and deliver them to his successor, and generally perform such other duties as may be prescribed by the aldermen and this charter. Duties of secretary.

SEC. 26. The treasurer, before entering on his duties, shall take an oath to the faithful discharge of his duty; shall give bond in such sum and with such conditions as the board of aldermen shall prescribe; he shall make out annually a transcript of the receipts and disbursements on account of the city, for the general inspection of the citizens, and cause the same to be posted before the door of the mayor's office at the end of the fiscal year or printed in some newspaper published in the city of Winston-Salem. It shall be his duty to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a true and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities, and other property intrusted to him for safe keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer. Treasurer to qualify and give bond.
Annual report to be posted.
Further enumeration of duties.

SEC. 27. That all orders drawn on the treasurer shall be signed by the mayor and shall state the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him. Orders on treasurer.

SEC. 28. The tax collector shall be vested with the same power, authority, and duties in the collection, enforcement, keeping and return of taxes that now or hereafter may be given to sheriffs of counties, and subject to the same fines and penalties for the failure and neglect of duty. The board of aldermen, at the meeting before Power, authority, and duties of tax collector.
Committee of settlement.

- the last regular meeting in each fiscal year, shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax collector and the city treasurer, and to audit and settle the accounts of the clerk of the municipal court and treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minutes of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error.
- Audit of accounts. Report and record of audit.** SEC. 29. That for any breach of his official bond by the secretary, treasurer, chief of police, tax collector, clerk of the municipal court, or any other officer who may be required to give an official bond, such officer and his sureties shall be liable to an action on the same, in the name of the city or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.
- Actions on official bonds.** SEC. 30. That the board of aldermen shall have power to appoint a police force to consist of a chief of police and such number of policemen as the good government of the city may require, the policemen to hold office for such term as may be fixed by the board, and the board may prescribe badges and uniforms for the members of the police force, and may employ detectives. In times of emergency the mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen. The members of the police force shall give bonds, in such sum as the board of aldermen may prescribe, for the faithful discharge of the duties imposed by law and the ordinances of the city, and to faithfully account for all moneys that may come into their hands from fines, penalties, or other sources. The chief of police shall have the supervision and control of the police force; may suspend any policeman for five days; shall report to the mayor any dereliction of duty on the part of any member of the police force; shall see that the laws and ordinances of the city are enforced, and do such other things as may be required of him by the board. The chief of police and each policeman shall have the power and authority vested in sheriffs and constables for the preservation of the peace of the city, by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by any authorized officer, and in execution thereof shall have the same powers as sheriffs and constables. They shall take an oath before the mayor for the faithful performance of the duties required by law and the ordinances. They shall have the power to take bail for appearance of defendants or other persons charged with violations of city ordinances or other offenses, in the manner and to the extent that such power is vested in sheriffs; and in case any person or persons shall forfeit such bail the judge of the municipal court may issue a *scire facias* and
- Police force.**
- Badges and uniforms. Detectives. Emergency policemen.**
- Bonds of policemen.**
- Chief of police.**
- Powers of chief and of police.**
- Execution of process.**
- Oaths of office.**
- Power to take bail.**
- Procedure on forfeited bail.**

enter judgment final against the defaulting person and his sureties. They shall have the power to rearrest upon the same warrant a defendant or party who has been convicted and turned loose upon the statement that he will pay fine and costs, upon failure to pay same, or in case of an escape. The members of the police force of the city of Winston-Salem shall be lawful officers to serve all civil processes that may be directed to them from any court, under the same regulations and penalties as are or may be prescribed by law in reference to constables.

SEC. 31. The mayor may at any time, upon charges preferred, or upon finding the chief or any member of the police force guilty of misconduct, suspend such members from service until the board of aldermen shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such members, and the pay of such members so suspended shall cease from the time of suspension to the time of restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal.

SEC. 32. That the sheriff or jailer of the county of Forsyth is hereby required, without a mittimus, to receive in the jail of the county, as his prisoner, any person taken up in the night by the police force, and to keep such person safely until morning, when the offender shall be brought before the municipal court and be lawfully dealt with, and for such services the jailer shall be entitled to such fees as he is in other like cases; or such prisoner may be confined in the city prison.

SEC. 33. That in order to raise a fund for the necessary expenses of the government of the city, the aldermen shall annually levy and collect the following taxes, namely: On all real and personal property within the corporate limits of the city, 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 valuation of property, to meet all the ordinary and current liabilities of the city, which shall not be construed to include taxes for or interest upon any bonded indebtedness; on all taxable polls, a tax not exceeding two dollars on the poll of any resident of the city on the first day of May of each year or who may have been so resident within sixty days next preceding that day as a *bona fide* citizen, and said tax so levied shall constitute a lien on all property of the person owing said tax, and the city shall have all rights and powers for the collection of same as are now provided by law governing the levy and collection of taxes by the board of county commissioners. That the board of aldermen of the city of Winston-Salem, in addition to the powers of taxation already granted in this charter, shall be and are hereby empowered to levy and collect, annually or otherwise, a privilege or license tax on all trades, professions, agencies, busi-

Power of rearrest.

Civil process.

Mayor's power of suspension.

Action by aldermen.

Cause for dismissal.

Prisoners to county jail.

Jail fees.

City prison.

Taxing power.

Property tax.

Poll tax.

Lien on property for tax.

License taxes.

- nesses, exhibitions, circuses, circus parades and all other parades, manufactures, hotels, restaurants, eating-houses, owners of dogs, or any or all other subjects authorized by the General Assembly to be licensed, within the limits of the city of Winston-Salem; the amount of which tax, when fixed, shall be collected by the tax collector; and if it be not paid on demand, the same may be recovered by suit, or the articles on which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy same.
- Recovery of license tax. SEC. 34. That the tax collector, on or before the third Monday in April of each and every year, may make advertisement in some newspaper, notifying all persons who own or have control of taxable property in the city on the first day of May to return to him, on or before the last day of May, a list of their taxable property in said city. Said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the list so returned to the treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, -----, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all bonds, and a full and accurate list of all other property subject to taxation by the laws of the State and ordinances of the city, according to my best knowledge, information, and belief: so help me, God." And from the returns so made the tax collector shall, within thirty days after the expiration of the time for taking said list, make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists made out by law for the collection of State taxes; and the said tax collector is authorized and empowered, in making up the tax roll of the city of Winston-Salem, to use the tax assessment of the county of Forsyth applicable to the city of Winston-Salem, and may copy same in making up said tax roll, as far as same is necessary, which assessments may be revised, corrected, or amended by the board of aldermen.
- Advertisement for tax listing. SEC. 35. That the tax collector shall, within thirty days from the return of the tax list, make out a list of all taxable polls and owners of taxable property in the said city who shall have failed to return a list in the manner and within the time aforesaid; and any such person who has so failed shall for such failure pay double the tax assessed on any subject for which he is liable to be taxed. The board of aldermen shall have the power given the board of county commissioners to revise the tax list, and shall, as near as may be made, make the tax list correspond with the tax list of the county of Forsyth applicable to the city of Winston-Salem on all subjects embraced in both lists; and the board of aldermen shall have the power to appoint one list taker for each
- Details of list.
- List sworn to.
- Form of oath.
- Tax books.
- Assessment from county.
- List of delinquents.
- Double tax on delinquents.
- Revision of list.
- List takers.

ward, whose duty it shall be to carry out the provisions of the foregoing sections as to the listing of taxes, and may also appoint three citizens from each ward, who shall assess once every four years, or oftener if necessary, the real estate so listed for taxation: *Provided*, that the board of aldermen shall have the power to increase, decrease, alter, and revise the value of all real and personal property so listed, giving to the same such value as may, in their judgment, be fair and equitable, and place on the tax lists all property within the city which may not be listed, and fix the value thereof for assessment.

Assessors.

Proviso: powers of aldermen for revision.

SEC. 36. That as soon as the tax collector shall have furnished the assessment rolls, as provided, and the same shall have been issued by the board, the board of aldermen shall proceed to levy the tax on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the tax collector, who shall collect the same on or before the first day of March next ensuing, and shall pay the moneys as they are collected to the treasurer. After the first day of March in each year there shall be added five per centum additional tax on the taxes remaining unpaid in the hands of the collector, which shall be collected and accounted for as other taxes. The city tax collector shall, by virtue of his office, be vested with all power and authority within the city of Winston-Salem as is now vested in sheriffs.

Levy and collection of tax.

Time for collection.

Payments to treasurer.
Penalty for delay in payment.

Power and authority of collector.

SEC. 37. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for the collection, the collector shall proceed forthwith to collect the same by distress and public sale, after advertisement for the space of ten days in some newspaper published in the city of Winston-Salem, if the property to be sold be personalty, and of thirty days if the property be realty.

Collection by distress.

SEC. 38. That when the tax due on any lot or other land, which is hereby claimed to be a lien on the same, shall remain unpaid on the first day of March, and there is no other visible estate belonging to the person in whose name it is listed liable to distress and sale, or is known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold, subject to the rules and regulations and the law providing for the sale of land for taxes by the sheriff.

Report and order for sale of real estate.

SEC. 39. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered in the book of proceedings of the board, and if there be a surplus after paying said taxes and expenses of advertising and selling the same it shall be paid into the city treasury, subject to the demand of the owner.

Return and record of proceedings.

SEC. 40. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner,

Time for redemption.

may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds, less double the amount of taxes.

Conveyance of property not redeemed.

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

Sale of estate of persons under disability.

SEC. 42. That the real estate of infants or persons *non compos mentis* shall not be sold for taxes except by a decree or judgment of the Superior Court; and when the same shall be owned by such infants or persons *non compos mentis* in connection with other persons free of such disability, the sale shall be made as provided by the Revisal of one thousand nine hundred and five and amendments thereto.

Moneys paid to treasurer.

SEC. 43. That all moneys arising from taxes, donations, or other sources shall be paid to the treasurer and appropriated under orders of the board of aldermen, 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; and whenever a motion is made at any meeting of the board of aldermen by any member thereof to bind the city by any contract whatsoever, or to grant any franchise or license, or to adopt or repeal any ordinance, in any such case such motion shall not be acted upon by the said board before the next regular meeting thereof, except by unanimous consent of those present.

Appropriations.

Action on motions at succeeding meetings.

SEC. 44. The board of aldermen shall have the power to enact ordinances in such form as they may deem advisable, as follows: for the protection of the water-works and water supply of the city of Winston-Salem; 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

Enumeration of subject-matters of ordinances.

the abatement or removal of same; to grant permits for the construction of buildings and other structures, and to prohibit the construction of any building or structure which in the judgment of the board of aldermen may be a nuisance, or of injury to adjacent property, or to the general public; to regulate and control the character of buildings which shall be constructed or permitted to be and remain in any part of the city of Winston-Salem, with the right to declare the same a nuisance or unsafe, and cause their demolition or removal; to provide for the leveling, filling in, and drainage of all ponds, sunken lots, or other places in which water stands and stagnates, and to recover from the owner or occupant the expense of doing the same, which expense shall be a lien upon the lots so improved and enforced as liens for taxes; to prevent dogs, hogs, cattle, and other live stock from roaming at large in the city, and to regulate or prohibit the keeping of hog-pens within the city limits; to define and establish the fire limits and prevent the location of wooden or other buildings within said fire limits and in any part of the city where they may increase the danger of fire; to regulate and prescribe what character of buildings shall be constructed within the said limits, and provide for the conditions under which buildings may be erected; to establish and appoint a fire commissioner or fire commission, and prescribe the duties and powers thereof; to prohibit the collection or existence in, on, or about any storehouse, warehouse, residence, or any private premises of inflammable or combustible matter or material; require the owner of such premises to remove or destroy same, and provide rules for the removal or destruction of such inflammable or combustible matter; and for purposes herein set forth to authorize an examination and inspection of all stores, warehouses, residences, or any private premises; to establish, regulate, and control the markets or market buildings; to fix the location of any market building, prescribe the time and manner and place within the city wherein marketable articles, such as meats, perishable vegetables, fish, game, and all other kinds of perishable food or diet shall be bought or sold; to appoint keepers of markets and prescribe their duties and fix their compensation; to regulate the license of itinerant merchants or peddlers, and of those doing a temporary business; to establish, regulate and control cemeteries; to provide for the manner in which bodies may be interred therein or removed therefrom, and for beautifying, ornamenting, and keeping the same in condition; to provide suitable grounds for the enlargement, extension, or establishment of new cemeteries, providing separate cemeteries for white and black; to control and regulate the time and manner of burying the dead, the burial of any person within the corporate limits of said city not within said cemeteries, and provide for the punishment of persons violating the rules and regulations concerning the ceme-

tery; to provide for the establishment, organization, equipment, and government of fire companies, fire commissioners, and fire-alarm system, and to adopt rules for the conduct, regulation, 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 use of any gasoline engine, the making or repairing of boilers, the establishment or operation of any plant or business which is or may become a nuisance to any part of the community; 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 city; to specify the manner in which all stovepipes and flues and electric wires shall be put in buildings, and to control and regulate the arrangement and operation thereof; to control and regulate the place and manner in which powder and other explosives and inflammable substance may be kept and sold, and the place and 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 policemen to enter the premises suspected of being in bad or unsanitary condition and have the same cleaned at the expense of the owner, or abate such places as nuisances and recover of the occupant or owner the expense thereof; to regulate the due observance of Sunday; to prevent the entrance into the city or the spreading of any contagious or infectious disease therein, 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 quarantine against communities and territories where it is suspected prevails any infectious or contagious disease; to establish and regulate hospitals within the city or within three miles thereof, and may cause any person in the city suspected to be infected with such disease, and whose stay in the city may endanger public health, to be removed to the hospital or other place that the mayor may select; to prevent from coming into the city any second-hand clothing, bedding, or furniture; to remove from the city or destroy any furniture or other articles which may be suspected to be tainted or infected with contagious or infectious disease or in such condition as may generate and

propagate disease; to abate all nuisances which may be injurious to public health; may vaccinate or otherwise subject to medical treatment all persons having smallpox or other contagious or infectious disease; to recover, by proper action against those who may cause the same, all costs and expenses of the moving and treating people having or suspected of having contagious or infectious diseases; shall have power, by force, to remove all persons from the city or to carry them to hospitals or other places selected by the mayor or board of aldermen and detain them therein; to prohibit the carrying on of any disorderly house or house of ill-fame, or gambling house or house where games of chance are being carried on or where liquors are illegally sold; to provide for the inspection and examination thereof, and for that purpose may enter upon said premises and make arrest of any person or persons violating the ordinances of the city in reference thereto; to prohibit the construction of cellars under sidewalks or the making of entrances into sidewalks, and to make rules and fix specifications for the construction of all cellars under sidewalks or entrances into sidewalks; to regulate and control motion picture shows and all exhibitions or places of public amusement and all exhibitions or performances given therein; provide a board of censors who shall have power to inspect and view all public places of amusement or exhibitions given therein, and prohibit such as, in their judgment, are immoral or against public interest; and any violation of an order of the board of censors shall be unlawful, and every day an exhibition is permitted after an order of the board of censors prohibiting it shall constitute a separate offense. On behalf of the general welfare of the city of Winston-Salem, and for the good order and government thereof, the board of aldermen may, in addition to the foregoing powers, pass or ordain any resolution or ordinance, and enforce the same by proper punishment or penalty, which it may consider wise or proper, not inconsistent with the Constitution and laws of the State.

Ordinances for general welfare and good order and government.

Sec. 45. That any person or persons violating any ordinance of the city of Winston-Salem shall forfeit and pay a penalty of fifty dollars, and in addition thereto shall be deemed guilty of a misdemeanor, and unless the punishment thereof is otherwise specifically prescribed, shall upon conviction be fined fifty dollars or imprisoned thirty days; that the judge of the municipal court shall have the right to lessen the fine, penalty, or the term of imprisonment imposed for the violation of any ordinance of the city of Winston-Salem.

Penalty for violation of ordinances.

Misdemeanor.

Punishment.

Sec. 46. That for the purpose of improving streets and sidewalks, purchasing, establishing, equipping, extending or maintaining water-works, sewerage, gas plant, electric light or power plant, public schools, hospital or hospitals, or for any public improve-

Power to create debt and issue bonds.

ment, or to fund or pay any bonded debt now existing, on or before the date when same shall fall due, or to fund, liquidate, or otherwise provide for any floating indebtedness of said city now existing or hereafter created, the board of aldermen is hereby authorized, and empowered to create a public debt and issue bonds therefor, under the following provisions: That an ordinance specifying the purpose of the debt, the amount thereof, the time when same shall fall due, and such other provisions as the board may adopt, shall be passed by a three-fourths vote of the entire board at two separate regular meetings, submitting the question of creating a debt to the vote of the people, with such regulations and rules governing such voting as the board of aldermen may prescribe, and the said debt shall become a valid obligation, and bonds may be issued in accordance with the ordinance if the same is approved by the vote of a majority of the qualified registered voters having 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: No bonded or other interest-bearing debt shall be created in excess of ten per centum of the assessed value of the property in the city of Winston-Salem. All bonds and other obligations of the city wherein the interest is represented by coupons shall bear interest at a rate not greater than five per centum per annum, payable annually or semiannually, and shall not be sold or otherwise disposed of for less than their par value. The coupons on said bonds shall be receivable in payment of city taxes: *Provided*, that the board of aldermen shall have the 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 provided 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 necessary expenses of the city.

SEC. 47. That the board of aldermen shall provide a sinking fund for the payment of the principal of all outstanding bonds or other special indebtedness of the city of Winston-Salem now or hereafter existing, and to that end shall annually levy and collect taxes the amount of which shall not be less than twenty-five (25) per cent of the amount annually collected for the payment of the coupons or interest upon outstanding bonds. This fund so levied and collected shall constitute a sinking fund and shall be held and controlled by a commission known as the sinking fund commission. The sinking fund commission shall be composed of three persons, known as sinking fund commissioners: *Provided*, that a corporation may be one of said commissioners. The board of aldermen shall at its first regular meeting in September, one thousand nine hundred and fifteen, and biennially thereafter, elect

Passage of ordinance.

Question submitted to vote.

Approval of majority of qualified voters.

New registration. Limitations.

Limit of amount.

Limit of interest.

Sale below par.

Coupons receivable for tax. Proviso: expenses paid by general taxes.

Sinking fund.

Amount.

Sinking fund commissioners.

Proviso: corporation may be commissioner. Election of commissioners.

one commissioner for a term of six years; that the commissioners now composing the sinking fund commission shall hold their positions until their terms have expired and until their successors are elected and qualified. In case of a vacancy, the board of aldermen shall elect some suitable person to fill the unexpired term. That at the first meeting of the board after their election and acceptance of the office said person, or corporation by an officer, shall qualify by taking an oath before the mayor to faithfully and honestly discharge the duties of said commissioner; that said sinking fund commissioners shall have entire charge and control of the fund annually collected from taxes as heretofore set forth, and shall hold, control, invest, and use the same as in their judgment may be to the good of the city, and shall have power to use said fund to purchase outstanding bonds of the city; that the board of aldermen may annually or oftener call on said commissioners for an accounting of all their acts in reference to said fund; and in the event of failure to account, or any improper investment or use of said fund, the board of aldermen shall have the right and power to take such action, by suit in the name of the city or otherwise, as they may deem to the interest of the city.

Sec. 48. That for the purpose of paying off, taking up, and canceling the coupons and bonds issued by said city as the same shall become due, and to provide a sinking fund, it shall be the duty of said board of aldermen and they are hereby empowered to levy and collect sufficient special tax each and every year upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under this charter or the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct: *Provided, nevertheless*, that the rate of taxation for the purposes in this section shall not at any time exceed the rate of seventy-five cents on every one hundred dollars valuation of property and a poll tax not exceeding two dollars with which to pay special taxes as provided for in this charter.

Sec. 48a. That the board of aldermen shall not contract any debt or borrow money to pay the current and necessary expenses of the city to an amount in excess of which the income of the city for the year is not sufficient to pay and discharge: *Provided*, this shall not apply to a note of the city executed for street paving which is secured by a lien on property and the obligation of the property owner abutting on said street.

Sec. 49. The board of aldermen may establish a hospital commission for the control and management of the city hospitals, fix the number of commissioners and the terms thereof, prescribe the powers and duties of said commission, which commission, when so established, shall have charge and control of the hospitals of the city, as provided by the ordinances adopted in reference to the same. The board of aldermen shall have the power to provide for

Present commissioners to fill out terms.

Vacancies.

Qualification.

Charge and control of fund.

Purchase of outstanding bonds.
Annual accounting.

Action on failure to account.

Special tax.

Taxes kept separate.
Proviso: limit of rate.

Limit of debt for current expenses.

Proviso: note for street paving.

Hospital commission.

Maintenance of hospitals.

the maintenance of the hospitals of the city by appropriation of funds in such amount as the board may think proper.

Public health.

Appointment of health officer and subordinates.
Rules and regulations.

SEC. 50. The board of aldermen is hereby authorized to establish and maintain a department of public health; appoint a health officer and such officers and employees as may be required, prescribe their duties and powers, fix their compensation, and adopt rules and regulations for the government of said department; likewise may adopt ordinances for sanitary purposes, for the prevention of disease or spreading of contagious disease, with all powers for the enforcement thereof.

Ordinances for sanitation.

Auditor.

SEC. 51. The board of aldermen is hereby authorized to create the office of auditor, or to employ an expert accountant to audit the books and accounts of the various departments of the city, receiving and disbursing funds of the city; to prescribe the duties and fix the compensation of such auditor or expert accountant.

Public schools.

Appropriation.
Plan of school system.

Open to residents.
Nonresident pupils.

SEC. 52. The board of aldermen shall provide for the establishment, continuance, maintenance, and support of a system of public schools, and for this purpose shall annually appropriate a certain part of the taxes of the city. Said schools shall be devoted to the education of the young, by high school or graded system, and shall be open to all *bona fide* residents of the city of Winston-Salem between the ages of six and twenty-one years, but persons living beyond the limits of the corporation may attend the schools upon the payment of tuition fees and under such regulations and rules as may be prescribed by the public school commissioners; that white and colored schools shall be conducted in distinct and separate buildings and departments; that said public schools shall be managed by a board of seven citizens and taxpayers of the city, two thereof being members of the board of aldermen, all of whom shall be elected by the board of aldermen; and in case of any vacancy occurring during the term of office of any commissioner the board of aldermen shall appoint some one to fill out the unexpired term. That said board of commissioners elected

Schools for races distinct.
Management.

Election of board.

Board incorporated.

Corporate name.

Organization.

Enumeration of powers of commissioners.

shall be a body corporate and politic, under the name of the "Public School Commissioners of Winston-Salem," and shall elect one of their number chairman and take in charge the various public schools of the city. The commissioners aforesaid shall have the power to proportion and distribute the school fund, to select teachers and to dismiss them for cause, to fix their salaries, to aid them in the establishment of grades and the enforcement of discipline, to abate nuisances at the schools, to regulate the admission of pupils from without the corporate limits and fix the rate of tuition, to visit the schools regularly for inspection, and do all other acts pertaining to their office for the good and success of the schools: Said commissioners shall serve without compensation, but are authorized to purchase the necessary books, stationery, and fuel and pay its secretary a sum not exceeding thirty dollars

Commissioners to serve without pay.
Office expense and pay of secretary.

- (§30) per annum. The term of office of said commissioners shall be as follows: Those elected from the board of aldermen shall serve during the term for which they have been elected aldermen, and the other five commissioners shall be elected, for a term of three years each, by the board of aldermen at its first regular meeting in September, as follows: In September, one thousand nine hundred and fifteen, two members shall be elected; in September, one thousand nine hundred and sixteen, two members shall be elected; in September, one thousand nine hundred and seventeen, one member shall be elected, and so on by annual election to fill unexpired terms. The members of the present board whose regular terms will expire in May of any year shall hold over until the following September and until their successors are elected and qualified.
- SEC. 53. The city treasurer shall be treasurer of the school commissioners, and to him shall be paid all moneys, public and private, for the schools, and he shall pay out only upon the order of the chairman of the school commissioners, countersigned by the secretary and specifying the object. He shall annually give a bond for his fidelity as treasurer in such sum as the board of aldermen shall fix; shall keep a separate statement of school moneys, and shall annually make a report to the school commissioners, with a duplicate to the aldermen, stating receipts and their sources, and disbursements and their objects; and said accounts shall be passed on by the school commissioners and published in one of the city papers.
- SEC. 54. That the city of Winston-Salem shall have entire and exclusive ownership and control over all 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 city, 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 city of Winston-Salem shall have the control and supervision of all street crossings where railroads and street car tracks intersect or cross its streets, whether such crossings be at grade, over, or under its streets and whether such crossings now exist or hereafter may exist by reason of the extension or construction of new streets in the city or by reason of the extension or construction of new railroads or street railway. The said city shall have the power to require such railroad company or street railway company, at its own expense, to construct, maintain, and repair all such crossings at grade, over, or under its streets as aforesaid: *Provided*, that when streets are opened or extended for the development of new property or suburbs, owned by land companies or individuals, and such streets are over, under, or across any railway or other public-service com-
- Term of office.
- Election of successors.
- Present board to hold over.
- City treasurer ex officio.
- Orders on treasury.
- Bonds.
- School money kept separate.
Annual report.
- Examination and publication of accounts.
- Ownership of streets, sidewalks, drains, culverts, and sewers.
- Right of entry.
- Control and supervision of street crossings.
- Construction and maintenance of crossings.
- Proviso: apportionment of cost.

Removal of obstructions.	<p>pany's tracks, the cost of such crossings shall be apportioned by the board of aldermen between the parties in interest. The city may of its own motion, or upon complaint filed with the board of aldermen, cause all obstructions above, across, or under its streets, which upon investigation by the aldermen may be found dangerous or unsafe to the public using said streets, to be removed. If upon investigation by the board of aldermen the obstruction complained of above, across, or under the street shall be found dangerous or unsafe for the public using the street, then the board of aldermen shall make and enter an order upon its minutes directing the railroad company, street car company, or other corporation or person maintaining such obstruction to remove the same within a reasonable time, not exceeding sixty (60) days. Any railroad company, street car company, corporation, or other person failing or refusing to obey the order directing the removal of such obstruction shall forfeit and pay a penalty of fifty dollars (\$50) for each day such obstruction shall be allowed to remain after the notice of removal shall have expired, which penalty shall be recovered by suit on the part of the city in the proper court. The said board of aldermen 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 of aldermen may adopt, and if any such connection is not made in the time and as provided for by said board it may, through its own officers and servants, make said connection in accordance with the plans and specifications above referred to, and the cost thereof shall be a charge against the owner, a lien on the land, and collected as provided for the collection of unpaid taxes. The board of aldermen shall have the power to forbid any obstruction or stopping of any natural drainway within said city or diverting the water therefrom; and if the owner of land on any natural drainway, desiring to improve said property, wishes to lay pipes or construct a culvert or aqueduct to carry water or other drainage off or over said land, he shall lay said pipe or construct said culvert or aqueduct according to the plans and specifications provided by the board of aldermen, and not otherwise.</p> <p>SEC. 55. That the said board of aldermen shall have power to construct a system of sewerage for the city and protect and regulate the same by adequate ordinances, and for this purpose shall have power to condemn lands of private owners in the same way that lands are condemned for streets; and if it shall be necessary, in obtaining a proper outlet to said system, to extend the same beyond the corporate limits, to condemn a right of way to and from such outlet, it shall be done as herein provided for opening new streets and other public purposes; and in addition thereto said board of aldermen shall have power and authority to compel citizens living along the line of sewerage or in the vicinity thereof</p>
Order for removal.	
Penalty for failure.	
Recovery of penalty. Sewer and water connections.	
Connections by city at cost of owner.	
Lien on land for cost.	
Stoppage of drainways.	
Private drainways.	
Construction, protection, and regulation of sewers. Condemnation of lands.	
Procedure for condemnation. Enforcement of connection.	

to connect their premises, drain or other pipes with said sewerage, so as to drain all of the premises along the line of said sewerage, and on default of the owner to make such connection the city can have such connection made and the costs thereof charged against the owner of the property, and said cost shall be a lien on the property and collected as taxes; and to provide water supplies for the city, either by erecting water-works or by contracting with other persons or corporations, and make all such other public improvements as the health of the citizens and the safety of the property may require; and the board of aldermen shall have power to make regulations and adopt ordinances to require any citizen living along the lines of sewer or owning property along said lines, after notice to said owners or their agents, to connect their premises, drain or other pipes with said sewer lines, and to impose fines and penalties for failure to comply with said regulations and ordinances in relation thereto.

Connection at cost of owner a lien on property.

Water supply.

Improvements required for health and safety.

Enforcement of connections.

SEC. 56. That the board of aldermen may acquire, by gift or grant, lands or easements thereon or right of way over the same, or the right of use of springs, branches, or water-courses for the purpose of erecting or maintaining water-works or conducting the water to the city.

Property for water-works.

SEC. 57. The board of aldermen are authorized to obtain land or right of way over, through, or under land in the city of Winston-Salem 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 city and the owners of property affected by such act disagree as to the amount of damages sustained by the owners or special advantages resulting to them, the mayor of the city shall issue a writ to the chief of police to summon five freeholders of the said city, unconnected by blood or marriage with any of the persons affected by said improvement. Said writ shall contain a description of the improvement proposed, the land to be affected, and the names of the persons owning same. The jury so summoned shall meet on the day appointed at the commissioners' office, and it shall not be less than ten days from the date of the writ. Notice shall also be given to the persons named in said writ as affected by the proposed improvements, and if such persons cannot be found in the city the notice can be posted at the courthouse door for ten days, which shall be a sufficient notice. Any vacancy in the jury shall be filled by the mayor. The jury, after having been duly sworn to discharge their duty in the premises, shall view the property to be affected and assess damages, specifying the amount to which each of the parties affected may be entitled and assess any special benefit or enhanced value by reason of such proposed improvement which said person may receive thereby, and the jury 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

Rights of way for streets and other public purposes.

Procedure for assessment of damages.

Option of city to abandon project.

the board of aldermen shall conclude that the damages assessed by the jury are excessive, they may decline to pay the same and discontinue the proposed improvement; that from the finding of the jury either party may, within ten days from the time of the filing thereof in the mayor's office, appeal to the Superior Court of Forsyth County by giving three days notice to the opposite side. The appellate court shall in no wise adjudicate the necessity of the improvement, but submit, under the rules and procedure of the Superior Court, the question of damages and benefits to a jury, the trial thereof to be governed by the ordinary rules of actions for damages: *Provided*, that such appeal shall not hinder or delay the board of aldermen from making the proposed improvement, but it shall be lawful for said board or its agents and servants to enter upon said property and make such proposed improvements. That the city of Winston-Salem, whenever it shall require land or right of way under or over lands lying outside the corporate limits of said city for the establishment, repair, and maintenance of its sewer lines, water mains, stations, or purification plant, and said land or right of way cannot be obtained by agreement or contract with the owner thereof, then it may enter upon and condemn private property for right of way, station, or purification plant which said city requires for its sewer lines or water mains, or for the establishment, maintenance, repair, and operation thereof. That the said condemnation shall be by special proceeding instituted in the Superior Court of the county wherein the land is situated; that the city of Winston-Salem shall file a petition before the clerk of the Superior Court of the county in which the land is situated, to which the owner or owners of the land shall be made parties defendant, setting forth the purposes for which the land is required and sufficiently describing same, with such other facts as may be pertinent, and praying for the appointment of a jury of three citizens, of the county to assess the damages to the owner of the right of way required and taken, and summons shall be issued against the defendants named in the petition, returnable as in special proceedings, the rules governing which shall be applicable to the proceedings herein authorized. If the clerk shall find that such land is required for the purpose set forth in the petition, he shall appoint a jury of three discreet persons to assess said damages to the owner. The jury so appointed shall within twenty days make assessment and report the same to the clerk. Said report shall remain open to inspection for ten days after the filing thereof, and if no exception thereto be filed within the time aforesaid, said report shall be confirmed and judgment entered in accordance therewith, and in all cases such judgment or confirmation shall vest in the city of Winston-Salem an easement in the lands for the purposes for which condemned. In case exceptions are filed to any report, the clerk shall pass upon the same, with the

Right of appeal.

Adjudication on appeal.

Proviso: appeal not to delay work.

Condemnation of land outside of city.

Procedure for condemnation.

Exceptions and right of appeal.

right of appeal by either party to the Superior Court at term: *Provided*, that all actions or proceedings for damages by the owner of the land shall be commenced within two years after the occupancy by the city, and not afterwards.

Proviso: actions for damages within two years.

SEC. 58. That whenever any graveyard which has been abandoned or which has not been used for more than ten years, or any part of such graveyard, is required in the extension or widening of any of the streets of the city, or whenever such abandoned graveyard as above described may be needed for building purposes, such abandoned graveyard or such necessary part thereof may be condemned by the city as other lands are condemned for street purposes, and should there be any graves in any piece or parcel of land so required, the city shall have the power, at its own expense, to remove the bodies and contents of said graves, and bury the same in a suitable graveyard.

Condemnation of abandoned graveyards.

SEC. 59. That the board of aldermen shall have power to purchase, construct, and maintain all necessary public buildings; shall cause to be kept clean and in good repair the streets, sidewalks, and alleys; may establish the width and may ascertain the location of those already established, and lay out and open others, and may widen or reduce the width of streets now established, or change any grades the board of aldermen may deem advisable, and without liability on the part of the city to any abutting owner, and may establish parks for pleasure grounds for the citizens of the city and pass ordinances for the protection of shade trees.

Removal and reinterment of bodies.

Construction, purchase, and maintenance of public buildings. Enumeration of powers as to streets.

Parks.

SEC. 60. That all streets hereafter opened or constructed for the use of the public within the limits of the city or within one mile of the corporate limits as then existing shall not be less than thirty (30) feet in width and shall conform in location to the streets of the city already constructed or as may be platted and mapped under the direction of the board of aldermen.

Width of streets.

Conformity.

SEC. 61. That whenever any street of the city has been graded and curbed in whole or in part, including the sidewalks, the owner or owners of the land abutting on said street or part thereof shall, whenever the board of aldermen deem it necessary, pave, repave, or repair said street to the extent of one-half of the street adjoining their respective property with such material, except sand, clay, or cinders, and in such manner as the board of aldermen shall prescribe and direct: *Provided, however*, that the board of aldermen, in order to secure uniformity in the work, may, after giving ten days notice to the owner that said paving, repaving, and repairing is to be made, have all the work provided for herein done by the city or by contract and charge the actual cost of such work to the owner or owners of the abutting property, in the proportion aforesaid, that is, one-half to owners on each side of said street; that said charges shall be a lien on said property of the abutting owners and collected as herein provided for the collection of taxes; that in the discretion of the board of

Paving by land-owners.

Proviso: work done by city.

Charge on abutting property.

Lien for charges.

Collection. Payment in installments.

- Interest.
- Payment by city.
- Payment by railroads and street railways.
- Proviso: streets without fire limits.
- Paving incumbent on railroad and street railway companies.
- Proviso: option of city to do work.
- Cost a lien on rights, property, and franchise.
- Construction and improvement of sidewalks.
- Owners to begin and complete work.
- Work done by city at expense of owners.
- aldermen, payment of said cost and charges may be made in not exceeding ten annual installments, bearing interest from the date of the completion of the work at a rate not exceeding six per cent per annum: *Provided, also*, that the said city shall, out of its general fund, pay for the remainder of said improvements, including all intersections of streets so improved except that portion of such street and intersections occupied or used by a street railway or railroad company, which shall be assessed and paid, as hereinafter provided, by the owners and operators of the railroad or street railway: *Provided*, that the paving provided for in this section shall not apply to that part of the territory of the city of Winston-Salem lying without the fire limits, as the same is defined at the time of said proposed improvement, unless on a petition requesting said proposed paving, signed by the owners of three-fourths of the frontage of said street proposed to be paved is presented to and filed with the board of aldermen.
- SEC. 62. That if any street railway company or other railroad company have tracks running through or across said street it shall be incumbent on said company to pave, repave, repair, or otherwise improve such part of said street as the said board of aldermen may prescribe, not exceeding the space covered by its tracks and eighteen (18) inches on each side of every line of track now in use or that may hereafter be constructed by said company: *Provided*, that the board of aldermen shall have full authority to pave or contract for paving the whole of said space without giving such street railway company or other occupant of the street the option of having said space paved by itself or by a contractor at its instance, and the cost thereof shall be paid by the said street railroad company, and the amount of such cost shall be a lien on the rights, properties, and franchise of said street railroad company, and may be collected as herein provided for the collection of taxes.
- SEC. 63. That whenever the board of aldermen shall desire to contract, pave or repave any sidewalk of any street in the 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 determine, 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 said owner or owners shall fail to do so, the said board shall have authority to cause to be constructed, paved, or repaved said sidewalk according to plans and specifications as aforesaid, and shall charge the cost thereof against each respective lot in

proportion to its frontage and cause the same to be entered by the city treasurer, as the board may determine, in a book to be kept by him for that purpose; and the said treasurer shall place in the hands of the city tax collector of said city immediately copies of such charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said city. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged, and if any of them is not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same, with interest and costs, for the whole of such lot, shall be advertised and sold by the tax collector of said city for the payment of same, under the same rules and regulations and rights of redemption and in the same manner as prescribed in this act for the sale of real estate for unpaid taxes.

SEC. 64. That said board of aldermen may, in its discretion, divide any charge against any owner of land or street railway company for the paving or improvement of such walks or streets in such manner that the same may be paid in 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.

MUNICIPAL COURT.

SEC. 65. A special court for the trial of petty misdemeanors, and to be designated as the "Municipal Court of the City of Winston-Salem," is hereby established. Said court shall be a court of record, and shall be presided over by a judge, or an assistant judge, both of whom shall be electors of the city of Winston-Salem. In the absence of the judge, the assistant judge shall preside over the court, and shall have all the powers and duties of the judge.

SEC. 66. The judge of the municipal court shall be elected by the board of aldermen as provided in this charter, and before entering upon his duties he shall take and subscribe the oath required of judges of the Superior Court.

SEC. 67. The municipal court shall hold daily sessions (Sundays and legal holidays excepted) at the city hall of the city of Winston-Salem, or at such other place as may be designated by the board of aldermen.

SEC. 68. Said court shall have final, exclusive, original jurisdiction of all offenses occurring or committed within the corporate limits of the city of Winston-Salem and within one mile outside of said city limits, as follows, to-wit: of all offenses which are a violation of any ordinance of the city of Winston-Salem, and of all crimes the jurisdiction of which are now or may hereafter be given to justices of the peace. That in addition to the offenses

above mentioned the following crimes, to wit: carrying concealed weapons; gaming; gambling; keeping gambling houses; keeping bawdy-houses; larceny or receiving stolen goods knowing them to be stolen, wherein the value of the article does not exceed twenty dollars; failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; malicious injury to real or personal property; trespassing on land after being forbidden; forcible trespass; enticing servants to leave master; indecent exposure of person; selling or giving away intoxicating liquors to a minor, and all offenses against the prohibition laws as contained in chapter seventy-one of the Public Laws of the extra session of one thousand nine hundred and eight and acts amendatory thereof; selling or giving away cigarettes to a minor; obtaining advances by false pretenses; disposing of mortgaged property; all crimes against public health as contained in the Revisal of one thousand nine hundred and five, from sections three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive, and acts amendatory thereof; all misdemeanors, as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five, and acts amendatory thereof, where the punishment does not exceed a fine of five hundred dollars and imprisonment for two years; violations of sections three thousand six hundred and twenty-two, three thousand six hundred and eighty-six, three thousand seven hundred and thirty-one, and three thousand eight hundred and thirty-two of the Revisal of one thousand nine hundred and five, and acts amendatory thereof; violations of the provisions of chapter seventy-seven of the Public Laws of the extra session of one thousand nine hundred and eight, relating to the selling and giving away of cocaine and other kindred products, and acts amendatory thereof; and all crimes which under the common law are misdemeanors, or which are declared by statute to be misdemeanors, wherein the punishment is in the discretion of the court, and misdemeanors which are by statute or otherwise punishable as misdemeanors at common law are hereby declared by this act to be petty misdemeanors, and final, original, exclusive jurisdiction thereof is hereby given to the municipal court of the city of Winston-Salem.

Acts declared petty misdemeanors.

Jurisdiction in preliminary hearing.

Proviso: jurisdiction of justices of the peace.

SEC. 69. That in addition to the jurisdiction given in section sixty-eight of this act, said court is hereby given exclusive original jurisdiction to hear and bind over to the proper court all persons charged with any crimes committed within the city of Winston-Salem or within one mile outside of said city limits, wherein the preliminary investigation thereof is now conferred on justices of the peace: *Provided*, that no provision of this act shall be construed to be intended to deprive courts of justices of the peace of concurrent jurisdiction of any misdemeanor now

within the jurisdiction of such courts when committed outside of the corporate limits of the city of Winston-Salem.

SEC. 70. Warrants or other process may be issued by the judge or clerk of said court for any person charged with the commission of any offense of which said court has jurisdiction, and any person, convicted in said court shall have the right of appeal to the Superior Court of Forsyth County, and upon such appeal the trial in the Superior Court shall be *de novo*.

SEC. 71. In all cases heard by the judge of the court established by this act as committing magistrate against any person or persons for any offenses whereof the said court herein established has not jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in bond or recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court of Forsyth County for trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Forsyth County to await trial as aforesaid.

SEC. 72. All costs or fees for service of process or other services performed by sheriffs, constables, police officers, or other lawful officers serving or performing the same, shall belong to and be the property of said officer and shall be paid to him by the proper authorities: *Provided*, that if any of the said officers are on salary, then all such fees earned by them shall be paid into the treasury of the city of Winston-Salem for use of said city.

SEC. 73. All persons convicted in said court of any of the offenses mentioned in any section of this act shall be fined or imprisoned according to law, and any person convicted of any offense shall pay the cost of the prosecution.

SEC. 74. Whenever any person is convicted in said court and the punishment imposed is a penalty or fine and costs, or judgment is suspended on payment of the costs, and such person, having been released from custody, fails or refuses to pay such penalty or fine and costs, it shall be the duty of the judge, at any subsequent session of the court, on motion of the solicitor, or on his own motion, to order process to issue, to the end that such person may be again arrested and held for the penalty or fine and costs until discharged by law.

SEC. 75. All persons arrested under the provisions of this act may, either before or after trial, be held in custody in the county jail or the city prison.

SEC. 76. Whenever any person is convicted or enters a plea of guilty in said court, and the punishment imposed is imprisonment, the judge shall sentence such person to the county jail of Forsyth, and, unless the judgment otherwise states, the person shall be worked upon the county roads of said county during the term of imprisonment, and the county authorities shall receive and hold

Issue of process.

Right of appeal.

Bond or recognizance to superior court.

Commitment in default of bond.

Costs and fees to officers.

Proviso: fees of salaried officers to use of city.

Punishments.

Rearrests on suspended judgments.

Custody of prisoner.

Convicts to be worked on roads.

such person under the same terms and conditions as if said person had been convicted in the Superior Court.

Judgments and orders *in fieri*.

SEC. 77. All judgments and orders of the judge shall remain *in fieri* for thirty days next after the day upon which said judgment or order is announced, and during that period the judge shall have the power and authority to make such changes and modifications in said judgment or order as in his judgment are necessary or just, and with like effect as if made at the time of announcement of the original judgment or order.

Judge to preside.

SEC. 78. The judge shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of the said court shall be the same as are now prescribed for courts of justices of the peace, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to an ensuing term of the Superior Court for the trial of criminal causes; and in all such cases of appeal the defendant shall be required to give bond with sufficient surety to insure the defendant's appearance, and in default thereof the judge shall commit such defendant to the common jail of Forsyth County until such defendant shall give bond or be otherwise discharged according to law.

Proceedings.

Right of appeal.

Bonds on appeal.

Commitment in default of bond.

Jurisdiction in recovery of penalties.

SEC. 79. Said court shall also have jurisdiction to try all actions for recovery of any penalty imposed by law or this act or by any ordinance of the city of Winston-Salem for any act done within said city of Winston-Salem, and said penalty shall be recovered in the name of the city of Winston-Salem; and in all cases where judgment may be entered against any person for fines or penalties and the person against whom same is adjudged fails or refuses to pay such judgment, it shall be lawful for the judge of said court to order and require said person to be worked on the public roads of Forsyth County, at a fair rate of wages, until such person shall have worked out the full amount of such judgment and cost.

Work on roads for fines and penalties.

Seal of court.

SEC. 80. Said court shall have a seal with the impression "The Municipal Court of the City of Winston-Salem," which seal shall be used in the attestation of writs, warrants, or other proceedings, acts, judgments, or decrees of said court, in the same manner and to the same effect as the seal of other courts in the State of North Carolina.

Officers to whom process shall issue.

Process under seal.

SEC. 81. Process from said court may issue to the chief of police of the city of Winston-Salem, or to the sheriff, constable, or other officers of the county of Forsyth, and such process, when attested by the seal of the court, shall run anywhere in the State of North Carolina, and shall be executed by any officer authorized by law to serve process.

Costs allowed judge and clerk to use of city.

SEC. 82. The judge shall be allowed such costs as are now allowed by law in similar proceedings before justices of the peace, and the clerk of said court shall be allowed such costs as are

allowed by law in similar proceedings to clerks of the Superior Court, and all such costs recovered and collected in said court shall belong to the city of Winston-Salem to reimburse said city of Winston-Salem for salaries paid by it to said judge and said clerk; and should said costs not be sufficient to pay the said salaries, over and above the costs paid to the officer who executes papers for fees attached to such services, then said deficiency shall be paid out of penalties collected for violations of city ordinances, and all fines collected shall be paid to the county treasurer, as provided now by law.

Payment of salaries.

Fines to county treasurer.

SEC. 83. Before entering upon the duties of his office the clerk of the municipal court shall enter into a bond, with good and sufficient surety, in the sum of one thousand dollars, for the true and faithful performance of his duties as clerk and for the faithful accounting of all moneys which may come into his hands as such clerk.

Bond of clerk.

SEC. 84. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures, and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender, the nature of the offense, the date of hearing or trial, and the punishment imposed, which said record shall at all times be open to and subject to inspection by the board of aldermen or other persons having business relating to said court. He shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also provide proper files to properly keep the record of all cases which shall be disposed of in the said court and what disposition has been made of them.

Records kept by clerk.

Record open to inspection.

Permanent docket.

Files.

SEC. 85. The solicitor shall take and subscribe the oath required of solicitors of the Superior Court. There shall be taxed in each case as part of the costs, where costs are taxed, a fee not to exceed five dollars, which shall be designated as solicitor's fee, and shall be paid to the city treasurer and disbursed by the board of aldermen as they determine. In case the solicitor shall be absent or unable to attend to his duties, the judge shall appoint some one to take his place; that in the event of a vacancy the board of aldermen shall have the power to fill his place.

Solicitor to qualify.

Solicitor's fees to use of city.

Substitute.

Vacancy.

SEC. 86. That whenever any warrant shall be issued from the municipal court for the arrest of any person who shall be without the State and for whom requisition papers are required, the solicitor shall have the same rights, duties, and powers as the solicitor of the Eleventh Judicial District of North Carolina to sign, approve, and execute any and all papers or documents required in a proceeding for requisition.

Warrants and requisitions.

SEC. 87. The municipal court may appoint a probation or truant officer, subject to the approval of the board of aldermen of Win-

Probation or truant officer.

ston-Salem, and said probation officer shall hold office at the pleasure of the court. Said court may also appoint assistant probation and truant officers, and the superintendent of the public schools of the city of Winston-Salem shall *ex officio* be an assistant probation or truant officer. Each probation officer may inquire into every criminal action brought before the court under the appointment of which he acts, and shall keep a full record of all cases investigated by him and all cases placed under the care of said probation officer by the court, and shall keep a record of all duties performed by him. Said municipal court may place the person so convicted under the care of the probation officer for such time and under such conditions as may seem proper. The term "delinquent child" shall be construed to mean any boy or girl between the ages of six and eighteen years who violates any ordinance or commits any offense of which this court has jurisdiction. The words "wayward child" shall be construed to mean any boy or girl between the ages of six and eighteen years who habitually associates with vicious or immoral persons or who is growing up under circumstances which expose him or her to lead an immoral life. If any child, upon the trial of any cause, is adjudged to be a wayward or delinquent child, the municipal court may place said child under the care of the probation officer for such time and under such conditions as may seem proper, or may deal with said child in any manner provided by law. The probation officer shall make an investigation of every delinquent child convicted, if directed by the court, and shall report regarding the character of such child, his school record, his home, his surroundings, and the previous complaints against said child, if any. The said court shall also have the power to commit such delinquent child to any institution to which it might be committed upon a conviction for such violation of law. Any boy or girl who is adjudged to be a wayward child or a delinquent, as defined in this act, or any parent of such child who is found to have been responsible for such waywardness or delinquency, shall be guilty of a misdemeanor and shall be fined or imprisoned at the discretion of the said court.

SEC. 88. That it shall be lawful for the city of Winston-Salem to contract with the board of county commissioners of Forsyth County for the employment by the said city of such prisoners as may be confined in the county jail to work on the streets of Winston-Salem or other public improvement in said city, and it shall be lawful for the city of Winston-Salem to hire to the said board of county commissioners for work upon the roads of the county or other county improvement all persons convicted by the municipal court and sentenced to terms of imprisonment or to work upon the roads. Such contracts may be made upon such terms as may be agreed upon between the two respective authori-

Assistants.
Superintendent of schools *ex officio*.
Inquiries and records.

Convicts under probation.

"Delinquent child" construed.

"Wayward child" construed.

Wayward or delinquent children to care of probation officer.

Investigations by probation officers.

Committal of delinquents to institutions.
Parents responsible for waywardness or delinquency guilty of misdemeanor.

Punishment.

Contract for street work by prisoners.

Hire of convicts to county.

ties. That all prisoners tendered by the said city to the board of commissioners aforesaid shall be accepted by the said board and the services of said convicts paid for by the said county assuming and paying the costs, jail fees, and expenses adjudged against any such convict.

Prisoners accepted by county.

Payment of costs.

SEC. 89. So far as applicable, the provisions of the general law as contained in the Revisal of one thousand nine hundred and five, and acts amendatory thereof, under the chapter headed "Criminal Procedure," shall apply to this court.

General law applicable.

MISCELLANEOUS.

SEC. 90. That no mayor or alderman or other officer of the city government shall, directly or indirectly, become a contractor for work to be done by the city, and any person herein offending shall be guilty of a misdemeanor.

Officers not to contract with city.

Misdemeanor.

SEC. 91. The board of aldermen shall have the power and it shall be its duty to annually appropriate and pay over for the purpose of maintaining a public library such sum as it may deem proper.

Appropriation for library.

SEC. 92. The city of Winston-Salem may convey lands and other property which is transferable by deed, and such deeds shall be executed in the name of the city by its mayor, attested by its secretary, with its corporate seal affixed.

Conveyance of land.

SEC. 93. The printed volume of the ordinances of the city of Winston-Salem shall be competent evidence in any court in this State, and shall be *prima facie* evidence of the regularity and validity of any ordinance contained therein.

Printed ordinances evidence.

SEC. 94. All claims or demands against the city of Winston-Salem arising in tort shall be presented to the board of aldermen of said city or to the mayor, in writing, signed by the claimant, his attorney or agent, within ninety (90) days after said claim or demand is due or the cause of action accrues; that no suit or action shall be brought thereon within ten (10) days or after the expiration of twelve (12) months from the time said claim is so presented, and unless the claim is so presented within ninety (90) days after the cause of action accrued, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

Presentation of claims.

Statute of limitations.

SEC. 95. That the ordinances now in force in the city of Winston-Salem, and such as may hereafter be adopted, shall operate and have effect within one mile outside of the corporate limits of the city, and the jurisdiction of the municipal court shall extend to said territory. That the policemen of said city shall have power and authority to execute all criminal processes and make arrests within one mile outside said limits to the same extent and in like manner as they now are authorized to do within the corporate limits.

Ordinances heretofore adopted.

Jurisdiction of court and of police.

SEC. 96. That the charter of the city of Winston and the charter of the town of Salem, and acts amendatory of each, and all acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 97. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 181.

AN ACT TO INCORPORATE THE COMMERCIAL CLUB OF DURHAM, N. C.

The General Assembly of North Carolina do enact:

Incorporators.	SECTION 1. That J. H. Southgate, S. C. Chambers, W. C. Bramham, H. E. Seeman, N. E. Green, R. L. Lindsay, J. S. Carr, J. K. Mason, R. A. Knight, and J. L. Morehead, such other persons as may associate themselves with them for the purpose hereinafter mentioned, and their successors, be and they are hereby made a
Corporate name.	body politic and corporate under the name and style of "The
Corporate powers.	Commercial Club of Durham, N. C.," and by that name may adopt a corporate seal, sue and be sued, plead and be impleaded, hold, use, and sell and convey real estate, receive gifts and donations, appropriations, and do all things necessary and requisite for the purposes of this organization as hereinafter specified.
Object and purpose of incorporation.	SEC. 2. That the object and purpose of the said corporation shall be to advance in general the financial, commercial, and industrial life of the city of Durham and of Durham County; to advertise its resources, assist in the location of industrial and manufacturing companies, educational institutions, and individuals, and to do such other things as may from time to time be found necessary or advisable in building up the city and county of Durham.
By-laws and regulations.	SEC. 3. That the said corporation shall have full power to pass and adopt such by-laws and regulations not inconsistent with the general laws of the State and the United States as may be necessary to accomplish and fully carry out the objects and purposes of said corporation.
Contracts and deeds.	SEC. 4. That all contracts and deeds of said corporation shall be made in the name of the same, and be signed by such officers thereof as may now by law execute deeds for other corporations within the State; that no incorporator, his successor or associate, shall be personally or individually liable for any of the debts, obligations, contracts, engagements, torts, acts or omissions of the corporation.
No individual liability.	
Appropriations from city and county.	SEC. 5. That the board of aldermen or other governing body of the city of Durham, and the board of county commissioners

of Durham County, shall have the power and authority, and same is hereby conferred upon said authorities, to make from time to time such reasonable appropriations as they may deem advisable out of any funds not otherwise appropriated to assist in carrying out the objects and purposes of this organization.

Sec. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 182.

AN ACT TO INCORPORATE THE AVERY AND NORTH-WESTERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That E. C. Guy, C. B. Voucannon, P. M. Brown, Incorporators.

Harrison Baird, A. P. Brinkley, D. T. Vance, J. W. Ragland, of Avery County, and W. W. Barber of Caldwell 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 Avery and Northwestern Railroad 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.

Sec. 2. That said corporation shall have such offices, with such Officers.

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 by its by-laws. Directors.

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, Corporate stock.
Shares of stock.

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. Increase of capital.

Such increase, if any, shall be divided into shares of the par value of Shares.

Preferred and common stock.	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
Transfer of shares.	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.
Right to construct, maintain, and operate railroad. Termini and route.	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 Edgemont, in Caldwell County, in a north-westerly or northerly direction into or through Avery County or Avery, Watauga, and Ashe counties, to any connection with any other railroad now constructed or to be constructed to any point on the North Carolina-Tennessee or North Carolina-Virginia State lines and in such directions 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.
Right to purchase or condemn land.	
Motive power.	
Dams, trestles, culverts, and bridges.	SEC. 5. That said company for the completion and successful operation of said railroad, and for the purposes of its main line, 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.	
Subscription authorizing 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 Avery County 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
Notice of meeting.	
Election of directors.	
Term of office.	
By-laws. Powers and authority under general law.	

authority as are conferred in chapter sixty-one of the Revisal of one thousand nine hundred and five.

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.

Right to condemn land.

Connection with and crossing of other railroads.

Proceedings for condemnation.

Right to hold lands.

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.

Payment of subscriptions.

SEC. 9. That 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.

Exclusive right of transportation.

Charges.

SEC. 10. Said company is authorized and empowered to purchase, lease, or farm out, or to consolidate with any other 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 person, persons, or corporation subject to the laws of North Carolina, upon such terms and on such conditions as the stockholders may deem 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

Power of purchase, lease, or consolidation.

Proviso: domestic corporation.

Power to sell or lease.

Proviso: vote of two-thirds of stock.

Lien of prior encumbrances.

Purchase of road and works of other railroads.

Payment.	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 purpose is hereby fully authorized.
Power to issue notes or 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 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 the 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.
Limit of amount. Mortgages or deeds of trust.	
Subscription by counties, townships, or municipalities.	SEC. 12. That any county, township, city, or town along or near the line of railroad may subscribe to the capital stock of 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
Petition for election.	
New registration.	
Order for election.	
Question to be submitted.	
Ballots.	
Law governing elections.	
Notice of election.	
Returns.	

returns thereof shall be made to the board of commissioners of said county or proper authorities of said city or town.

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 of 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 where 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 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 the consent of the proper authorities of any city or town making such subscription in the case of city or town bonds.

SEC. 14. For the purposes of this act all of said counties of Avery, Caldwell, Watauga, and Ashe, and all of the townships in said counties, or either or any of them, which may vote to subscribe to the capital stock of said company as provided by this

Special tax.

Constitutional equation.

Limit of rate.

Collection and settlement.

Taxes kept separate. Specific appropriation.

Investment of sinking fund.

Proviso: purchase of bonds.

Transfer of subscription.

Incorporation of townships.

- 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.
- Corporate agents.**
- Delivery of bonds to railroad company.** SEC. 15. The authorities of any county, township, city, or town shall have the right to execute and deliver to the said railroad 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.
- Payment of subscriptions.** SEC. 16. 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 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. 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 twenty 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 representatives; 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,
- Call for payments.**
- Enforcement of payment.**
- Action for balance.**

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.

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.

Stockholders not individually liable.

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 4th day of March, A. D. 1915.

CHAPTER 183.

AN ACT TO AUTHORIZE THE TOWN OF WAYNESVILLE TO ISSUE BONDS IN THE SUM OF \$25,000 FOR THE PURPOSE OF ESTABLISHING AN ELECTRIC LIGHT PLANT AND TO LEVY A SPECIAL TAX TO MEET THE INTEREST AND PAY SAID BOND.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Waynesville in Haywood County is hereby authorized, empowered, and directed to issue from time to time bonds in the name of the town of Waynesville in an amount not to exceed twenty-five thousand dollars (\$25,000) for the purpose of establishing and maintaining an electric light plant in said town of Waynesville: *Provided*, that a majority of the qualified voters of said town shall authorize the same at an election to be held as hereinafter provided. Said bonds shall be payable thirty years after the date thereof, and shall not bear a greater rate of interest than five per cent per annum, and shall not be sold for less than par, and to be in denominations of not less than one hundred dollars and not more than five hundred each, interest to be due and payable semi-annually on the first day of January and July and to be so expressed in the face of said bonds. Each of said bonds shall be numbered and have attached thereto the requisite number of coupons, each coupon to represent the interest that shall become due semiannually on each of said bonds. Said bonds and coupons shall be payable at such place as the board of aldermen shall designate. Said bonds shall be signed by the mayor and countersigned by the

Bond issue authorized.

Amount.

Purpose.

Proviso: majority of qualified voters.

Maturity of bonds.

Interest.

Sale below par forbidden.
Denominations.

Bonds numbered.

Authentication.

- clerk of said town, and have the corporate seal affixed thereto, and it shall be sufficient to have a facsimile signature of the mayor and the clerk lithographed in the coupons. Said bonds and coupons shall express upon their face that they are payable out of the taxable property and polls of the town of Waynesville, and it shall be lawful for and the duty of the board of aldermen of the town of Waynesville to annually compute and levy, at the time of levying other taxes of said town, a sufficient special tax upon the property and polls of said town, at all times observing the constitutional equation, with which to promptly and regularly pay the interest on said bonds as it shall accrue, and to create a sinking fund for the purpose of paying off and discharging said bonds as they may become due.
- SPECIAL TAX.** **SEC. 2.** That at the next general election for mayor and board of aldermen for said town of Waynesville to be held on the first Tuesday in May, one thousand nine hundred and fifteen, the board of aldermen of said town of Waynesville shall submit to the qualified voters thereof the question as to whether the said town shall issue the twenty-five thousand dollars of bonds for the purposes aforesaid, and levy a special tax annually to pay the interest on said bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due; and those favoring the issuing of said bonds and the levying said special taxes shall be permitted to cast one ballot upon which shall be written or printed the words "For Bonds and Electric Plant," and those opposing the issuing of said bonds and the levying of said taxes shall be permitted to vote one ballot upon which shall be written or printed the words "Against Bonds and Electric Plant."
- CONSTITUTIONAL EQUATION.** **SEC. 3.** That it shall be the duty of the board of aldermen of said town to have published for thirty days before said election, by posting at the mayor's office and three other public places in said town, a notice stating that the question of issuing of said bonds and the levying of special tax for the purposes aforesaid will be submitted to vote of the qualified voters of said town at said election, and a copy of said notice shall be recorded in the minutes of the board of aldermen of said town and shall be *prima facie* evidence of the matter therein stated.
- VOTE ON QUESTION AT TOWN ELECTION.** **SEC. 4.** That if at said election a majority of the qualified voters of the town of Waynesville shall cast their votes for bonds and electric plant, then the board of aldermen of said town shall so declare and certify, and shall issue said bonds for the purposes aforesaid and levy said special tax as herein provided.
- BALLOTS.** **SEC. 5.** That the board of aldermen of said town shall cause said bonds to be lithographed or printed, and may sell said bonds at either public or private sale, as it may deem to be to the best interest of the town, after first giving notice of sale by advertisement, as it may decide best, for thirty days, but shall not sell
- NOTICE OF ELECTION.**
- RECORD OF NOTICE.**
- ISSUE OF BONDS.**
- SALE OF BONDS.**
- SALE BELOW PAR FORBIDDEN.**

said bonds for less than par; but said board of aldermen may, in their discretion, pay a commission of not more than two per centum of the amount issued, should the same become necessary to effect the sale of said bonds. That the proceeds of sale of said bonds shall forthwith be paid over to the treasurer of said town, and the treasurer shall keep an account separate and apart from other funds in his hands, and shall make a written report of the receipts and disbursements to the board of aldermen every thirty days, and shall make all payments out of said funds upon an order signed by the mayor and countersigned by the clerk, and the same shall be his receipt for all funds so disbursed.

Sec. 6. That if said bonds are not sold at par or their face value in cash, the board of aldermen of the town may, if they elect to do so, sell the same for not less than their face or par value to any person, firm, or corporation who may contract with the town to make any of the improvements or to do any of the work for which said bonds are issued.

Sec. 7. That the board of aldermen of the town of Waynesville are authorized, empowered, and directed as follows:

1. To make any and all contracts with any person, firm, or corporation to furnish and install all electrical machinery, dynamos, and all other machinery necessary for a power plant, and to build and construct all necessary transmission line necessary for conveying said current from the point of generation to the town of Waynesville, and to acquire either by purchase or condemnation proceedings an easement to and over all lands necessary for the purpose of such transmission line.

2. To acquire, either by purchase or condemnation proceedings, any and all land necessary for the purpose of building and constructing the power-house.

3. To acquire, either by condemnation proceedings or purchase, all water-powers and rights in and to water-powers necessary for the generation of said electric current, and to build and construct any and all dams, flumes, and do any and all things necessary for the control of said water-power for the purposes and uses hereinbefore set out.

4. To employ one or more competent engineers, together with the necessary assistance and help, to make estimates of the probable cost of any or all the improvements contemplated in this act, and to do any and all work required in this act.

5. To advertise for thirty days and let contract to lowest responsible and competent bidder for the improvements herein contemplated, either separately or as a whole, as the board of aldermen may deem best. That the said board of aldermen may, if they deem best, reject any and all bids and readvertise for bids or proceed to have the work done as they deem best.

Commission.

Proceeds paid to treasurer.

Funds kept separate.
Monthly reports.

Orders for payments.

Sale of bonds to contractors.

Authority given aldermen.

To make contracts.

To acquire land for power-house.

To acquire water-powers and rights for generation of current.
To build dams and flumes.

To employ engineers.

To advertise for and let contracts.

To reject bids and proceed with work.

To require bonds of contractors.

6. To require any and all contractors to file a good and solvent bond for the faithful performance of their contract, which bond shall be approved by said board of aldermen of said town.

To pay contractors.

7. To pay the contractor or contractors for any of the work or machinery by this act contemplated as often as the said board may deem advisable a sum of money not to exceed ninety per cent of the work done by said contractor or contractors, or the purchase price of said machinery, and the remaining ten per cent shall be paid when said contractors have fully completed their contract and the work has been accepted by the board of aldermen of said town or when said machinery shall have been installed and accepted by said town.

To do other things necessary.

8. To do any and all other work and things necessary to be done in order to make the improvement contemplated in this act.

Land and easements for rights of way and water-power.

SEC. 8. The said board of aldermen may acquire by gift or grant, any lands or easements thereon, rights of way over the same or water-power for the purpose of erecting, maintaining, and operating an electric plant or conveying power for the purpose of lighting said town of Waynesville.

Power of condemnation.

SEC. 9. That if the said board of aldermen cannot agree with the owners upon a price for the land, or any of the right of way or easements or water rights named in the preceding sections, they shall have the right to have the same condemned and compensation therefor assessed and fixed, by filing a petition before the clerk of the Superior Court of Haywood County against the owner or owners of such lands, setting forth the necessary and proper facts to be set out, and specifying what land is desired as accurately as can reasonably be done, or what easements or what rights in and to such necessary water-power, proceedings as provided in the Revisal, one thousand nine hundred and five, chapter sixty-one, entitled "Railroads"; and in such proceeding, and if the land or rights demanded and required shall be condemned, no appeal shall stay further proceedings for the establishing or constructing said water-plant or electric line or lines, upon the payment or deposit with the clerk of the Superior Court of Haywood County the sum fixed as the value of the land or rights demanded. The final judgment rendered by the court, if it shall condemn land or other rights, shall, on the payment of the compensation fixed either to the parties or into the court for them, have the force and effect of a deed in fee simple for all lands necessary for the construction of power plant and water rights necessary for operating the same, and shall have the force and effect of a deed or grant for an easement only in conveying to or vesting said land or rights necessary for the construction of electric line or lines in the board of aldermen of said town.

Procedure for condemnation.

Appeal not to stay work.

Effect of judgment.

Contracts for furnishing lights and power.

SEC. 10. That the board of aldermen of the town of Waynesville are hereby authorized and empowered to make contracts with

the citizens of said town for the purpose of furnishing current for electric lights and motors, and to pass ordinances, rules and regulations necessary for the control of and the collection of accounts due for current furnished for electric lights or motors.

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

SEC. 12. This act shall be in force from and after its ratification. Ratified this the 4th day of March, A. D. 1915.

CHAPTER 184.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of "The City of Wilmington" be amended so as to provide that said city shall be governed by a council consisting of six (6) members, and so as to provide further that four (4) members of the council shall constitute a quorum

and that an affirmative vote of four (4) members shall be necessary to adopt any motion, resolution, or ordinance, or pass any measure, except in cases where a greater number is required; and said charter be further amended so as to provide for the nomination and election of six (6) councilmen instead of five (5).

Council.

Quorum.

Vote necessary to action.

Nomination and election of councilmen.

SEC. 2. That whenever the charter of "The City of Wilmington" requires that the street and street number shall be given for any purpose, and there shall be established no street or street number, it shall be sufficient for such purpose to designate the number of the ward.

Number of ward where streets not established.

SEC. 3. That the corporate limits and bounds of "The City of Wilmington" from and after the passage of this act shall be as follows: Beginning on the eastern bank of the northeast branch of the Cape Fear River at the northern edge of the mouth of Smith's Creek where Smith's Creek enters into the northeast branch of the Cape Fear River, runs thence up Smith's Creek along the northern edge of the same to the point opposite where Green's Mill Creek enters into Smith's Creek; thence directly across Smith's Creek to the northeastern edge of Green's Mill Creek at its mouth; thence along the eastern edge of Green's Mill Creek to the point where the present city limits intersect the same; thence southwardly along the eastern line of Seventeenth Street, as the same is shown on the present official map or plan of the city of Wilmington to where said line again intersects the northeastern edge of Green's Mill Creek; thence up the eastern edge of the same to a point opposite the mouth of Mineral Spring

Corporate limits set out.

Branch, where the said Mineral Spring Branch empties into Green's Mill Creek; thence across Green's Mill Creek to the mouth of Mineral Spring Branch; thence up the thread of said branch to where the same runs under the embankment or bridge on the "Wilmington-Wrightsville Turnpike" road, formerly known as the "Old Shell Road"; thence in a southwardly direction in a direct line to the southeastern intersection of the rights of way of the old Wilmington Seacoast Railroad Company, now the Tidewater Power Company's right of way, and the old Wilmington, Onslow, and East Carolina Railroad Company's right of way, afterwards the Wilmington, New Bern, and Norfolk Railroad Company's right of way, and now the right of way of the Atlantic Coast Line Railroad Company, said point being the southeastern intersection of the right of way of the Tidewater Power Company's line leading to Wrightsville Beach and the Atlantic Coast Line Railroad Company's right of way near the point where the Tidewater Power Company's track crosses the Atlantic Coast Line Railroad Company's track above the same by embankment and trestle near what is known as Delgado; thence southwardly along the southern line of said right of way of the said Atlantic Coast Line Railroad Company to the eastern line of Seventeenth Street as laid down upon the present official map or plan of the city of Wilmington, which said right of way intersects said Seventeenth Street near Meares Street; thence southwardly along the eastern line of Seventeenth Street as laid down upon the present official map or plan of the city of Wilmington to the southern line of Greenfield Street as laid down upon the present official map or plan of the city of Wilmington; thence the same course continued to the northern edge of a stream known as Jumping Run Branch; thence down the northern edge of the run of said Jumping Run Branch with its various meanders to where the said Jumping Run Branch empties into Greenfield lake, or mill-pond; thence along the northern edge of Greenfield lake, or mill-pond, to the eastern edge of the dam thereof; thence southwardly along the eastern side of the said dam to a point opposite the center of the mill race; thence westwardly to the center of the said mill race just west of the mill house; thence down said mill race to where the said mill race reaches the eastern edge of the bridge over said race on the Federal Point road; thence westwardly in a line parallel with the southern line of Greenfield Street three thousand nine hundred (3,900) feet; thence northwardly and parallel with Front Street eleven thousand six hundred and forty-three (11,643) feet to a point where the northern line of Brunswick Street would intersect were said Brunswick Street extended westwardly across the river and on to Eagles Island for a sufficient distance to intersect said last mentioned line; thence eastwardly and in a line which when run on the same course as the northern line of Brunswick Street

runs as laid down upon the present official map or plan of the city of Wilmington to the western edge of the northeast branch of the Cape Fear River; thence along the western edge of the northeast branch of the Cape Fear River to a point directly opposite the northern bank of Smith's Creek at its mouth, the beginning point; thence directly across the river in a line running at right angles to the beginning point on the eastern bank of the northeast branch of the Cape Fear River at the mouth of Smith's Creek.

SEC. 4. That the said city of Wilmington shall be divided into six Wards. divisions or wards, denominated First, Second, Third, Fourth, Fifth, and Sixth wards respectively, and such wards shall be severally bounded as follows:

The First Ward shall include all of that part of the city within First ward. the boundaries above described which lies within the following defined lines, namely: Beginning at a point in the western boundary of the city of Wilmington as defined in this act where the center line of Red Cross Street as laid down upon the present official map or plan of the said city of Wilmington would intersect the said western boundary were said Red Cross Street extended across the river to the western boundary of said city in the same course as said Red Cross Street is running from Eighth Street to the river as shown upon the present official map or plan of the city of Wilmington, and from that beginning point to run eastwardly in a straight line across the said river and to the center of Red Cross Street; thence along the center of Red Cross Street eastwardly to the center of the intersection of Red Cross Street and Eighth Street as the same is laid down and established on the present official map or plan of the city of Wilmington; thence eastwardly to the center of the intersection of the center line of MacRae Street with the intersection of the center line of Rankin Street; thence eastwardly along the center line of Rankin Street to its intersection with the center line of Fourteenth Street, and thence northwardly along the center line of Fourteenth Street, were the same extended, to the northern boundary of said city as hereinbefore defined, to wit, the northern bank of Smith's Creek, thence along the northern bank of Smith's Creek and the northern limits of said city to the extreme northwestern corner of the limits of said city as hereinbefore defined; and thence southwardly along the western line of said city as above defined to the beginning point.

The Second Ward shall include all that part of the said city Second ward. within the following lines, viz.: Beginning at the intersection of the center of Sixth and Red Cross streets and runs thence southwardly along the center line of Sixth Street as the same is laid down upon the present official map or plan of the city of Wilmington to its intersection with the center line of Dock Street as said Dock Street is laid down upon the present official map or plan

of the city of Wilmington; thence westwardly with the center line of Dock Street to its intersection with the eastern bank of the Cape Fear River; thence westwardly in the same course to the western boundary of the city as defined in this act; thence along the western boundary of the said city northwardly to a point where the center line of Red Cross Street would intersect said line were the same continued in the same course to the western boundary of the city; thence eastwardly along the southern boundary of the First Ward as herein defined to the intersection of the centers of Sixth and Red Cross streets, the beginning point of the Second Ward.

Third ward.

The Third Ward shall include all that part of the said city within the following lines: Beginning at the intersection of the center line of Church Street with the center line of Sixth Street as the same are laid down and established on the official map or plan of the city, runs thence eastwardly along the center line of Church Street to the center line of Fourteenth Street as the same is shown upon the present official map or plan of the city of Wilmington; thence running northwardly along the center line of Fourteenth Street to where said line would intersect the southern line of the First Ward at the intersection of the center lines of Rankin and Fourteenth streets; and thence westwardly along the center line of Rankin and Red Cross streets and the southern line of the First Ward to the center of Sixth Street where the southern line of the First Ward and the eastern line of the Second Ward intersect, and thence southwardly along the center of Sixth Street to the beginning point of the Third Ward on Church Street as herein defined.

Fourth ward.

The Fourth Ward shall include all that part of said city within the following lines: Beginning at the intersection of the center line of Sixth Street with the center line of Church Street as laid down upon the present official map or plan of the city of Wilmington, and runs thence westwardly along the center line of Church Street to the eastern bank or edge of the Cape Fear River; thence westwardly the same course continued to the western boundary line of the city of Wilmington as established in this act; thence northwardly along the western boundary line of the city of Wilmington to the point where the southern line of the Second Ward intersects said western boundary line of the city; thence eastwardly along the southern boundary line of the Second Ward to the intersection of the center line of Dock Street with the center line of Sixth Street as laid down and established according to the present official map or plan of the city of Wilmington and then southwardly along the center line of Sixth Street as laid down and established according to the present official map or plan of the city of Wilmington to its intersection with the center line of Church Street, the beginning point of said Fourth Ward.

The Fifth Ward shall include all that part of the said city within the boundaries above defined which lies south of the center of Church Street in an extended line across the river the same course to the western boundary of said city, and west of the center of Fourteenth Street extended likewise to the southern boundary of said city.

Fifth ward.

The Sixth Ward shall include all the territory of said city within the above defined boundaries lying east of the center of Fourteenth Street and extending from the center of said street eastwardly to the eastern boundaries of said city and northwardly and southwardly along the said center line of Fourteenth Street extended to both the northern and southern boundaries of said city.

Sixth ward.

SEC. 5. That the boundaries of Wilmington Township, in New Hanover County, are hereby extended so as to cover and include the boundaries of the city of Wilmington as defined in this act, and the board of commissioners of New Hanover County are hereby directed to change the limits of the townships in said county adjoining the city of Wilmington which are affected by this change in the boundaries of Wilmington Township.

Boundaries of Wilmington township.

SEC. 6. That section one (1) of chapter seventy-five (75) of the Private Laws of North Carolina passed at the session of the General Assembly of North Carolina in the year A. D. one thousand nine hundred and eleven (1911) be amended by striking out, after the period after the word "act" in lines four (4) and five (5) of said section, the following words: "The territorial limits shall remain the same, and all," and insert in lieu thereof the word "All."

SEC. 7. On the first Tuesday in May, one thousand nine hundred and fifteen, the qualified voters of the city of Wilmington shall elect a mayor and council of six members, one of whom shall be a resident of each of said six wards, and no two of whom shall be a resident of the same ward. A removal of residence by a councilman from the ward of his election during the term of office for which he was elected shall forfeit and terminate his right to hold the office, and the council shall elect his successor for the unexpired term.

Election of mayor and councilmen.

Residence of councilmen.

Removal of councilmen to work vacancy.

SEC. 8. The mayor shall hold office for the term of two years, but shall continue in office until his successor is elected and qualified. The councilmen elected from the First, Fourth, and Sixth wards at the election of one thousand nine hundred and fifteen shall hold office for two years and until their successors are elected and qualified, and the councilmen elected from the Second, Third, and Fifth wards at said election shall hold office for the term of four years and until their successors are elected and qualified, and biennially thereafter, on the first Tuesday in May, there shall be elected by the qualified electors of said city a mayor and the successors of the members of the council of said city whose term of office shall expire in said month and year. All councilmen elected

Term of mayor.

Terms of councilmen.

after one thousand nine hundred and fifteen shall hold office for a term of four years from and after their election.

Candidates nominated by primary.

Date of primary.

Notice of candidacy.

Petition for candidacy.

Mayor nominated at large.

Candidates at general election.

Nomination of councilmen by vote of city at large.

Ballots void.

Nominees.

Settlement of ties.

Date of second primary.

SEC. 9. Candidates for the office of mayor and councilman at the first election hereunder, and biennially thereafter, shall be nominated at a primary election, which shall be held on the second Tuesday preceding such general election in May. The name of any candidate for mayor, or councilman, of the city shall be printed upon the primary ballot, hereinafter prescribed, provided there is filed with the chairman of the city board of elections, hereinafter provided for, at least ten days prior to said primary election, a written notice giving the name of the candidate and the office for which he is a candidate, and accompanied by a written petition or indorsement of such candidate signed by at least one hundred of the citizens of the city of Wilmington in the case of a candidate for mayor, and twenty-five citizens of the ward from which a candidate proposes to run for councilman, indorsing such candidate for councilman, in the case of all candidates for councilman. The mayor shall be nominated at such primary election by the electors of the city at large, and the candidate receiving a majority of the total vote cast at such primary election for mayor shall be the only candidate for mayor at said general election; and if no one candidate shall receive a majority of all the votes cast for the candidates for mayor at such primary election then the two candidates receiving the highest votes shall be candidates at the general election, and the one receiving the highest number of votes at said general election shall be declared elected mayor of the city of Wilmington for the ensuing term of two years. There shall be two candidates selected, or nominated, at said primary for the office of councilman from each of the six wards of said city, to be voted for by the electors at large at the general election for mayor and councilmen, and each elector shall have the right to vote for six candidates of his choice, one of which shall be from each of the six wards of said city, and any ballot containing the vote of any elector for two candidates from the same ward, or for more than six candidates, shall be null and void. The two candidates for councilman from each ward to be voted for at the general election shall be chosen or nominated at the primary election by the vote of the ward, each voter in said ward to be entitled to vote for not more than two such candidates, and the two candidates receiving the highest votes at said primary election shall be declared the nominees for the general election of mayor and councilmen. In case of any tie in the primary in the vote of either the candidates for mayor or councilman between those who would be entitled to run for such office in a second primary, such tie may be decided by agreement of the candidates in the presence of the city board of elections, or, in case of their inability to do so, such tie shall be determined and decided at a second primary to be held on Friday of the same week as the first primary, and in the

same manner. The six candidates for councilman receiving a majority of the votes cast at the general election of one thousand nine hundred and fifteen shall be declared elected councilmen of the city of Wilmington for the ensuing term of office as hereinbefore prescribed.

Councilmen
elected.

SEC. 10. The city board of elections of the city of Wilmington shall before the beginning of the registration period for the primary election in one thousand nine hundred and fifteen establish and name the necessary voting precinct or precincts and define the territory covered by each precinct in the six wards established by this act. Each *bona fide* resident within the corporate limits of the city as defined in this act, possessing all of the qualifications now prescribed by law, shall be entitled to register and vote in any primary and general or special municipal election held in the city within four months after the passage of this act.

Board of elections
to prescribe
polling places.

Persons entitled
to register and
vote.

SEC. 11. That the council of the city of Wilmington shall at their last meeting in March, one thousand nine hundred and fifteen, elect a councilman from the territory comprising the Sixth Ward, as defined in this act, who shall serve as councilman from said ward until the next regular municipal election to be held in May, one thousand nine hundred and fifteen, or until his successor is elected and qualified; said councilman shall be a resident of the Sixth Ward and shall be elected by the city council upon the recommendation by petition of a majority of the white male citizens who have attained the age of twenty-one years and who are residents of the territory embraced in the Sixth Ward as defined in this act; and should no such majority recommendation be made to the city council by petition, as herein contemplated, then and in that event the said city council shall be free to elect some competent resident of said ward as councilman for the term above mentioned. The councilman elected from the Sixth Ward shall be inducted into office on the day of his election; and upon taking the oath of office as prescribed by law for councilmen of the city of Wilmington he shall be vested with all the rights, powers, and duties pertaining to said office.

Councilman
from sixth ward.

Recommendation
and election.

Induction into
office.

SEC. 12. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed; but should the act providing for a new charter for the city of Wilmington, passed or to be passed at this session of the Legislature, session of one thousand nine hundred and fifteen, be ratified by a majority of the qualified voters of said city at an election to be held for that purpose, then and in that event the provisions of this act, in so far as they may be in conflict with the provisions of the said act providing for a new charter and to be submitted to a vote of the people, shall be repealed and superseded by the said act so adopted and ratified at the election to be held as aforementioned. But should the act providing for a new charter for the city of Wil-

Repealing clause.

Effect of adoption
of new charter.

nington be not ratified by a majority of the qualified voters of said city at the election to be held for that purpose, then the provisions of this act shall not be affected, but the same shall be in full force and effect from and after the ratification of this act.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 185.

AN ACT TO AMEND THE CHARTER OF THE GRADED SCHOOLS OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Tax for graded school.

SECTION 1. That chapter three hundred and fifty-nine of the Private Laws of one thousand nine hundred and five be amended by repealing section three of said act and substituting in lieu thereof, "that a tax of not less than twenty cents and not more than forty-five cents on the one hundred dollars worth of property, and not less than sixty cents and not more than one dollar and thirty-five cents on the poll, shall be annually levied and collected for said graded schools as hereinafter set forth."

Recommendation for election.

SEC. 2. That in section five, line fifteen, following the words "mayor and board of commissioners of North Wilkesboro," shall be inserted the words, "upon the written recommendation of a majority of the board of graded school trustees."

Appointments for vacancies.

SEC. 3. That in section five, line fifteen, the words "but only for the unexpired terms of such members" shall be stricken out and in lieu thereof shall be substituted the following: "but only until the next municipal election, at which time the successors of such members shall be elected."

School tax.

SEC. 4. That the first three lines of section ten through the word "poll" shall be stricken out, and in lieu thereof shall be substituted the following: "That the taxes heretofore named in this act, towit, not less than twenty cents nor more than forty-five cents on the property valuation, and not more than one dollar and thirty-five cents on the poll, by and with the written recommendation of a majority of the board of graded school trustees."

Order and petition for election.

SEC. 5. That at the first regular meeting of the town commissioners after the passage of this act or as soon thereafter as possible, upon a petition of twenty of the voters of the town of North Wilkesboro, the said board of commissioners shall call a special election, under the provisions of the general law providing for special elections, at which election this act shall be submitted to the qualified voters for ratification or rejection, and if a majority of the registered qualified voters shall vote "For Amendment"

Question on ratification of act.

this act shall be in full force and effect, but if a majority of the registered qualified voters shall vote "Against Amendment" this act shall be of no effect: *Provided*, that upon the petition of the board of trustees of the graded school, the town commissioners may call a second election, after due advertisement and in compliance with the general law governing special elections, at which election this act may be resubmitted to the voters of North Wilkesboro for their ratification or rejection: *Provided further*, that in the first herein named election a new registration shall be had in compliance with the laws governing the same.

Effect of election.

Proviso: second election.

Proviso: new registration.

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

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 186.

AN ACT TO AUTHORIZE THE BOARD OF SCHOOL COMMISSIONERS OF TRYON GRADED SCHOOL TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of school commissioners of the Tryon Graded School District as created and established under chapter one hundred and one of the Private Laws of the Legislature of one thousand nine hundred and three of the State of North Carolina is hereby authorized, empowered, and directed to submit to the qualified voters of said school district, at the election to be held in May, one thousand nine hundred and fifteen, for school commissioners, or trustees, for said district, and for municipal officers for the town of Tryon, the question as to whether or not said school district shall issue bonds not exceeding three thousand dollars (\$3,000), the proceeds of which shall be used for the purpose of liquidating present outstanding indebtedness against said district and for the purpose of making improvements on the school building in the way of proper heating, plumbing, and such other improvements to said building and grounds upon which it is situated as in the judgment of the board of school commissioners may be deemed expedient and necessary. Said board of commissioners shall for at least thirty days preceding the election give notice of said election, together with the purposes thereof, by publication in at least one newspaper published in Polk County, and said board of commissioners, if it deems necessary to do so, shall order a new registration of the voters of said district. The regis-

Election ordered on bond issue.

Time for election.

Amount and purpose of issue.

Notice of election.

New registration.

Election officers.

Count and return of votes.	<p>trar and judges of election shall be those appointed to hold the election for school commissioners for said district and for the municipal officers for the town of Tryon, and the vote shall be counted at the close of the polls and returned over the signatures of the registrar and judges of the election to the said board of school commissioners at its first meeting after the holding of said election, at which meeting the said board of commissioners shall tabulate and declare the result of said election, all of which shall be recorded upon the minutes of said board, and no other recording and declaration of such election shall be necessary, and the result thereof, after thirty days from such enrollment, shall not be open to attack, but shall be deemed conclusive evidence of the facts therein recited. Except as otherwise provided herein, said election shall be held and conducted in the same manner as is now provided by law for holding elections for members of the General Assembly: <i>Provided</i>, that if a majority of the qualified voters of said school district shall not vote to issue said bonds at the election so held, the said board of school commissioners shall submit the said question to the qualified voters of said district at any other time or times upon the filing of a petition signed by at least one-fifth of the qualified voters of said district, and the registrar and judges of any such election shall be appointed by the said board of school commissioners. In all other respects such election or elections shall be conducted in the same manner as is provided for the first election under this act.</p>
Canvass and record of returns.	
Law governing election.	
Proviso: further elections.	
Ballots.	<p>SEC. 2. That at said election the ballots shall have written or printed thereon the words "For School Bonds" or "Against School Bonds," and if a majority of the qualified voters of said district shall cast ballots having written or printed thereon the words "For School Bonds," then said board of school commissioners shall have authority to issue the bonds herein provided for, with interest coupons attached, to bear interest at a rate not exceeding six per cent, and shall be in such denominations and be due and payable at such time or times, place or places as the said board of commissioners shall determine, and the interest on said bonds shall be payable annually or semiannually, as said board may determine.</p>
Issue of bonds.	
Interest.	
Denominations.	
Sale below par forbidden.	<p>SEC. 3. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for less than their par value.</p>
Payment of interest.	<p>SEC. 4. The interest on said bonds shall be paid from the funds of said school district, and the said board of school commissioners shall have authority to levy an additional tax on the taxable property in said district, other than that now provided for by law, for the purpose of paying the interest on said bonds and raising a sinking fund to liquidate said bonds, whenever in the judgment of said board it is necessary to do so.</p>
Additional tax.	
Expense of election.	<p>SEC. 5. That all necessary expenses incurred in holding any election under this act shall be paid out of the funds of said school</p>

district when approved by the said board of school commissioners.

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

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 187.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE MORGANTON GRADED SCHOOLS IN BURKE COUNTY TO MORTGAGE OR PLEDGE THE WILSON TATE PROPERTY.

Whereas the trustees of the Morganton Graded School in Burke County were required to incur a debt of two thousand dollars to have the main graded school building finished; and whereas the trustees have no funds on hand for the payment of same and no available means of liquidating the said debt; and whereas the Morganton Building and Loan Association has agreed to loan the said amount upon real estate mortgage only as authorized in the charter of the said association: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the Morganton Graded School in Burke County are hereby authorized and empowered to give and execute a real estate mortgage on that part of the real estate held and owned by the said Morganton Graded School in the town of Morganton known as the Wilson Tate property, to secure a loan of two thousand dollars by the Morganton Building and Loan Association, and which mortgage when so executed shall be a good and valid lien thereon, enforcible under the terms thereof in case of default by sale thereof and conveyance of said real estate and the title thereto by the trustee or mortgagee therein mentioned as in case of mortgages by and between individuals.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 4th day of March, A. D. 1915.

CHAPTER 188.

AN ACT FOR THE RELIEF OF W. W. ASHE, FORMER TREASURER OF THE ANDREWS SCHOOL DISTRICT.

Whereas W. W. Ashe was heretofore duly appointed treasurer of the Andrews School District in Cherokee County; and whereas, while acting at the date of the said appointment there was on deposit in the Bank of Andrews a certain sum of money to the

Preamble. credit of said Andrews School District, which sum had been placed in said bank by his predecessor in office under the direction and with the consent of the board of trustees of said school district; and whereas the said W. W. Ashe, having perfect confidence in the solvency and integrity of said bank, by and with the consent and direction of said board of trustees aforesaid allowed

Preamble. said money to remain upon deposit in said bank; and whereas, on the twenty-sixth day of February, one thousand nine hundred and fourteen, the said Bank of Andrews, without notice to its depositors, closed its doors, and since said date and now is in the hands of a receiver, who has not as yet finally liquidated the business thereof; and whereas it appears that the said W. W. Ashe, acting as treasurer aforesaid, had every reason to believe and did believe that the said Bank of Andrews was a solvent institution, and that in allowing said moneys to remain upon deposit therein he not only acted as any other prudent man would have done, but in accordance to the directions and desires of the trustees of said school district, and it appearing that it is the wish and desire of practically all of the patrons, citizens, and taxpayers of said Andrews School District that the said W. W. Ashe and his sureties be relieved from liability that might arise on account of the failure of said bank: Therefore,

Preamble.

The General Assembly of North Carolina do enact:

Treasurer and sureties released.

SECTION 1. That the said W. W. Ashe, former treasurer of the Andrews School District and his sureties are hereby relieved of any and all claims which the said school district has or might have against them on account of the loss of any part of the fund of said school district arising out of the failure of the Bank of Andrews and of its inability to pay its depositors in full.

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 189.

AN ACT TO AMEND CHAPTER 26, PRIVATE LAWS OF 1905, EXTENDING THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN, AMENDING ITS CHARTER, AND PROVIDING FOR THE ISSUING OF BONDS FOR NECESSARY PUBLIC IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Corporate limits.

SECTION 1. That the corporate limits of the town of Franklin shall be and the same are hereby extended so as to embrace all that territory within a radius of one mile of the present Macon County

courthouse, and that section two, chapter twenty-six of the Private Laws of one thousand nine hundred and five, is hereby repealed and the following inserted in lieu thereof:

"SEC. 2. That the corporate limits of said town of Franklin shall be and embrace all that territory lying in Macon County within a radius of one mile of the present Macon County courthouse." Corporate limits.

And that section three of said chapter twenty-six of the Private Laws of one thousand nine hundred and five be amended by striking out the word "five" in line three thereof and inserting in lieu thereof the word "six": *Provided, however*, that the provisions of this section shall not become effective so as to extend the corporate limits of the town of Franklin until the question of said extension of said corporate limits shall be submitted to all the qualified voters included within said radius of one mile of the present Macon County courthouse, at an election to be held on the second Tuesday in April, one thousand nine hundred and fifteen, at the courthouse in Franklin: *Provided further*, that the present board of aldermen of the town of Franklin shall provide under the law for a new registration of all the voters embraced within the aforesaid territory, and shall conduct and hold said election, provide the necessary books, boxes, and return abstract sheets, of votes cast, and declare the result of said election as provided by law. At said election all qualified voters in the present limits of the town of Franklin, as well as those in the proposed extension, shall have the right to vote, and those favoring the extension of said corporate limits shall vote a ticket upon which shall be written or printed the words "For Extension," and those opposed to the extension of said corporate limits shall vote a ticket upon which shall be written or printed the words "Against Extension"; and if at said election a majority of the qualified voters shall vote "For Extension," then it shall be the duty of the board of aldermen of said town to officially declare the result of said election, and to mark and establish the boundary herein provided, whereupon this section shall become of full force and effect. But if at said election a majority of the qualified voters shall vote "Against Extension," then and in that event this act shall be ineffective and the corporate limits of said town of Franklin shall be and remain as at present. Said election shall be conducted in accordance with the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five in regard to elections in cities and towns as near as practicable. Number of aldermen.

Provido: extension to be ratified by voters.

Date of election.

Provido: new registration.

Qualified voters.

Tickets.

Declaration of result.

Establishment of boundary.

Law governing election.

SEC. 2. That section five, chapter twenty-six of the Private Laws of one thousand nine hundred and five, is hereby amended by inserting at the end of said section five the following: "*Provided further*, that the above proviso shall not apply to the chief of police, marshal, policeman, or other employees or officers elected, Proviso: residence not required of appointive officer.

chosen, or employed by said board of aldermen of said town, but such chief of police, marshal, or policeman of said town, or other officers or employees so chosen, employed, or elected by said board of aldermen, need not have resided in said town for said ninety days, or previous to such election or employment by said board, and need not be a legal voter or resident of the State of North Carolina.

Bond issue authorized.	<p>SEC. 3. That the said board of aldermen of the said town of Franklin shall be and they are hereby authorized, empowered, and directed to issue bonds of their said town to be styled "Public Improvement Bonds of the Town of Franklin" to an amount which in the discretion of said board of aldermen will meet with the necessary public improvements authorized herein, and of such denomination and of such proportion as said board of aldermen shall deem advisable; said bonds to be signed by the said mayor of said town of Franklin and countersigned by the clerk of the said board of aldermen of said town, and to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, at such place or places as the said board of aldermen for the said town of Franklin may determine; that none of said bonds may be disposed of at a less price than their par value, and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best by said board of aldermen of said town to meet the expenditures contemplated by this act and provided for herein. Said bonds shall bear interest from the date of issuing thereof at a rate not to exceed six per cent per annum, with interest coupons attached, payable annually or semiannually as said board may determine, and at such time or times and at such place or places as may be deemed advisable by said board of aldermen: <i>Provided</i>, that the said bonds so issued as provided for herein shall not exceed in the aggregate the sum of thirty thousand dollars.</p>
Designation of bonds. Amount.	
Denomination.	
Authentication.	
Maturity.	
Sale below par forbidden.	
Issue of bonds.	
Interest.	
Proviso: limit of amount.	
Record of bonds.	
Coupons receivable for dues to town.	<p>SEC. 4. That the bonds and their coupons when issued as herein provided shall be numbered and a record shall be kept of all bonds and coupons, showing the number, the amount, and to whom sold, and when due. The interest coupons shall be received in payment of all taxes, fines, assessments, or debts due the said town, and the said bonds shall not be taxed by the said town nor shall they be subject to any town tax.</p>
Exempt from town tax.	
Special tax.	

sonal, and on other subjects of taxation mentioned in the charter of said town, which shall be returned or listed for general taxation in said town to meet said purpose, at all times observing the constitutional equation between the property and polls; and the said taxes shall be collected in the same manner and at the same time as other taxes in said town are collected, and shall be paid over by said tax collector to the treasurer of said town, and the said tax collector and town treasurer shall give justified bonds in sufficient amounts to cover said amount of taxes, both said bonds to be approved by the board of aldermen and to be filed with the clerk of the board of aldermen of said town.

Constitutional equation.
Collection and settlement.

Bonds of tax collector and treasurer.

SEC. 6. That the taxes levied and collected as provided in this act and for the purposes specified herein shall be kept separate and apart from any other taxes of said town, and shall be used only for the purposes for which they were levied and collected: *Provided*, that if the tax levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, then the amount in excess may be applied to the credit of the interest fund for the next succeeding year, or the said board of aldermen may create a sinking fund for the final payment and discharge of said bonds when due by such excess.

Taxes kept separate.

Specific appropriation.

Proviso: application of surplus.

SEC. 7. That the said bonds herein provided for shall be for the following purposes: for the improvement, construction, or extension of streets, sidewalks, bridge, sewers, drains, and water-works within the said limits of the town of Franklin as set out in section one of this act, and for no other purposes; and the said board of aldermen of said town are hereby authorized, empowered, and directed to use, in their discretion, such pro rata portion of the sum or sums realized from the sale of said bonds as the taxable values within the present limits of said town bear to the taxable values of the extended territory included herein, and to apportion the same to the said public improvements in such respective areas according to such ratio or pro rata portion: *Provided*, that neither the polls, real or personal property now outside the corporate limits of the town of Franklin and proposed to be included within said limits as set out in section one of this act, shall ever be taxed to pay any part of the interest or principal of the present indebtedness of the town of Franklin, bonded or otherwise.

Purposes of bond issues.

Apportionment of expenditures.

Proviso: annexed territory not liable for present debt.

SEC. 8. That the provisions of this act shall not apply to or include the bridges across the Tennessee River within the limits of said town, but the said bridges shall be and remain under the care and control of the county of Macon, and the said county of Macon shall, through its proper officers, as provided by law, direct, control, and pay for all maintenance, repair, or construction thereon necessary, and be under the same pains and penalties therefor as now provided by law.

Bridges.

Application of act. SEC. 9. That this act shall apply to the town of Franklin, being and embracing all that territory within a radius of one mile of the present Macon County courthouse, or as the same may at any time hereafter be extended.

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

SEC. 11. That this act shall be in force and effect from and after its ratification, subject to the provisions set out in paragraph one hereof.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 190.

AN ACT TO AMEND CHAPTER 269 OF THE PRIVATE LAWS OF 1911.

The General Assembly of North Carolina do enact:

Bond issue for
Warrenton.

SECTION 1. That the words "fifty thousand dollars" in lines six and seven of section three of chapter two hundred and sixty-nine of the Private Laws of one thousand nine hundred and eleven be stricken out and the words "seventy-five thousand dollars" be inserted in lieu thereof.

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 191.

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

The General Assembly of North Carolina do enact:

Corporate limits.

SECTION 1. That section two of chapter two hundred and sixty-three of the Private Laws of North Carolina, enacted by the General Assembly at its regular session in one thousand nine hundred and thirteen, be and the same is hereby repealed and stricken out and the following substituted in lieu thereof: "That the corporate limits of the said town of Bostic shall be as follows: Beginning on a post, L. L. Moore's corner; thence S. $44\frac{3}{4}$ E. 14-20/100 chains to a stone on the east side of the Bostic and Forest City road; thence N. $62\frac{3}{4}$ E. 18 chains to a stone; thence S. $69\frac{1}{2}$ E. from northeast corner of church; thence N. 10 E. 28-12/100 chains to a stone; thence N. $88\frac{3}{4}$ W. 33 chains to a stone; thence S. $43\frac{1}{2}$ E.

26-63/100 chains to the place of beginning, embracing nearly all of the dwellings, together with the Bostic depot, which were formerly inside of the old corporate limits of Bostic, North Carolina."

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 192.

AN ACT TO INCORPORATE THE ALAMANCE, DURHAM AND ORANGE RAILWAY AND ELECTRIC COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That Junius H. Harden, John M. Cook, C. Brown Cox, and D. M. Teague, and such other person or persons as may be associated with them, their successors and assigns, are hereby created a body corporate under the name of "The Alamance, Durham and Orange Railway and Electric Company," for the purpose hereinafter described, and under the aforesaid name and style shall have perpetual succession, and shall have power to sue and be sued, to plead and be impleaded, 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 all rights, privileges, and franchises herein given.

Incorporators.

Corporate name.

Corporate powers.

SEC. 2. That said company shall have and is hereby given the right and power to locate, construct, equip, maintain, and operate by electric power a railroad or any part thereof upon one or more tracks, standard gauge or otherwise, from a point near to or between the manufacturing villages of Altamahaw and Ossipee, in the county of Alamance, State of North Carolina; thence in a southeasterly direction near to or through the villages of Gleucoe, Carolina, and Hopedale; thence in a continuing southeasterly direction near to or through the city of Burlington and the town of Graham, in the same county and State; thence, still running in a southeasterly direction, near to or through the villages of Swepsonville and Saxapahaw, and in a continuing southeasterly direction to the Orange County line; thence in a northeasterly direction through the townships of Bingham and Chapel Hill, in the county of Orange, near to or through the town of Chapel Hill, in Orange County, North Carolina; thence in a continuing northeasterly direction to the Durham County line and through the townships of Durham County known as Patterson and Durham to and into the city of Durham, North Carolina. And it may also construct, main-

Construction, maintenance, and operation of electric railroad authorized.

Termini and route.

Branch lines.

Dams and like structures.	<p>tain, and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion, and operation of such railroad; and for these purposes it shall have the power to construct dams, culverts, trestles, and bridges over and across streams, valleys, and depressions; and it shall have the right to cross at grade or over or under, to intersect, join, or unite its railway with any other railway now constructed or that may be hereafter constructed in this State, upon the grounds, premises, and rights of way of such other companies at any point on its route, and to build the necessary turnouts, sidings, switches, and other conveniences in furtherance of the objects of its construction; and may, in making any intersection or connection with any other road, have all rights, powers, and privileges conferred upon railroads by chapter sixty-one of Revisal of one thousand nine hundred and five, or any act of the General 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. For the construction of a railway, provided by this act, the company shall have, for the purpose of acquiring lands, easements, or right of way, all the rights, powers, and authority given to railroads under chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof, as fully as if the provisions of said chapter were incorporated in this act.</p> <p>SEC. 3. Said company, its successors or assigns, shall have the exclusive right to carry and transport passengers and freight 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, fix, charge, and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.</p> <p>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. It shall have the right to build, construct, and equip steam- and water-driven electric-power stations for the production of electro-motive force for its own use and for sale to others for power, heating, lighting, and for whatsoever other purposes electric current may be required. It shall have the right to build transmission lines for the distribution of this current through the territory in which it may operate. It shall have the right to install and equip substations as the demands for</p>
Crossing other railways.	
Turnouts and sidings.	
Rights in connecting with or intersecting other roads.	
Stations and schedules.	
Rights in acquiring lands.	
Exclusive right of transportation.	
Use of roads and streets.	
Power stations.	
Transmission lines.	
Substations.	

its current may require. It shall have the right to purchase electric current at one potential and step the same up or down for sale or use at another potential.

Purchase and transfer of current.

SEC. 5. The capital stock of the said 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 to exceed four millions of dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall be made only 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 one thousand two hundred and thirty-five of chapter twenty-one of Revisal of one thousand nine hundred and five for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of the said company, and ten thousand dollars shall be the minimum subscription on which the said company may be organized. The company may receive cash, labor, material, bonds, stock, contracts, real or personal property in payment of subscriptions to its capital stock. A majority of the corporators 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 affairs of said company; and thereupon they shall 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 this company.

Capital stock.

Right to increase.

Shares.

Proviso: procedure for increase.

Stock vote.

Minimum for organization.
Payment of subscriptions.

Organization.

Subscribers not individually liable.

SEC. 6. It shall be lawful for said company to borrow money and issue and sell bonds from time to time for such sums 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 the bonds by mortgage or deed of trust upon all or any portion of its property, real, personal, or mixed; also on all its franchises, contracts, rights, and privileges of every kind; and it may also, as the business of the company may require, sell, lease, or in any manner convey and encumber the same or any part thereof.

Power to borrow money and issue bonds.

Mortgages.

Power of sale or lease.

SEC. 7. The company may connect or unite its lines with those of any other railway company or companies, or consolidate or merge its stock, property, and franchises with and into those of any other railway company or companies incorporated under the laws of this State or any other State 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 united or connecting, merging or consolidating; and the said company may lease or sell any or all of its property, real, personal, or mixed, its contracts and privileges, and its charter rights

Power to consolidate.

Power of lease or sale.

and franchises to any such other company; upon such terms as may be 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 is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, mergers, and changes of name.

Location.

SEC. 8. The board of directors shall, as soon as they deem it practicable, proceed to locate the works of the said company, and they may have one or more locations from time to time, as they may deem expedient; and the construction of some of said works shall be begun within five years after the ratification of this act.

Beginning of construction.

Principal office.

Branch offices.

SEC. 9. That the principal office of said company shall be located in the city of Burlington, North Carolina, and such branch offices as may be desirable for the purposes of the company shall be established at such places as the by-laws of the company 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 convenient to the management of the works.

Removal.

Power to condemn land.

Procedure for condemnation.

SEC. 10. Whenever from any cause the said railway company cannot agree with the owners of the land over which the railway will go for the purchase of the land for the right of way and depot purposes, the said company may proceed to condemn and enter the same in the manner set forth in chapter sixty-one of Revisal of one thousand nine hundred and five and amendments thereto, or may file a petition with 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. The clerk of the Superior Court shall thereupon issue a summons or notice to the owner, returnable to a day certain, after ten days notice; and after a hearing shall, if not sufficient cause is shown against granting the prayer of the petitioner, make an order appointing three disinterested and competent freeholders of the 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 that are likely to accrue to the owner, and likewise shall consider any special benefits thereto; but general benefits pertaining to the public shall not be considered in reduction of the damages. If the petition shall pray for the condemnation of the right of way only, the consideration for damages allowed shall be for the said easement only; but if for depot or building purposes, the consideration or damages shall be

for the fee. The appraisers shall make their report to the clerk of the court within ten days of the time of their meeting on the premises. Said report shall be recorded in the office of the clerk of the Superior Court and also in the office of the register of deeds, after approval by the clerk and the payment of the 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.

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 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 double track at grades; and for depots and warehouses it may condemn not exceeding ten acres in any one place; and in all cases where land or rights of way have been condemned the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disability, and in such case within two years from the removal of such disability.

Limit of power of condemnation.

Time for petition for assessment of damages.

SEC. 12. A part of the railway line of the 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.

Construction and operation of part of road.

SEC. 13. The stockholders of said company, or board of directors under a resolution of the stockholders, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such times and at such places as the stockholders and board of directors may respectively prescribe.

By-laws, rules and regulations.

Meetings of stockholders and directors.

SEC. 14. The board of directors shall be elected at the annual stockholders' meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for one year from and after the date of their election and until their successors are elected and qualified; and they shall choose from their number a president, a vice president, secretary and treasurer; but one or more of the 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 term of office, the said board shall choose his successor for the unexpired term.

Election and term of directors.

Election of other officers.

Vacancies.

SEC. 15. This act shall be deemed and taken to be a public act, and a copy of the by-laws or regulations of the said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Act deemed public.

Copies of by-laws and regulations received in evidence.

SEC. 16. That any county, township, city, or town along or near the line of railway of the said company may subscribe to the

Counties, townships, and municipalities may subscribe for stock and pay in bonds.

capital stock of the said company and may issue its municipal bonds to pay for said stock in the following manner: Upon presentation of a writing, signed by not less than fifty freeholders and resident taxpayers of the county, township, city, or town, to the board of county commissioners of said county or to the proper authorities of said city or town, 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 the said company, and to issue the bonds of said county, township, city, or town to pay for said stock, 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 of the said company and issuing the bonds of said municipality to pay for same the amount specified in the 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 provided for the election of county officers by the general election laws of the State of North Carolina. For the purposes of this election a new registration shall be ordered, and registrars and poll-holders appointed at the time of ordering said election. Such election shall be held after thirty days notice thereof shall have been given, specifying the amount of the proposed subscription to the stock of the said company, the amount of the bonds of the said municipality to pay for the same, with the rate of interest and date of maturity of the said bonds, 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 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 proper authorities of said city or town shall immediately make such subscriptions, and shall issue coupon bonds of said county, township, city, or town to the amount of said subscription, in order to pay the same; and the bonds shall indicate on 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.

SEC. 18. The county authorities in any county voting for subscription, or in which there is a township voting for subscription,

Petition for election.

Order for election.

Ballots.

Law governing election.

New registration.

Notice of election.

Returns.

Effect of election.

Denominations of bonds.

Maturity.

Interest.

Special taxes.

and the proper authorities of any city or town voting for subscription, who are legally empowered to levy taxes, in order to provide for the 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; and all taxes assessed against and collected from the said railway company shall be assessed and collected upon a valuation of its property in each of the several counties, townships, cities, and towns through which its lines may run, which several counties, townships, cities, or towns have voted for subscription and have issued bonds therefor; said taxes so levied and collected shall belong to the county, township, city, or town so issuing bonds until the bonds voted by each shall have been fully paid, both principal and interest, and shall have been retired. The sinking fund shall be invested as may be directed by the board of commissioners of each said county, or by the proper authority of each such city or town voting bonds.

SEC. 19. It shall be lawful for the said company chartered by this act to issue coupon bonds in such denominations, and running for such a time, and bearing such a rate of interest payable at such time and place, as the board of directors may direct, to be sold or hypothecated by direction of the said company; and to secure the payment of the same the company is authorized to execute a mortgage or deed of trust to such person, persons, or corporation as the company may select on all real and personal estate of the said company, together with all its franchises and privileges; or, in case the road may be divided and built in sections, which the company is authorized to do, such mortgage 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 provided to be executed in this section may be made in Alamance County, and upon registration in said county it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were recorded and registered in each and every county through which the road passes.

SEC. 20. That the board of directors of the penitentiary shall, on the application of the president of the said company, approved

Collection and settlement of tax.

Taxes kept separate.

Specific appropriation. Taxes on railroad to inure on subscriptions.

Investment of sinking fund.

Power of company to issue bonds.

Mortgage.

Registration of mortgage.

Lease of convicts.

by the Governor, turn over to the company convicts not otherwise appropriated, not less than fifty nor more than one hundred in number, to be worked in the construction of the said road under the charge of sufficient guards and superintendent, to be selected by the board of directors of the said North Carolina State Prison, or penitentiary, and subject to the said board of directors and to the prison rules and regulations adopted and prescribed by said board, as far as practicable; the said convicts to be furnished with necessary quarters and tools and implements with which to work on said railway, and be fed, clothed, and maintained by the said board of directors of the said State Prison until the grading of the said railway 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 the North Carolina State Prison; and the State Prison Board shall fix a fair value for the work done, and whenever and as often as so much as one thousand dollars shall have been expended or earned by the said 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 issue and deliver to the said board of directors a certificate for ten shares of the capital stock of the said company of the par value of one hundred dollars each, made out in the name of the State of North Carolina, which shall become thereby 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 a proxy to be named or appointed by the Governor of the State of North Carolina: *Provided*, that at the completion a fractional part of one thousand dollars shall be found to have been expended by the said board of directors of the State Prison, after the issue of the last certificate for ten shares of the stock, a corresponding amount of the capital stock at its par value shall be issued and delivered as aforesaid: *Provided further*, that upon delivery of said certificate of stock 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.

Payment in stock of company.

Rights of State as stockholder.

Proviso: proportional issue of stock.

Proviso: credit to State's prison.

SEC. 21. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 22. This act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 193.

AN ACT TO ALLOW THE TRUSTEES OF CLAYTON GRADED SCHOOL DISTRICT TO ISSUE BONDS TO COMPLETE SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of raising money to complete and equip the school building for the Clayton Graded School District the board of trustees of Clayton Graded School District is hereby authorized and empowered to issue bonds to an amount not exceeding ten thousand dollars of thirty-year coupon bonds, bearing interest not exceeding six per cent per annum, interest payable semiannually on the first day of January and July of each year, said bonds and interest coupons payable at the Hanover National Bank of New York City. Said bonds shall be signed by the president and attested by the secretary, and the corporate seal of said Clayton Graded School thereunto attached, and the coupons on and attached to said bonds shall bear the printed facsimile of the signature of the president of said board of trustees.

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 other than mentioned in this act. No duty shall be imposed upon the purchasers of said bonds to see how the proceeds of said bonds by them purchased shall be used. Said bonds shall be exempt from all taxation, general and special, for county and municipal purposes.

SEC. 3. That for the purpose of paying the interest on said bonds and providing a sinking fund for their retirement at maturity, the board of county commissioners of the county of Johnston is hereby authorized and required to annually levy upon all taxable property within said district a special tax sufficient to pay the accruing interest upon said bonds and provide a sinking fund for their retirement at maturity, which levy for sinking fund shall in each year be not less than one-thirtieth of the amount of bonds which shall be issued hereunder; the taxes herein provided for shall be extended as other taxes are extended and collected by the sheriff of Johnston County and paid to the treasurer of Clayton 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, and shall designate the same as "One Thousand Nine Hundred and Fifteen Bond Funds"; from said funds or from other funds of said district said treasurer shall pay the interest upon said bonds as the same shall accrue, and that part not necessary for the payment of such interest shall be by him set aside to the sinking fund, which shall from time to time be turned over by him to the treasurer of the sinking fund of Clayton Graded

Purpose of bond issue.

Bond issue authorized. Amount and maturity. Interest.

Place of payment. Authentication.

Sale below par forbidden. Specific appropriation. No duty on purchasers.

Bonds exempt from county and town tax.

Special tax.

Minimum.

Levy, collection, and settlement.

Taxes kept separate.

Designation of fund. Payment of interest.

Sinking fund.

School District hereinafter provided for, whose receipt shall relieve the treasurer of Clayton Graded School District of all further responsibility regarding the same.

Treasurer of school district. SEC. 4. That upon the ratification of this act by the electors of Clayton Graded School District the treasurer of said Clayton Graded School District shall assume the duties enumerated and set forth in section four, chapter three hundred and sixty-one of the Private Laws of North Carolina, session nineteen hundred and thirteen.

Act submitted to voters of district. SEC. 5. That before the bonds herein provided for shall be issued this act shall be submitted to the qualified voters of said Clayton Graded School District for their approval or rejection by the board of county commissioners of Johnston County at an election to be held in said district at such time as may be designated in a petition signed by the board of trustees of said district; a notice of said election shall be published for thirty days prior to date of holding same. Each voter who shall be in favor of issuing said bonds and paying and collecting the tax herein provided for shall cast a written or printed ballot containing the words "For Bonds."

Petition for election. Notice of election. Each voter who shall be opposed to issuing said bonds, levying and collecting said tax herein provided for, shall cast a written or printed ballot 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 said Clayton 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 said register of deeds of Johnston County as by law required in cases of special elections.

Ballots. Count and record of result. SEC. 6. That said election shall be conducted under the same rules, regulations, and penalties as are provided by law for the election of members of the General Assembly, except that the registrar and poll-holders 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 Clayton Graded School District, and only such persons who register under the provisions of this act shall be entitled to vote in said election.

Law governing election. Election officers. SEC. 7. If at the election herein provided for a majority of the qualified voters shall vote "For Bonds," then the board of trustees of Clayton Graded School District shall proceed, whenever they shall deem it necessary, to issue and sell all the bonds provided for in this act, or so many thereof as may be necessary for completing and equipping the aforesaid school building, purchasing lands for said school, and no more, in such denominations as may

New registration. Issue and sale of bonds.

be fixed by said board, in the discretion and judgment of said board of trustees for the purposes aforesaid.

SEC. 8. That in the event said bonds are issued as provided herein, the proceeds derived from the sale thereof shall be used by the trustees aforesaid for the purpose of completing the school building and equipping said building in said district and purchasing lands for said school.

Use of proceeds of bonds.

SEC. 9. Should a majority of the qualified voters in any election held under the provisions of this act be "Against Bonds," then in that event no bonds shall be issued thereunder: *Provided*, that if such election shall be "Against Bonds" it shall not exhaust the powers of said board of county commissioners, upon petition of the trustees aforesaid, to order and conduct a second election at any time within two years on the same proposition; and if at said subsequent election a majority of the qualified voters shall vote "For Bonds," then and in that event said bonds may be issued and said tax levied and collected as herein provided for as if no prior election had been held.

Bonds not issued.

Proviso; subsequent elections.

SEC. 10. That the tax herein provided for shall in no wise affect the special tax levied for maintaining said school or schools or the special tax for the bond issue of one thousand nine hundred and thirteen.

Special taxes not affected.

SEC. 11. 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. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 194.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section nine of chapter three hundred and fifty-two of the Private Acts of the session of one thousand nine hundred and thirteen be and the same is hereby amended to read as follows: "A mayor and six commissioners shall be elected on the first Tuesday after the first Monday in May, one thousand nine hundred and fifteen, the mayor and three commissioners for a term of two years and three commissioners for a term of four years; and biennially thereafter there shall be elected a mayor and three commissioners, the mayor for a term of two years and the commissioners for a term of four years. All vacancies which

Election of mayor and commissioners.

Term of office.

Vacancies.

may occur in the office of mayor or commissioners shall be filled until the next regular election by election by the commissioners then in office."

Petition for paving streets.

Order for paving.

Apportionment of expense.

Lien on property.

Payment in installments.

Proviso: proposed paving to connect with present paving.

Proviso: bonds not charged on debt limit.

Paving at expense of city.

Improvements charged on railway or street railway tracks.

SEC. 2. That section thirteen of chapter three hundred and fifty-two of the Private Acts of the session of one thousand nine hundred and thirteen be and the same is hereby amended to read as follows: "Whenever a majority of the freeholders in any section or block of the city shall petition the commissioners in writing to pave the street along and abutting on their property, the commissioners may, if they deem it advisable, grant such petition and order such paving to be made and charge the costs thereof according to the proportion lying along their respective properties, as in the case of sidewalks mentioned in section twelve of chapter three hundred and fifty-two of Private Acts of one thousand nine hundred and thirteen, one-third to be paid for by the landowners on one side of the street, one-third by the landowners on the other side of the street, and one-third by the city; and the amount to be paid by each landowner shall constitute a lien on his said property and also a personal obligation until paid, as in the case of sidewalks; and the city may by proper ordinance or resolution prescribe at what times and in what installments such amounts shall be paid: *Provided*, that no such petitions shall be granted except where the proposed paving is to be in continuation of or adjoining permanent paving already made and in use and operation; and *Provided*, that in case the city shall issue bonds or other obligations, which the said city shall have the right to do, in order to meet the expense of such paving, such bonds or obligations shall not be considered to be within the limitations of or affected by the provisions of section two thousand nine hundred and seventy-seven of the Revisal of one thousand nine hundred and five of North Carolina, and nothing in this section shall prevent the city from paving any street at its own expense altogether in the general authority of law."

SEC. 3. That section fourteen of chapter three hundred and fifty-two of the Private Acts of the session of one thousand nine hundred and thirteen be and the same is hereby amended to read as follows: "Whenever the city shall order improvements by way of filling, grading, paving, or otherwise improving any street, avenue, or alley on which there are railways or street railway tracks, it shall, upon due notice to the owner or operators thereof or other agent qualified to be served with a summons to his principal, require them to fill, grade, or pave that portion of the street, avenue, or alley lying between the said tracks and one foot immediately outside of each rail with such material and in such manner as may have been provided for the improvement of the portion of the said street, avenue, or alley adjacent and contiguous to said tracks; and if the owners or operators of said

tracks shall fail, neglect, or refuse to make such improvements, the city may make the same and charge the costs thereof to the said owners or operators, and such costs shall constitute a debt to the city and a lien on the roadbed and franchise of the said owner, and it may be enforced and collected by appropriate action; and the costs of that portion of said street so required to be filled, graded, or paved by said railway owners or operators shall be deducted from the one-third of the total cost of the paving of said street which otherwise would be charged against the city; and no part of said deduction shall be a credit on the two-thirds of the costs of such paving chargeable, as hereinbefore provided, to the abutting landowners. The commissioners shall have the power by ordinance to regulate the speed of all engines, trains, or cars running or operating within or through the city limits, and to require, under suitable pains, penalties, and punishments, all corporations or persons owning or operating the same to keep all crossings in a good state of repair from curb to curb where its tracks cross any street, avenue, or alley, and to keep the same in conformity with the grade of such street, avenue, or alley, and to make and maintain an adequate system of drainage at all such crossings."

Lien on roadbed and franchise.

Speed regulations.

Crossings.

SEC. 4. That section seventeen of chapter three hundred and fifty-two of the Private Acts of the session of one thousand nine hundred and thirteen be and the same is hereby amended to read as follows: "The city is authorized and empowered to acquire, own, lease, operate, and control a system of water-works and sewerage adequate to the use of its citizens and the public welfare, and to make ordinances regulating the same and use thereof, and to make reasonable charges for the use and consumption of water and for making sewerage and water connections."

Water-works and sewer systems.

SEC. 5. That section nineteen of chapter three hundred and fifty-two of the Private Acts of the session of one thousand nine hundred and thirteen be and the same is hereby amended to read as follows: "The city is authorized and empowered to own, equip, and operate its own street car system and lighting and heating systems; but shall make no expenditures for the purchase or construction of any such systems until approved by the majority of the qualified voters at a special election held for that purpose. The commissioners may, if they deem it advisable, levy a tax not to exceed one-half of one mill on the dollar on all the taxable property in said city for the purpose of advertising said city and its immediate environs: *Provided, however,* that the fund so raised for advertising shall be spent under the direction and supervision of the said board of commissioners or a suitable and competent person designated by said board of commissioners to supervise and direct the expenditures of said advertising fund, and the person so authorized by said board of commissioners to direct

Street car, lighting, and heating systems.

Approval of qualified voters.

Tax for advertising.

Proviso: expenditure.

the expenditure of such fund shall be *ex officio* the chairman of any committee which may be organized to coöperate and collaborate with said commissioners in the work of directing and publishing any advertising matter issued to exploit the advantages offered by said city and its immediate environs."

SEC. 6. That section twenty-five of chapter three hundred and fifty-two of the Private Acts of the session of one thousand nine hundred and thirteen be and the same is hereby amended to read as follows: "The commissioners may, if they deem it advisable, after the first Tuesday in May, one thousand nine hundred and fifteen, elect or employ a competent person for such time, and not to exceed two years, as they may deem proper, who shall be known as the business manager, who shall be required to devote his whole time to the affairs of his office or employment and who shall not be removed from his office or employment except for misconduct in office or good cause shown; and in case the commissioners elect or employ such business manager, said manager when elected or employed shall make all contracts for the purchase of supplies or material for the use of the city, subject to the approval of the board of commissioners, or such committee as they shall appoint, and shall employ or hire all street hands and laborers or engineers, or surveyors authorized by the commissioners to be employed or hired, and shall contract with them as to their compensation, subject to the approval of the commissioners or committee as above set forth; the business manager shall be *ex officio* tax collector and tax assessor, and shall be required to do and perform all such other duties as the commissioners may prescribe. The salary or compensation of the business manager shall be at the rate of not less than one thousand two hundred dollars nor more than three thousand dollars per annum, and shall be payable at such times and in such installments as the commissioners may prescribe when electing or employing him. The commissioners shall require of the business manager that he shall from time to time, as they shall prescribe, make full reports to the board of the affairs of his office or employment, and he shall be required to give a good and sufficient bond, payable to the city, for the faithful performance of the duties of his office. If the commissioners shall not deem it advisable to elect or employ a business manager, they shall elect a tax collector for the city of Hendersonville at their first regular meeting after their election and their induction into office. Said tax collector, when elected as hereinbefore provided, shall receive a salary for his services as tax collector of not more than twelve hundred dollars (\$1,200) per annum, payable at such times and in such amounts as the commissioners shall prescribe. The term of office for which the said tax collector shall be elected shall be two years, and he may not be removed except for misfeasance or

Employment of
business manager.

Removable only
for cause.
Powers of manager.

Tax collector and
assessor.

Salary.

Reports and bond.

Election of tax
collector.

Salary of tax
collector.

Term of office.

malfeasance in office. He shall be required to give a good and sufficient bond, payable to the city, for the faithful performance of the duties of his office." Bond.

SEC. 7. That section fifty of chapter three hundred and fifty-two of the Private Acts of the session of one thousand nine hundred and thirteen be and the same is hereby amended to read as follows: "The commissioners may elect or employ an efficient health officer, prescribe his duties, fix his compensation, and delegate to him the authority they deem proper: *Provided*, such health officer shall be a practicing physician."

Health officer.

Proviso; practicing physician.

SEC. 8. That all laws and clauses of laws, so far as they are in conflict with this act, are hereby repealed.

SEC. 9. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 195.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF FORRESTVILLE, IN THE COUNTY OF WAKE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-eight of the Private Laws of one thousand eight hundred and ninety-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 4th day of March, A. D. 1915.

CHAPTER 196.

AN ACT AUTHORIZING THE BOARD OF GRADED SCHOOL TRUSTEES OF LAURINBURG TO PROVIDE A SCHOOL FOR FULL TERM EACH YEAR.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of graded school trustees of Laurinburg, as established by chapter fifty-three, Private Laws of one thousand nine hundred and nine, be empowered in its discretion to apply to the board of commissioners of the town of Laurinburg for an order for an election within said graded school district, at which election there shall be a new registration of voters, and it shall be the duty of said board of commissioners of said town of Laurinburg to order such election to be held in not less than

Application for election.

New registration.

Order for election.

Day for election.	thirty days after making the order and not more than sixty days after making the said order, the same to be held on a day on which there is no other regular or special election to be held in
Tax levy voted on.	said district for any purpose, at which election the question shall be submitted as to giving the tax-levying power in said district authority to levy an additional tax of six and two-thirds cents on the hundred dollars in value of property and twenty cents on each taxable poll subject to taxation in said district, and if said election be declared carried by a majority vote of all the qualified voters at said election it shall thereafter be the duty of the board of commissioners or other tax-levying power exercising the power of levy and collection of the school tax provided for in the original act as aforesaid, at the same time as the other tax is levied in said school district for school purposes, to levy an additional tax of six and two-thirds cents on the hundred dollars and twenty cents on the taxable poll in said graded school district, to be collected at such time and in like manner as other taxes are collected for said schools, which taxes shall be used in conducting the said graded schools in said graded school district.
Levy of tax.	
Rate.	
Collection.	
Use of tax.	
Law governing election.	SEC. 2. The election provided for in section one of this act shall be held under the general authority of the town of Laurinburg for holding municipal elections except as herein otherwise provided, and shall be held at the courthouse in the town of Laurinburg, at which election the voting shall be by printed or written ballot, or partly printed and partly written, and those favoring the levy and collection of the taxes provided for in section one hereof shall vote a printed or written or partly printed and partly written ballot on which shall appear the words "For Special Tax," and those opposing the levying and collection of said taxes shall cast a ballot, written or printed, or partly written and partly printed, on which shall appear the words "Against Special Tax"; and if a majority of the qualified voters of said graded school district shall appear to have cast a majority of ballots "For Special Tax," the same shall be certified to by the judges of said election, and thereafter at the time of levying the other taxes for special school purposes in said graded school district the board of commissioners shall levy, in addition to the taxes otherwise authorized by law, the sum of six and two-thirds cents on the hundred dollars worth of taxable property and twenty cents on each taxable poll in said graded school district, and the same shall be levied and collected as other taxes for said schools, and shall be used in conducting schools for said graded school district by the board of graded school trustees of Laurinburg, as are other taxes for that purpose.
Polling place.	
Ballots.	
Certificate of result.	
Commissioners to levy tax.	
Use of tax.	
Subsequent election.	SEC. 3. In the event that a majority of the qualified voters in said graded school district shall not cast ballots on which shall appear the words "For Special Tax," and the election shall be declared carried "Against Special Tax," it shall be lawful for

the board of graded school trustees of Laurinburg, at any time thereafter after six months has elapsed, to ask for another election for the purposes herein set out in this act, and it shall be the duty of the board of commissioners of said town of Laurinburg to order another election in like manner as the preceding one and submit the same question as formerly submitted, and under same rules, regulations, and procedure as provided hereinbefore, and the result to be declared as provided hereinbefore; and if said second election shall result in a majority vote of all the qualified voters of said graded school district being cast "For Special Tax," said tax shall be levied and collected as herein provided for.

SEC. 4. That all laws and clauses of laws in conflict with this act are repealed in so far as same conflict herewith.

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 197.

AN ACT TO AMEND LICENSE SECTION 75, SUBSECTIONS 22 AND 23 OF THE CODE OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two, section seventy-five, subsection twenty-two, of the Private Laws of the State of North Carolina, session one thousand nine hundred and eleven, be and the same is hereby amended by striking out the words "fifty dollars" after the words "not exceeding" in said subsection twenty-two, and inserting in lieu thereof the words "the amount charged by the State."

Picture shows.

SEC. 2. That chapter two, section seventy-five, subsection twenty-three, of the Private Laws of the State of North Carolina, session one thousand nine hundred and eleven, be and the same is hereby amended by striking out the words "one hundred dollars" after the words "not exceeding" in said subsection twenty-three, and inserting in lieu thereof the words "the amount charged by the State."

Picture shows and vaudeville.

SEC. 3. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed, in so far as the same conflict with this act.

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

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 198.

AN ACT TO PROVIDE FOR PUBLIC IMPROVEMENTS IN THE TOWN OF LUMBERTON; TO ALLOW THE BOARD OF COMMISSIONERS TO ISSUE BONDS FOR SUCH IMPROVEMENTS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Districts or sections for permanent improvement.	SECTION 1. That the board of commissioners of the town of Lumberton 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 on the following
Streets designated.	streets and sidewalks in the town of Lumberton, towit: On Water Street from the right of way of the Seaboard Air Line Railroad to Tenth Street; on Elm Street from Sixth Street to Nineteenth Street; on Chestnut Street from Sixth Street to Nineteenth Street; on Walnut Street from the town's commons to Nineteenth Street; on Pine Street from the town's commons to Nineteenth Street; on Cedar Street from the town's commons to Nineteenth Street, and all cross streets connecting the aforementioned streets, and of equalizing the assessment on real estate to pay the cost of such improvement, as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this act for street and sidewalk improvement, the
Assessment of entire cost on abutting property.	board of commissioners shall have power and authority to pass ordinances assessing the entire cost of paving, repaving or otherwise improving 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, repaved, or otherwise improved, 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
Payment incumbent on owners.	amount so assessed for such improvement, and such cost and charges shall be a lien on all such abutting property from the commencement of the work as provided for in this act: <i>Provided</i> , that the board of commissioners shall not order such improvement
Lien on property.	district or section to be laid out until and unless persons owning as much as two-thirds ($\frac{2}{3}$) of the land abutting on such street or sidewalk or portion thereof proposed to be improved shall in writing request said board to make such improvement: and <i>Provided further</i> , that the cost of such improvement shall be financed by the issue of bonds as hereinafter provided.
Proviso: petition for improvement.	SEC. 2. That in order to equalize the assessments on real estate for the purposes described herein, the board of commissioners 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
Improvements financed by bond issues.	
Cost estimated and prorated.	

prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge to and assess upon each side of the street upon which said work is to be done its pro rata share of the entire cost of all such improvements as may be made under the provisions of this act: *Provided*, 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 set out in this act unjust to any abutting property owner, then in that case the board of commissioners are authorized to divide such district into subdivisions and to apply the rule of equalization of assessments prescribed herein to such subdivisions, instead of to the entire district or section; and the said 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.

Proviso: subdivisions.

Bond issue and special tax.

SEC. 3. That the board of commissioners shall cause a written notice to be served on all property owners affected by improvements to abutting real property, as elsewhere provided in this chapter, at least ten days before the assessments as provided for in this chapter are made. The said notice shall command the property owner 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 town of Lumberton or any other proper officer. In the event the owner of any such lot or lots herein referred to 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 Robeson 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 Robeson County, North Carolina, by serving upon said town notice in writing of his intention so to do, and specifying in said notice the grounds of his objections to said findings, and by filing, within the time prescribed for taking appeals, in the office of the clerk of the Superior Court of Robeson 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 town all such costs and damages as it may sustain by reason of said appeal.

Notice of assessments.

Service.

Persons under disability.

Time for filing objections.

Appeal.

Bond on appeal.

Case on appeal.

In such cases of appeal from the board of commissioners the ordinance laying out the specially improved district, 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 town clerk and treasurer to the clerk of 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 the issues, or any of them, be found in favor of the town of Lumberton to any amount, then judgment shall be rendered in favor of said town for such amount; and the amounts so found, together with the cost of such 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 findings of said board of commissioners, and shall be collected by the tax collector of the town of Lumberton as elsewhere in this act provided.

Case docketed.
Pleadings.

Judgment for town.

Judgment a lien on property.

Street improvement notice.

SEC. 4. 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 commissioners, and after the contract is let for any such work or improvement, the board of commissioners may cause a notice to be published once a week for two weeks in some newspaper published in the town of Lumberton 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 on what streets and sidewalks), 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 town clerk and treasurer. 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 town clerk and treasurer within the time specified in said notice a written notice that they elect to pay the special assessments on their property, describing the same."

Issue of bonds.

SEC. 5. After the expiration of the time fixed for filing notice of the election to pay the special assessment as provided for in the preceding section, the board of commissioners 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," and shall comprise ten equal series; each series shall consist of a like number of bonds, and shall bear interest not to exceed six per centum

Amount.

Entitlement.

Series of bonds.

Interest.

per annum; and shall be sold at not less than par, and shall be signed by the mayor and attested by the town clerk and treasurer, and shall contain such recitals as 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 semiannually, and each installment of interest shall be represented by corresponding coupons; the respective series of 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 town clerk and 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 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 said tax shall be treated in all respects as any other town 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; and in case the owner of the property refuses to pay the said special assessment, then the property shall be sold in the same manner as real estate is sold by law for the collection of taxes thereon.

Sale below par
forbidden.
Authentication.
Recitals.
Sale.

Series payable
annually.
Maturity of last
series.

Payments to con-
tractor.

Levy for payment
of interest and
bonds.

Collection and lien
of tax.

SEC. 6. That all funds derived from assessments hereafter levied by the board of commissioners of the town of Lumberton upon private property on account of the improvement of the streets upon which said property abuts shall, when collected and received by the town of Lumberton, 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 town, and a separate record thereof shall be kept by the town clerk and treasurer, and said funds and every part thereof shall be applied by the said board of commissioners exclusively to the grading, paving, macadamizing, or otherwise improving the streets of said town herein referred to, according to the true intent and meaning thereof.

Special fund.

Designation of
fund.
Funds kept
separate.

Separate record.
Specific appropri-
ation.

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 and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 199.

AN ACT TO AMEND CHAPTER 232 OF PRIVATE LAWS OF SESSION 1913, ENTITLED "AN ACT TO AMEND CHAPTER 165 OF PRIVATE LAWS OF 1905, AND CHAPTER 485 OF PRIVATE LAWS 1907, AND CHAPTER 100 OF PRIVATE LAWS OF 1909, RELATING TO THE BOARD OF ALDERMEN AND BOARD OF INTERNAL IMPROVEMENTS OF THE TOWN OF MARSHALL, AND CHAPTER 91 OF PRIVATE LAWS OF 1909, AND CHAPTER 485 OF PRIVATE LAWS OF 1907, RELATING TO THE BUILDING COMMITTEE OF THE TOWN OF MARSHALL."

The General Assembly of North Carolina do enact:

SECTION 1. That section eight of chapter two hundred and thirty-two of Private Laws of nineteen hundred and thirteen be and the same is hereby amended by adding at the end of said section eight the following: "That the mayor of said town of Marshall is hereby authorized, empowered, and directed to make settlement with the board of internal improvements of the town of Marshall, or with the remaining members of said board, who represent the board, and receive from them all the effects, if any, which they may have on hand, allowing them to retain out of any moneys in their hands a sufficient amount to pay to the members or any member of the board of internal improvements for services rendered the town in their official capacity while acting as members of said board: *Provided*, that the members of the said board of internal improvements, and the ex-members of said board shall be allowed to charge for their services not exceeding the sum of one dollar each for each meeting of the board held and of which there is a record of said meeting during the time the said member or members were serving on said board of internal improvements: *Provided further*, that the amount due any member of said board shall not be a debt against the town of Marshall except so far as there are funds in the hands of the remaining members available to pay for said services: *Provided further*, that the sum total of the pay of all the members shall not exceed two hundred dollars: *Provided further*, that any officer of said board that has been remunerated through his office shall not participate in said funds: *Provided further*, that the remaining and now existing members of the board of internal improvements are authorized and empowered to make collection of any debts due to the board of internal improvements either by way of assessments against abutting property owners on the streets heretofore improved, and assessed against said property owners, at any time previous to the settlement to be made between

Mayor to make settlement.

Proviso: charge by members for services.

Proviso: obligation of debt.

Proviso: limit of payment.
Proviso: officer remunerated through office.
Proviso: collection of debts due board.

the mayor and the board of internal improvements: *Provided further*, that it shall be the duty of the remaining members of the board of internal improvements to report in writing to the said mayor of the town of Marshall at the time of settlement between the said mayor and the now existing members of the board of internal improvements the amount of any unpaid assessment against any abutting property owner, with the name of the property owner and description of property, and also any debt uncollected by the said improvement board due the said board from any source: *Provided further*, that the mayor of said town of Marshall is hereby authorized and empowered to proceed, after the above-mentioned settlement, to the collection of any unpaid assessments against the said abutting property owners as aforesaid, and the collection of any debt that may be due said board under the laws and remedies prescribed for the collection of assessments, etc., and the money so collected, if any, shall be turned into the general road fund of the town: *Provided further*, that it shall be the duty of the said mayor to call a meeting of the members of the said board of internal improvements within thirty days after the ratification of this act and make settlement as above provided for: *Provided further*, that when settlement has been made between the mayor and the board of internal improvements, as specified, the board of internal improvements shall cease to exist, and all the duties and effects of the board of internal improvements shall be vested in the board of aldermen and mayor of the said town of Marshall.”

SEC. 2. That paragraph twenty-one of chapter two hundred and thirty-two, Private Laws, regular session nineteen hundred and thirteen, be amended by adding at the end of said section twenty-one the following: “That the board of aldermen of the town of Marshall is hereby authorized, empowered, and directed to appoint some discreet business man of the town of Marshall as agent of said board, with authority and power to execute and perform any duty of the board of aldermen as prescribed in this chapter, or any other laws relating to the town of Marshall in regard to the sanitary condition of the town, improvement and maintenance of the streets and roads, preserving and taking care of the property of the town, and any other duty that the board may desire to assign, except the power to make laws and pass on things of that nature: *Provided*, that said appointment shall not relieve the board from responsibility of seeing that those duties are performed; and it shall be the duty of the agent so appointed to enter upon the discharge of his duties and do and perform such duties as are prescribed in this section, and such duties as are delegated to him by the board of aldermen, and make his report in writing to the board of aldermen at each monthly meeting, with an itemized statement of all debts and liabilities incurred by him for the

Proviso: report of unpaid assessments.

Other debts.

Proviso: collection of unpaid assessments.

Collection of other debts.

Collections to road fund.
Proviso: meeting of board for settlement.

Proviso: board to cease to exist.

Duties and effects vested.

Appointment of agent.

Powers delegated to agent.

Proviso: responsibility of board.

Duty of agent.

Monthly reports.

Direction of improvements.	improvement and maintenance of the streets, roads, and sidewalks of the town, and for the keeping in repair and care of any property that may belong to the town; and he shall have full power and authority to direct the free labor of the town in the improvement and maintenance of the streets and roads, and may have general supervision over all improvements, maintenance, and other work for the betterment and the care of the affairs of said town of Marshall. The said agent so appointed shall have the right to furnish any materials that he may have on hand necessary for carrying out the provisions of this act, but the price and charges for same shall be passed upon by the board of aldermen, audited and paid for as other expenditures of the town are paid for.
Material furnished.	That the said agent, when appointed, shall have right to employ labor, appoint suboverseers, and purchase material to carry on improvements, repair, or maintenance work, and make his report to the board of aldermen at their regular meetings, when the same shall be audited and declared paid: <i>Provided</i> , that anything furnished by the said agent shall be valued and priced by the said board of aldermen: <i>Provided, however</i> , that upon a petition of ten reputable citizens of the said town of Marshall that any agent, so appointed as above described, is failing and neglecting to discharge the duties assigned to him by the said board, the said board of aldermen shall proceed at the next regular meeting of said board to investigate said charges so made, and if the charges are sustained, it shall be the duty of the said board to discharge the said agent and appoint another: <i>Provided further</i> , that it shall be the duty of the said board of aldermen to keep an agent employed and to pay him a reasonable compensation for his services monthly."
Price passed upon by aldermen.	
Further powers.	
Reports.	
Proviso: price of articles furnished by agent.	
Proviso: petition for discharge of agent.	
Hearing and order.	
Proviso: aldermen to employ and pay agent.	
Street to be opened.	SEC. 3. The board of aldermen of the town of Marshall is hereby authorized and empowered and directed, and it shall be its duty, within sixty days from the ratification of this act to lay out and open up a street in the town of Marshall beginning at the alley at the county jail and run parallel with rock wall as near as may be practicable, dividing the territory that lies between the main street and the rock wall and the alley at the jail and Bridge Street to the best interest of the town, and intersect said street with Bridge Street, and said street shall be of such width as the said board may deem best, but not less than twenty feet nor more than thirty feet wide, exclusive of sidewalks of not less than five feet in width.
Beginning and route.	SEC. 4. When said street provided for in section three of this act is so laid off and opened to travel, it shall be the duty of said board of aldermen to construct and improve said street from time to time as fast as practicable and feasible with funds available for such purposes.
Width of street and sidewalks.	SEC. 5. Said street shall be laid off under the rules and regulations prescribed for laying out streets and roads in the town of
Construction and improvement of street.	
Rules for laying off street and assessment of damage.	

Marshall, and damages and benefits assessed where requested by the property owners as is provided by law. But the question of damages and benefits shall not interfere with the board laying out and opening up said street, and the said board shall have the right to enter upon the premises over which the street passes and lay out and open up said street as aforesaid.

SEC. 6. The board of aldermen of the town of Marshall is hereby authorized and empowered to dispose of any machinery or road-constructing tools that it possesses whenever it deems it to the best interest of the town, provided a fair and reasonable price can be obtained for such machinery; and the board is hereby authorized and empowered to lease or loan any machinery it has on hand for road construction to other parties constructing roads in the county of Madison upon such terms as it may deem just and right.

SEC. 7. The board of aldermen of the town of Marshall is hereby authorized and empowered to improve the main street of the town of Marshall between Frisbee Branch at lower end of town and the railroad crossing above the depot, including Bridge Street and the alley leading from Main Street down to the jail, by putting a hard finish on said streets of asphalt or any other hard finish that the board may deem best, said work to commence at any time the aldermen in their discretion may deem best, and to carry on said work of improvement said board of aldermen may issue scrip in such denominations as it may deem best, payable not more than ten years from the date of issue of same. Said scrip shall not draw a greater rate of interest than six per cent per annum, payable semiannually, and for the purpose of paying the interest on said scrip and the principal thereof when due, the said board of aldermen are hereby authorized and empowered to levy a special tax from year to year at their regular time of levying taxes sufficient to pay the interest accruing and to pay off and liquidate any of said bonds and scrip that may be due and payable. Said board may either do the work under skilled foreman or contract same, as in their discretion they may deem best.

SEC. 8. That section four of chapter ninety-one of Private Laws of nineteen hundred and nine be and the same is hereby amended by adding at the end of said section the following: "That R. N. Ramsey and E. J. Ebbs be and they are hereby appointed as members of the building committee of the town of Marshall, who shall assume the duties of their office on the first day of May, nineteen hundred and fifteen, and who, together with the mayor of said town and one member of the board of aldermen, shall constitute the building committee of the said town of Marshall, whose duty shall be as heretofore set out and provided for in the laws creating and prescribing the duties of said committee, and such other duties as are prescribed by this act. It shall be the duty of the said

Work not delayed.

Sale of machinery and road tools.

Loan of machinery.

Improvement of Main street.

Issue of scrip authorized.

Maturity of scrip.

Interest.

Special tax.

Method of work.

Members of building committee.

Building committee.

Committee to meet and organize.

- members of the building committee as hereby constituted to meet with the said mayor and members of the board of aldermen within ten days after they assume office and organize: *Provided*, the said R. N. Ramsey and E. J. Ebbs shall hold office for a term of six years and until their successors are elected and qualified, and any vacancies occurring in said board shall be filled by the remaining members of the committee.
- Proviso: term of office.**
- Vacancies.**
- Material for buildings in fire limits.**
- SEC. 9. The said building committee of the town of Marshall shall not grant a permit for the erection of any business house on the main street in the town of Marshall within the fire limits prescribed by said aldermen, except where the material to be used in the construction of said building is to be brick or some other fireproof material.
- Reconstruction of wooden buildings not allowed.**
- SEC. 10. Said building committee shall not permit the reconstruction or the remodeling of any wooden building now existing in said fire district so as to convert same into a business building.
- Power to refuse permit.**
- SEC. 11. The building committee of the town of Marshall is hereby authorized to refuse to grant a permit for the improvement of any old dilapidated building constructed of wood when they deem its improvement would not be to the best interest of the town of Marshall.
- Minimum distance of buildings from street margin or curbing.**
- SEC. 12. The said building committee of the town of Marshall shall not grant a permit for the erection of any building within seven feet of the curbing on the edge of the main street or any of the streets in the town of Marshall, and shall not grant a permit for the erection of any building within seven feet of the margin of any public road or street leading out from the main street within the corporate limits of said town of Marshall: *Provided*, that the upper edge of the slope on the upper side of any road or street is hereby designated as the margin of the road or street.
- Proviso: margin defined.**
- Supervision of building.**
- SEC. 13. The building committee of the town of Marshall is hereby authorized and empowered, and it shall be its duty, to see that any building erected by virtue of any building permit is completed in compliance with the specifications mentioned and specified in said permit, and any person erecting a building or having erected any building under a permit granted by the building committee shall, upon notice from the building committee, complete the building according to the permit, or be subject to the fines and penalties prescribed for building without a permit, said completion to be done within a reasonable time after notice.
- Compliance with permit.**
- Condemnation of buildings.**
- SEC. 14. The building committee of the town of Marshall is hereby authorized and empowered to condemn any old dilapidated building situated on the main street in the town of Marshall that they find by investigation to be dangerous, or a nuisance, or detrimental to the best interest of the town of Marshall.
- Order for repair, remodeling, or demolition of buildings.**
- SEC. 15. The building committee of the town of Marshall is hereby authorized to order and direct any building to be repaired,

remodeled, or torn down whenever they find as a fact that the building in its present condition is detrimental to the best interest of the town.

SEC. 16. The building committee of the town of Marshall is hereby authorized, empowered, and directed, when they find by inspection or investigation that any building on the main street of the town of Marshall being used as a livery stable is not kept in a sanitary condition, or is dangerous to the best interest of the town by reason of liability to fire, or that same is a nuisance and a detriment to the best interest of the town, to order the same put in proper condition or condemn same and have the building removed, or prohibit the use of same for the business of a livery stable.

Inspection and regulation of livery stables.

SEC. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 18. That the Secretary of State is hereby authorized and directed to forward a certified copy of this act to the board of aldermen of the town of Marshall within five days after its ratification.

Secretary of State to forward certified copy of act.

SEC. 19. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1915.

CHAPTER 200.

AN ACT TO ALLOW THE TOWN OF BLADENBORO TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Bladenboro, in the county of Bladen, is hereby authorized and empowered to issue bonds in name of "The Town of Bladenboro," in such denominations and form as it may determine, to an amount not exceeding two thousand dollars and bearing no greater rate of interest than six per cent 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 thirty years.

Bond issue authorized.

Denominations.

Interest.

Proviso: maturity.

SEC. 2. That said bonds shall not be sold, hypothecated, or otherwise disposed of for less than their par value, and all moneys arising from their sale shall be used for the purpose of installing electric lights in the said town of Bladenboro.

Sale below par forbidden. Specific appropriation of proceeds.

SEC. 3. That the board of commissioners of the said town of Bladenboro shall not issue said bonds or any part thereof until

Election on bond issue.

- they have first caused to be held in said town a public election, at 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 town 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 fifteen. The said election shall be advertised by said board of commissioners for four weeks immediately preceding the day of election, once a week, in some newspaper published in Bladen County, and at three or more public places in said town. Said election shall be held by the same election officers 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 electric lights shall vote a written or printed ballot with the words "For Electric Light Bonds" thereon, and those who are opposed to the issuing of said bonds shall vote a written or printed ballot with the words "Against Electric Light Bonds" thereon. The result of the election shall be ascertained by the officers thereof and certified and returned by them to the board of town commissioners of the said town within three days from the day of election, and the said board of commissioners shall officially determine the result of said election and record the same in their minutes. If at such election a majority of the qualified voters of said town shall vote for electric light bonds, then the said bonds shall be issued as may be required under the terms of this act, and the proceeds of the sale of said bonds shall be applied as hereinbefore provided.
- SEC. 4.** That the board of commissioners of the town of Bladenboro shall pay the interest of said bonds and create a sinking fund for the payment of the principal of the same 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 hereby authorized and empowered, and shall if it be necessary in order to pay off said interest and create a sufficient sinking fund to pay the principal at maturity, to levy a special tax of not more than twenty-five cents on every hundred dollars of valuation of real and personal property and a capitation tax of not more than seventy-five cents on each taxable poll.
- SEC. 5.** That the said bonds shall be signed by the mayor of the said town and attested by the clerk of the town and sealed with the seal of said town.
- SEC. 6.** That this act shall be in force from and after its ratification.
- Ratified this the 4th day of March, A. D. 1915.
- Time for election.
- Notice of election.
- Election officers.
- Ballots.
- Count and return of votes.
- Canvass and record of returns.
- Effects of election.
- Payment of interest and creation of sinking fund.
- Special tax.
- Limit of rate.
- Authentication.

CHAPTER 201.

AN ACT TO GRANT A NEW CHARTER TO THE TOWN OF
WARRENTON, WARREN COUNTY, STATE OF NORTH CAR-
OLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Warrenton, Body politic.
Warren County, State of North Carolina, as the boundaries and
limits of the said town are herein established, shall be and con-
tinue as heretofore they have been, a body politic, incorporated Corporate name.
under and to be known by the name and style of the "Town of
Warrenton," with such powers, rights, and duties as are herein
provided or as are provided by section two thousand nine hun-
dred and sixteen of the Revisal of one thousand nine hundred
and five.

SEC. 2. That the corporate boundaries of the said town of War- Corporate limits.
renton shall be as follows: Beginning at a stone monument on
the road leading from Warrenton to Warren Plains at the south-
east corner of lot adjoining the yard of the Presbyterian parson-
age on the west side of the road about 200 feet southeast from said
parsonage; thence S. 88 degrees and 05' E. a distance of 1,295
feet through the property of R. B. Boyd, passing through the
southeast corner of said R. B. Boyd's yard, to a stone monument
in said R. B. Boyd's garden; thence S. 6 degrees and 15' W. for
a distance of 6,260 feet through the property of said R. B. Boyd,
the Warrenton Railroad, E. S. Allen, Buck Yancey, Richard
Burgess, P. J. Macon, W. B. Boyd, the public school property,
J. B. Powell, John Hall, Sr., Isaac Alston, and H. F. Jones, to a
stone monument on the property of said H. F. Jones; thence N. 86
degrees and 45' W. for a distance of 3,110 feet, through the prop-
erty of M. P. Burwell, crossing the street near the residence of
W. T. Alston, continuing through property of Edmund White,
J. G. King, crossing south end of Main Street near J. A. Dowtin's
residence, continuing through property of J. A. Dowtin to a stone
monument near a branch on J. A. Dowtin's property; thence N. 6
degrees and 15' E. for a distance of 2,775 feet through the prop-
erty of H. T. Macon, P. H. Allen, Dr. Walters, Hawkins place,
Haley, and others, to a stone monument at the end of concrete
walk on the north side of Franklin Street; thence N. 23 degrees
and 45' E. for a distance of 3,695 feet through the property of
negro public school, John Graham, and crossing the road leading
to Fairview Cemetery to a stone monument on the north side of
the Ridgeway Road; thence across property of James Crossman,
J. R. Rodwell, and others, to a stone monument about 30 feet
west from cotton mill public school; thence S. 88 degrees and 05'

E. for a distance of 705 feet to a stone monument on the road leading from Warrenton to Warren Plains, which stone is the place of beginning.

Corporate powers.

SEC. 3. That the town of Warrenton is made a body politic and corporate by this act and shall have perpetual succession, and may use a common seal, may sue and be sued, may contract and be contracted with, may plead and be impleaded in all courts and places and in all manner whatsoever; and may take, hold, and purchase land and any other property, by gift, devise or conveyance in any manner, and may sell same for the purpose of its welfare, government, and improvement; and may own and purchase stock in any corporation or enterprise or industry for the purpose of its welfare, government, and improvement, or for the comfort or convenience of its citizenship; and may sell and reinvest same; and may take, hold, and purchase land as may be needed for the corporate purposes of the said town, including the

Power to own and purchase stock in corporation.

To hold land for corporate purposes.

Property for electric lights and water-works.

Purchase or condemnation of real estate.

Powers of eminent domain.

Powers as to streets.

right to acquire property for electric lights and water-works, and for water supply, to include the source of same, together with watershed and suitable water power for generating electricity or other power; and may acquire by purchase or condemnation any real estate necessary in connection therewith, and also rights of way which may be necessary for the erection of poles, wires, etc., and for the purpose of laying pipes, sewer lines, etc., and shall have the power of eminent domain and the right to condemn private property for public use when necessary to carry into effect the provisions of this act; and shall have the power to open, change, widen, or discontinue streets, when promotive of the interest of the public; and shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, establish, and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate or close the same; to put drains and sewers therein; to provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit, and suppress the opening thereof, the digging therein, and the interference therewith in any manner whatsoever; and may place therein pipes, poles, wires, fixtures and appliances of every kind, whether on, above, or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals, and vehicles, in whatsoever way and purpose; to prevent, abate, and remove encroachments, obstructions, pollutions, or other litter therein; to open new streets and highways and sidewalks, and to make and enforce any and all regulations in respect thereof as the board of town commissioners of the said town may deem proper or expedient to promote and insure the health, comfort, safety, and convenience of the inhabitants or property and public of the said town.

Traffic regulations.

SEC. 4. That when the said board of town commissioners shall determine to open any new street or sidewalk, or widen or change any street or sidewalk already opened, or when it shall deem it necessary to acquire any lands or rights of way for any purpose contemplated or permitted by this act, and the same cannot be acquired by purchase at a price agreeable to the said board of town commissioners, the same may be taken at a valuation to be made by three freeholders of the said town of Warrenton, to be chosen by the said board of town commissioners, and said freeholders, after being duly sworn by some person authorized to administer oaths to do full and impartial justice between the said town and the owner or owners of such lands, shall take into consideration the damage or loss which may accrue to such owner or owners in consequence of such taking and also any benefit or advantage such owner or owners may receive from the improvements for which the said lands are to be taken, and shall state the value and amount of each. The excess of loss or damage over the advantage shall be the measure of valuation of such land or rights of way. The said freeholders shall make their report to the clerk of the Superior Court of Warren County, who shall docket the said proceedings upon the special proceedings docket of his court, and shall issue a notice to the owner or owners of said land to show cause at a time therein named why such report should not be approved, which time shall be at least ten days. If any owner shall be an infant, a guardian *ad litem* shall be appointed to represent said infant, as in other cases; and if any such owner or owners shall be nonresident or his residence be not known, notice shall be given by publication, as in other cases. If no exception be filed to such report within the time fixed therein and after notice, the clerk of said court shall approve the same and adjudge the said town the owner of said property upon the payment of the damages and costs. If the said town or owner or owners shall be dissatisfied with the award of said freeholders, they may file exception in the said Superior Court within the time fixed for that purpose, which shall be heard by the clerk of said court, and either side may appeal to the Superior Court in term and demand a trial by jury: *Provided*, that such appeal shall not hinder the said town from proceeding with the proposed improvements. Upon payment of the damages adjudged and the costs of the proceedings, the town shall become owner in fee of the land or lands so condemned, whether the same shall be situated within or without the said town. The above procedure shall obtain in the condemnation and taking of all private property for public use, under the right of eminent domain provided for in this charter.

SEC. 5. The town of Warrenton may improve, construct, or pave any sidewalk within said town, or that may be established or

Procedure for condemnation of land and streets.

Measure of valuation.

Proceedings docketed.

Notice to owners.

Infant owners.

Nonresident owners.

Approval of report.

Exceptions.

Right of appeal.

Proviso: appeal not to delay work.

Title vested on payment of award.

Power to improve or construct sidewalks.

Charge on abutting owner. Charge a lien on property.	located within said town, and may charge the abutting owner of the property to the extent of one-half of the costs thereof, and the same shall be a specific lien upon said abutting property against
Suit for collection.	all and every owner, mortgagee, trustee, or lessee thereof; and if the said costs is not paid within ninety days after the completion of the said work, the same may be enforced and collected by suit
Pleas for defense.	instituted by the said town of Warrenton in the Superior Court of Warren County, where the owner and other interested parties shall have the right to deny the whole or any part of the amount claimed to be due by the said town, and to plead any irregularity in reference to the assessment or any fact relied upon, to question the legality of the assessment, and the issue raised shall be tried and the case disposed of according to law and the course of practice of the court.
Town officers.	<p>SEC. 6. That all powers conferred upon the town of Warrenton and the administration of the government thereof shall be exercised by and vested in a principal officer styled the mayor, and seven commissioners, who are designated the board of town commissioners. The said mayor and seven commissioners shall be residents of the said town of Warrenton, and shall be elected biennially at the time and in the manner provided by the general laws of the State for the holding of elections by municipalities. The mayor shall be <i>ex officio</i> chairman of the said board of town commissioners and shall have a right to vote in all cases where there is a tie in the vote of said board of commissioners. The said board of town commissioners shall elect a mayor <i>pro tem.</i>, who shall perform the duties of the said office if for any reason the said mayor shall be absent or unable to perform said duties; in case of the death, removal, or resignation of said mayor, the said board of town commissioners shall elect a mayor, and he shall hold the said office until his successor shall be elected at the regular election next held in the said town. Whenever a vacancy shall occur in the said board of town commissioners said vacancy shall be filled by the other members thereof until the regular election next held in the said town. The said board of town commissioners shall regularly meet each month and transact such business as may come before it. Each member present at said regular meetings shall receive as compensation for his services at said meeting the sum of not more than four dollars, to be fixed by the ordinances of said town, and the said mayor shall receive for his services not more than six hundred dollars per annum, the amount to be fixed by the ordinances of the said town. The present mayor and the board of town commissioners of the town of Warrenton shall hold their offices until the next general election to be held the first Monday in May, A. D. one thousand nine hundred and fifteen, and shall have all powers granted by the general laws of the State, and also by the provisions of this act</p>
Board of town commissioners. Mayor and commissioners to be residents. Town elections.	
Mayor <i>ex officio</i> chairman. Right to vote. Mayor <i>pro tem.</i>	
Election of mayor to fill vacancy.	
Vacancies in board.	
Regular meetings.	
Pay of commissioners.	
Salary of mayor.	
Term of present mayor and aldermen.	

after the passage of same, until their successors are elected and qualified, who shall succeed to the same rights and obligations.

SEC. 7. That the said mayor and the said board of town commissioners of the town of Warrenton shall before they enter upon the duties of their said offices each take the oath prescribed for public officials in the State of North Carolina; and in case any of the said officers shall be guilty of misconduct, inability, or willful neglect of the performance of the duties of his said office, he may be removed from his said office by the said board of town commissioners of the said town of Warrenton, after being given an opportunity to be heard in his defense, in person and by counsel. The said board of town commissioners may for good cause remove any other officer provided for in this charter or employed by the said town, for malfeasance or misconduct in office, after the said officer or employee shall have been given an opportunity to be heard in his defense, in person and by counsel.

SEC. 8. That the said board of town commissioners shall have the power and it shall be its duty to elect a town officer or constable, or more than one if the said board shall deem it necessary, and prescribe the terms of their offices, and their duties, and fix their salaries or compensation; these officers may be chosen from among the residents of the said town of Warrenton or from any other place, as the said board may deem best. The said town officer or officers may execute all process and precepts issued to him, when properly directed, anywhere in the said county of Warren; and the said officer or officers may be required by the said board of town commissioners to execute a bond, in a sum fixed by said board, for the faithful performance of the duties of his said office. The said board of town commissioners shall have the power and it shall be its duty to elect a town clerk and a treasurer, and these two positions may be held by the same person, or any other official by whatever name designated, as it may deem best for the better administration of the laws and ordinances of the said town and for the preservation and protection of the citizenship and the health and the property of the said town; these said officers may be required to execute a bond for the faithful performance of the duties of their respective office in a sum fixed by the said board of town commissioners; and the said board shall prescribe the terms of their said offices, and their duties, and fix their salaries or compensation.

SEC. 9. The mayor of the said town of Warrenton is hereby constituted an inferior court, and as such shall, within the corporate limits of the said town of Warrenton, have all power, jurisdiction, and authority of a justice of the peace to preserve and keep the peace and try and punish all criminals committing offenses in the said town within the jurisdiction of a justice of the peace, and may act as a committing magistrate where a justice

Mayor and commissioners to qualify.

Removal for cause.

Removal of other officers.

Town officer or constable.

Terms, duties, and salary.

Execution of process.

Bond of officer.

Town clerk and treasurer.

Other officials.

Bonds of officers.

Terms, duties, and salaries.

Mayor an inferior court.

Jurisdiction.

Committing magistrate.

Actions on ordinances and by-laws.	of the peace would not have jurisdiction. The said mayor shall
Enforcement of penalties and of rules and regulations.	hear and determine all causes of action which may arise upon the ordinances or by-laws of the said town, and enforce penalties by issuing execution upon any adjudged violation thereof, and shall execute and enforce all the rules and regulations made by the said
Sentences.	board of town commissioners. The said mayor shall have power to either fine or imprison, in his discretion, persons convicted before him of offenses over which he has jurisdiction, and such person or persons so convicted, when sentenced to a term of imprisonment by the said mayor, or upon their failure to pay the said fine and costs imposed by the said mayor for such offense,
Punishments.	may be imprisoned in the town calaboose or county jail for the term specified in the order of the court, not to exceed the term of four months, this punishment, however, not to refer to offenses committed under the statutes of the State of North Carolina, where the said mayor has concurrent jurisdiction with a justice of the peace; and such persons so imprisoned in all cases where the said mayor has jurisdiction, either for violation of an ordinance of the
Street or road work.	said town or for statutory offense, may be required to work upon the streets of the said town of Warrenton or upon the public roads of Warren County, or may be hired out by the board of town commissioners of said town of Warrenton during the term of his imprisonment.
Right of appeal.	If the defendant in any case heard by the said mayor shall be dissatisfied with the judgment of the said mayor or the court, he may appeal in like manner as provided for appeals from judgments of a justice of the peace. For the violation of any ordinance or by-law made by the said board of town commissioners
Penalties prescribed.	the said board may prescribe penalties not to exceed a fine of two hundred dollars or imprisonment not to exceed four months for each offense.
Mayor to keep dockets.	SEC. 10. That the mayor shall keep a faithful, true, and correct minute or docket of the precepts and process issued by him and of all his judicial proceedings; he shall keep his office in the municipal building in the town of Warrenton, at which said office the said board of town commissioners shall hold their regular monthly meetings; a majority of the said board of town commissioners shall be competent to perform all the duties of the said board.
Office in municipal building. Place for commissioners' meetings. Quorum.	SEC. 11. That it shall be the duty of the mayor to take the list of taxable property and polls within the said town of Warrenton on or before the first Monday in June in each year, having previously advertised the time and place for taking said list at the courthouse door in Warrenton and at three other public places in the said town for at least ten days; and after taking said list he is to deliver it to the town clerk on or before the first day of August in each year; and it shall be the duty of all persons required to list taxables and polls in the said town to attend before
Mayor to take tax lists.	
Advertisement for listing.	
Return of tax lists.	

the said mayor at his office in the said town at the time designated by him for the taking said list and return before him on oath a statement of the real estate, poll, and all other property which he is required to pay taxes on, and all of the said list shall refer to the property owned by the owner on the first day of May preceding the listing thereof. That as soon as the said lists are completed, and not later than the first Tuesday in September of each year, the board of town commissioners shall proceed to lay taxes on such subjects of taxation as it shall deem proper and as provided by law, and shall place the said tax lists, after the same shall be properly computed and the amount of taxes due thereon ascertained by the clerk of the said town of Warrenton, into the hands of the tax collector for collection, which shall not be later than the first day of October in each year; the said tax collector shall collect all taxes due the said town of Warrenton and shall pay the amount on hand each week into the hands of the town treasurer, and shall take receipt for the same, and he shall receive for his compensation for collecting said taxes not more than five nor less than three per cent upon the amount collected, the amount of compensation to be fixed by the said board of town commissioners. On the first day of January there shall be a penalty of one per centum added to the amount of all taxes due upon any property within the said town of Warrenton for the preceding year, and an additional one per centum on the first day of each month thereafter until the same are paid.

Sec. 12. That if any person liable for taxes on property required to be listed shall fail to pay the same when the same shall become due and payable, which shall be on the first day of October in each year, the said collector may proceed to collect the same by distress and sale and levy, after public advertisement for the space of ten days if personalty, and for the space of twenty days if realty, in some newspaper published in the said town of Warrenton and by posters at three public places in the said town, and he shall sell the same at the courthouse door in the said town of Warrenton, or so much thereof as may be necessary to pay the taxes of the said owner; and if no person or persons will pay the taxes and expenses for any whole piece of real property sold for taxes, the same shall be bid in for the said town of Warrenton, and if not redeemed as hereinafter provided, the same shall belong to the said town in fee simple. The said collector shall make due and proper returns of all sales and purchases of property sold for taxes to the said board of town commissioners, which said board shall keep a record of the same, and if there be a surplus after having paid the taxes and expenses due the said town, the same shall be paid into the town treasury, subject to the demands of the owner. The owner of any real property sold under the provisions of this charter for taxes, or his heirs or

Levy of tax.

Lists delivered to tax collector.

Collection of tax.

Weekly settlements.

Commission of collector.

Penalty for non-payment.

Collection by distress.

Real estate bid in for town.

Returns of sales.

Time for redemption.

Penalty. Penalty where town is purchaser.	personal representative, or any person acting for them, may redeem the same within one year from the date of the sale thereof by paying the purchaser the sum paid by him and twenty-five per centum upon the amount of the taxes and expenses; and where the said town is the purchaser, said owner or his heirs or personal representative or agent acting for him may redeem the same by paying to the said town double the amount of the taxes due the said town. If the said real property sold as aforesaid for taxes shall not be redeemed within the time heretofore specified, the said town of Warrenton shall convey the same to the purchaser or his assigns, after giving the owner or owners ten days notice of its intention to do so, and the recitals in said conveyance shall be <i>prima facie</i> evidence that the same were true and done.
Conveyance of unredeemed property.	SEC. 13. That on the first Tuesday in April of each year the board of town commissioners shall examine the tax list and make out a list of insolvents who have failed to pay their taxes for the preceding year, which said list the clerk of the said board shall at once copy and post at the courthouse door in the said town of Warrenton. The said board of town commissioners may for good cause and in such cases as they may deem to the best interest of the public weal exempt certain residents of the said town from the payment of their town taxes. All persons who shall fail to list their property or polls as herein required, or who shall falsely and fraudulently list or attempt to list the same, shall be guilty of a misdemeanor and fined fifty dollars or imprisoned thirty days.
Lists of insolvents posted.	SEC. 14. That the board of town commissioners shall have full power and authority to make ordinances, by-laws, rules and regulations for the better government of the said town of Warrenton, not inconsistent with the laws of the State of North Carolina, as the said board may deem necessary and in the interest of the public weal, and may enforce them by imposing fines and penalties on such as violate them; and may compel the performance of the duties imposed upon others by suitable penalties. The said board of town commissioners shall have power and is hereby authorized to levy annually and cause to be collected for municipal purposes and for the purpose of paying the interest and providing a sinking fund on any outstanding indebtedness, bonded or otherwise, of the said town, and for paying the interest and making provisions for a sinking fund on such future bonds or indebtedness as may be authorized, an <i>ad valorem</i> tax on all real and personal property within the corporate limits of the said town, and on all personal property owned by a resident of the said town, including money on hand and solvent credits, and upon all franchises and privileges granted by the said town to individuals or corporations, and on all subjects of taxation provided by the laws of the State of North Carolina, a tax not to exceed one dol-
Exemption.	
Failure to list or filing false lists misdemeanors.	
Legislative powers.	
Taxing power.	
Ad valorem tax. Subjects of taxation.	
Rate.	

lar and twenty-five cents (\$1.25) on every hundred dollars (\$100) appraised valuation of said property, and in addition thereto a tax on all taxable polls not to exceed three dollars and seventy-five cents (\$3.75) on each poll, and in levying taxes for general purposes the constitutional equation between property and poll tax must be observed, but for special purposes it may not be observed; and the said board of town commissioners may annually lay a tax on all trades, professions, and franchises carried on or enjoyed within the said town, unless otherwise provided by law; and may license, tax, and regulate merchants, commission merchants, hotel and inn keepers, brokers, real estate and insurance agents or brokers, restaurants, barber shops; sellers of every kind of liquor, cider, bitters, or beverages; bowling alleys, billiard, pool, or bagatelle tables, boarding-houses, banks or banking agencies, drays, garages, liverymen, peddlers, insurance companies; lectures for reward, unless for religious or charitable purposes; photographers, auctioneers, express and telegraph offices; all entertainments for pay, except for religious or charitable purposes; circuses, menageries, dealers in lightning rods, horse dealers, all dogs kept or owned within the corporate limits, and telephone companies; to license, tax, and regulate any itinerant or transient vendors of goods, wares, or merchandise of every description whatever, second-hand dealers in goods, wares, and merchandise, and all other businesses or occupations whatsoever which in the opinion of the said board of town commissioners should be proper subjects for police regulation. Any person, firm, or corporation desiring to engage in any business or occupation or to do any act upon which a special tax is imposed by the said board of town commissioners shall before engaging therein obtain a license from the mayor of the said town; and any person engaging in any such business, trade, occupation, profession, etc., without first obtaining said license shall be guilty of an offense against the ordinances of the said town, and may be punished as provided therein. No license shall be issued for a longer period than one year, and no license shall be assignable, except by permission of the said board of town commissioners.

Poll tax.

Constitutional equation.

License taxes.

Subjects of license tax.

License to be obtained before beginning work.

License for one year and not transferable.

SEC. 15. That all ordinances, by-laws, rules and regulations in respect to the government of the said town of Warrenton, and in respect to the taxes and franchises thereof and all other matters, shall be made by the said board of town commissioners, and the same shall be published at four public places in the said town immediately upon their passage or enactment, and the same shall go into force and effect at once; and in event the said board of town commissioners shall fail or neglect to prescribe such ordinances, by-laws, rules and regulations as are authorized under this charter, then the said ordinances, by-laws, rules and regulations which are now in force and effect in the said town of War-

Passage and publication of ordinances.

Ordinances now in force.

renton shall be and remain in full force and virtue until the same are changed or repealed as provided by law.

Rights declared inalienable but by ordinance.

SEC. 16. The right of control, easement, user, and ownership and title to streets, highways, and public thoroughfares and other property of the said town of Warrenton, and its avenues, parks, bridges, and all other places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of the board of said town commissioners, when said property may be sold by commissioners of said town: *Provided*, that whenever application is made for any franchise, lease, right, or privilege in or to the streets and public thoroughfares or other property of the said town the same shall be submitted in writing and shall be recorded by the town clerk in his minutes and shall be tabled for the period of twenty days before the same shall be granted by the said board of town commissioners; and no franchise shall be granted for more than thirty years without first submitting the question to the vote of the qualified voters of said town; and no exclusive franchise shall be granted by the said board of town commissioners for any purpose whatsoever.

Proviso: procedure for grant of franchise.

Limit of franchise but by vote of people.

Exclusive franchise not granted.

Power to borrow money.

Limit of amount.

SEC. 17. That the board of town commissioners of the said town of Warrenton are hereby authorized and empowered to borrow money and pledge the credit of the said town for an amount not to exceed twenty-five hundred dollars (\$2,500), as they may deem expedient and for the best interest and welfare of the said town; and if the said board shall deem it to the best interest of the said town to borrow a sum of money in excess of the said twenty-five hundred dollars, then it shall do so only by consent of a majority of the qualified voters of the said town, which said consent shall be obtained by a vote, after thirty days notice, at which time those who consent shall vote "Approved" and those who do not consent shall vote "Not Approved"; this election shall be held under the rules and regulations provided for in the election of municipal officers by the general State law.

Consent of qualified voters.

Notice of election.

Votes.

Law governing elections.

Loans of surplus funds.

SEC. 18. The said board of town commissioners of the town of Warrenton may loan out any surplus funds which may come under their control belonging to said town, and for which there is no immediate use, with good and sufficient security, or they may deposit the same in some reliable bank or banks upon time deposit rules and collect interest thereon.

Deposits.

Declaration and abatement of nuisances.

SEC. 19. The said town of Warrenton shall have power to condemn as nuisances all buildings, cisterns, wells, privies, hog-pens, and private cesspools and sewer openings which upon inspection of the health officer shall be found to be unhealthy and insanitary to persons and property, and may cause the same to be abated or removed by the owner thereof, and said owner may be subjected to a fine or imprisoned for failure to obey the orders of the said town in respect to said nuisance; and the said town of Warrenton shall

Quarantine.

make such rules and regulations as may be necessary to prevent the introduction of contagious diseases in the said town, and may make quarantine laws for that purpose and enforce the same within the said town, and may provide pesthouses when necessary; and shall have a right to prevent the slaughtering of any animal in the said town, and may regulate the keeping of markets and grocery stores, and do all and singular such things and pass such rules and regulations as shall best subserve the health, comfort, and happiness of the residents of said town.

Slaughter of animals.
Markets and grocery stores.
Health ordinances.

SEC. 20. The town of Warrenton may buy, own, construct, establish, maintain, and operate a system of electric lights, sewerage, and water-works; and may make, regulate, and establish public wells, cisterns, hydrants, reservoirs, stations, and standpipes anywhere within the said town or beyond the limits thereof, for the use of the said town, and may make such rules and regulations as it may deem proper for the management of the said water-works and sewer system and electric light plant. The said town may require the owners, tenants, or occupants of all 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, to connect with the said sewer or system of sewerage all water-closets, privies, sinks or drains located upon their respective property or premises, and upon a failure to do so the owner, tenant, or occupant of said property may be fined or imprisoned as provided by ordinance of said town.

Electric light system, sewerage and water-works.

Rules for management.

Power to enforce connections.

SEC. 21. The said town of Warrenton may grade and improve its public streets and highways and may employ such person or persons as it may deem necessary for the proper construction and improvement of said streets and highways, and may pave and improve the same in such manner and with such material as the said board of commissioners of said town may in their discretion deem best, and may borrow money for such improvements, as provided in section seventeen of this charter; and it may construct such drainage and gutters along the said streets and highways and across the sidewalks and through the lands of abutting owners as the officials of the said town may deem to be the best interest of the public; and persons interfering in any way with such improvements or drainage, or with the officers or employees of the said town while at work upon the same, shall be fined for each offense not more than fifty dollars or imprisoned not more than thirty days, as provided by ordinance of the said town.

Improvement of streets and highways.

Money borrowed for improvements.
Drainage and gutters.

Punishment for obstructions.

SEC. 22. The mayor and chief of the fire department and one of the board of town commissioners, or three of the said commissioners, who are present at any fire in the said town, may order the destruction of any house when it is necessary in their opinion for the arrest of the progress of the said fire, and no person shall incur any liability, civil or criminal, for obeying said order. The

Destruction of property in arresting fires.

Fire limits.

- Building regulations. said board of town commissioners shall establish fire limits within the said town of Warrenton, and may regulate and prohibit the erection, building, placing, or repairing of wooden or dangerous buildings within such limits, and may prohibit the removal of any wooden or dangerous building from one place to another in the said limits or the repairing of the same; and may direct and prescribe that all buildings within said limits, when built or when they become dangerous, shall be made or constructed of fireproof material, the kind and character and the quality and dimensions to be fixed by the said rules and regulations of the said town; and may declare all buildings within the said fire limits to be nuisances when they become old, dilapidated, and dangerous, and compel the removal of same or the proper repair thereof; and may prescribe limits within which only fireproof roofing may be used; and may prescribe penalties and impose the same for the violation of any such rules and regulations.
- Removal or repairs of dangerous buildings. SEC. 23. That the board of town commissioners may provide for the establishment, organization, and equipment and the government of a fire company or companies; and may encourage and assist any military company or companies which are now organized or may hereafter be organized in the said town of Warrenton.
- Fire and military companies. SEC. 24. That the said board of town commissioners of Warrenton may provide for and equip a graded school for the better education of the children of the said town, and may build and construct such buildings as it may deem necessary, and buy such property as it may deem necessary for the use of such graded school or other public schools now established or which may hereafter be established in the said town, and may contribute to the support and maintenance of said school out of any funds not already appropriated which may be in its hands, whenever the said board may deem it to the best interest of the public.
- Graded school. SEC. 25. The said board of town commissioners shall have power and authority to suppress gambling houses of every kind and to punish the keepers of the same; and to prohibit and punish keepers and inmates of houses of ill-fame and assignation houses; and may pass all such rules and regulations and prescribe and enforce punishment for the same, as they may deem best for the moral and upright sentiment of the said town.
- Buildings. SEC. 26. All property conveyed or assigned to the said town of Warrenton shall be made to the "Town of Warrenton"; and all conveyances of every kind made by the said town of Warrenton or authorized in this charter shall be executed by the mayor and attested by the town secretary, with the corporate seal of the town attached thereto, with certificate provided for in section one thousand and five of Revisal of one thousand nine hundred and five.
- Contribution to maintenance. SEC. 27. The mayor and the police officer or officers of the said town of Warrenton shall be entitled to the same fees as are now allowed or shall hereafter be allowed to justices of peace and
- Suppression of gambling houses and houses of ill-fame.
- Conveyances to town.
Execution of contracts.
- Fees of officers.

constables in the said State of North Carolina, and for the use of the town seal the said mayor shall be entitled to twenty-five cents, and for all certificates made by him by virtue of his office the sum of fifty cents; these fees not to apply, however, to these acts when done for the town.

Fees for seals and certificates.

SEC. 28. Any officer of the town of Warrenton who shall, upon demand, fail to turn over to his lawful successor in office the property, books, moneys, seal, tax list, or effects of said town shall be deemed guilty of an offense, and may be indicted in the Superior Court of Warren County and fined not exceeding one thousand dollars (\$1,000) or imprisoned for not more than two years.

Punishment of officers not settling with successor.

SEC. 29. All ordinances of the town of Warrenton not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the board of town commissioners: *Provided*, that the power to pass such ordinances under former charter or charters has not been repealed, expressly or impliedly, by the terms of this act. That this act shall be deemed a public act, and judicial notice thereof shall be taken in all courts and places, without the same having been printed and read in evidence; and in the event that any part, articles, sections, or subdivisions of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this act, but the same shall continue and remain in full force and effect, notwithstanding such holding.

Ordinances to remain in force.

Proviso: effect of this act.

Act public.

Judicial notice.

Parts held unconstitutional only affected.

SEC. 30. All matters pertaining to the administration of the government of the town of Warrenton, and not provided for in this act, shall be governed by the laws of the State of North Carolina as contained in chapter seventy-three of the Revisal of one thousand nine hundred and five.

Application of general law.

SEC. 31. From and after the ratification of this act the same shall be thenceforth the charter of the town of Warrenton, and all laws now constituting the charters or charter of said town and affecting the government thereof in the grants made of its corporate franchise power, except as relate to the issue of bonds for special purposes, which acts have heretofore been passed by the General Assembly of the State of North Carolina and are now upon the statute books of said State and in which are in no way abrogated or repealed, are hereby repealed: *Provided, however*, that such repeal shall not annul any ordinances, by-laws, rules or regulations 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, nor shall it relieve the said town of Warrenton from any obligation incurred by the said town by reason of the issuing of any bonds or assumption of any other liability.

Charter of town.

Laws repealed.

Proviso: effect of repeal.

SEC. 32. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1915.

CHAPTER 202.

AN ACT TO AMEND CHAPTER 37 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1909, BEING AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

Law amended.

SECTION 1. That chapter thirty-seven of the Private Laws of North Carolina, session one thousand nine hundred and nine, being an act entitled "An act to incorporate the town of Lenoir, in Caldwell County," be and the same is hereby amended as follows:

ARTICLE I.

STREETS AND STREET IMPROVEMENTS.

Regulation of subdivisions.

SECTION 1. No property lying within the corporate limits shall hereafter be platted or laid off into avenues, streets, alleys, blocks, and lots, or into any of them, unless the same is done in compliance with the provisions hereinafter in this section mentioned. The owner or owners of any property lying within the corporate limits shall make application to the town commissioners for filing a blue-print of the proposed avenues, streets, alleys, blocks, and lots; whereupon within five days after the blue-print is presented the town commissioners shall determine whether the proposed avenues, streets, alleys, blocks, and lots conform to the avenues, streets, alleys, blocks, and lots abutting thereon. If found to so conform, said blue-print shall forthwith be filed in the mayor's office, and the owner or owners of said property may after the filing as aforesaid plat and lay off said property in accordance with the blue-print so filed.

Application to commissioners.

Blue-print.

Determination by commissioners.

Blue-print filed and subdivision authorized.

Improvement districts.

Assessments on real estate.

Determination of improvements.

Assessment of cost.

SEC. 2. That the town 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 improvement, and of equalizing the assessment on real estate to pay the cost of such improvement as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this charter, for street improvement, the town commissioners shall have power and authority to determine the kind of such improvements and the amount to be expended therefor, to pass ordinances assessing the cost of paving or macadamizing 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 macadamized, 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

to pay the amount so assessed for such improvement, and such cost and charges shall be a lien on all such abutting property from the commencement of the work as provided in this article: *Provided*, that the town, out of its general fund, shall pay the cost of grading, curbing, paving, and permanently improving the street intersections: *Provided further*, that the town, out of its general funds, pay one-third of the cost of grading, curbing, paving, and permanently improving the streets; and the town shall pay one-half of the cost of grading, curbing, paving, and permanently improving the sidewalks: *Provided further*, that the public square from the points of intersection with East, West, North, and South Main streets shall constitute a separate and distinct taxing district, and for grading, curbing, paving, and permanently improving such public square the town shall pay one-half the cost thereof and the abutting property owners pay the other half: *Provided, however*, that the town commissioners shall cause to be published in a newspaper published in the town of Lenoir at least ten days before such work shall be commenced a notice that the town commissioners have ordered said street to be paved, which notice shall be full and sufficient notice to all property owners abutting on said street.

SEC. 3. In order to equalize the assessments on real estate for the purpose of improving the streets and sidewalks as hereinbefore provided, said board of commissioners shall take the total cost of paving throughout the entire length of such work within each district and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street 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 paved by the board of commissioners under the provisions of this act, the town engineer or other person in charge of said work shall make a report in writing to the said board of commissioners, showing the cost of paving throughout the entire length of said work, with the number and description of the lots abutting on said street or portion thereof so improved, together with the number of feet frontage of each of said lots, and the owners thereof. The town commissioners, at their next meeting after said report shall have been made, shall cause notice of the assessment against abutting property on any street 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; 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

Lien of assessments.

Proviso: curbing, grading, and intersections.

Proviso: apportionment of cost.

Proviso: public square a separate district.

Apportionment of cost.

Proviso: notice of order.

Method of prorating cost.

Report of work.

Notice of assessment.

Persons under disability.

of the clerk of the Superior Court of Caldwell County to appoint a guardian *ad litem* to act for him. 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 should not be made; that at said time and place said town commissioners shall proceed to prorate the cost of said work and assess said property as above provided; and when the assessment as provided for herein shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the town commissioners shall cause to be written upon said list the amount assessed upon the same, and the said commissioners shall keep a properly indexed record book, showing such assessments and liens and the date and the amount of all payments made on any of the said assessments and liens; and after the said list shall have been duly certified by the mayor and probated or recorded in the register's office of Caldwell County and properly indexed in the manner prescribed by law for the registration and indexing of deeds and other instruments allowed to be registered, the board of commissioners shall indorse thereon an order in the following or similar form:

Form of order.

OFFICE OF

THE BOARD OF COMMISSIONERS OF THE TOWN OF LENOIR,
STATE OF NORTH CAROLINA.

To the Tax Collector of the Town of Lenoir—Greeting:

By order of the board of commissioners of the town of Lenoir, you are hereby commanded to collect the assessments herein mentioned according to the provisions and requirements of the provisions prescribed by the charter of the town of Lenoir for the collection of taxes due said town, except that it shall not be necessary to exhaust or levy upon the personal property of the owner before subjecting such lots or subdivisions to sale for the payment of the assessments so fixed and charged thereon.

Authentication and effect of list.

The said list shall be signed and dated by the board of commissioners, or by the mayor in their behalf, and the said list when thus recorded and indorsed shall have the force and effect of a duly docketed judgment against the lot or subdivisions so charged with an assessment, and shall constitute and be an execution in the hands of the tax collector, to be executed by him by sale of such lot or subdivision in the manner prescribed by law for the sale of land by sheriff under execution. The clerk of the Superior Court of Caldwell County shall have power and authority to probate and order registered any and all lists of assessment certified by said mayor as aforesaid, and when recorded and cross-indexed as hereinbefore provided, such list shall be and constitute full

Probate.

Notice of lien.

and legal notice of the lien and encumbrance on the lots and subdivisions therein mentioned to the extent of the assessment charged thereon: *Provided, however*, that any property owner shall have the right to pay the charges made as hereinbefore prescribed in cash without interest if same be done within thirty days from and after the date that the said board of commissioners shall make said assessment, or said property owner may within thirty days after said assessment have the privilege of executing to the town of Lenoir two notes of equal amounts, covering his assessment, dated the day said assessment was made by the board of town commissioners, the first note due twelve months after date and the second note due two years after date, with interest thereon at six per centum per annum from date until paid, interest due and payable annually, 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 further*, that in case there shall be default in the payment of any assessment for thirty days after said assessment has been made where no notes have been given, or in case where notes shall have been given and there shall be default in the payment of the first note for thirty days after the same shall become due, then and in that event the note remaining, if any, shall become due, and the tax collector in either event may proceed to sell said lot or lots for cash to the highest bidder at the courthouse door of Caldwell County, after advertisement for thirty days in some newspaper published in Lenoir, and said tax collector shall make a deed to the purchaser and out of the moneys arising from such sale pay off and discharge the amount charged and assessed on said lot or lots, together with interest on the same and the costs of sale, and pay the surplus, if any, to the person or persons legally entitled to the same.

Proviso: payment in cash.

Notes for assessments.

Proviso: full amount to mature on any default.

Sale of lots.

SEC. 4. That any person who shall feel aggrieved by the findings of the said board of town commissioners with reference to said assessments for such permanent improvements shall have the right within ten days after such findings of said town commissioners, and not after that time, to file his objections to such findings, and to appeal from the decision of said town commissioners to the next term of the Superior Court of Caldwell County by serving upon said town notice in writing of his intention so to do, and specifying in said notice the grounds of his objection to said findings, and by filing within the time prescribed for taking appeals, in the office of the clerk of the Superior Court of Caldwell 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 town all such costs and damages as it may sustain by reason of said appeal; in such cases of appeal from the town commissioners the ordinance laying out the improved district, the action of said town commis-

Time for filing objections.

Right of appeal.

Notice of appeal.

Bond on appeal.

Case on appeal.

sioners in determining the assessment, 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 mayor to the Superior Court, and shall be docketed on the civil 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; and the trial of the issue involved in such appeal shall have priority over all civil actions pending in the Superior Court of Caldwell County, and thus shall be advanced and shall be the first civil action tried at the term to which it is returned, and if all the issues be found in favor of the appellant on such appeal as above provided for, the lien for said assessment shall be discharged; if, however, the issues or any of them be found in favor of the town of Lenoir to any amount, then judgment shall be rendered in favor of said town for such amount, to the end that no merely technical objections shall defeat the rights of the town; and the amounts so found, together with the costs of 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 findings of said town commissioners, and shall be collected by the tax collector of the town of Lenoir as elsewhere in this chapter provided, that is to say, as if no appeal had been taken.

Priority of trial.

Judgment on appeal.

Limit on cost of work.

Excess of debt a misdemeanor.

SEC. 5. That the town commissioners shall at no time undertake by contract or otherwise any work of improvement as herein provided for except such as can be paid for on part of the town out of the general fund of the town for the year in which said work of improvement is done, after the ordinary needs of the town for which said general fund is provided have first been paid for; and if any debt is created against said town by any board of commissioners by reason of such improvement, either for said improvement or for general purposes, beyond that which can be paid for by the general tax fund of said year, then said board of commissioners or such persons of them as are responsible for having caused said debt shall be guilty of a misdemeanor.

ARTICLE II.

TO ENCOURAGE THE EARLY PAYMENT OF TAXES.

Discounts allowed.

SECTION 1. In order to encourage the early payment of taxes the commissioners are authorized and empowered to allow taxpayers on all *ad valorem* taxes levied by the town not exceeding the following discounts: For taxes paid prior to September fifteenth, three per centum; from September fifteenth to November first, two per centum; during the months of November and Decem-

ber, one per centum. And for all taxes not paid prior to January first following, the town commissioners shall have power and authority to charge not exceeding the following penalties: For taxes paid during the month of January, a penalty of one per centum; during the month of February, a penalty of two per centum; and for each additional month or fraction thereof thereafter said taxes shall remain unpaid there shall be added an additional penalty of one per centum, which penalty shall be charged and collected as a part of and in the same manner as such taxes.

Penalties for delay.

ARTICLE III.

SECTION 1. That the provisions of this act shall be submitted by the board of commissioners of the town of Lenoir to a vote of the qualified voters of the town of Lenoir at the election to be held for mayor and town commissioners on the first Monday in May of the year one thousand nine hundred and fifteen. The said election shall be held as provided for in chapter thirty-seven of the Private Laws of nineteen hundred and nine, the same being the method for holding elections in the town of Lenoir. That thirty days notice of such election, containing a copy of this act or a synopsis of the same, shall be published in one or more newspapers published in the town of Lenoir, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the change of the charter as herein provided for shall deposit a ballot containing the written or printed words "For Change of Charter," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Change of Charter." If a majority of such voters shall vote "For Change of Charter" it shall be deemed that a majority of the qualified voters of said town favor said change, and the provisions of this act shall be in full force and effect; but if a majority of the qualified voters shall vote "Against Change of Charter," then the provisions of this act shall be void and of no effect: *Provided*, that the result of such election, duly ascertained in accordance with the law, shall be enrolled upon the public records of the town of Lenoir, and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the facts therein certified.

Act submitted to qualified voters.

Time of election.
Law governing election.

Notice of election.

Ballots.

Effect of election.

Record 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 5th day of March, A. D. 1915.

CHAPTER 203.

AN ACT AUTHORIZING THE SCHOOL COMMITTEE OF THE MOUNT OLIVE GRADED SCHOOL DISTRICT, MOUNT OLIVE, NORTH CAROLINA, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Law repealed.	SECTION 1. That chapter one hundred and ninety of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby repealed.
Former bond issue.	SEC. 2. That whereas, under and by virtue of the power granted in chapter one hundred and ninety, Private Laws of one thousand nine hundred and thirteen, bonds were issued in the full sum of ten thousand dollars (\$10,000) for the purposes designated in said act; and whereas the amount realized by said issue has been exhausted, and the graded schools buildings are still incomplete and inadequate to accommodate the increasing demands to take the necessary care of the pupils attending the said schools; and whereas it is the unanimous opinion of the trustees or committeemen of said school and the general opinion of the taxpayers of said district and patrons of said school that the present building be fully completed and equipped; and whereas other improvements are necessary on the grounds of said schools: Now, therefore, for the purpose of raising money to complete, furnish, and equip the present buildings; to purchase and install a heating system for said buildings; to liquidate outstanding indebtedness already incurred in the erection of said buildings; to construct walks on grounds of said buildings, and to make other needed improvements on the buildings and grounds for the Mount Olive Graded School District in the county of Wayne, the school committee of said school district, corporation as aforesaid, is hereby authorized and empowered to issue bonds in the name of the Mount Olive Graded School District to an amount not exceeding six thousand dollars (\$6,000), payable at the Citizens Bank of Mount Olive, North Carolina. Said bonds shall bear not exceeding five (5) per cent interest per annum, which interest shall be payable annually, and each bond shall have coupons attached thereto for the amount of interest due thereon for each year they have to run, and said coupons after their maturity shall be receivable in payment of school taxes in said school district, and if the holder of said bonds or coupons shall fail to present the same for payment at the time and place herein named he shall not be entitled to more than ten days interest thereon for the time they have been outstanding after maturity. Said bonds shall be in denominations of five hundred dollars (\$500) each and shall
Proceeds exhausted.	
Buildings incomplete and inadequate.	
Necessity for completion of building.	
Purpose of bond issue.	
Bond issue authorized.	
Amount.	
Interest.	
Coupons receivable for school tax.	
Interest after maturity.	
Denominations.	

mature and be payable within twenty years from the date of their issue, and shall be signed by the chairman of said corporation and countersigned by the secretary, and said secretary shall keep a record of the number and amount of each bond issued and date of issue, when same matures, and to whom payable.

SEC. 3. That said bonds shall not be sold, hypothecated, or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be used for any other purpose than those mentioned in section two of this act.

SEC. 4. That for the purpose of providing for the payment of the annual interest on said bonds as they mature, the county commissioners of Wayne County shall annually, at the time of levying taxes for State and county purposes, levy and lay a special and particular tax on all persons, property, and subjects of taxation which are now and may be hereafter subject to taxation under the law for State and county purposes, or which may hereafter become so by the law of the State, sufficient to meet the annually accruing interest on said bonds. The taxes provided for in this section shall be collected by the sheriff or tax collector for Wayne County, North Carolina, in the same manner and at the same time as the State and county taxes are collected, and shall be accounted for and shall be kept separate and apart from all other taxes collected by him, and paid over to the treasurer of said graded school district exclusively to the purpose for which they are collected; and it is *Further provided*, that after the expiration of ten years from the issuance of said bonds, or any part of them, an additional special tax (if that be deemed expedient and desirable) may in like manner be levied, laid, and collected each and every year, sufficient in amount to redeem, retire, and take up each and every year such an amount of interest and principal as the said committee may determine.

SEC. 5. That none of said bonds shall be issued until this act shall be submitted to and approved by a majority of the qualified registered voters of said graded school district at an election to be held in the town of Mount Olive, North Carolina, in said school district, on a day to be designated and fixed by said graded school committee at any time from and after the passage of this act, and after the expiration of public notice for thirty days preceding said election, giving time and place where the said election will be held and registration books opened, which said notice shall contain a synopsis of the act and the object of said act, and shall be published once a week for four consecutive weeks immediately preceding said election, in any newspaper published in the town of Mount Olive or county of Wayne; and it shall be the duty of the county commissioners of Wayne County, at any of their regular meetings after the passage of this act, and at the

Maturity.
Authentication.

Sale below par
forbidden.
Specific appropri-
ation of proceeds.

Special tax.

Collection and
settlement.

Tax kept separate.

Specific
appropriation.

Additional tax.

Act approved by
qualified voters.

Notice of election.

Election officers.

request of said graded school committee, to appoint four good men and freeholders and residents of said school district as judges of said election, all or any two of whom may act; also to appoint a registrar for said election, who shall on the thirtieth day preceding said election open at some convenient place in the town of Mount Olive, North Carolina, the registration books, upon which shall be recorded the names of those who present themselves for registration between the hours of sunrise and sunset, if they be *bona fide* residents and qualified voters of said graded school district and entitled to register and vote for State officers and for the county officers of the county of Wayne in any general election that might be held for that purpose in Wayne County at the time of the election herein provided for. The aforesaid judges appointed and named as aforesaid shall meet in the town of Mount Olive, North Carolina, at sunrise on the day designated for said election, and after being duly sworn by an officer of the law authorized and empowered by law to administer oaths, to the effect that they will honestly, faithfully, conscientiously, and impartially discharge their duties as judges of said election, proceed to open the polls, that all who are entitled to vote at said election and desire to do so may vote. Their voting shall be done by ballot, written or printed on a white piece of paper, which the voter shall deposit in a box prepared by said judges for that purpose. Those voting approving the provisions of this act shall vote "For Bonds" and those not approving, "Against Bonds." When the polls are closed at sunset the aforesaid judges shall proceed to count the ballots and declare the result of said election, which they shall certify to the commissioners of Wayne County over their signatures at the next regular meeting of said commissioners after said election, which said commissioners shall cause to be entered upon their minutes as a record thereof. If the result of said election is in favor of the issue of said bonds, then the same may be issued in accordance with the provisions of this act; otherwise, not; and if the said election shall result unfavorably to the said bond issue, then in that event the act passed by the General Assembly at its session of one thousand nine hundred and thirteen, creating the revenues for said school, shall be reinstated.

Registration.

Election officers to qualify.

Ballots.

Count and return of votes.

Record of returns.

Effect of election.

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

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 204.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
RICHFIELD, STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Richfield, county of Stanly, be and the same is hereby continued a corporation under and by the name and style of the "Town of Richfield," and in that name, by its commissioners, may sue and be sued, plead and be impleaded, contract and be contracted with, and may acquire real and personal property for the use of the town, and may convey the same, as the commissioners may deem best as provided by law.

Corporation.

Corporate name.

Corporate powers.

SEC. 2. That the corporate limits of said town shall be as follows, to-wit: Beginning at an iron pin in S. R. Morgan's land and runs S. 31 W. crossing the railroad at a distance of 177 poles and 10 links, in all 240 poles, to a pine stake in D. D. Ritchie's pasture; thence N. 59 W. 80 poles to a stake in C. F. Floyd's field; thence N. 31 E. 12 poles to a stake; thence N. 59 W. 62 poles to a stake in Fink's garden; thence N. 31 E. 114 poles to a stake in George A. Shaver's old pine field; thence N. 62½ E. 136 poles to a stake near George W. Lefler's barn lot; thence S. 59 E., crossing the main street at a distance of 9 poles, and in all 69 poles to the beginning point.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners, to be elected annually, and a marshal and secretary and treasurer, to be appointed annually by the commissioners.

Town officers.

SEC. 4. That there shall be an election held in said town for the officers mentioned in this act on Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and of each and every year thereafter, under the same restrictions and regulations that county and State elections are held, and are provided for in Revisal of one thousand nine hundred and five, chapter seventy-three, except as herein modified; and all citizens residing within the corporate limits of said town, who are qualified voters in Stanly County and who have resided in said town for a period of ninety days prior to the time of registration for said election, shall be allowed to vote.

Town elections.

Voters.

SEC. 5. That the said commissioners shall have the power to pass all ordinances and regulations as they may see fit for the government of said town not inconsistent with the laws of the State and of the United States, and shall prescribe punishment for the violation of said ordinances.

Legislative powers.

SEC. 6. That the board of commissioners are hereby authorized and empowered to levy a tax annually for not less than sixteen

Taxing power.

Limits of rate. and two-thirds (16 $\frac{2}{3}$ %) cents nor more than thirty-three and one-third (33 $\frac{1}{3}$ %) cents on the one hundred dollars valuation of both real and personal property, and shall also levy annually a poll tax on each and every person within the ages provided by law to pay poll tax, equivalent to the tax on the three hundred dollars valuation of property.

Appointment of marshal. Tax collector. SEC. 7. That the commissioners of said town shall appoint a marshal at their first meeting after qualifying, who shall be the tax collector for said town, and after taking the oath as prescribed

Bond. by law, and after executing bond in a sum to be fixed by the board of commissioners, which bond shall be recorded in the register's office for Stanly County as other official bonds, for the discharge

Authority vested. of duties as tax collector, he shall be invested with the authority given the sheriff of the county for collecting taxes in said town and for levying on property and selling the same, and he shall levy and sell under the same rules and regulations as the sheriff of the county.

Mayor and commissioners to meet and qualify. SEC. 8. That it shall be the duty of the mayor of said town to meet jointly with the commissioners who may be elected at any election herein provided for, within five days after their election, and take the oath of office that they will faithfully and impartially perform the duties of their respective offices to the best of their knowledge and ability for the ensuing year.

Appointment of tax lister. SEC. 9. That it shall be the duty of the board of commissioners of said town to annually appoint a tax lister, who shall list all the taxable property in the town of Richfield at the same time

Assessment of real estate. and under the same rules and regulations as are prescribed for listing property for county and State. That all persons owning parts of lots or parts of tracts of land within the corporate limits of said town shall have the same assessed for the purpose of ascertaining the amount of tax which would be due the municipal corporation, and the tax lister for said town shall, in off years, assess any parts or parcels which may be assessed until the next year, and said assessment shall be binding, except as is provided in the general law for the correction of errors in listing.

Taxes due and payable. SEC. 10. That all taxes levied by the commissioners of said town shall be due and collectible at any time after the first day of October in each and every year, and that when the board of town commissioners shall make out a tax list and deliver the same to the marshal, that of itself shall create a lien upon the

Lien of taxes. property of the respective persons within the corporate limits, and it shall be his duty to collect the same when ordered to do so, and execute receipt to each person for the amount so collected.

Order is as follows :

Order for collection. To ----- : The books attached hereto and delivered to you are the tax books for the town of Richfield for the year

-----, and it is ordered by the board of commissioners that you, as tax collector of said town, collect taxes as herein set out, and that you collect the same as provided by law and account to the board of commissioners of the town of Richfield for the same as is provided for the sheriff of the county to account to the county commissioners, except he shall not collect taxes for State or county purposes.

Mayor. [SEAL.]

SEC. 11. That the board of commissioners of the said town shall have the power to lay out and construct streets and sidewalks in said town and to widen those already opened and to make such improvements thereon as the public convenience may require; and that the board shall be the sole judges of the improvements required; that the board may condemn any land for public use under the rules and regulations as are hereby provided for laying out public streets in this act.

Powers as to streets and sidewalks.

Power to condemn land.

SEC. 12. When the lands for rights of way for streets or other public purposes shall be required for opening new streets, or for other objects allowed by this charter, and when the owners of the property and the commissioners of the town shall fail to agree upon the valuation of the property to be taken, then it shall be the duty of the mayor to order the town constable to summons three disinterested citizens, who live within the town of Richfield and who are not connected with the mayor or any member of the board of commissioners either by consanguinity or affinity, and who are entirely disinterested, to meet, and after being duly sworn by the mayor shall visit the property which is to be condemned for the purpose of this act, and shall impartially assess the damages to said property and the benefits arising from the improvements to be made, and in examining said damages they may hear witnesses as to the sum if they deem advisable, and that the said assessors to assess said damages shall make their report in writing, signed by at least two members of their board, and their report shall be filed with the secretary of said board or the clerk, or with the board of commissioners, and recorded in their records of their meeting, and that it shall have the effect of a judgment against the town of Richfield for said sum or sums and shall vest title to property in question in the town of Richfield. That in case three impartial men cannot be had or secured within the limits of the corporation, then in that event the marshal who was authorized to summons the disinterested assessors heretofore mentioned shall go outside the corporate limits and summons the disinterested man or men, as the case may be, until three are secured, and their report shall have the same effect and be as binding as if they lived within the limits of said town.

Procedure for condemnation.

Effect of award.

Jury of view from outside of city.

- Right of appeal. That the board of commissioners or the owner of the property shall, either or both of them, have a right to appeal to the Superior Court of Stanly County, when and where the whole matter of the valuation of said property shall be tried anew under the rules and regulations prescribed by law, and that either party in said matter shall have the right to appeal from there to the Supreme Court of the State, as in other cases: *Provided*, that in case the owner of the land shall appeal to the Superior Court from the judgment of the assessor, that said appeal shall not hinder or delay the work of opening or widening said streets, as the case may be, and that the town may go ahead with the work just as if no appeal had been entered, and that in case either party shall appeal from the judgment or the findings of the assessors of the damages to the Superior Court, they shall give bond in the sum of two hundred dollars in the usual form of cost bonds, and the amount of final judgment against town shall be paid by the town of Richfield.
- Proviso: appeal not to delay action.
- Bond on appeal.
- Jurisdiction of mayor. SEC. 13. That the mayor of the town of Richfield shall have the same jurisdiction as is now or may hereafter be conferred upon the justices of the peace in the trial of criminal matters, and that he shall hear and try all cases of violation of the town ordinances and the violation of the State laws within the corporate limits of said town, and for said purposes he is hereby constituted a justice of the peace.
- Court procedure. SEC. 14. That all proceedings in the mayor's court of said town shall be the same as are now or may be hereafter prescribed by law for courts of justices of the peace. That whenever a defendant or other person be adjudged to be imprisoned by said court, it shall be the duty of the said court to sentence said person to imprisonment in the county jail of Stanly County for a period not to exceed thirty days, and to adjudge also that all persons during the period of their confinement, except for contempt, or persons who are unable to perform manual labor, shall be worked on the chain-gang of the county or on a chain-gang maintained by a township or townships in said county.
- Sentences.
- Convicts worked on chain-gang.
- Term of office. SEC. 15. That all officers elected in said town at any election shall hold office for the term of one year and until their successors are elected and qualified, and that during the absence of any officer of the town or the sickness of any officer or officers, the commissioners may appoint a man to fill the vacancy during his or their absence, or during his or their inability to fill the same, and no longer. If the absence be caused by resignation, the board of commissioners shall appoint an officer to fill said vacancy or unexpired term.
- Temporary appointments.
- Vacancies.
- Election of secretary and treasurer. SEC. 16. That the commissioners shall, at their first meeting after taking oath, elect for the ensuing term a secretary and

treasurer, and that the treasurer shall enter into bond payable to the town of Richfield or to the State of North Carolina, the amount to be fixed by the board of commissioners, and said bond shall be recorded in the office of the register of deeds of Stanly County as the other bonds of county officers. Said commissioners shall also elect at their first meeting a marshal, who shall serve for a period of one year, and that he shall enter into bond for the sum of five hundred dollars for the faithful performance of his duties as such officer, and he shall serve all processes issued by the mayor of said town and shall have the same right to serve papers as is now conferred on constables under the general law.

SEC. 17. That if any person shall violate any of the ordinances of the town, or any of the State laws within the corporate limits of the said town, in the presence of the marshal, he shall forthwith arrest the offender without a warrant and immediately carry him before the mayor of said town to answer the charge and to be dealt with as the law prescribes.

SEC. 18. That the board of commissioners for said town shall have the power to elect a mayor *pro tem.* in the absence of the mayor-elect by sickness or otherwise, and the mayor *pro tem.* shall have the same rights and powers as have heretofore been conferred on the mayor-elect; and that the board of commissioners shall have the power to fix the salary of the mayor and all other officers, agents, and employees of the town.

SEC. 19. That the marshal for said town, when he shall have been appointed tax collector as provided in this act, shall have power and authority to collect back taxes for the years one thousand nine hundred and twelve, thirteen, and fourteen, under the same rules and regulations as are herein prescribed for the collection of taxes for said town.

SEC. 20. That the board of commissioners are hereby authorized and empowered to remove from office the marshal, tax collector, secretary, or treasurer of said town upon their failure to lawfully and properly perform their duties as such officers.

SEC. 21. That the board of commissioners for the town of Richfield shall constitute a sanitary committee, and that all orders made by them for the preservation of the health of the citizens of the town shall be put into effect by the marshal as they may prescribe. Any person who shall fail to comply with any order or orders made by said board or sanitary committee, after having been notified in writing by said marshal, shall be guilty of a misdemeanor and shall be fined by the mayor of said town for each and every offense not less than five dollars and not more than fifty dollars or imprisoned not more than thirty days.

SEC. 22. That the board of commissioners shall have power to tax circuses, shows, menageries, liquor dealers, theaters, artifi-

Bond of treasurer.

Marshal.

Term of office.

Bonds.

Service of process.

Arrest without warrant.

Mayor pro tem.

Salary of mayor and other officers.

Collection of back-taxes.

Removal of officers for cause.

Sanitary committee.

Failure to comply with order a misdemeanor.

Punishment.

License tax.

cial curiosity venders or patent or proprietary medicines, for any money or rewards, peddlers of all kinds of goods, wares, merchandise, paints, polishes, varnishes, oils, dealers in fireworks, draymen, barbers, and liverymen, as they may see fit and proper, not inconsistent with the laws of the State.

Forfeit on commissioner for failure to attend meetings.

SEC. 23. That if any commissioner shall fail to attend the regular meetings of the board of commissioners for said town, or call meetings of which he shall have had notice, unless prevented by a cause satisfactory to the board of commissioners, he shall forfeit and pay for the use of the town the sum of one dollar for each and every offense or time he shall fail to attend, and it shall be the duty of the mayor to enforce such forfeitures as in all other criminal actions.

Term of present officers.

SEC. 24. That the officers for the town of Richfield now holding office shall hold and discharge the duties of the various offices for said town until the next regular election and until their successors are elected and qualified.

Use of taxes.

SEC. 25. That the board of commissioners of the town of Richfield are authorized and empowered to use all moneys arising from taxes as provided in this charter, which shall include all special taxes as well as that arising from taxes on the property, for the improvement of the streets and sidewalks, lights, and general health of the town, and for protection against fire.

Quarterly statements.

SEC. 26. That the treasurer for said town shall make a quarterly statement and account of all moneys expended for said town by him as such treasurer, and the same shall be published for ten days by notice or notices posted up in said town, as may be directed by said board of commissioners.

Publication.

Officers not accounting ineligible to reelection.

SEC. 27. That any officer or officers provided for in this charter who may handle any funds or moneys for said town and shall fail to properly and duly account for the same as provided by law, at the end of each year, shall not be eligible to reelection or reappointment to said office or any other office in said town for a period of two years.

General law applicable.

SEC. 28. That the general law as now provided for in chapter seventy-three of the Revisal of one thousand nine hundred and five shall be applicable to the town of Richfield, except as expressly modified or otherwise changed by this act.

SEC. 29. That all laws and clauses of laws in conflict with this charter for the purpose of the town of Richfield are hereby repealed and this act substituted therefor.

SEC. 30. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 205.

AN ACT TO AMEND CHARTER OF THE TOWN OF
BELHAVEN.

The General Assembly of North Carolina do enact:

That the Private Laws of one thousand nine hundred and seven, Law amended.
chapter two hundred and forty-six, be amended as follows:

SECTION 1. That when, in the opinion of the board of aldermen Purchase of land.
of the town of Belhaven, any land, right of way, privilege, or
easement shall be required for the purpose of opening new streets
or extending or widening those already open, or for the exten-
sion or maintenance of drainage and any sewerage system that
might be owned by the town of Belhaven, or any land that may
be, in the opinion of the board of aldermen, necessary for the pur-
pose of building wharves or docks, or may be necessary for the
purpose of filling in so as to more adequately drain the town of
Belhaven, said town may purchase the same from the owner or
owners thereof and pay such compensation therefor as may be
agreed upon; but if said town or said board of aldermen should
be unable to agree with the owner thereof for the purchase of
said land, rights, privileges, or easements therein, condemnation
of the same for such public use may be made in the manner here-
inafter set forth. The said town or board of aldermen shall file
with the clerk of the Superior Court of Beaufort County its ver-
ified petition, praying for the appointment of commissioners
to appraise and value the real property or rights, privileges, or ease-
ments proposed to be taken or condemned for any of the purposes
aforesaid, and to ascertain and report to the court what sum
should be paid to the owner or owners as damages for the prop-
erty, rights, privileges, or easements so taken; the said assess-
ments to be made by the commissioner according to the value of
the property or rights, privileges, or easements to be acquired for
public use. The petition shall set forth and describe the particu-
lar property, rights, privileges, or easements proposed to be taken
or condemned for the purpose aforesaid, and shall also state the
names and residences of the owner or owners thereof and of the
persons who have any interest therein which may be affected by
the said condemnation, and whether any of the said owners are
minors, with or without guardians.

Condemnation
authorized.

Petition for
appointment of
commissioners.

Property described.

SEC. 2. That upon the filing of said petition the clerk of the Issue of summons.
Superior Court shall issue a summons to the parties interested in
the lands, rights, privileges, or easements described in the petition,
requiring them to appear at his office in the courthouse of said
county on a day at least ten days after the service of said sum-
mons and answer or otherwise plead to the petition, and the said

Procedure as in
special proceedings.

proceedings shall be conducted in all respects as are other special proceedings, and the clerk may issue process and make publication for parties and appoint guardians in like manner as is provided by law in the case of special proceedings.

Order for assessment.

Sec. 3. That if the clerk shall find that the property, rights, privileges, or easements described in the petition are required for the public use, he shall make an order appointing five disinterested and competent freeholders of Beaufort County to ascertain and assess the value of the property, rights, privileges, or easements proposed to be taken, and the damages to be paid to the owner thereof by said town. The clerk shall issue a notice of their appointment to the said freeholders to be served upon them by the sheriff of the county, and when so notified they shall within five days go upon the premises and ascertain the value of the lands, rights, privileges, or easements proposed to be taken for public use, determine by a majority vote the amount of damages to be paid for the same, and make report of their findings to the clerk of the Superior Court of said county within ten days after notice of their appointment. Before making such report they may take the evidence of witnesses offered as to any values to be assessed, but shall not hear argument by the parties interested.

Notice to assessors.

That if any party to the proceedings shall be dissatisfied with the report of the commissioners he may file exception 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 the said proceedings and upon the said exceptions shall be transferred to the Superior Court for trial in like manner as provided in the case of other special proceedings pending before the clerk; and the said issues shall be tried at the first term of the Superior Court after they are transferred, unless, for good cause shown, the trial or hearing of the matter is continued by the court; and the trial of said issues shall have precedence over all other civil cases or matters on the docket of the said court. From the judgment of the Superior Court, rendered in said proceedings, any of the parties may appeal to the Supreme Court as in other cases pending in the Superior Court: *Provided, however,* that no appeal either to the Superior or Supreme Court shall hinder or delay the town in the use of said property, rights, privileges, or easements, or in the prosecution of the work proposed to be done and the improvements to be made.

Award by majority vote.

Exceptions to report.

Transfer to superior court.

Trial at first term.

Precedence of trial.

Appeal to supreme court.

Proviso: appeal not to delay work.

Considerations governing awards.

Sec. 4. That in making the valuation and assessment aforesaid the commissioners shall take into consideration the loss or damage that may accrue to the owner by reason of the land or right of way being surrendered, and also any benefit or advantage such owner may receive from the opening, extending, or widening of the street, or any other improvements thereof, or any benefits that the remainder of the owner's land may receive from the drainage

or filling in of marshy and swampy land to be done by the town on the land so condemned for that purpose, 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 the loss or damage, as the case may be. That the value of any benefit or advantage to any lot or land arising from the opening, extending, widening, or improving any street and accruing to said lot or land in common with other lots or land similarly situated may be assessed by the said commissioners against the lots so benefited, and shall be a lien thereon, and the payment thereof may be enforced as is provided for the collection of taxes in the town of Belhaven; but the amount of said assessment shall be stated separately in the report of the commissioners. That in any case where the benefits to land caused by the erection of any such improvement are ascertained to exceed the damages to the land, then the town or board shall pay the costs of the proceedings, and shall not have judgment for the excess of benefits over the damages.

Benefits assessed.

Lien on property.

Enforcement.

Amount stated separately.
Town to pay costs.

No judgment for excess.

SEC. 5. That in all cases of appraisal under this act where the mode or manner of 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.

Procedure when not expressly defined.

SEC. 6. 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 matter of the improvement for which the land is required, and authorize the institution of proceedings in accordance with this act.

Order for condemnation.

SEC. 7. When any proceedings for appraisal of property or rights under this act shall have been instituted, no change of ownership or transfer of the real estate or any interest therein, or of the subject-matter of the appraisal or any part thereof shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Change or transfer of ownership.

SEC. 8. If at any time after the attempt to secure such property or rights by appraisal or otherwise it shall be found that the title to said property, or right proposed to be taken or which has been acquired or condemned, is defective, said town may proceed anew to acquire or perfect said 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

Procedure for clearing title.

Possession of property pending action.

property or rights, to continue in possession of the same; and if not in possession, to take possession of and use such property or rights during the pendency and until the final conclusion of such new proceedings; and may stay all actions or proceedings against the petitioner on account thereof, upon such petitioner paying into court a sufficient sum or giving security as the court may direct, for the damages which may be finally assessed and recovered against it; and in every case any party interested in such property or rights may conduct the proceedings to a conclusion if the town delays or omits to prosecute the same.

Recovery on discovery of defect in title.

SEC. 9. That if the title to any property or rights, privileges or easements condemned in any proceedings instituted under this section shall prove to be defective, the town may by action recover of the party or person who has received the money or compensation for the property, rights, privileges, or easements so condemned any loss or damage it may have sustained by reason of said defect of title, not exceeding the amount so paid as compensation for the taking of the said property, rights, privileges, or easements.

Service of notice.

SEC. 10. That where any notice is required to be given in said proceedings, and the person or party to be notified is a nonresident of Beaufort County, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be; and if the said person is a nonresident of the State, the notice may be served by the publication thereof once a week for four weeks in a newspaper published in Beaufort County, and the affidavit of the publisher, proprietor, or foreman of said newspaper that said notice was so published shall be sufficient *prima facie* proof of such publication; and the time of notice shall be counted from the last day on which the notice was inserted in said newspaper.

Notice to non-residents.

Title vested in town.

SEC. 11. That the title to any real estate, rights, privileges, or easements which has been condemned under the provisions of this act shall vest in the town of Belhaven upon its paying into court or to the parties entitled to receive the same the amount of compensation or damage recovered against it, together with the costs adjudged to be paid by it in the said proceedings, and upon its further complying in all respects with the judgment of the court.

Registration of final judgment.

SEC. 12. A copy of the final judgment of the court, duly certified by its clerk, may be registered in the office of the register of deeds of Beaufort County, and said copy, so certified by the clerk, or a copy of the registry of such judgment duly certified by the register of deeds, shall be received as evidence in all the courts of this State, and where the said copy is offered in evidence in any court not held in the county of Beaufort the certificate shall have affixed to it the official seal of the certifying officer.

When act effective.

SEC. 13. This act shall go in effect and be operative from and after its ratification.

SEC. 14. That the said town of Belhaven shall have the 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 town; to put down curbing, cross drainage and crossings on the same; to lay out and open any streets, or widen those already open, and make such improvements thereon as the public convenience may require.

Powers to improve streets and sidewalks.

SEC. 15. That whenever a petition of seventy-five per cent of the property owners facing on any street in any block or blocks in the town of Belhaven shall petition the board of aldermen to lay out and have the sidewalks in said block or blocks paved at the expense of the property owners, the said board of aldermen may order the said sidewalks paved and repaved at the expense of the owner or owners of land abutting on said street with such material and in such manner as the board of aldermen of said town shall direct: *Provided, however,* that the board of aldermen, in order to secure uniformity in the work done, may, after giving ten days notice in the manner herein prescribed to the owner, have all the work provided for herein done by the town forces or by contract, and charge said proportions of the actual cost of such work to the owner of the abutting property, and said charges shall be a lien thereon as provided herein: *Provided, also,* that the town shall, out of its general fund, pay said cost for said improvement, except that portion of such street occupied or used by any railroad company, which must be assessed and paid by the owners and operators thereof.

Petition for improvement of sidewalks.

Order for improvements.

Proviso: work done by city a charge on land.

Lien.

Proviso: payment from general fund.

Payment by railroad company.

SEC. 16. That if any street railroad company or any other railroad company have tracks running through or across said street it shall be incumbent on said company to pave or repave, repair, or otherwise improve that part of said street as said board of aldermen may prescribe, not exceeding the space covered by its tracks and for fourteen inches on each side of every line of track now in use or may hereafter be constructed by said company: *Provided,* that the board of aldermen shall have full authority to pave or contract for paving the whole of said space without giving such street railroad company or other railroad company or occupant of the street the option of having said street paved by itself or by a contractor at its instance; the object of this section being to prevent any delay in the progress of the work and to secure a uniform quality of workmanship, and shall collect the same out of said company or companies.

Work incumbent on street railroad and other railroad companies.

Proviso: authority of town.

To prevent delay and secure uniformity.

SEC. 17. That said board of aldermen shall have full power and authority to adopt by ordinance such a system in laying out districts or sections of streets and sidewalks for permanent improvement and of equalizing assessments on real estate to pay the cost of such improvements as may be just and proper; and in order

Improvement sections.

Assessments for improvements.

to more fully carry out the duties imposed by the provisions of this act for more permanent improvement of all streets said board of aldermen shall have the power to pass ordinances, upon the town paying the cost of paving or repaving all such streets, assessing the cost of paving and repaving sidewalks adjoining within any such district or section laid out for improvement on the real estate abutting on the street or portion thereof so paved or repaved, and it shall be incumbent on the owners of the real estate abutting on each side of the street or part thereof so improved or repaired to pay the amount so assessed for such improvement: *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 said proportions of the actual cost of such work to the owners of the abutting property, and the said charges shall be a lien thereon as provided herein: *Provided,* that the board of aldermen shall not order such improvement district or section to be laid out as provided in this section until and unless the persons owning land abutting on such streets or public alleys, or the portion thereof proposed to be improved which has more than one-half of the frontage abutting on such streets or public alleys or the portion thereof proposed to be improved, shall in writing request the board of aldermen to make such improvements; but the nature and kind of the material used in such improvement so made shall be left to the discretion of said board of aldermen in all cases; the petition of the persons owning more than one-half of the frontage abutting on said streets is applicable to this section and the provisions herein contained: *Provided, also,* that the town 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 street and intersections occupied or used by any street railroad or other railroad company, which must be assessed and paid as above provided by the owners and operators thereof.

SEC. 18. That within any district or section laid out for improvement as aforesaid, and the said board of aldermen shall have ordered said improvements to be made, the said board of aldermen, through the city clerk and treasurer, shall notify the owner or owners of the land fronting thereon to at once pave or repave, as may be required, the sidewalks thereof as hereinbefore provided; and should such owner or owners fail for ten days after such notice to comply therewith, said board, unless it shall extend the time therefor, shall cause said sidewalk to be so paved or repaved, and shall charge said proportions of the cost thereof against such lots respectively, and cause the same to be entered by the city clerk and treasurer, as the board may determine, in a book to be kept by him for that purpose, and the said clerk shall

Ordinances for assessments.

Proviso: work done by city.

Charge on abutting property.

Lien for charges.

Proviso: request for improvements.

Material.

Proviso: apportionment of cost.

Notice for improvement of sidewalks.

Work done by city.

Charge on lots.

Collection.

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 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 are 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 for the sale of real estate for unpaid taxes in said town; but said board of aldermen may in its discretion divide any such charge in such manner that the same may be paid in three 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: *Provided, however,* the costs and charges to be assessed against the abutting property as herein mentioned shall in no case exceed the special enhancement or increase in value of said property occasioned by reason of the improvement herein in this section provided for.

Lien for charges.

Sale of land.

Payable in installments.

Proviso: limit of assessment.

SEC. 19. That in order to equalize the assessments on real estate for the purpose of improving streets described in this act, said board of aldermen shall estimate the total cost of such improvement made throughout the entire length of such work and improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street 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 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 may see fit, and shall file in the office of the city clerk a plat of subdivisions, making the lots fronting on streets so paved or improved of any desired frontage, but not less than one hundred feet in depth, and the assessments made and the liens created by virtue of this act for street improvements shall thereafter affect and attach to such front lots only, not less than one hundred feet in depth; and where, in such cases, any lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain charged with its ratable proportion of said assessments and lien according to its frontage. That whenever the said mayor or board of aldermen shall

Method for estimating and apportioning cost.

Proviso: subdivision of abutting property.

Lien on front lots only.

Proportion of charge.

Survey, grade, and map.

order paving or other improvements to be made on any street or sidewalk or any part thereof in such improvement district or section, the board of aldermen shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map to be made of the various lots and properties abutting on said street, or the 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 in the office of the town clerk, to be subject to public inspection; and when the assessments and liens herein provided for shall have been made upon the various lots and properties on the street the said town clerk shall write upon the said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments, liens, and the date and amount of all payments made on any of said assessments and liens: *Provided further*, that no assessment against any piece of property improved as herein allowed shall in any case exceed in amount the special benefit to or enhancement in value of said property by reason of said improvement: *Provided, also*, that where any part of such assessment would be chargeable to the town it shall be wholly discretionary with said board of aldermen whether said improvement shall be done or not.

Map filed for public inspection.

Assessments noted on map.

Proviso: limit of assessment.

Proviso: action discretionary.

Jury of view.

Summons.

Jurors to appear and be sworn.

Excuse of jurors.

Completion of jury.

Jurors to be sworn.

SEC. 20. That in order to determine the special benefits and levy the assessments against the abutting property and owners thereof provided for in this act, the same shall be found by a jury of five freeholders of said town unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvements, who shall be summoned by any policeman of said town upon an order or notice to him directed by the mayor under the seal of said town, commanding that such be done at the instance of the board of aldermen and briefly describing the duties to be performed by such jury. Each member of said jury summoned as aforesaid shall repair to the mayor's office at a date and hour to be named in the mayor's said order, not more than five days after the date of same, for the purpose of being sworn as herebefore required. Upon the assembling of said jury at the mayor's office, any person summoned as aforesaid, upon excuse offered satisfactory to said mayor, may by him be excused from further service, or if any person summoned should reside on or own land in any district laid out for improvement, or should be challenged in writing as interested, by any owner of land to be affected by such improvement, it shall be the duty of the mayor to require any policeman of this town to forthwith summon another person having qualifications hereinbefore described to serve upon said jury in the place and stead of the juror so excused by the mayor. Each juror shall be sworn by the mayor or any other person competent to administer oaths in this State to faithfully

and impartially execute the duties of his office before entering upon the performance thereof.

SEC. 21. That immediately after being sworn as aforesaid, said jury, as finally constituted, shall proceed without unnecessary delay to view the street and section in which said improvement has been or is proposed to be made, as hereinbefore described, and all the property deemed by them to be beneficially affected thereby, as hereinbefore described, and shall within a reasonable time thereafter, not exceeding five days, and after due consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece of property deemed by them to be beneficially affected by said improvement, and giving also the name or names of the supposed owner or owners thereof. After making up their report as herein required, said jury shall forthwith file the case with the town clerk and treasurer of Belhaven, who shall submit it to the board of aldermen at their next regular meeting after the day on which the same is filed as aforesaid, for their action. Said board of aldermen shall at said meeting or at any regular meeting thereafter, not exceeding thirty days from the date of the submission of the same, take up and consider the report of said jury and hear any competent evidence from any person interested in the property affected thereby touching any matters covered by said report, and confirm or modify the same: *Provided, however,* in no case shall any property be assessed by said jury or board of aldermen of said town on account of said improvement in excess of the special benefit or enhanced value of said property arising from said improvement.

SEC. 22. That any person who shall have filed objections as aforesaid to the confirmation of said report shall have the right within five days after the approval or confirmation of the same by the said board of aldermen, and not after that time, to appeal from the said decision of the said board of aldermen to the next term of the Superior Court of Beaufort County, North Carolina, upon giving a written undertaking in at least the sum of two hundred dollars, with sufficient sureties, to be justified before and approved by said clerk, to the effect that said appellant will pay to said town all such costs and damages as it may sustain by reason of such appeal, if the court shall finally render judgment against said appellant. In case of an appeal as aforesaid, a copy of said report, in so far as it affects the property of the appellant as the same was approved by the mayor and the board of aldermen, a copy of the objections of the appellant thereto and of said notice, duly certified by the town clerk, shall constitute the record on appeal, and when filed in the office of the clerk of the Superior Court of said county the same shall be docketed on the civil-issue docket in the name of the person taking such appeal against the

Jury to view and report.

Majority report.
Details of report.

Report filed.

Action by aldermen.

Proviso: limit of assessment.

Right of and time for appeal.

Bond on appeal:

Record on appeal.

Appeal docketed.

- town of Belhaven as "An appeal from an assessment"; and the cause shall then be deemed to be at issue without any further plea on the part of said town; but said town shall have the right to file a further answer or defense thereto if it be so advised, and said cause shall stand for trial at the next term of court beginning more than ten days after the docketing of said appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within ten days after the confirmation of said report, all right to prosecute such appeal shall be thereby forfeited; and upon the trial of the issues arising on such appeal, if all the issues be found in favor of the appellant, the lien for said assessment shall be discharged. If, however, the issues or any of them be found in favor of the town of Belhaven to any amount, and if it be thereby ascertained that the appellant is due to said town any amount by virtue of the matters therein referred to, or that said land is subject to a lien for said assessments, or any part thereof, then the amount so found in favor of the town of Belhaven, with interest thereon, together with costs thereon accrued, 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 approval of said report by said board of aldermen, and shall be collected by the tax collector in such manner as the other assessments herein provided for are collected.
- Liability of town.** SEC. 23. That the said town itself shall be liable for such part of the cost and expense of said street improvements as shall not have been assessed against and collected from the abutting land or the owners thereof: *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 provided for by law shall be deducted from the proportion of the costs of such improvement for which the said town is liable as aforesaid, whether such street railway or street railroad shall run through the center or upon each side of the street so improved as aforesaid; and the amount to be paid by said street railway or street railroad company as provided for by law shall not in any event be deducted from any sum assessed against the abutting landowners under the provisions of this act.
- Sale and transfer of liens.** SEC. 24. That said town, by the mayor, with the approval of the board of aldermen, is hereby authorized and empowered to assign, sell, and transfer said liens created by this act, and all sums owing thereon, either by note or otherwise, whether absolutely or upon condition, to any person or persons in order to enable them to raise means to carry into effect the provisions hereof, and if any such liens shall be transferred as aforesaid and shall not be paid to the owner thereof when due, they shall be collected by the tax collector of said town in the same manner as
- Answer or defense.**
- Trial term.**
- Appeal dismissed.**
- Effect of judgment.**
- Liability of town.**
- Proviso: assessments on railroads credited to town.**
- Sale and transfer of liens.**
- Collection of liens sold or transferred.**

other assessments hereinbefore provided for in this act, and the amount thereof, when collected, shall be paid by said tax collector to the owner or owners of said liens, less two per centum of the amount actually collected by him, which shall be paid to the city clerk and treasurer to cover the costs of such collection. Commission for collection.

SEC. 25. The provisions for making assessments and for collection of dues and all provisions provided in this act to carry into effect the spirit and intent of this act shall apply both to sidewalks when laid out in districts on petition of landowners as aforesaid where the costs of said improvement are to be paid exclusively by the abutting landowners as herein provided and also to districts laid out for paving streets and sidewalks where the costs of said improvement shall be paid partly by the abutting landowners and partly by the town of Belhaven, as hereinbefore provided by this act. Application of act.

SEC. 26. This act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 206.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF HIDDENITE IN THE COUNTY OF ALEXANDER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty-eight of the Private Acts of North Carolina, ratified the twenty-seventh day of February, nineteen hundred and thirteen, be and the same is hereby amended and revised as follows:

SEC. 2. That section one of said act be revised and amended by striking out in lines four, five, and six, after the word "authorities" in line four and before the word "is" in line six, the following words: "now conferred upon incorporated towns of like nature in the State under the general law of North Carolina." and by adding at the end of said section the words "within the limits of said town." Limitation of authority.

SEC. 3. That the board of commissioners of said town shall appoint, in the month of April of each year, a tax lister, whose duties it shall be to notify all persons owning property in said town, and all persons and corporations required to pay taxes by law in said town, to appear at the office of such tax lister between the fifteenth day of May and the fifteenth day of June in each year and return under oath a true and accurate list of his or her or their taxable property in said town, or which may be liable Appointment of tax lister.
Notice for listing.

therein, at its true cash value; and all persons liable for a poll, the payment thereof, in said town shall list same at the said time and place: *Provided*, that it shall be sufficient notice to taxpayers if said tax lister shall post at the office of the mayor of said town and at four other public places therein a ten-day notice stating the time and place when and where he will list the taxes of such taxpayers; and said tax lister shall make return to the said board of commissioners an alphabetical list of the taxpayers of said town, together with a classified schedule of all the taxable property and polls of such taxpayers, on or before such date as may be designated by said board of commissioners. Upon the filing of said list and schedules, said board of commissioners shall examine same and make such corrections in or revisions thereof as they may desire to make, and shall then cause the said tax lister or other competent person to make up a book or list showing the property listed by each person, firm, or corporation, and the amount of taxes each taxpayer is liable for, and when such tax book or list shall have been made up complete, same shall be placed in the hands of the tax collector of said town for collection by not later than the first Monday in September of each year, accompanied by a warrant or order to said tax collector, from said board of commissioners, signed by the mayor and attested by the secretary of said board, which book or list and said warrant or order shall be returnable on a day certain, not later than the first day of February in each year; and said tax list and warrant or order shall have the force of a judgment and execution for the taxes in said book or list stated: *Provided, however*, that said tax list shall not in any year be delivered to such tax collector until he shall have settled for all the taxes due on the list for the preceding year, provided the list was in his hands for such year, and not until he shall have filed with said board of commissioners a good and sufficient justified bond in an amount not less than the sum total of the said tax list, which bond shall always be approved by said board of commissioners and be spread of record in the minutes of said board.

SEC. 4. That the tax collector shall enforce the collection of taxes due said town by levying upon personal property, if any can be found, then upon the real property of the delinquent taxpayers within said town; and after he shall have advertised the personal property for ten days and the real property for thirty days by posting notices at the office of the mayor and four other public places in said town or in some newspaper published in Alexander County, he may sell said property or so much thereof as may be necessary to satisfy the taxes for which same is being sold and all costs incident to such sale; said sales to be made by public auction at the front door of the mayor's office in said town; and for all real property so sold the tax collector shall pass to

Proviso: sufficient notice.

Return of lists.

Correction of list.

Tax book.

Delivery to collector.

Order.

Force of list and order.

Proviso: settlement for previous year.

Bond.

Enforcement of collection.

Advertisement of sale.

Sales.

Receipt in sales of real estate.

the purchaser a receipt for the purchase money and file with the secretary of the board of commissioners a true return of his proceedings: *Provided*, that if the delinquent taxpayer whose real estate is sold, or his agent, shall desire to redeem the said real estate, he shall be permitted to do so only upon his paying to the secretary of said board within twelve months of sale the amount for which said real estate was sold, including costs, plus twenty-five per centum on such amount. Upon the payment of such sums such taxpayer shall be restored to his original rights with respect to the property so sold; but upon failure of any delinquent taxpayer to so redeem his real estate so sold, the tax collector shall make deed to such purchaser, and such deed shall be sufficient to pass all rights, title, and interest the delinquent taxpayer has in and to the real estate so sold. The said tax collector shall, by survey or otherwise, definitely designate what part of the real estate of any and all delinquents he so sold, when less than the whole lot or tract of such delinquent or delinquents was sold.

Return of proceedings.

Time for redemption.

Deed to purchaser of unredeemed property.

Survey of real estate.

SEC. 5. That the board of commissioners shall have power to grade, macadamize, and pave the streets and sidewalks, and to lay out and open new streets, or extend those already laid out, to widen those already open, to locate or relocate any street or streets in said town, and make such improvements thereon as the public convenience may require. That when any land or right of way shall be required for the purpose of opening new streets or extending those already laid out, or for widening those already open, and for want of agreement as to the value thereof, or the same cannot be purchased at a fair and reasonable price, to be determined by the commissioners, from the owner or owners, the same may be taken by condemnation at a valuation to be made by three freeholders of the town, to be chosen one by the landowner and one by the commissioners, which two so chosen shall choose the third freeholder, or if the landowner shall refuse or fail to choose one of the freeholders as above directed, the town commissioners may choose two, who shall select the third freeholder, and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace, shall take into consideration the loss or damage which may accrue to the owner in consequence of land in right of way being surrendered, also any benefit or advantage such owner may receive from the opening or widening or extending such street or other improvements, and ascertain the sum which shall be paid to the owner or owners 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 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 capacity of the land so taken: *Provided*, that if any person over whose

Improvement of streets.

Procedure for condemnation of lands.

Proviso: right of appeal.

land the said street may pass or improvement be erected, or the commissioners, be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court in said county: *Provided, however*, that such appeal shall not hinder or delay the commissioners opening or widening or extending such street or erecting such improvements.

Proviso: appeal not to delay work.

SEC. 6. That the board of commissioners shall have the power to require any landowner or landowners in said town to remove any house or obstruction built or placed in any street or streets by any landowner, landowners, or other person or persons, adjacent to such street, before the incorporation of said town; and if said landowner or landowners shall refuse or fail to remove such house or obstruction after being duly notified by the mayor of said town, then in that case the board of commissioners of said town shall have power to remove or cause to remove such house or other obstruction: *Provided, however*, the landowner or landowners have had sufficient notice of such action, and it shall be sufficient notice to such landowner or landowners if a thirty-day written notice issued by the commissioners and signed by the mayor of said town; and such cost and expense incurred in removing such house or other obstruction shall operate as a charge or judgment against the land of the owner or owners.

Removal of houses obstructing streets.

Proviso: notice to owners.

Expense a judgment on land.

Collection of judgment.

Procedure for satisfaction of charges.

Work on sidewalks.

Procedure for collection of expense.

Proviso: apportionment of expense.

SEC. 7. That if any person or persons against whose land a charge or judgment has been launched shall fail or refuse to satisfy the same within ninety days after said charge become operative, a proper officer, to be named by the board of town commissioners, shall proceed to collect the same by sale, after public advertisement for the space of thirty days.

SEC. 8. That it shall be legal for the board of commissioners of said town to adopt the same procedure, in satisfying such charges as may be against any land in said town that is prescribed in section four of this act for the collection of delinquent taxes as regards the levy on real property.

SEC. 9. That the board of commissioners of said town cause the sidewalks of said town to be worked and repaired at the expense of the landowners adjacent thereto, adopting the same procedure as used in the collecting of delinquent taxes, as prescribed in section four of this act, in cases where such landowners shall refuse or fail to work or repair such sidewalks ordered to be worked or repaired by the board of commissioners of said town; the expense of working or repairing the same becoming a charge against the land of such landowners adjacent to such sidewalks so worked or repaired, or caused to be worked or repaired by the board of commissioners of said town: *Provided, however*, that said town shall be liable for one-half of such expenses incurred in working or repairing or causing to be worked or repaired by the board of commissioners of said town.

SEC. 10. That all laws or parts of laws inconsistent with this act are hereby repealed in so far as the same are inconsistent with this act.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 207.

AN ACT TO AMEND CHAPTER 397 OF THE PRIVATE LAWS OF 1901, ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO, AND TO REVISE AND CONSOLIDATE ALL LAWS IN RELATION TO SAID CITY."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and ninety-seven of the Private Laws of the General Assembly of North Carolina of one thousand nine hundred and one, entitled "An act to amend the charter of the city of Goldsboro and to revise and consolidate all laws in relation to said city," be and the same is hereby amended by repealing and striking out section forty-three of said act and enacting in lieu thereof the following: That all taxes levied by the board of aldermen shall be a lien upon the personal property of the taxpayers from date of levy thereon, and upon the real property from the first day of May of the year in which the said tax is levied, and all such taxes shall be due and payable on the first Monday in September in each year. On all such taxes paid prior to October first there shall be a discount allowed of two per cent. On all such taxes paid after September thirtieth and prior to November first there shall be a discount allowed of one per cent. On all such taxes paid after October thirty-first and prior to December first there shall be a discount allowed of one-half of one per cent. On all such taxes paid during the month of January there shall be charged and added thereto for such nonpayment one per cent thereof, which shall be collected in the same manner as other city taxes. On all such taxes paid during the month of February there shall be charged and added thereto for such nonpayment two per cent thereof, which shall be collected in the same manner as other city taxes. On all such taxes paid during the month of March there shall be charged and added thereto for such nonpayment three per cent thereof, which shall be collected in the same manner as other city taxes. That on and after the first day of April of each year the tax collector is authorized and directed to levy upon and sell, upon a notice of ten (10) days, the personal property of any delinquent taxpayer, and to sell the

Attachment of
lien for taxes.

Taxes due and
payable.
Discounts for
prompt payment.

Penalties for delay.

Collection by
distress.

real estate of any delinquent taxpayer after notice of thirty (30) days: *Provided*, said tax collector may at any time levy upon and sell said personal property upon filing an affidavit that he has reason to believe that such taxpayer is about to leave the city of Goldsboro, and that there is danger of the loss of the taxes due by him, and obtaining an order from the mayor directing him forthwith to levy upon and sell the personal property of such taxpayer. The notice provided for in this section shall be posted at the courthouse door and published in some newspaper published in the city of Goldsboro; that whenever any property, real or personal, is sold for nonpayment of taxes as herein provided, the city of Goldsboro may become the purchaser, provided there is no bidder for the property so sold for the amount of taxes and cost due upon the same; that the tax collector shall keep a record of all sales made by him, and upon the sale of any real property as herein authorized shall deliver to the purchaser a certificate stating the name of delinquent taxpayers, the amount of taxes and costs, and describing the real estate so sold; and if within twelve months the owner of said real estate shall not redeem the same by paying to the purchaser the amount of said taxes and costs, with ten per cent added thereto, the tax collector shall execute and deliver to the purchaser a deed for the said real estate, which deed shall conform as near as may be to the deeds executed by sheriffs upon sales of real estate for taxes, and shall have the same force and effect; there shall be the same fees and costs charged as upon sales by sheriffs for taxes.

Proviso: order for prior levy on personal property.

Notice of sale.

City to purchase real estate.

Record of sales.

Certificate to purchaser.

Deed if property not redeemed.

Sec. 2. That all laws, clauses, or parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 208.

AN ACT TO CONSOLIDATE, REVISE, AND AMEND THE CHARTER OF THE TOWN OF ELM CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Corporate powers.

SECTION 1. That the inhabitants of the town of Elm City shall be and continue, as they heretofore have been, a body politic and corporate, and in the name of the board of commissioners of Elm City or by the agents duly authorized by the said board shall have the right to contract and be contracted with, to sue and to be sued, to plead and be impleaded, to purchase and to hold and

to convey real or personal property, and shall have all powers, rights, and privileges necessary or belonging to or usually appertaining to municipal corporations under the laws of the State of North Carolina.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point in the center of Broad Street five-sixteenths of one mile southwardly from the crossing of Broad and Main streets, and runs thence eastwardly parallel with Main Street five-sixteenths of one mile, cornering; runs thence northwardly parallel with Broad Street to Wilson Street, which runs by the residence of Dr. E. G. Moore, cornering; runs thence eastwardly with said Wilson Street one-sixteenth of a mile, cornering; runs thence northwardly parallel with Broad Street to the center of Main Street, continuing the same line northwardly and parallel with Broad Street five-sixteenths of one mile, cornering; runs thence westwardly eleven-sixteenths of one mile, cornering; runs thence southwardly parallel with Broad Street ten-sixteenths of one mile, cornering; and runs thence eastwardly parallel with Main Street to the beginning. That any and all police officers of the said town of Elm City shall have full power and authority to serve any and all process issued by the mayor of the said town against any person violating any of the ordinances of the said town within the corporate limits of said town, whenever such person so violating the said ordinances shall be within that territory, which is one-half mile from and adjacent to the corporate limits of the said town.

SEC. 3. On Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and biennially thereafter, there shall be an election held in the town of Elm City for the purpose of electing, by the qualified voters of said town, a mayor and five commissioners for said town, who shall hold their offices for two years and until their successors are elected and qualified. The said commissioners and mayor so elected shall reside within the corporate limits of the said town and shall be duly qualified electors of Wilson County. The said commissioners shall each receive as compensation for their services not to exceed three dollars per month.

SEC. 4. All town elections for the town of Elm City, whether general as provided for in section three of this act or special elections for any purpose whatsoever, shall be held and conducted as near as possible as prescribed by the general laws for holding elections in towns as outlined in chapter seventy-three of the Revisal of one thousand nine hundred and five, Laws of North Carolina.

SEC. 5. 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

Corporate limits.

Police jurisdiction.

Town elections.

Term of office.

Eligibility.

Law governing elections.

Mayor to be sworn.

Form of oath.

(or 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 Elm City 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."

Oath of commissioners.

SEC. 6. 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. 7. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances, and by-laws of the town, and shall prescribe their terms of office and fix their compensation. 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. The salary of the mayor shall also be fixed by the board of commissioners.

Appointment of officers.

Terms and compensation.
Mayor pro tempore.

Salary of mayor.

Mayor an inferior court.
Jurisdiction.

SEC. 8. 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 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. 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 or for violating any ordinance of the town, and if the accused be found guilty he shall be fined at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty days in the common jail of the county, with the privilege to be worked on the county roads. If 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.

Special court.

Punishments.

Right of appeal.

Precepts of mayor.

SEC. 9. That the mayor may issue his precepts to the township constable, who may execute the same anywhere in Wilson County, or to such other officers to whom a justice of the peace may direct his precepts, including chief of police of said town. An indorsement by the mayor of the names of the witnesses upon a summons

Summons for witnesses.

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

Minutes kept by mayor.

SEC. 10. 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 the common jail of the county for as early trial as practicable.

Commitments.

SEC. 11. 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 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 land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof.

Powers of commissioners as to streets.

But in case the owner of the land and the commissioners cannot agree as to damages, then 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 mayor shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and 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 purpose 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 of assessment of damages.

SEC. 12. That the board of commissioners of the town of Elm City 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 money 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 one dollar 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 Elm City 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: right of appeal.

Taxes.

Subjects of taxation.

Proviso: limit of rate.

Tax in commutation of road duty.

SEC. 13. 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

License tax.

itinerants, auctioneers, merchants or peddlers vending or offering to vend in the town, each express company, each telephone office, each photograph artist and persons taking likenesses of the human face, dealers in patent rights, each sewing machine company or agent, each commission merchant and commercial broker, huckster, or trader or agent of such who buys produce on the streets for sale in other markets, each meat market, or fish market, each ice dealer, and all other subjects of special taxation under the laws of North Carolina.

Tables for games.

SEC. 14. 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 whatever place (name) known or called, at which games of chance, hazard, or skill shall be played within the corporate limits of Elm City without first having paid the tax and obtained license therefor as herein required.

Abatement of nuisances.

SEC. 15. 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.

Offensive or unhealthy trades.

Construction and maintenance of sidewalks.

SEC. 16. That the board of commissioners shall have the power to require owner or owners of lots on such streets as they may direct to construct and keep in proper repair the sidewalk adjoining said lot, in such manner as may be prescribed by said commissioners, and in case of failure of said lot owner so to do, the authority to do it at the expense of said lot owner, which shall be a lien and charge upon said lot: *Provided*, the commissioners shall require the same to be done with earth, gravel, or sand.

Lien on lot for charges.
Proviso: material.

Enumeration of powers.

SEC. 17. That the board of commissioners shall have power to provide water, take all proper means to prevent and extinguish fire, to make regulations to cause due observance of the Sabbath, appoint and regulate town watchers, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder or explosives within the town, to regulate the speed of driving and riding on the public streets, and 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. 18. That the commissioners may provide for the organization, equipment, and government of fire companies, and in all cases of fire a majority of such commissioners as shall be present may, if they deem it necessary to stop the progress of a fire,

Destruction of houses in stopping fires.

cause any house to be blown up or pulled down, for which they shall not be responsible to any one for damages.

SEC. 19. That the town of Elm City is hereby vested with all the powers, rights, privileges, and immunities enumerated in chapter seventy-three of the Revisal of one thousand nine hundred and five, Laws of North Carolina, entitled "Towns," not inconsistent with the provisions of this act.

Rights and privileges under general law.

SEC. 20. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 209.

AN ACT TO REPEAL CHAPTER 365, PRIVATE LAWS OF 1903, AND TO AMEND SECTION 1, CHAPTER 156, PRIVATE LAWS OF 1893, AND TO REPEAL CHAPTER 434, PRIVATE LAWS 1911, RELATIVE TO THE 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 Private Laws of one thousand nine hundred and three and chapter four hundred and thirty-four of the Private Laws of nineteen hundred and eleven be and the same are hereby repealed. Laws 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 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 on a stake at Mr. Cole's wood-house, being a corner of the corporation line of Hazelwood; thence S. 1 deg. 50' W. 191.6' to a stake in the north side line of Sycamore lane; thence S. 86 deg. 45 E. 2,116' to a Red Oak, Mrs. Fouque's corner, along said N. line of Sycamore Lane, crossing the public road, to Balsam and passing through Mrs. Fouque's house; thence S. 53 deg. 30' E. 750' to a stake, Mrs. Fouque's corner, and with her line; thence N. 40 deg. 45 E. 785' to a stake in the present corporation line, it being a circle with a radius of one-fourth mile, or 3,960' from cover of manhole in front of the old courthouse; this stake being 3,960' from said center; thence easterly 2,960' to an oak marked with a cross, in said corner line, and running with said line, the oak is on the northeast side of the Pigeon road; thence N. 87 deg. E. 439' to a stake on the ridge; thence Corporate limits.

N. 71 deg. E. 155' to a stake on the ridge; thence N. 63 deg. 35' E. 416' to a stake on the ridge; thence N. 64 deg. E. 300' to a stake on the top of the divide; thence N. 12 deg. 30' E. 369' to a stake on the top of the divide; thence N. 44 deg. W. 107' to a stake on the top of the divide; thence N. 31 deg. W. 276' to a stake on the top of the divide; thence N. 4 deg. E. 287' to a stake on the top of the divide; thence N. 30 deg. 30' E. 198' to a stake on the top of the divide; thence N. 39 deg. 40' E. 264' to a stake on the top of the divide; thence N. 35 deg. E. 294' to a stake on the top of the divide; thence N. 26 deg. 30' E. 249' to a stake on the top of the divide; thence N. 29 deg. W. 226' to a stake on the top of the divide; thence N. 81 deg. 30' W. 123' to a stake on the top of the divide; thence N. 35 deg. 15' W. 442' to a stake on the top of the divide; thence N. 15 deg. 30' E. 752' to a stake on the top of the divide; thence N. 19 deg. 36' E. 422' to a stake on the top of the divide; thence N. 10 deg. 45' W. 595' to a stake on the top of the divide; thence N. 11 deg. 15' E. 258' to a stake on the top of the divide; thence N. 32 deg. E. 335' to a stake on the top of the divide; thence N. 54 deg. 15' E. 390' to a stake at the Ferguson's gate; thence N. 5 deg. E. 649' to a stump, corner of Ferguson and McFayden, and with Ferguson's line; thence N. 2 deg. 45' W. 1,442' to a stake, 20' north of schoolhouse and passing McFayden's house on the left and crossing the Clyde road and passing P. T. Turner's and the schoolhouse on the right; thence N. 80 deg. W. 2,590' to a stake on the west bank of Richland Creek; crossing Southern Railway and the said creek below Paxton's; thence S. 40 deg. 15' W. 485' to a stake up the west bank of said creek; thence S. 54 deg. W. 540' to a Sycamore on the west bank of the creek; thence N. 48 deg. 30' W. 3,360', passing Barber's house to the left to a stake in the lane, leaving Barber's house out of said new extension; thence S. 56 deg. W. to a stake on the southwest side line of the Delwood road, at the mouth of lane past Barber's house; thence S. 35 deg. 15' E. 771' to a stake on the southwest side of the said road to the mouth of an old road; thence S. 48 deg. 15' W. 1,090' to Ferguson's corner and up the old road; thence S. 23 W. 1,105' to a stake on the present corporation line and where it crosses C. H. Ray's southwest line, the said line being the same as stated above in the fourth call; thence southwesterly 3,230' with said corner line and passing a planted rock in said line in Shingle Cove to a stake; thence S. 77 deg. 30' W. 1,510' to a stake 50' northeast of B. J. Sloane's house; thence running a southwesterly course 1,412' to a stake in the line of the fence southeast of H. W. S. S. Hotel; said hotel is not included within the proposed boundary; thence southwardly to the top of the water meter on the side of the public road to Eagle's Nest; thence 47 deg. E. 1,154' to the center of the trestle on the Southern Railway, the corner of

the Hazelwood corporation line, crossing the said road and Richland Creek; thence S. 34 deg. 30' E. 1,830' with the Hazelwood corporation line to the beginning.

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 ratified and adopted by said voters, including all qualified voters in the corporate limits in the 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 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 a 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 within the town and proposed extension shall fail to ratify said extension, then it shall be the duty of the mayor and board of aldermen of the said town, at any time after twelve months from election held as aforesaid, to order another election to be held for the same purpose as that above set forth, and in the same manner: *Provided*, a petition is presented to them signed by at least fifty qualified voters of said town or territory; 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 election. So much of this act as provides for the holding of said election shall be in force from and after its ratification.

Act to be submitted to voters.

Territory.

Law governing election.

Ballots.

Canvass and returns.

Further election.

Proviso; petition for election.

Proviso; notice of election.

When clause effective.

SEC. 4. That the remainder of this act shall be in force and effect from and after its ratification by a majority of the votes cast by the qualified voters at an election held thereunder.

When act effective.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 210.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section fifty-six of chapter one hundred and seventy of the Private Laws of one thousand nine hundred and three be and the same is hereby repealed.

Salary of chief of police.

SEC. 2. That the figures fifty dollars in line one of subsection two of section eighty-three of chapter one hundred and seventy of the Private Laws of one thousand nine hundred and three be stricken out and the figures ninety dollars substituted in lieu thereof.

Management and control of water and sewer system and light plant.

SEC. 3. That the water-works system, the electric light plant, and the sewerage system of the city of Washington shall be under the separate management and control of three commissioners elected for this purpose, who shall be known as the "Board of Light and Water Commissioners" of said city. Said commissioners shall be elected by the board of aldermen at their regular meeting in June, one thousand nine hundred and fifteen, and shall hold their office for a period of one, two, and three years, and shall immediately after their election enter upon their duties of the said office. The mayor of the city shall be *ex officio* chairman of said light and water commissioners. Said board of light and water commissioners shall meet at least once a month and shall be paid for their services the sum of fifty dollars per year. The board of aldermen of the city of Washington, at their regular meeting in June, one thousand nine hundred and sixteen, and each year thereafter, shall elect one member of said board of commissioners to succeed the one whose term of office expires at that time, which said commissioner so elected shall hold his office for a period of three years.

Board of light and water commissioners.
Election and term of commissioners.

Mayor ex officio chairman.
Meetings and pay of board.

Election of successors.

Commissioners to qualify.

SEC. 4. That commissioners when so elected shall take an oath to faithfully discharge the duties of the said office, which said oath shall be administered by the mayor of the said city of Washington; and they shall have full authority and control over the water-works and the electric light system and the sewerage system of said city.

Authority.

Acts obligatory on city.

SEC. 5. That all contracts and engagements, acts and doings of said board within the scope of their duty or authority shall be obligatory upon and be in law considered as if done by the board of aldermen of the city of Washington; and the said board shall exercise full authority and control over the land, real estate, rights, franchises, and property of every kind now owned by the city of Washington or that may hereafter be purchased for the purpose of operating and maintaining a system of water-works for the said city, and for the purpose of operating and maintaining an electric lighting system for said city, and of operating and maintaining a sewer system, and with the consent of the board of aldermen may acquire such additional property and make such additional improvements thereto as may be necessary to supply the city of Washington with a sufficient supply of good and wholesome water, and a sufficient supply of current for the use of the citizens of said city and for lighting the same, and of providing an adequate sewerage system. But said board shall not have authority, without the consent of the board of aldermen, to enter into any

Control of systems.

Extension of systems.

Contracts above \$1,000 to be approved by aldermen.

contract for the expenditure of a sum greater than one thousand dollars, and all contracts for the expenditure of any sum in excess of one thousand dollars shall be approved by the board of aldermen of said city.

SEC. 6. That said board shall regulate the introduction, distribution, and use of its water supply and electric current at all places in said city, and from time to time fix a price for the use thereof and the time of payment; and they shall erect such number of hydrants and in such places as they shall see fit, and shall direct in what amount and for what purpose the same shall be used: *Provided, however,* that all hydrants or appliances required and furnished for the purpose of extinguishing fires, except fire hydrants on private property, shall be erected at the expense of the board of aldermen, and shall be placed under their exclusive control and direction, and said board shall place such arc lights or other lights upon the streets and alleys of the city as are necessary for the convenience and protection of the public.

SEC. 7. That the said board shall have full power and authority to collect all rents, forfeitures, or emoluments from the operation of said system of water-works, electric lights, and sewerage; to require the payment in advance, if they see fit, for the use or rent of the water and electric current furnished in or upon any building place, or premises; and in case prompt payment shall not be made they may shut off the water or current from such building, place, or premises after five days notice, and shall not be compelled to supply said premises, building, or place with water or electric current until the arrears with interest thereon shall be fully paid, and then may charge a fee not to exceed fifty cents for reconnecting said water supply or electric current. But if the said board of light and water commissioners do not desire to require payment in advance for said water or current, they may fix the date by which all bills for same shall be paid, and if all bills are not paid by said date they shall have full authority to cut off said premises from the water supply or electric current until the said bill is paid, and may charge a reasonable fee for reconnecting same.

SEC. 10. The said board shall make no contract for the price of using water or electric current within said city for a longer term than five years.

SEC. 11. That where unnecessary waste of water or electric light current is known or suspected, the members of said board, and the engineer, superintendent, or inspector in their service shall have authority to enter, after demand made and refusal, at all reasonable hours, any dwelling or other place where such water or electric current is used, and examine and inquire into the cause of waste; and if any person refuses to permit such

Regulation of installation and use.

Price and time of payment.
Hydrants.

Proviso: hydrants and fire apparatus paid for and controlled by aldermen.

Street lights.

Collection of water and light rents.

Discontinuance for nonpayment.

Fee for reconnecting.
Date for payment.

Discontinuance and fee for reconnection.

Term of contract.

Right of entry for inspection.

Forfeit for obstructing officer.

- examination or opposes or obstructs such officer in the performance of such duty, such person so offending shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace in an action by said board, and the supply of water or current may also be cut off until the required examination is made and the required alterations and repairs completed.
- Supply cut off.
- Accounts. SEC. 12. That said board shall cause accurate accounts to be kept of all receipts and expenditures of the money coming into their hands, and shall, at least once in each year, make a detailed report thereof to the board of aldermen. They shall pay or cause to be paid such money as shall come into their hands to the treasurer of the board of light and water commissioners, which money shall be disbursed by the treasurer of the board only upon the warrant of said board of light and water commissioners.
- Detailed report.
- Care and disbursement of funds.
- Clerk and treasurer *ex officio*. SEC. 13. That the said clerk and treasurer of the city of Washington shall be *ex officio* clerk and treasurer of the said board of light and water commissioners, and for his services as such he shall receive such compensation as shall be fixed by the said board.
- Pay of treasurer.
- Injuries to systems declared misdemeanors. SEC. 14. That if any person or persons shall maliciously or willfully divert the water or electric current, or any portion thereof, from the said water-works or electric plant, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, or other property used or acquired for procuring or distributing the water and electric current, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or shall be imprisoned not exceeding one year, at the discretion of the court.
- Punishment.
- Exemption from city tax. SEC. 15. That all land and property of every kind held by the board of light and water commissioners for the purposes aforesaid shall be exempted from taxes and assessments by the city.
- Right of way on streets and roads for systems. SEC. 16. That the board of light and water commissioners and all persons acting under their authority shall have the right of way of any street, railroad, highway, lane or alley for the purpose of extending or improving the plant of said system of water-works or electric lights or the sewerage system upon condition that they shall not permanently injure any such property; that the same shall be restored to its original condition, or damages done thereto shall be repaired by the said board.
- Election of superintendent of water-works. SEC. 17. That said board of light and water commissioners, at their regular meeting in June, one thousand nine hundred and fifteen, and every two years thereafter, shall elect a superintendent of water-works, who shall discharge such duties as their rules require and act as executive officer of the board. He shall hold office for the term of two years and until his successor is elected and qualified, subject to discharge at any time for cause, and shall receive such salary as may be fixed by the board, not more
- Duties.
- Term of office.
- Salary.

than twenty-four hundred dollars, and shall give bond with approved security in the sum of ten thousand dollars for the faithful discharge of his duties.

SEC. 18. That the said board shall provide for regular inspection of the public watershed and for weekly examinations of the public water supply by the city superintendent. Said board shall have full power to elect or appoint such engineers, inspectors, and other employees as they may deem necessary to operate said system of water-works, to fix their compensation, and to discharge any of such officers and employees for cause shown.

Inspection of watershed.
Examination of water supply.
Engineers, inspectors, and other employees.

SEC. 19. That for the purpose of protecting said public watershed from contamination, said board of light and water commissioners, whenever it is reported by the watershed inspector and the city superintendent that a case of sickness on said watershed may produce conditions dangerous to the public health, shall have full power and authority, upon the advice of the superintendent of health that such person can be safely moved, to order the removal of the person suffering from such sickness to a hospital in the city of Washington, or, at the option of such person, to some other proper place beyond the limits of the watershed, and to cause any constable or other lawful officer to make such removal: *Provided*, all expenses for the care and attention to such person at said hospital be paid by said board.

Removal of persons endangering water supply.

SEC. 20. That for the purpose of enabling said board of light and water commissioners to make extension of their mains and pipe lines and electric lines, and to otherwise enlarge and improve said system of water-works, the board of aldermen may allow to the board of light and water commissioners, annually, credit in a reasonable sum for water and electric current used and consumed annually by the city as against the debits charged against said board for interest on the bonds of the city issued to purchase and enlarge said system of water-works.

Proviso; expenses to be paid by board.

Credit for water and lights furnished city.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 211.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF GOLDSBORO TO ISSUE BONDS FOR THE PURPOSE OF ESTABLISHING AN INCINERATOR.

Whereas the board of aldermen of the city of Goldsboro is of the opinion that the establishment of an incinerator in or near the city of Goldsboro for the purpose of sanitary disposition of bodies of dead animals and public garbage in said city is necessary for the public health and welfare of the city of Goldsboro and its citizens: Therefore,

Preamble.

The General Assembly of North Carolina do enact:

Purpose of bond issue.	SECTION 1. That for the purpose of purchasing the necessary land therefor and the erection and establishment thereon of an incinerator for the city of Goldsboro, the board of aldermen of the city of Goldsboro is authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of six thousand dollars, of such denomination and in such proportion as the board of aldermen of the city of Goldsboro may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent 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 of aldermen; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding twenty-five years from the date thereof, and at such place or places as said board of aldermen may determine; said bonds shall be signed by the mayor and countersigned by the city clerk and sealed with the corporate seal of the city, and the coupons shall bear the engraved or lithographed signature of the mayor and city clerk; that said bonds shall be sold at private or public sale, with or without notice, as the board of aldermen of said city may determine, for not less than par value, and the proceeds of said bonds, including any premium received from the sale thereof, shall be applied exclusively to the purposes hereinbefore set forth, and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of the same.
Bond issue authorized.	
Amount.	
Denomination.	
Interest.	
Maturity.	
Authentication.	
Sale of bonds.	
Sale below par forbidden.	
Specific appropriation of proceeds. No duty on purchasers.	
Exempt from city taxes.	SEC. 2. That the bonds authorized to be issued by section one of 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 the coupons shall be receivable in payment of the taxes or other city dues for any fiscal year in which said coupons shall become due or thereafter. If the holder of any such bonds or coupons shall fail to present the same for payment at the time or times or at the place or places therein named, he shall not be entitled to any interest thereon from the time they have been outstanding after maturity.
Coupons receivable for city dues.	
Interest to cease on maturity.	
Particular tax.	SEC. 3. That the board of aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the board of aldermen now or may hereafter be authorized to levy and lay taxes for any purpose whatever, sufficient to provide for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized to be issued by section one of this act. The taxes provided for in this section shall be collected in the manner and time other city taxes are collected, and shall be accounted for and kept separate from other city taxes and
Collection.	
Accounts and fund kept separate.	

shall be applied exclusively to the purpose for which they are levied and collected. Said taxes shall be turned over and delivered to the commissioner of the sinking fund of the city of Goldsboro, and so much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase and discharge of said bonds, shall be so invested by him as to secure the principal of said bonds at their maturity.

Specific appropriation.
Sinking fund commissioner.

Investment.

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

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 212.

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ISSUE BONDS FOR SCHOOL BUILDINGS.

The General Assembly of North Carolina do enact:

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 it may determine, to an amount not exceeding one hundred and fifty thousand dollars, payable at such times and places as may be determined by said board of aldermen: *Provided*, that the time of the payment of the principal of such bonds shall not be less than twenty nor more than thirty years from the date thereof.

Bond issue authorized.

Amount.

Maturity.

SEC. 2. That said bonds shall bear interest at no greater rate than four and one-half per centum per annum, and that the interest shall be made payable semiannually; and in no case shall the said bonds be sold, hypothecated, or otherwise disposed of for less than their par value.

Interest.

Sale below par forbidden.

SEC. 3. That said bonds shall be signed by the mayor, attested by the city clerk and treasurer, and sealed with the corporate seal of the city of Charlotte, and shall have interest coupons attached thereto, which coupons shall bear the engraved or lithographed signature of the city clerk and treasurer of the city of Charlotte. The purchaser of said bonds shall not be bound to see to the application of the purchase money. Said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in payment of city taxes; the said bonds shall be sold at either public or private sale, with or without notice, as the board of aldermen may determine.

Authentication.

No duty on purchasers.
Exemption from city tax.

Coupons receivable for city taxes.
Sale of bonds.

SEC. 4. That said bonds shall be issued for the purpose of securing funds for the purchase of land and buildings, and the erection,

Purpose of issue.

construction, remodeling, equipment and furnishing of buildings for public school purposes. Such bonds shall be known as "School Bonds," and the proceeds from the sale of said bonds shall be used for no other purpose than that specified in this act.

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 the taxable property in said city sufficient to pay the interest on said school bonds as the same becomes due, and also, at or before the time when the principal of the 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 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 clerk and treasurer of the city of Charlotte, 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 the coupons so canceled.

SEC. 6. That the provisions of this act shall be submitted to a vote of the qualified voters of the city of Charlotte in a special election to be held on the fifth Tuesday in March, nineteen hundred and fifteen, under the provisions of an act of the General Assembly of nineteen hundred and fifteen, entitled "An act to amend, revise, and consolidate the statutes that constitute the charter of the city of Charlotte." The board of aldermen of the city of Charlotte shall cause a notice of said election and the purpose of same to be published in some newspaper of said city for twenty 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 board of aldermen shall cause to be prepared and delivered at each polling place in the said city a ballot box indicating the purpose of the bond issue to be voted therein, as follows: "School Bonds." All qualified voters wishing to vote in favor of the issuing of said bonds and levying the taxes herein provided for shall vote a written or printed ticket with the words "School Bonds," and those wishing to vote against issuing said bonds and the levying of the taxes herein provided for shall vote a ticket with the words, written or printed thereon, "Against School Bonds." If a majority of said qualified voters shall vote "School Bonds" on the proposition submitted for the issuing bonds for the purpose aforesaid, then it shall be deemed and held that the proposition receiving a majority

Designation of bonds.
Exclusive use of proceeds.

Special tax.

Levy and collection.

Proviso: exclusive use of tax.

Cancellation and report of coupons.

Special election on bond issue.

Date.

Law governing election.

Notice of election.

Preparation and distribution of ballots.

Ballot box.

Ballots.

Effect of election.

of such votes is favored and approved by the 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 purpose so approved of by a majority of the qualified voters of the city of Charlotte, and levy a tax in accordance with the provisions of this act.

SEC. 7. That the registration shall be the same registration provided for the special charter election to be held in Charlotte on the fifth Tuesday in March, nineteen hundred and fifteen, and the said election shall be conducted in the same manner and under the same rules and regulations prescribed for the said election to be held on the fifth Tuesday in March, except as herein otherwise provided. Registration and 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 full force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 213.

AN ACT TO AMEND CHAPTER 97 OF THE PRIVATE LAWS 1913, EXTRA SESSION, RELATIVE TO THE NAME OF THE TOWN OF VENABLE, IN THE COUNTY OF ORANGE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-seven of the Private Laws of nineteen hundred and thirteen, extra session, entitled "An act to change the name of the town of Venable, in the county of Orange," be and the same is hereby amended by adding thereto the following: Law amended.

SEC. 2. That whenever in the opinion of the commissioners of the town of Carrboro it is advisable to obtain land or the right of way in the town for the purpose of opening new streets, or to widen, enlarge, extend, or discontinue any street or streets or any part thereof, or the making of culverts or waterways for the carrying water out of the streets, or for laying sewer pipes, or for any other necessary public purpose, the said commissioners shall have full power and authority to condemn, appropriate, or use any land or lands necessary for the purpose named in this section upon making reasonable compensation to the owner or owners thereof; and in case the owner or owners cannot agree as to the damages, then the matter shall be referred to arbitration, each party selecting one, who shall be a freeholder and citizen of said town. But if the owner or owners of the land shall refuse Power to condemn land.
Assessment by arbitration.

to choose such arbitrator within two days after notice, then the board shall select one in his stead for him; and in case the two chosen aforesaid cannot agree, they shall select an umpire within two days after their appointment; and if they cannot agree on the third man within said time, then the board may also appoint the third man. It shall be the duty of the arbitrators aforesaid to meet on the premises or land to be condemned and assess the damages that the owner or owners may sustain by reason of such condemnation; deducting, however, from the same the estimated value of the improvement that may accrue to the premises by the opening or improvement of the street, or the changing or discontinuing the same. The owner or owners shall have at least ten days notice of the condemnation, for the purpose of appointing his arbitrator, said notice to be served by the town police or any other person authorized to serve notices. Before proceeding to view said premises and assess said damages the arbitrators selected shall take the following oath before the mayor of the town or some justice of the peace: "I, ----- do solemnly swear that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen, and a true report make: so help me, God." In case the arbitrators, after the selection of the third man aforesaid, cannot agree as to the damages, then the opinion of any two shall prevail and be returned as the award of the arbitration. The arbitrators shall return a report of their valuation to the board of the commissioners, who may confirm the same, and after the confirmation of the same shall cause the same to be entered on their minute-books; and the said report so confirmed shall be in all respects the same as a judgment against said town; and said confirmation shall be a complete, perfect appropriation of said land or lands for said purposes: *Provided, however*, that the owner or owners, if dissatisfied with the report of the arbitrators, may, if the same be confirmed, appeal to the next term of the Superior Court of the county, where the same may be heard anew as to the said damages sustained; but the said appeal shall not have the effect of staying the proceedings for making the desired improvement or taking possession of the premises; and all damages agreed on by the commissioners or awarded by the arbitrators shall be paid as other liabilities of the town.

Arbitrators to meet and assess damage.

Notice to owner.

Arbitrators to be sworn.

Form of oath.

Award by two.

Report of valuation.

Record and confirmation of report.

Effect of confirmation.

Proviso: right of appeal.

No stay on appeal.

License taxes.

SEC. 3. That upon all of the following objects and occupations, in addition to all other taxes authorized in this charter, the commissioners may, at discretion, impose the following taxes as a license tax for the privilege of carrying on the business or doing the act named, respectively, the amount of which, when laid, shall be collected by the police officer of said town immediately, and if the same be not paid on demand, they may be recovered by suit or seizure, or sale of the articles on which they are severally

imposed, or of any property used in carrying on such business, or of any other property of the owner in said county, in the same manner as provided by law for the collection of other taxes:

- (1) Upon commission merchants, auctioneers, or brokers, a tax not exceeding twenty-five dollars a year. Commission merchants, auctioneers, and brokers.
- (2) Upon every omnibus used for the carriage of persons for hire, a tax not exceeding five dollars a year; and upon every hack, carriage, or other vehicle used for the transportation of freight, or other object of hire, a tax not exceeding five dollars a year; and a discrimination may be made between one-horse and two-horse vehicles in the tax: *Provided, however*, that a distinction may be made between residents and nonresidents of the town operating such vehicles or conveyances. Omnibus.
Hack, carriage, or other vehicle.
- (3) Upon every keeper of livery, livery or sales stables, or stock-yard, a tax not exceeding twenty-five dollars a year: *Provided*, a distinction may be made between resident and nonresident keepers of such. Stables and stock yards.
Proviso: distinction between residents and nonresidents.
- (4) Upon all dogs kept in the town and which are so kept on the first day of June, a tax not exceeding one dollar a year: *Provided*, a discrimination may be made in the sexes of the dogs in the tax. Dogs.
Proviso: discrimination as to sex.
- (5) Upon every transient merchant or street trader or peddler offering to vend in the town, a tax not exceeding fifty dollars a year, except only such as sell books, charts, or maps. Transient merchants, street traders, and peddlers.
Exceptions.
- (6) Upon every victualing house or café, and restaurant established, opened, or kept in the town, a tax not exceeding twenty dollars a year: *Provided*, a distinction may be made so as to adjust equitably the tax between the several houses. Victualing houses, cafés, and restaurants.
Proviso: distinction allowed.
- (7) Upon every company of circus riders or performers by whatever name called, who shall exhibit within the town, a license tax not exceeding fifty dollars for each exhibition or performance, and upon every sideshow connected therewith, a license tax not exceeding twenty dollars for each performance. The tax herein specified shall be paid before exhibition, or otherwise doubled. Circus riders.
Sideshows.
Tax double if not paid in advance.
- (8) Upon every hall, building, or place hired, leased, or let for theatrical plays, or other stage exhibitions of any kind, a tax not exceeding fifty dollars a year. Halls let for stage exhibitions.
- (9) Upon every exhibition within the town of stage or theatrical plays, sleight-of-hand performances, rope dancing or walking, a tax not exceeding ten dollars, to be paid before exhibition or the same shall be doubled: *Provided*, this section shall not apply where such exhibition or performance is given in a hall, building, or place licensed under this charter. Exhibitions.
Tax double if not paid in advance.
Proviso: exhibition in licensed halls.
- (10) Upon each exhibition, for reward, of wax works or curiosities of any kind, natural or artificial, a tax not exceeding ten dollars. Wax works or curiosities.

Exhibitions, concerts, and strolling musicians.
Exception.

(11) Upon each exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax of five dollars, except when the exhibition or concert is given for charitable or benevolent purposes or to aid in any public improvement or enterprise of the town.

Dealers in sewing machines or musical instruments.

(12) Upon every manufacturer, dealer in or agent for sewing machines or musical instruments, a tax not exceeding twenty-five dollars a year.

Street hucksters, photographers, and brokers.

(13) Upon every street huckster, photographer, merchandise or produce broker, a tax not exceeding twenty-five dollars a year.

Itinerants.

(14) Upon every itinerant dentist, itinerant medical practitioner, optician, portrait miniature painter, daguerrean artist, and every other person taking likenesses of the human face, a tax not exceeding five dollars per month.

Lightning rods, stoves, and patent medicines.

(15) Upon every itinerant person or company peddling lightning rods, stoves, or ranges, patent medicines, a tax not exceeding fifteen dollars a month.

Retail meat dealers.

(16) Upon retail dealers in fresh meats, a tax not exceeding twenty dollars a year.

Ice-cream saloon.

(17) Upon each ice-cream saloon, a tax not exceeding ten dollars a year.

Skating rink.

(18) Upon each skating rink, a tax not exceeding fifteen dollars a year.

Dealers in weapons.

(19) Upon every person, company, or firm selling pistols, bowie knives, slung-shots, brass knucks, or other like deadly weapons, in addition to all other taxes, a tax not exceeding fifty dollars a year.

Horse drovers.

(20) Upon every horse drover selling horses, a tax not exceeding five dollars a month.

Doing business without license a misdemeanor.

SEC. 4. Every person, clerk, or agent who shall practice any trade or profession, or use any franchise, or engage in any business taxed by the commissioners of the town of Carrboro under this charter, without having paid the tax and having obtained the license required, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for each offense, and for each day this section is violated such person, clerk, or agent shall be guilty of a separate offense.

Punishment.

Separate offense.

Power to levy taxes.

SEC. 5. That the commissioners of the town of Carrboro shall have power to levy taxes upon real and personal property and polls in said town, the property tax not to exceed ten cents on the one hundred dollars valuation and the poll tax not to exceed thirty cents on the poll.

Limit of rate.

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

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 214.

AN ACT TO AUTHORIZE AN ELECTRIC LIGHT SYSTEM FOR
THE TOWN OF YOUNGSVILLE, FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Youngsville, Franklin County, be and the same are hereby authorized and empowered to establish, maintain, and operate a system of electric lights for the use and benefit of the inhabitants of said town, to lease current therefor, to make such charges for the use thereof as may be deemed proper, and to exercise any and all powers and privileges granted to towns for the maintenance and operation of electric light systems.

Establishment and maintenance of electric light system.

Lease of and charges for current.

SEC. 2. That for the purpose of covering the expenses of this system the said commissioners of the said town of Youngsville are hereby authorized and empowered to issue bonds of the said town of Youngsville, to be styled "Youngsville Electric Light Bonds," to an amount not to exceed two thousand dollars, of such denomination and of such proportion as said commissioners may deem advisable, bearing interest from date of issue at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semiannually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable, said bonds to be signed by the mayor and clerk of the said town of Youngsville, to be payable not exceeding thirty years from the date thereof.

Bond issue authorized.

Style of bonds.

Amount.

Denominations.

Interest.

Authentication.

Maturity.

SEC. 3. That said commissioners are authorized to levy, in addition to taxes heretofore authorized, an annual tax of not to exceed six and two-thirds cents on the one hundred dollars of property and twenty cents on the poll, which said tax shall be used for the payment of the principal and interest of the bonds above authorized.

Special tax.

Rate.

Use of tax.

SEC. 4. That the commissioners of said town of Youngsville are hereby authorized and empowered to abolish the office of treasurer of said town, and to use as a depository or financial agent for said town some bank situate in the said county of Franklin, and all town funds shall be deposited in such bank and paid out on proper order. Such bank may be required to furnish such reports as may be deemed necessary, and shall furnish a good bond guaranteeing the safe keeping and proper handling of such town funds, such bond to be subject to the approval of the said commissioners, and any premium thereof to be paid by them.

Commissioners may abolish office of treasurer.

Bank as financial agent.

Reports.

Bank to give bond.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 215.

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

The General Assembly of North Carolina do enact:

- Acts amended. SECTION 1. That the act entitled "An act to incorporate the town of Battleboro," ratified the eighth day of February, A. D. one thousand eight hundred and seventy-two, and the amendments thereto ratified the tenth day of February, one thousand eight hundred and seventy-four, be and the same are hereby amended by adding thereto the following new sections, and so much of the said two acts as is inconsistent with the provisions hereafter set forth be and the same is hereby repealed.
- Town officers. SEC. 2. That the officers of said town shall consist of a mayor, who shall be a resident and qualified voter thereof, and five aldermen, who shall be residents and qualified voters of said town as aforesaid. The said officers to be elected on the first Monday in May, and annually thereafter on that day of the month, under the same provisions and regulations (except as herein modified) that town elections are now held under the general law (Revisal one thousand nine hundred and eight), and all citizens within said corporation who shall have resided two years within this State and four months within the said corporation previous to the day of election, and are otherwise qualified to register and vote under the general law of the State, shall be entitled to vote at said election. In all other respects said election is to be conducted as provided in chapter seventy-three of the Revisal of one thousand nine hundred and eight of North Carolina.
- Town elections.
- Law governing elections.
- Voters.
- Employment, pay, and discharge of policemen, clerks, and agents. SEC. 3. That said mayor and board of aldermen shall have the power to employ, fix the compensation of, and discharge, whenever in the exercise of their discretion they desire to do so, police or policeman for said town, clerks, agents, and such other persons as they may deem best in the proper government and management of the business affairs of said town. The board of aldermen shall have the power to make all necessary regulations for the government of said town not inconsistent with the laws of the State, to levy and collect a tax on all subjects of State and county taxation not to exceed ninety cents on each one hundred dollars worth of property and two dollars on the poll, collect a license tax from any and all business, trades, professions, and franchises in said town from which the State can now collect a license tax, except in case where they are exempt from payment of such license tax to cities and towns by the general law of the State, and impose fines, forfeitures, and penalties for violation of town ordinances, and collect same.
- Regulations.
- Taxes.
- License tax.
- Fines, forfeitures, and penalties.

SEC. 4. That any police officer of the town of Battleboro shall have the right within said town not only to execute any and all criminal process directed to him and to exercise every right in respect to making arrest of offenders and keeping the peace now vested by law in police officers generally, but shall also, when the same is directed to him either by name or to his office, have the right to execute within the corporate limits of said town all civil process issued by or from any court of the State as fully as the sheriff of the county of Nash or Edgecombe might do.

Powers of police officers.

Service of civil process.

SEC. 5. That the mayor and board of aldermen shall have power from time to time to levy uniform assessments, either in proportion to frontage or value, on all lots located in said town and bounded by main or important streets, on the owners of said lots or tracts of land for the purpose of paving and making good sidewalks or macadamizing streets. The mayor or board of aldermen may, in lieu of such assessment, allow the owners of said lots or tracts of land to build pavements or macadamize streets adjacent to their respective lots under the supervision of the officers of the said town, or, in lieu of the foregoing, the board of aldermen shall have the power to require the owner or owners of said lots or tracts of land bordering on said street to construct and keep in repair the sidewalks in front, as may be prescribed by said board of aldermen, and in case of failure of said lot owners so to do after thirty days notice in writing, then the board of aldermen shall have the authority to do it at the expense of the said lot owner or owners, which shall be a lien or charge on said lot or lots.

Assessments for street and sidewalk improvements.

Privilege to owners to do work.

Requirement on owners.

Work done by town on failure of owner.

Lien on lots.

SEC. 6. That the board of aldermen of the said town of Battleboro shall have the power at any time and all times, whenever by them deemed necessary, to lay out and open new streets and sidewalks, or to widen, enlarge, change, extend, or discontinue any street, streets, sidewalk or sidewalks, or any part thereof, within the limits of the said town, and to have power and authority to condemn, appropriate, or use any land or lands necessary for the purpose, upon making a reasonable compensation to the owner or owners of any land or lands sought to be condemned or appropriated for the public use under the provisions of this act; and in case the said town authorities cannot agree as to a reasonable price or compensation for said land or lands, then in that case it shall be the duty of the mayor and board of aldermen, and they are hereby authorized and empowered, to proceed to condemn the said lands as follows: They shall appoint a jury of three freeholders, residents of said town, and not related or connected with either the town government or the owners or owner of any of the said lands sought to be condemned, which jury shall go upon and view the premises, and assess the benefits and damages, if any, which such property owner or owners shall

Powers of aldermen as to streets.

Power to condemn land.

Procedure for condemnation.

Appointment of jurors.

Jury to view premises and assess damages.

- sustain by reason of the appropriation of such lands for the said improvements; the said jury, before entering upon their duties, shall take an oath that they will fairly and impartially and faithfully discharge the duty of appraiser; the said jury shall file a written report with the board of aldermen, which said report shall show their findings and the amount of damages, if any, awarded to the said property owner or owners; in case the said jury cannot agree as to the amount of damages sustained by any property owner, then it shall be the duty of the mayor and the board of aldermen to appoint another jury until an agreement shall have been reached; it shall be the duty of the mayor and the board of aldermen to cause at least five days notice to be served upon the owners of any such lands sought to be condemned, which notice shall show the time and place at which the said jury will assemble, and also a brief recital of the purposes for which the proceeding is brought, and a brief description of the lands sought to be appropriated; either the said town or the property owner or owners may appeal from the findings of the jury; the procedure relating to such appeals shall be the same as provided by law for appeals from judgments of justices of the peace. In arriving at the damages which any of the said property owners may sustain by reason of the improvements herein provided for, it shall be the duty of the said jury to take into consideration the amount of benefits that will accrue to the said property by reason of the improvements aforesaid: *Provided further*, that in the event that any of the said property owners shall be nonresidents of the State, then it shall be lawful to serve notice upon his or her agent, if any, and if not, then notice may be served by publication and in the same manner as is provided by law for serving process in civil actions by publication, except that such publication can be ordered by the mayor and board of aldermen.
- Jurors to be sworn.**
- Report.**
- Notice to land-owners.**
- Right of appeal.**
- Benefits considered.**
- Proviso: notice to nonresidents.**
- Legislative powers.** SEC. 7. The mayor and the board of aldermen shall have the right to pass such ordinances and police regulations for the purpose of governing said town as to them may seem advisable; they shall also have power and authority to make such rules and regulations for the protection of the public health and the proper sanitary conditions of said town as they may deem advisable; they shall have also the right to quarantine against contagious diseases, make such rules and regulations relating to the same as they may deem advisable, and shall have the right to create a board of health for said town under such rules and regulations as they may determine.
- Sanitary regulations.**
- Quarantine.**
- Board of health.**
- Powers under general law.** SEC. 8. That in addition to the powers hereby granted, the mayor and the board of aldermen shall have the rights and powers provided for in chapter seventy-three of the Revisal of

nineteen hundred and five, and all such other powers as are conferred upon municipal corporations under the general laws of this State.

SEC. 9. That all 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 5th day of March, A. D. 1915.

CHAPTER 216.

AN ACT TO AUTHORIZE WOODLAND SPECIAL SCHOOL-TAX DISTRICT OF NORTHAMPTON COUNTY TO ISSUE BONDS AND AN ACT TO PROVIDE FOR THE LEVYING OF A SPECIAL TAX TO PROVIDE FOR PAYMENT OF SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Northampton County are hereby required, upon the petition of one-fourth of the qualified voters of Woodland Special School-tax District of Northampton County, to hold an election in said district upon the question of issuing bonds of the said district, not exceeding an amount in the sum of five thousand dollars, for the purpose of providing a fund for the erection of a suitable school building to be situated in said special-tax district and for the purpose of paying the interest on such bonds and providing a sinking fund to retire the same at maturity, and to provide for the levying of an annual special tax not exceeding fifteen cents on the one hundred dollars worth of taxable property and forty-five cents on the taxable polls in said Woodland Special-tax District.

Petition for election.

Election on bond issue.
Amount.
Purpose.

Special tax.

SEC. 2. That the election provided for by this act shall be held at the usual voting place in said district, and at such time during the next two years as the board of county commissioners of said Northampton County may designate, under the rules and regulations governing general elections, as nearly as may be, and for said election there shall be a new registration. At said election those qualified voters who are in favor of the bond issue and special tax herein provided shall vote a written or printed ballot containing the words "For School Bonds and Special Tax," and those opposing it shall vote a written or printed ballot containing the words "Against School Bonds and Special Tax."

Polling place.

Law governing election.
New registration.
Ballots.

SEC. 3. That in the event a majority of the qualified voters of the said Woodland Special School-tax District at said election shall cast their ballots "For School Bonds and Special Tax," the board of county commissioners of Northampton County are hereby au-

Bond issue.

Amount.	thorized and directed to issue such bonds for and in the name of
Maturity.	said Woodland Special School-tax District, not to exceed an
Interest.	amount of five thousand dollars, payable not more than thirty
Denominations.	years after the date of the issue and bearing interest not exceed-
Authentication.	ing six per cent per annum, interest due and payable annually;
Sale below par forbidden. Proceeds a part of school fund.	and said board of county commissioners are hereby empowered to
Treasurer of fund. Proviso: treasurer allowed no salary. Specific appropria- tion. Tax levied and collected annually.	issue said bonds in such denominations as shall be advantageous
Commission for collecting.	to their sale, which said bonds shall be executed by the chairman
	of said board of county commissioners, attested by the secretary
	or clerk of said board, and shall have the common seal of said
	board attached thereto, and said bonds shall not be sold at less
	than par. The proceeds arising from said issue and sale of bonds
	shall belong to and be a part of the public school funds of said
	Woodland Special School-tax District, to be kept and accounted for
	by the cashier of the Farmers Bank of Woodland, North Carolina,
	who shall be treasurer of said funds, provided that he serve as such
	treasurer without commissions and other salary whatsoever; but
	such funds only to be used for the purposes set forth in this act.
	SEC. 4. That for the purpose of paying the interest on said bonds
	herein provided for, and for the purpose of establishing a sinking
	fund for their payment at maturity, the said board of county
	commissioners shall levy annually the necessary taxes herein pro-
	vided for, which taxes shall be collected as the other special school
	taxes in said district, and the same commission shall be allowed
	for collecting the same.
	SEC. 5. That this act shall be in force and effect from and after
	its ratification.
	Ratified this the 5th day of March, A. D. 1915.

CHAPTER 217.

AN ACT TO AMEND CHAPTER 395, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907, ENTITLED "AN ACT TO AUTHORIZE THE TOWN OF ROWLAND TO ISSUE BONDS."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and ninety-five, Private Laws of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby amended by striking out sections nine, ten, and eleven of said chapter and by substituting the following in lieu thereof:

“SEC. 2. Until the maturity of the bonds issued under the provisions of this act, it shall be the duty of the town clerk and treasurer of the town of Rowland to invest all funds coming into his hands under the provisions of this act, and which is not necessary to pay the current interest to accrue upon said bonds, in

notes secured by first mortgage upon real estate in the county of Robeson, to an amount not exceeding one-half in value of the market value of the property upon which the loan is made, the said notes to be made payable to said town clerk and treasurer and his successors in office as commissioner of the bond fund of the town of Rowland; and said loans shall be made for such length of time as said clerk and treasurer may determine; but no loan shall run for a longer period than six months prior to the time of the maturity of the bonds issued hereunder. Any and all interest received from such investments, as well as the principal moneys, when paid shall be covered into the sinking fund hereby created for the payment and redemption of the bonds issued hereunder: *Provided*, that no loan shall be made by said town clerk and treasurer until the same shall have been submitted, together with the proposed security, to the board of commissioners of the town of Rowland, and until and unless the said loan shall be approved by said board."

Time of loans.

Interest covered into sinking fund.

Proviso: investments approved by town commissioners.

Sec. 3. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 218.

AN ACT TO AUTHORIZE AND EMPOWER THE SCHOOL COMMITTEE OF REIDSVILLE SCHOOL DISTRICT, OF REIDSVILLE, NORTH CAROLINA, TO ISSUE BONDS FOR SCHOOL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the school committee of the Reidsville School District, Reidsville, North Carolina, shall be and is hereby authorized and empowered to issue bonds of said school district to an amount not to exceed twenty thousand dollars (\$20,000), of such denomination and of such proportion as said school committee of Reidsville School District, Reidsville, North Carolina, may deem advisable, bearing interest from date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable semiannually at such time and place as may be deemed advisable by said school committee. Said bonds to 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 date thereof, and at such place or places as said school committee of Reidsville School District may determine: *Provided*, that the said school committee shall issue such

School committee to issue bonds.

Amount.

Denominations.

Interest.

Maturity.

Proviso: issue of bonds.

bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section two of this act.

Use of proceeds of bonds.

SEC. 2. That the proceeds arising from the sale of said bonds, or such a part thereof as may be necessary, shall be expended by said school committee in the building of additional school buildings for said district and the equipment of said additional buildings, and furnishing the same with graded school furniture and other necessary equipments, and for the necessary furnishing and equipment of the present school buildings in said district.

Sale below par forbidden.

SEC. 3. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for less price than their par value, nor shall said bonds or their proceeds be used for any other purpose than that declared in section two of this act: *Provided*, that it shall not be necessary for any purchaser or holder of said bonds to supervise the expenditure of said funds, and such expenditure shall in no wise affect their validity.

Proviso: no duty on purchasers.

Exempt from city tax.

SEC. 4. That said bonds and their coupons shall not be subject to taxation by the town of Reidsville until after they have become due and tender of payment shall have been made.

Particular tax.

SEC. 5. That for the purpose of providing for the payment of said bonds and interest thereon, the board of county commissioners of Rockingham County, on recommendation of the school committee of Reidsville School District, shall annually, and at the time of levying other taxes, commencing with the first fiscal year after voting said bonds, levy and lay a particular tax on all persons subject to taxation within the limits of said school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever, said particular tax to be not more than four cents on the one hundred dollars assessed valuation of property in addition to the taxes hereinafter authorized for said school district, and not more than twelve cents on each taxable poll in addition to the amount authorized for said district.

Limit of rate.

Collection of tax.

SEC. 6. That said tax shall be collected in the manner and under the same provisions provided for the collection of all other taxes hereinafter authorized for said school district.

Election on bond issue and tax.

SEC. 7. That the provisions of section one and section five of this act shall be submitted to a vote of the qualified voters of said Reidsville School District at an election to be held at any time the said school committee in its discretion may designate within two years after the ratification of this act. That thirty days notice of said election, containing a copy of the provisions of section one and section five of this act, or a synopsis of the same, shall be published in some newspaper published in Reidsville, and in all other respects the said election shall be held and conducted under the provisions of the law governing the holding of municipal

Notice of election.

Law governing election.

elections in the town of Reidsville. Those qualified voters approving the issuing of bonds provided for in section one, and the levy and collection of the particular tax provided for in section five of this act, shall deposit a ballot containing the written or printed words "For Bond Issue," and those disapproving this bond issue and particular tax shall deposit a ballot containing the written or printed words "Against Bond Issue." If a majority of the qualified voters of said district is in favor of granting to the said school committee authority to issue bonds, and to the board of county commissioners of Rockingham County to levy such particular tax, then said school committee and said board of county commissioners shall have such authority; but if a majority of the qualified voters shall vote against the bond issue, then said school committee and said board of county commissioners shall not have such authority: *Provided*, that said school committee may at any time within the time heretofore limited for voting said bonds consider the question of the amount of bonds necessary to be authorized under the provisions of this act, not to exceed twenty thousand dollars (\$20,000), and when said committee has determined the amount of said bonds necessary to be authorized, said committee may, by resolution adopted by said board, request the calling of an election under this act, and the election so held, if the same should be carried for bonds, shall only authorize the issuing of the amount of bonds provided for in said resolution: *Provided further*, that the result of such election duly ascertained in accordance with the law shall be enrolled among the public records of the county of Rockingham as provided by law for the records of other elections held in said county, and after thirty days from the date of such enrollment said records shall not be open to attack, but shall be deemed conclusive evidence of the truth of the facts therein recited.

SEC. 8. That for the purpose of holding any election as provided for in this act a new registration of the voters shall be ordered at the time of calling said election, and the names of the voters appearing upon said registration shall constitute the qualified voters of said school district at such election, and said new registration shall be had according to the provisions of the law now existing for the registration of voters in general elections.

SEC. 9. That none of the provisions of this act shall in any way affect or repeal any of the provisions of chapter four hundred and twenty-four of the Public Laws of one thousand eight hundred and eighty-seven and amendments thereto, or any act heretofore passed authorizing the levying of any tax or issuing of any bonds for said school district, but all other laws or 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 5th day of March, A. D. 1915.

Ballots.

Effect of election.

Proviso: time for election.

Proviso: record of election.

New registration.

Qualified voters.

Former laws not affected.

CHAPTER 219.

AN ACT TO CORRECT AND ENLARGE THE TERRITORY IN SECTION 1, CHAPTER 50, PRIVATE LAWS OF 1913, EXTRA SESSION, SAME BEING AN ACT ENTITLED "AN ACT TO CHANGE THE NAME OF SPECIAL-TAX DISTRICT, No. 1, IN ROWLAND TOWNSHIP, ROBESON COUNTY, FOR THE WHITE RACE; TO CREATE ROWLAND HIGH SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID SCHOOL DISTRICT TO ISSUE BONDS AND TO LEVY AN ADDITIONAL SPECIAL TAX; TO PURCHASE PROPERTY; TO AUTHORIZE THE TOWN OF ROWLAND TO SELL ITS SCHOOL PROPERTY AND TO USE THE FUNDS ARISING FROM SUCH SALE, AND FOR GENERAL PURPOSES."

Preamble.

Whereas, by inadvertence, a portion of the territory intended to be included in the Rowland Graded School District, created by chapter fifty, Private Laws, extra session, one thousand nine hundred and thirteen, was excluded, and it is now desired to include said territory within said district:

The General Assembly of North Carolina do enact:

Law amended.

SECTION 1. That chapter fifty, Private Laws of nineteen hundred and thirteen, extra session, as above set forth, be and the same is hereby amended so that the description of said Rowland Graded School District and boundaries thereof shall be as follows:

Boundaries.

Beginning at the State line at Lone Home and runs with the Harleesville and Lumberton road (township line) to Ashpole Swamp; thence with Ashpole Swamp to the Hargroves Ford on the Rowland-Fairmont road; thence with said road to a pine stump on the east side of said road, about one and one-half miles east of Rowland on W. D. McPhaul's land, and runs south seventeen degrees and forty-five minutes east eight hundred and ninety-four feet to a stake at the edge of the woods; thence south forty-six degrees thirty-two minutes west eleven hundred and twenty feet to a stake east of W. D. McPhaul's house; then runs parallel with and three hundred feet east of the road leading by W. C. Williams'; south eighty degrees west eleven hundred and forty-eight feet to a stake back of R. L. Ivey's house; then south seventy-nine degrees west twenty-one hundred and eighty-two feet to a stake; thence south fifty-five degrees thirty west twelve hundred and forty-one feet to a stake, nearly on the line between Williams and Smith; then south fifty-three west three thousand two hundred and sixty-eight feet to a stake in the road known as the State Line road, then runs south fifty-nine degrees thirty minutes west to the South Carolina line; thence with said South Carolina line to the beginning.

SEC. 2. That the property and polls within said territory set out in section one of this act shall be subject to and entitled to all the burdens, benefits, rights, and privileges created and given by chapter fifty, Private Laws one thousand nine hundred and thirteen, extra session, and shall be subject to all the taxes and the methods of collecting the same, as well as the methods of levying the same, as set out in chapter fifty, Private Laws of nineteen hundred and thirteen, extra session, as fully and to the same extent and purposes as if originally included in said act; and no election shall be necessary as to said territory hereby added to said district.

Law heretofore
passed applicable.

SEC. 3. That all laws and clauses of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 220.

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO ISSUE BONDS TO PAY AND FUND ITS FLOATING DEBT.

Whereas the town of Lumberton has heretofore contracted indebtedness to meet the necessary expense of said town to an amount in excess of the sum of fifteen thousand dollars; and whereas said town desires to issue long-time bonds in a sum not exceeding twenty thousand dollars, for the purpose of funding 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,

Preamble.
Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Lumberton be and they are hereby authorized and empowered to issue bonds of the said town of Lumberton to an amount not exceeding twenty thousand dollars (\$20,000) for the purpose aforesaid; the said bonds to bear interest from date of issue at a rate not exceeding six per cent per annum, payable semiannually, and to be in such form and of such denominations, and payable at such place and time, not exceeding thirty years after date of issue, as said board of commissioners may determine. The said bonds shall be issued in the name of the town of Lumberton, shall be signed by the mayor, attested by the town clerk and treasurer, and sealed with the corporate seal of the town of Lumberton, and

Bond issue
authorized.
Amount.
Interest.
Denominations.
Maturity.
Authentication.

shall have interest coupons attached which shall bear the engraved or lithographed signature of the town clerk and treasurer of said town.

Sale of bonds at not less than par.

SEC. 2. That the board of commissioners of the said town shall proceed to sell said bonds at not less than par, making such sale either publicly or privately, in its discretion. Said bonds, prior to maturity, shall be exempt from taxation by the town of Lumberton; and the coupons attached to said bonds shall be at all times receivable in payment of taxes due said town: *Provided, however,* that the purchaser of said bonds shall not be bound to see to the application of the purchase money.

Exemption from town taxation.

Coupons receivable for town taxes. *Provido;* no duty on purchasers.

Special tax.

SEC. 3. That the board of commissioners of the town of Lumberton are hereby authorized and empowered to levy and collect each year, in addition to all other taxes collected by said town, an *ad valorem* tax upon all the taxable property in said town sufficient to pay the interest on said bonds as the same becomes due, and also at or before the time when the principal of the said bonds becomes due a further *ad valorem* tax on all taxable property in said town 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 property in the said town: *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 town clerk and treasurer of the town of Lumberton, 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 commissioners the numbers and amounts of the coupons so canceled.

Levy and collection of taxes.

Provido; specific appropriation.

Cancellation of coupons and report.

Proceeds of bonds kept separate.

Sole purpose of issue.

SEC. 4. That the clerk and treasurer of the town of Lumberton 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 town of Lumberton.

Resolution for issuance of bonds.

SEC. 5. That the resolution of the board of commissioners of said town determining the form of said bonds and such other resolutions as may be necessary relative to their issue may be introduced and passed at either a regular or special meeting of the said board by a majority vote of all the commissioners present at said meeting. No other or further proceeding, 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 direct, valid, legal, and binding obligations of said town, it being hereby declared that the indebtedness for which said bonds are to be issued constituted a necessary and corporate expense of the said town.

Obligation of bonds.

Expense declared necessary.

SEC. 6. Until the maturity of the bonds to be issued under the provisions of this act it shall be the duty of the town clerk and treasurer of the town of Lumberton to invest all funds coming into his hands under the provisions of this act, and which are not necessary to pay the current interest to accrue upon said bonds, in notes secured by first mortgage on real estate in the town of Lumberton, to an amount not exceeding one-half in value of the market value of the property upon which the loan is made; the said notes to be made payable to said town clerk and treasurer and his successors in office; and said loans shall be made for such length of time as said clerk and treasurer may determine, but no loan shall run for a longer period than six months prior to the time of the maturity of the bonds to be issued hereunder. Any and all interest received from such investments, as well as the principal moneys, when repaid, shall be covered into the sinking fund hereby created for the payment and redemption of the bonds issued hereunder: *Provided*, that no loan shall be made by said town clerk and treasurer until the same shall have been submitted, together with the proposed securities, to the board of commissioners and the board of audit and finance of the town of Lumberton, and until and unless the said loans shall be approved and authorized by said boards.

Investment of sinking fund.

Term of loans.

Interest covered into sinking fund.

Proviso: approval of loans.

SEC. 7. That the board of commissioners of the town of Lumberton shall not in the future create any floating indebtedness of said town, for necessary expense or otherwise, unless at the time of the creation of such indebtedness ample provision is made for its payment when due.

Restriction on future debts.

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 5th day of March, A. D. 1915.

CHAPTER 221.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF GREENVILLE TO ISSUE INTEREST-BEARING COUPON BONDS FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever a majority of the board of trustees of the Greenville Graded School shall file their request in writing with the board of aldermen of the town of Greenville, requesting the said board to submit to the voters of Greenville the question of authorizing the said board of aldermen to issue bonds for the

Request for election.

<p>Aldermen to order election.</p> <p>Question submitted.</p> <p>Date and place.</p> <p>Election officers.</p> <p>Voters.</p> <p>Tickets.</p> <p>Count and return of votes.</p> <p>Canvass of returns.</p> <p>Bond issue authorized.</p> <p>Amount.</p> <p>Authentication.</p> <p>Denominations.</p> <p>Interest.</p> <p>Proviso; sale below par forbidden.</p> <p>Special tax.</p> <p>Maturity of bonds.</p> <p>Deposit of proceeds of bonds.</p> <p>Use of fund.</p>	<p>purpose of enabling the trustees of the graded schools to provide the necessary buildings in which to conduct said schools, it shall be the duty of the board of aldermen of said town to order an election and submit to the qualified voters of said town the question of authorizing the board of aldermen to issue and sell thirty thousand dollars of interest-bearing coupon bonds for the purpose of erecting the necessary school buildings.</p> <p>SEC. 2. That it shall be the duty of the said board of aldermen to name the date and place where the election shall be held, and to appoint the necessary registrars and judges of election to conduct the same, at which election all the qualified voters living within said town shall be entitled to vote for or against issuing said bonds. Those in favor of issuing said bonds shall vote a written or printed ticket upon which shall be written or printed the words "For School Bonds," and those opposed to issuing said bonds shall vote a written or printed ticket upon which shall be written or printed the words "Against School Bonds." At the close of the polls the registrar and judges of election shall count the ballots cast, in the presence of all those who choose to attend, and shall make due returns to the said board of aldermen, and the board of aldermen shall canvass the returns and declare the result.</p> <p>SEC. 3. That if a majority of the qualified voters shall be in favor of bonds it shall be the duty of the board of aldermen to cause thirty thousand dollars of interest-bearing coupon bonds to be prepared and sold. That the said bonds shall be signed by the mayor and the clerk of the said town, and shall be in such denominations as the said board of aldermen may determine, and shall bear interest at a rate not exceeding six per centum per annum, payable semiannually, at such place as the said board of aldermen may fix, authority being conferred upon said board to determine the rate of interest within the limits aforesaid: <i>Provided</i>, that no bonds be sold for less than the par value.</p> <p>SEC. 4. That if a majority of the qualified voters shall vote in favor of issuing such bonds, then it shall be the duty of the said board of aldermen to levy a sufficient tax upon the taxable property of the town of Greenville, and the polls of those liable to poll tax, residing in said town, to pay the interest on said bonds, and to create a sinking fund, within the discretion of said board, for the redemption of the principal of said bonds when they become due, which bonds shall run for a period of thirty years and be payable at such place as the said board of aldermen may determine.</p> <p>SEC. 5. That the said board of aldermen shall, upon the sale of said bonds, place the proceeds thereof to the credit of the board of trustees of the Greenville Graded Schools in such bank or banks in the said town of Greenville as the said board of aldermen may prefer, which money shall be used by the trustees of the Greenville</p>
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Graded Schools for the purpose of building, repairing, and enlarging and procuring sufficient school buildings in said town to provide proper schoolhouse facilities for the school children thereof. That it shall be the duty of the said board of trustees of the said graded schools to make full and detailed reports, from time to time, of the manner in which they have annexed said funds, to the board of aldermen of said town, and said board of trustees shall keep a full and accurate record of their proceedings and expenditures in connection with said fund, which shall at all times be open to inspection.

Reports required.

Record of proceedings.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 222.

AN ACT TO ENLARGE THE BOUNDARIES OF THE GREENVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the part of section one of chapter one hundred and thirty-two of the Private Laws of nineteen hundred and five beginning with the word "that" in line six, and ending with the end of said section, being the part of said section that designates the boundaries of the Greenville Graded School District, be and the same is hereby repealed, and that the following language be substituted in lieu thereof, to wit: Beginning at a point on Tar River where Green's Mill Run flows into the river, and running up said run to the bridge on the Washington road; thence southwardly with the dividing line between the D. H. Allen and the McG. Ernul farms, including said Ernul farm, to the point where the road leading from L. C. Arthur's to the Red Bank road crosses Jackson Branch; thence southwardly and westwardly up said Jackson Branch across the Norfolk Southern Railroad and following the dividing line between C. A. Tucker's land and Mrs. Susan Harris's land, including said Susan Harris's land and the land of C. M. Tucker and the land of Joseph Evans, and continuing across the New Bern road to C. M. Tucker's line so as to include the land of James Evans; thence westwardly on the dividing line between the land of C. M. Tucker and the land of B. F. Patrick across the Atlantic Coast Line Railroad to Green's Mill Run, including C. M. Tucker's land; thence up said run to T. E. Hooker's southwestern corner on the road that divides the T. E. Hooker and Warren Tucker lands; thence a straight line northwestwardly to a point on the old plank road where the western boundary of the land of

Law fixing boundary repealed.

New boundary established.

G. A. Evans touches said road, including part of the lands of T. E. Hooker and the lands of Adrian Savage; thence northwardly a straight line along the western boundary of said G. A. Evans' farm, and including said farm, to the Patrick line; thence continuing in a straight line northwardly across the Patrick lands and across the Norfolk Southern Railroad to the line between the Dr. E. A. Moye and the Tucker lands and along said line, including said Tucker lands, to the Farmville road; thence northwardly across said road and following the line between the lands of J. R. and J. G. Moye and Frank Moye and others and continuing a straight line across the Tarboro road, including most of the lands of J. R. and J. G. Moye, to the Tar River at Corn landing; thence across Tar River to the corner of the R. C. Jeffress and the Whitehead lands; thence on the line between the said Jeffress and the said Whitehead lands, including said Jeffress lands, to the Tarboro road; thence across said road northwardly across the Munford lands to the public road leading from the Bethel road to the Tarboro road; thence eastwardly with said road to the western boundary of the Adam Fleming lands; thence northwardly with the line of the said Adam Fleming lands to J. L. Wooten's line; thence eastwardly on the line between said Adam Fleming lands and said J. L. Wooten's lands across the Atlantic Coast Line Railroad and the Bethel road, and including said Adam Fleming lands, to V. C. Fleming's line; thence with said V. C. Fleming's line, and including said V. C. Fleming's lands, to the Washington road; thence with said road to Parker's Run; thence with said run to Tar River; thence down Tar River to the beginning.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 223.

AN ACT TO AUTHORIZE THE CITY OF GOLDSBORO TO ISSUE BONDS FOR THE PURPOSE OF PAVING PARTS OF CERTAIN STREETS IN SAID CITY.

Preamble.

Whereas the unpaved space between and on the outer edge of the rails of the street car tracks on Walnut Street between James and John streets and on John Street between Walnut and Ash streets in the city of Goldsboro is inconvenient and dangerous to public traffic; and whereas it is necessary for the safety and public welfare of the city of Goldsboro and its citizens that such space be paved: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paving the unpaved space between and on the outer edge of the rails of the street car tracks on Walnut Street between James and John streets and on John Street between Walnut and Ash streets in the city of Goldsboro the board of aldermen of the city of Goldsboro is authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of five thousand dollars, of such denomination and in such proportion as the board of aldermen of the city of Goldsboro may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached payable half-yearly at such time and at such place or places as may be deemed advisable by said board of aldermen; said bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty-five years from the date thereof, and at such place or places as said board of aldermen may determine; said bonds shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of the city, and the coupons shall bear the engraved or lithographed signature of the mayor and city clerk; that said bonds shall be sold at private or public sale, with or without notice, as the board of aldermen of said city may determine, for not less than par value, and the proceeds of said bonds, including any premium received from the sale thereof, shall be applied only to the purpose hereinbefore set forth, and the purchaser of said bonds shall not be held responsible for the application of the moneys derived from the sale of the same.	Purpose of issue. Bond issue authorized. Amount. Denominations. Interest. Maturity. Authentication. Sale of bonds. Not below par. Specific appropriation. No duty on purchaser. Exemption from city tax. Coupons receivable for city dues. Interest to cease on maturity.
SEC. 2. That the bonds authorized to be issued by section one of 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 the coupons shall be receivable in payment of the taxes or other city dues for any fiscal year in which said coupons shall become due, or thereafter. If the holder of any such bonds or coupons shall fail to present the same for payment at the time or times or at the place or places therein named, he shall not be entitled to any interest thereon from the time they have been outstanding after maturity.	Special tax.
SEC. 3. That the board of aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the board of aldermen now or may hereafter be authorized to levy and lay taxes for any purpose whatever sufficient to provide for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized to be issued by section one of this act. The taxes provided for in this section shall be collected in the manner and time other city taxes are collected, and shall be ac-	Collection and settlement of tax.

Exclusive application:

Taxes delivered to commissioner of sinking fund.

Investment of sinking fund.

counted for and kept separate from other city taxes and shall be applied exclusively to the purpose for which they are levied and collected. Said taxes shall be turned over and delivered to the commissioner of the sinking fund of the city of Goldsboro, and so much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase and discharge of said bonds, shall be so invested by him as to secure the principal of said bonds at their maturity.

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

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 224.

AN ACT TO EMPOWER THE COMMISSIONERS OF WALNUT COVE TO PROVIDE FOR CEMENT SIDEWALKS FOR BOTH SIDES OF MAIN STREET IN SAID TOWN.

The General Assembly of North Carolina do enact:

Lot owners defined.

District defined.

Cement sidewalks.

Notice to owners.

Work done by town at expense of owners.

SECTION 1. That it shall be the duty of every owner of a lot or part of a lot, or person having as great interest therein as three years lease, which fronts or adjoins or is bounded by or on Main Street in the town of Walnut Cove in the county of Stokes, on either side of said street from where said Main Street strikes First Street of said town near the bridge across Townfork Creek, running northward to Fifth Street on the east side of Main Street and to Fourth Street on the west side of Main Street in said town, to improve said sidewalks to said streets by laying cement sidewalks fronting and adjoining said lots as the commissioners of the town shall direct, as far as said sidewalk may extend along said lot, and on failure to comply with the order of the said commissioners and the directions of same within ten days after notice from them to the said owner, or if he be a nonresident of the county of Stokes, his agent, or if such nonresident has no agent in Stokes County and personal notice cannot be served on him or his agent, then after publication of notice in some newspaper published in Stokes County, or in lieu thereof by posting notice at the courthouse door in the town of Danbury, North Carolina, and three public places in the said town of Walnut Cove for thirty days by the said town commissioners, the commissioners of said town may cause the same to be built, constructed, and laid with cement under their direction at their discretion, and the cost thereof as ascer-

tained and determined by said town commissioners may be assessed upon the property of such delinquent and added to the taxes against him or her, and collected in the same manner as other taxes, except that the person collecting said assessment shall receive no compensation therefor, and when same is collected the same shall be applied to the cost or charges for building and constructing said cement sidewalk along said street where the same fronts, abuts, or bounds said lot or lots of said owner as set out above.

Collection as taxes.

SEC. 2. That this act shall be carried out in the discretion of the commissioners of the town of Walnut Cove, and work shall begin on said sidewalks, in case the same shall be ordered by said town commissioners, not later than September the first, one thousand nine hundred and fifteen.

Discretion of commissioners.
Time for beginning work.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 225.

AN ACT RELATIVE TO ENLARGING THE KINSTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-six of the Public Laws of North Carolina, session of eighteen hundred and ninety-nine, be and the same is amended so that the Kinston Graded School District as therein established and specified and as said district has heretofore been altered and enlarged, shall in addition to including its present territory include the following specified territory as the same may not already be included in the boundaries of said Kinston Graded School District, towit: Beginning on the northern bank of Neuse River at the corner between N. J. Rouse and J. E. Hood and runs with said Rouse's western boundary line to the right of way of the Atlantic and North Carolina Railroad Company, now operated by the Norfolk Southern Railroad Company; thence running eastwardly with said railroad right of way to where said railroad crosses Hull road; then with Hull road in a northerly direction to the hickory tree near the Brown place; then in a direct line in a northeasterly direction to a point where the road leading from Frank Rouse's by W. P. Jones' crosses the Adkin; then down said Adkin to a point where the dividing line between George Rouse and P. A. Hooker intersects the Adkin; then with the dividing line to the road leading from the Worth

Act amended to include further territory.

Boundaries of additional territory.

place to the Kinston and Snow Hill road; then with the Kinston and Snow Hill road towards Snow Hill to a road running by the Faulkner and Herring farms; then with said road to the Phillips (now Lang) corner; then with the said Phillips or Lang line to the Herring farm; then to the right or south with the Herring line to Dunn Branch; then down said branch to the road; then with said road to the William Dunn house; then with the road running from the William Dunn house to the S. H. Rountree house, until it gets to the W. R. Rountree line; then with the line or lines on the north of his farm to Neuse River; then up Neuse River to a point opposite Mrs. E. G. Outlaw's east line across said river; then across said river and with Mrs. E. G. Outlaw's east line in a southerly direction around to a corner between the said Mrs. E. G. Outlaw, S. H. Loftin, and Mrs. M. N. Loftin; then with Mrs. M. N. Loftin's south line or lines to J. N. Parker's line; then with said Parker's line or lines to Mrs. G. W. Sutton's south line; then with Mrs. G. W. Sutton's south line or lines to the Wilmington road, Mrs. R. I. Sutton's line; then in a southerly direction with said road and Mrs. R. I. Sutton's line or lines to Mrs. Mollie Waller's line; then with her line or lines on the west side of her farm to her northwest corner on the road, also a corner between the said Mrs. Mollie Waller and Mrs. J. F. Parrott; then in a northerly course to the Neuse River; then down the river to a point opposite the city limits; then across the river and with the city limits to a point where Manning Street extended would strike the river; then in a westerly direction up the said river to the beginning.

Act to be submitted to voters.

SEC. 2. *Provided, however*, that this act shall not be in effect until the question of whether the Kinston Graded School District shall be so enlarged as specified in section one hereof shall be submitted to the qualified voters of the said territory at an election to be called and held as herein provided.

Date for election.

SEC. 3. On Tuesday after the first Monday in May, nineteen hundred and fifteen, when the municipal election of the city of Kinston shall be held and under the same supervision of the same registrar and judges of election who act for the municipal election of the city of Kinston, there shall be held in the territory hereinabove described and specified in section one of this act, to wit, in that to be included in the Kinston Graded School District as the same is amended and enlarged by this act, an election at which shall be submitted to the qualified voters of said territory the question as to whether the Kinston Graded School District shall be enlarged as herein provided.

Election officers.

Question to be submitted.

New registration.

SEC. 4. At the time the municipal election for said city shall be called, or at any time the city council may elect, there shall be ordered a new registration of the qualified voters of that territory now embraced in the boundaries of the city of Kinston; and in

ordering said new registration the city council, either at a regular or special session, shall do and perform all the necessary and requisite things for the holding of the election herein mentioned and provided for.

SEC. 5. At said election there shall be a special ballot box provided for the ballots cast by the qualified voters upon the question of enlarging the Kinston Graded School District as herein provided for, and the qualified voters in said territory now comprising the present Kinston Graded School District and those outside of the present graded school district and within that territory embraced within the said district as it is embraced by this act shall vote a ticket on which shall be written or printed the words "For Enlarging the Kinston Graded School District" or "Against Enlarging the Kinston Graded School District," and the result of said election shall be determined under the same rules and regulations as determine the result of the election of mayor of the city of Kinston.

Special ballot box.

Tickets.

Determination of result.

SEC. 6. All of the said qualified voters voting upon the question of the enlargement of the said graded school district shall vote in the same ballot box to be provided for that purpose.

Ballot box.

SEC. 7. If at the said election a majority of the qualified voters of the territory to be comprised in the Kinston Graded School District, as enlarged by this act, shall vote in favor of the enlarging of the territory of the said graded school district, then and in that event thereafter the Kinston Graded School District shall be and include, in addition to the territory lying within the corporate limits of the city of Kinston, that territory hereinbefore specifically described lying within the corporate limits of said city.

Effect of election.

SEC. 8. If the Kinston Graded School District shall be enlarged as herein provided, then the territory annexed to said district, as at present defined, shall be annexed subject to all taxation for the purpose of the Kinston Graded Schools in all particulars. This shall include taxation for general school purposes and for the purpose of paying the interest on all bonded indebtedness and to create a sinking fund for the retirement of bonds, if one shall be created, whether the said bonds are issued by the city of Kinston for school purposes or by the Kinston Graded School District; and the said annexed territory shall be subject to taxation for school purposes in all respects as if it had been originally a part of the Kinston Graded School District, and shall be so taxed, and shall be entitled to all the benefits of said district.

Liabilities and benefits extended to annexed territory.

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 and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 226.

AN ACT TO AUTHORIZE THE TOWN OF BLACK MOUNTAIN TO ISSUE BONDS IN THE SUM OF \$10,000 TO IMPROVE THE STREETS AND SIDEWALKS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the town of Black Mountain in Buncombe County be and it is hereby authorized and empowered to issue bonds in the sum of ten thousand dollars (\$10,000) for the purpose of improving the streets and sidewalks in said town; said bonds shall draw interest at the rate of six per cent per annum, interest to be paid semiannually, and the said bonds shall mature thirty years after their date; the said bonds to be in such denominations and payable at such place as the said town may determine.

Amount.
Purpose.
Interest.

Maturity.

Denominations.

Special tax.

SEC. 2. The said town of Black Mountain is hereby authorized and empowered to levy annually a special tax of sufficient rate to pay the interest as it becomes due and the principal of said bonds at maturity.

SEC. 3. That all laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 227.

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

Preamble.

Whereas chapter four hundred and thirty-three of the Private Laws of one thousand nine hundred and eleven authorized and empowered the board of aldermen of the city of Washington to issue bonds in an amount not to exceed twenty-five thousand dollars for the purpose of buying docks and wharves in said city; and whereas for said amount said board has purchased a five-sixth undivided interest in a certain piece of wharf property located in said city, and now desires to be authorized and empowered to issue bonds to purchase the remaining one-sixth undivided interest in said property: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Purchase of property authorized.

SECTION 1. That the board of aldermen of the city of Washington be and hereby is empowered to purchase the remaining one-

sixth undivided interest in the piece of property of which the board of aldermen of said city have already purchased a five-sixth undivided interest, and in order to pay for said one-sixth undivided interest in said property, said board of aldermen is hereby authorized to issue coupon bonds in an amount not to exceed five thousand dollars and in denominations of not less than one hundred or more than one thousand dollars, which said bond shall bear interest from date at the rate of five per cent per annum, payable semiannually on the first days of January and July of each year at such place as the board of aldermen may direct. That the principal of said bonds shall be payable at a time and place to be fixed by the board of aldermen. Said bonds and coupons shall be numbered and shall be signed by the mayor of the city of Washington, North Carolina, and countersigned by the clerk of said board of aldermen, and shall have the corporate seal of said city affixed thereto, and the coupons attached thereto shall be signed by the mayor of said city. A record of said bonds shall be kept showing the numbers and denominations thereof, 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.

SEC. 2. 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 may levy and collect such a 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, as may be necessary for this purpose, observing the equation between property and polls fixed by law; and the money paid in 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: *Provided*, that all moneys remaining in the treasury belonging to said funds after all the aforesaid bonds and coupons shall be 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.

SEC. 3. That said bonds shall not be issued nor the taxes herein authorized levied, nor the purchase of the land herein provided for made until the board of aldermen of the city of Washington have either rebuilt the present wharf on said property or erected thereon a new wharf sufficient to provide adequate means for the handling of freight by small boats or shall have let a contract in writing for the completion of the work above mentioned. Upon completion of the work or the letting of the contracts as specified,

Bond issue authorized.
Amount and denominations.

Interest.

Maturity.

Authentication.

Record of bonds.

Obligation of bonds.

Special tax.

Constitutional equation.
Specific appropriation of tax.

Proviso: surplus to general fund.

Collection of tax.

Conditions precedent to issue of bonds.

the board of aldermen shall proceed at once to issue said bonds in the amount called for in section one.

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

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 228.

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

The General Assembly of North Carolina do enact:

Power to work convicts on streets repealed.

SECTION 1. That chapter one hundred and ninety-seven of the Private Laws of the State of North Carolina at its session of one thousand nine hundred and nine, and all of sections one, two, and three of said chapter, be and the same is hereby repealed.

Road duty.

SEC. 2. That all male inhabitants of said town of Warsaw between the ages of eighteen and forty-five shall be subject to road duty or street duty within the corporate limits of said town, unless they be exempt from duty by the town commissioners for poverty and disability: *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 streets or roads of said town at a sum per day 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 six days nor more than ten days, and no person shall be compelled to work on any road outside the corporate limits of said town.

Proviso: poll tax for road work.

Proviso: limit of duty.

Purchase or construction and maintenance of light and power plant.

SEC. 3. That the board of commissioners of the town of Warsaw, North Carolina, is hereby authorized and empowered to erect, buy, construct, maintain, and operate an electric light and power plant for the purpose of furnishing lights and power to the inhabitants of said town; to erect, buy, construct, maintain, and operate water-works and sewerage system for said town, and the said board of commissioners is authorized and empowered to charge reasonable prices for the use of said lights, power, water, and sewerage when furnished to private consumers; and to enable said board of commissioners to construct, maintain, and operate electric lights and power plant, water-works and sewerage system for said town, the said commissioners of the town of Warsaw are hereby authorized and empowered to issue its bonds from time to time, and of such denominations and in such amounts as may be necessary up to and not exceeding thirty thousand dollars (\$30,-

Water-works and sewer system. Charges for service.

Bond issue authorized.

Denominations. Amounts.

000), bearing interest at a rate not to exceed six per cent per annum from the date of issue, payable semiannually, which said bonds shall not be sold for less than par, and shall become due and payable thirty years from the issue thereof, and the proceeds of the sale of said bonds shall be used for no other purposes than as stated herein.

SEC. 4. That the board of commissioners of the town of Warsaw shall have power to acquire and hold rights of way, water and sewerage rights, and other property within and outside the town limits to any distance necessary for its purposes, and shall have power to condemn and take rights of way, easements, water rights, and other property for the purpose of getting, storing, and maintaining and furnishing a pure and adequate water supply, and for furnishing lights, sewerage, and electric power for the town and its citizens at all times; and in case the owners of the land and the commissioners cannot agree upon a reasonable compensation, the said board of commissioners shall appoint five persons who are freeholders and residents of the town of Warsaw, who shall assess the land or easement to be condemned, and make report to the board of commissioners. If the board of commissioners 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 commissioners and its successors, and either party, the town of Warsaw or the landowner, shall have the right to appeal to the Superior Court of Duplin County within the time allowed by law.

SEC. 5. That for the purpose of better ordering the sanitary conditions of said town, the said board of commissioners may require the citizens living along the lines of the sewer of said town to connect their drains, premises, or other pipes with said sewerage, and in all cases, when required to do so by said board of commissioners, the citizens living along the lines of said sewerage, or owning property along said lines or in the vicinity thereof, shall connect their drains or other pipes with said sewerage; and if any person shall neglect or refuse to connect their said premises, drains, or other pipes with said sewerage, then and in that event it shall be lawful for said commissioners, after notice to said owners, or their agents, which notice in case of nonresidence may be given in a local newspaper published in said town for five days, to cause said premises to be properly arranged for health purposes and properly connected with the town sewerage pipes, and shall be so arranged and connected with the least possible expense to the owner consistent with all sanitary and health precautions, and the expenses of said sanitary arrangements and proper connections shall be paid by the owner of the property so connected, and said expenses shall be a lien upon said property, premises, and lots; and if not paid on demand, such lot and premises, or

Interest.

Sale below par
forbidden.
Maturity.Specific appropri-
ation of proceeds.Right to acquire
and hold property.Power of condem-
nation.Procedure for
assessment of
damages.Title vested on
payment.

Right of appeal.

Requirement of
sewer connections.Enforcement of
connection.Expense to be paid
by owner.

Lien on property.

Collection by sale of property.	so much thereof as is necessary, may be sold by the tax collector of the town of Warsaw to pay said expenses and costs, under the same rules and regulations and restrictions as are required by law for the sale of said lands for unpaid taxes as now provided by said charter of said town and revenue laws of the State now existing, or which may be hereafter enacted, and the actual cost and expenses of said arrangements and connections is hereby constituted a lien upon said property to the extent of such costs and expenses, and after such sewer connections shall have been made the board of commissioners shall have the power to require all residents of said town who may use such drains, pipes, and sewerage so connected with said sewerage system to subscribe, take, and use the water furnished by said town for the purpose of flushing and keeping in good sanitary order their premises.
Further statement of lien.	
Requirement of water connection.	
Water and light commission established.	SEC. 6. That for the proper management of the water, sewer, and electric light and power systems of the town of Warsaw a commission to be known as the "Water and Light Commission" is hereby established. That said commission shall consist of
Three commissioners.	three members (not more than two of whom shall be of the same political party), who shall hold their terms of office for six years, except that the first appointees shall hold their office as follows:
Political affiliations.	
Terms of office.	
Commissioners and terms.	H. L. Stevens is hereby appointed a commissioner until the first Monday in June, one thousand nine hundred and nineteen; R. W. Blackmore is hereby appointed a commissioner until the first Monday in June, one thousand nine hundred and seventeen; J. A. Powell is hereby appointed a commissioner until the first Monday
Vacancies.	in June, one thousand nine hundred and fifteen; and in case of any vacancy occurring otherwise than by the expiration of the term, the board of commissioners shall elect a member to fill out
Election of successors.	the unexpired term. At the expiration of the terms of said commissioners there shall be elected, in the same manner that the mayor of the town of Warsaw is now elected, a commissioner or
Town commissioners not eligible.	commissioners to succeed the commissioners herein appointed, for a term of six years from and after the date of said election. That said commissioners shall be appointed or elected as herein provided from outside of the said board of commissioners, and shall be residents of said town. That no commissioner of said town shall be allowed to hold office as one of the commission.
Chairman and term.	SEC. 7. That the said commission shall organize by the election of one of its members chairman and whose term of office shall be for one year. The town clerk shall serve as clerk to said commission, and for such services he shall be paid the compensation
Clerk <i>ex officio</i> .	
Pay of clerk.	
Pay of commissioners.	fixed by the commission. The compensation of the commissioners shall be fixed by board of commissioners of the town, to be paid
Proviso: compensation to begin.	by the treasurer of the town: <i>Provided</i> , that the compensation shall not begin until such time as may be fixed by the board of commissioners and at such time as the said commissioners and city clerk shall begin the active duties herein recited.

SEC. 8. That said commission shall have entire supervision and control of the construction, maintenance, extension, improvement, management of said systems, and shall fix such uniform rates for water, sewerage, and lights as they think best: *Provided*, that any person shall have the right to appeal from its decision as to rates to the board of commissioners of said town: *Provided further*, that if any negotiations shall be made for the purchase of any existing electric light, power, water, or sewerage systems, no contract for the purchase of any of said systems, nor for the construction of any new systems, shall be valid unless each contract shall be approved by both the board of control and the board of commissioners of said town in joint session assembled.

Supervision and control of systems.

Rates.

Proviso: appeal as to rates.

Proviso: purchase of existing systems to be approved by board of control and town commissioners.

SEC. 9. That said commission shall faithfully see that the said systems of water, sewerage, and electric lights are orderly and properly conducted, and shall superintend and provide for the operation and management of all said systems, and shall promptly furnish on application said service to all citizens and inhabitants who shall apply for same, and shall in all respects provide for proper service of said systems to the consumers thereof, and shall promptly attend to all complaints as to defective service, and shall cause the same to be remedied, and otherwise control and manage the said systems for the town and citizens thereof. That they shall provide for the prompt collection of all rentals for service to consumers and shall promptly and faithfully cause said rentals to be collected and received under such rules and regulations as said commission shall from time to time require, and in accordance with the ordinances of said town in such cases made and provided.

Enumeration of duties of commission.

Collection of rentals.

SEC. 10. That for the proper regulation, management, and operation of said systems the said commission may elect a superintendent of public works for the term of two years from the date of his election, and may proceed to appoint and elect engineers, firemen, linemen, and other necessary employees for a like term, and may fix and determine their salaries and compensation, and may provide from time to time the duties of said superintendent and other employees; and the said commission may remove said officers and employees at any time during their said term for misfeasance, malfeasance, or any neglect or misconduct in office, and may fill said vacancies so caused, or vacancies occurring from any other cause, until the next regular election of said officers or employees as provided for by this section. And the said commission is authorized and empowered to make all proper rules and regulations as to the use of and introduction of water into the houses of the said town and upon any premises, and from time to time to regulate the use thereof in such manner as shall seem to them necessary and proper; and the said superintendent is hereby authorized and empowered to enter, after demand and refusal, at all

Election and term of superintendent of public works.

Engineers, firemen, and other employees.

Salaries, pay, and duties.

Removal for cause.

Vacancies.

Rules and regulations.

Entry for inspection.

- reasonable hours, any dwelling or other places where such water is taken and used and where improper conditions of sewerage or connections are known or suspected, and examine and inquire into the cause thereof, and inspect said pipes; and if any person refuse to permit such examination or inspection, or obstruct such officer in the discharge of his said duty, he or they shall be guilty of a misdemeanor and fined ten dollars for each and every offense, and the supply of water may be cut off until the required examination and inspection is made and the required alteration, repairs, and removal of obstructions from pipes shall be made thereto or such unnecessary waste prevented; and said commission is authorized and empowered to cut off the water and sewerage service to any person and from any premises where, after demand, the rental for said service is not paid as required.
- Obstructing officer a misdemeanor.**
- Punishment.**
- Water cut off for repairs.**
- Service discontinued for nonpayment of rental.**
- Special tax.** SEC. 11. In order to pay the interest on said bonds the mayor and board of commissioners of said town are hereby authorized, and it shall be their duty, at the time of levying other taxes for said town, to levy a sufficient special tax on all the polls and on all the real and personal property which may be returned or listed for general taxation in said town, observing the constitutional equation between the tax on the property and the tax on the poll; and the said tax shall be collected in like manner as the other taxes of said town, and paid into the hands of the treasurer thereof for the purpose aforesaid; and it shall be the duty of the mayor and the board of commissioners to require the tax collector and treasurer of said town to make and file justified bonds sufficient to cover the taxes which come into their hands.
- Constitutional equation.**
- Collection and settlement.**
- Bonds of treasurer and tax collector.**
- Funds kept separate.** SEC. 12. That the taxes levied and collected under the provisions of this act shall be kept separate and distinct from other taxes, and shall be issued only for the purpose herein provided; and if any mayor or commissioner shall appropriate by vote or otherwise, to any purpose, either directly or indirectly, other than that for which they are levied, any of said special taxes or parts thereof, (they) shall be guilty of a misdemeanor: *Provided*, that if said taxes levied and collected for the payment of interest shall in any year exceed the amount of interest accruing that year, such excess shall be applied to the interest fund of the succeeding years, and the said mayor and board of commissioners, at the time of levying the taxes for the next succeeding year, shall take into consideration the said excess, and levy the taxes for the payment of the interest on the said bonds accordingly.
- Specific appropriation. Diversion a misdemeanor.**
- Proviso: excess of tax.**
- Bond issue submitted to election.** SEC. 13. That before any bonds are issued as hereinbefore provided for by said town or its mayor or board of commissioners, the question of issuing said bonds shall first be submitted to the qualified voters of said town of Warsaw, North Carolina; and if at said election a majority of the votes cast favor the issuing of said bonds, then the mayor and board of commissioners of said
- Effect of election.**

town may issue bonds; but if a majority of the votes cast be against the issuing of said bonds, then the mayor and board of commissioners of said town shall not issue said bonds: *Provided*, that if a majority of said qualified voters of said town shall not vote to issue said bonds at the election so held, the said board of commissioners may submit the said question to the qualified voters at any other time or times, under the same rules and regulations as are hereinafter provided for.

Proviso: subsequent election.

SEC. 14. That the mayor and board of commissioners of the town of Warsaw shall give notice of said election by advertising the same at five public places in the town of Warsaw and once a week for thirty days immediately preceding said election in some newspaper in Duplin County; and further, that there shall be a new registration of the voters in said town for said election, and no person shall be allowed to vote at said election unless he is properly registered under this act; that the mayor and board of commissioners shall appoint a registrar and two judges of election, whose duty it shall be to register said voters, and for this purpose he shall keep open the registration books on each Saturday during the time said election is being advertised, except the last Saturday before election, which day shall be challenge day; and it shall be the duty of the registrar to keep said registration books open on the days named from nine o'clock a. m. till sunset, and on the challenge day the books shall be open from nine o'clock a. m. till sunset for the purpose of hearing challenges. If any person becomes of age after the last day of registration and before the election day, he may register on the day of election. In all other respects said registration and challenges and election shall be governed by the existing election laws.

Notice of election.

New registration.

Election officers.

Registration.

Challenge day.

Registration at election.

SEC. 15. That on the day of election those who favor the issue of said bonds shall vote a ticket on which shall be written or printed the words "For Bond Issue" and those who oppose the issuing of said bonds shall vote a ticket on which shall be written or printed the words "Against Bond Issue." That the size of the tickets shall be prescribed by the mayor and board of commissioners.

Tickets.

SEC. 16. That the result of said election shall be certified by the registrar and judges of election to the board of commissioners and mayor of said town within two days from and after the election, and the board of commissioners of said town and mayor of said town shall verify the said returns and cause the results to be recorded in their minutes.

Certificate and record of result.

SEC. 17. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 229.

AN ACT TO CREATE LUMBERTON HIGH SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS; AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

School district created.

SECTION 1. That upon a majority of the qualified voters residing in the territory hereinafter described in this section voting in favor of the bonds and special tax hereinafter provided for, a taxing district to be known and designated as "Lumberton High School District" shall be and is hereby created, and the boundaries of said taxing district shall be coincident with the boundaries of Lumberton Township, Robeson County, as the same is now constituted, to the end that the said taxing district shall embrace all the territory now contained in Lumberton Township, Robeson County.

Official designation.
Boundaries.

Trustees incorporated.

SEC. 2. That upon the ratification of this act by a majority of the qualified voters residing in the said territory, the board of trustees of Lumberton High School District, hereinafter named, and their successors in office, shall be and they are hereby created a body corporate by the name and style of "Board of Trustees of Lumberton High School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, devise, or otherwise, real estate and personal property; hold, exchange, mortgage, or sell the same, and exercise such other rights and privileges as are usually incident to other corporations, and may have a corporate seal; and the 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 chairman, attested by its secretary, and having its corporate seal affixed thereto, upon any real estate and personal property, title to which may hereafter become vested in said board of trustees, to secure the bonds hereinafter provided for and interest thereon, or otherwise.

Corporate name.
Corporate powers.

Mortgage for security of bonds.

Bond issue authorized.

SEC. 3. That the board of trustees of said Lumberton High School District be and they are hereby authorized and empowered to issue bonds of said Lumberton High School to an amount not exceeding twenty thousand dollars (\$20,000), in such denominations as said board of trustees may deem advisable, bearing interest from their date at a rate not to exceed six per centum per annum, payable semiannually; said bonds to be in 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 date of issue, and at such place or places, as said board of trustees may determine.

Amount.
Denominations.
Interest.

Maturity.

SEC. 4. That for the purpose of providing for the payment of said bonds and the interest thereon, and defraying the current running expenses of the high school hereinafter provided for, 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 of the district as herein provided, in addition to any and all other special taxes now levied within said district, or any part thereof, levy an additional special tax upon all taxable property and polls in the above described territory subject to taxation, not to exceed fifteen cents on the one hundred dollars assessed valuation of property and not more than forty-five cents on each taxable poll. The 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 the board of trustees of said Lumberton High School District.

SEC. 5. 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 Tuesday in May, one thousand nine hundred and fifteen, and thirty days notice of such election, containing a brief synopsis of the provisions of this act, shall be published in some newspaper published in said district. It shall be the duty of the board of commissioners of Robeson County to appoint a registrar and two judges of election to conduct the said 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 said territory, and to this end he shall, commencing on the fourth Saturday before the election, attend regularly at some fixed place within the town of Lumberton, for four successive Saturdays between the hours of eight o'clock 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 of this act shall be deemed qualified voters for the election to be held under the provisions hereof. All challenges may be entered on any registration day and shall be passed upon by said 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 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 the making up of the returns. Said registrar shall post at at least five public places in said district notice of the days, hours, and places of registration, and said notices shall remain posted for at least ten days prior to the first regis-

Additional special tax.

Limit of rate.

Collection and settlement.

Act to be submitted to voters.

Date for election.

Notice of election.

Election officers.

New registration.

Registration.

Challenges.

Pay of registrar.

Pay of judges.

Notice of registration.

Hours of voting.	tration day as herein provided. For the purpose of this act the polls shall be opened at the regular voting place for the election of town officers of the town of Lumberton at the hour of eight o'clock a. m., and shall close at sundown. All costs in connection with such election shall be paid by the county of Robeson and it shall be the duty of the board of commissioners thereof to pass upon and pay the same.
Expense paid by county.	
Ballots.	SEC. 6. At said election those who are in favor of the creation of said Lumberton High School District and the issuance of said bonds and the levy of said special tax herein provided for shall vote a written or printed ballot with the word "Approved" upon it and those opposed to the creation of said district and the issue of said bonds and the levy of said special tax shall vote a written or printed ballot with the word "Disapproved" upon it. The number of voters registered and the number of ballots cast for and against the creation of said district, the issue of said bonds, and the levy of said special tax, shall be counted and the result of said election certified and returned to the register of deeds of Robeson County, who shall furnish to the board of trustees of said district a certified copy of the said returns; and the returns of said election as certified by the registrar and judges of election shall be conclusive evidence of the things therein set forth and of the regularity of holding said election and of the result thereof, and shall also be conclusive evidence that all things necessary to the validity of the said election were duly done and performed. If at said election a majority of the qualified voters in said district shall vote "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 as may be necessary and shall enter upon the discharge of the duties enjoined upon them by this act.
Count and return of vote.	
Certified copy to trustees.	
Trustees to qualify and issue bonds.	
Trustees named.	SEC. 7. That H. E. Stacy, George B. McLeod, H. B. Jennings, Frank Gough, R. C. Lawrence, Judson Prevatt, and ----- McManus be and they are hereby appointed and constituted as the board of trustees of said Lumberton High School District; and R. C. Lawrence and ----- McManus shall hold their office for two years; Frank Gough and Judson Prevatt shall hold their office for four years; and George B. McLeod, H. B. Jennings, and H. E. Stacy shall hold their office six years; and each trustee shall hold his office until his successor shall be elected and qualified in accordance with the provisions of this act; and the term of office of said trustees shall be considered as beginning on the first Monday in May, one thousand nine hundred and fifteen.
Terms of trustees.	
Beginning of term.	All vacancies in said board caused by death, resignation, removal from the district, or otherwise, shall be filled by the remaining members of the board, and the person so chosen shall serve out
Vacancies.	

the unexpired term of his predecessor, and at the end of such unexpired term his successor shall be elected as hereinafter provided. The position of trustee of said Lumberton High School District shall not be deemed or considered as an office within the purview of the Constitution of North Carolina.

Election of successors.

Trustees not officers.

SEC. 8. On the first Tuesday in May, one thousand nine hundred and seventeen, and biennially thereafter, an election shall be held within said district to elect members of the board of trustees of said Lumberton High School District in succession to those trustees whose terms shall then expire, and at said election all qualified voters residing within the district shall be entitled to vote. The said election shall be held at the same time and place and shall be conducted by the same registrar and judges of election as shall conduct the election for town officers of the town of Lumberton, and all machinery for the election of town officers of the town of Lumberton shall apply to said election, including the making up of the returns; but at such election a separate ballot box shall be provided, which shall be labeled "For Members of the Board of Trustees of Lumberton High School District," and the returns, when made up in the manner provided for returns of town elections within the town of Lumberton, shall be deposited with the register of deeds of Robeson County, who shall furnish a certified copy of such returns to the chairman of the said board of trustees; and the persons so chosen at such election shall proceed to qualify and shall then begin the discharge of their duties as herein provided.

Election of trustees.

Election in conjunction with town election.

Ballot box.

Returns.

Returns certified.

Trustees-elect to qualify.

SEC. 9. That upon the ratification of this act by a majority of the qualified voters residing in said territory as hereinbefore provided, said board of trustees at their first regular meeting, and annually thereafter, on the first Monday in June in each year, shall elect from their number a chairman and a secretary. They shall also elect a treasurer, who may or may not be a member of said board. He shall have charge of all the moneys collected and shall report monthly to said board all his receipts and disbursements, with vouchers for all disbursements. The said treasurer shall receive such compensation for his services as may be fixed by said board and give such bond as may be required of him in accordance with the provisions of this act. The secretary of said board shall keep the minutes of all its meetings and shall attest the signature of the chairman to all legal documents, and shall be the custodian of the corporate seal, and shall issue, by order of the board, all orders or warrants for the payment of money, and no money belonging to said district shall be paid out by the treasurer save upon warrants signed by the chairman and attested by the secretary of said board of trustees.

Board to organize.

Treasurer.

Monthly reports.

Pay and bond of treasurer.

Duties of secretary.

Warrants on school fund.

SEC. 10. It shall be the duty of said board of trustees to make annually to the board of education of Robeson County, after

Annual reports.

the close of each school year, a full and complete report of the receipts and disbursements of said board, and such report shall contain such further information as may be deemed necessary, and a copy of said report shall be posted at the courthouse door of Robeson County upon being filed, and shall remain so posted for thirty days for the information of the public.

Report posted.

Sale of bonds.

SEC. 11. Upon the ratification of this act by a majority of the qualified voters of the district as hereinbefore provided, it shall be the duty of the said board of trustees to proceed to make sale of the bonds hereinbefore provided for, but none of the said bonds shall be sold for less than par, and the proceeds arising from the sale thereof shall be expended by said board of trustees in providing a site within the town of Lumberton for the high school herein provided for, and in erecting thereon such building or buildings as may be deemed necessary for the use of said high school and furnishing the same with all necessary furniture, equipment, and school apparatus.

Sale below par forbidden.
Use of proceeds of bonds.

Employment of principal and teachers.

SEC. 12. Upon the sale of said bonds and the erection of said buildings and upon the same being equipped, it shall be the duty of said board of trustees of Lumberton High School District to employ the services of such principal and teachers as may be necessary, to the end that instruction in all branches of learning above that taught in the elementary schools, or such as may be deemed advisable by the said board of trustees, may be afforded to pupils of said high school; and the said board of trustees shall have power to employ all necessary teachers and employees and fix the compensation to be paid them; to prescribe what shall be taught in said school; to make rules and regulations for the government thereof, and said board shall have general charge, control, and authority over the said high school. Said board of trustees shall not employ as teacher in said high school any person who shall not be recommended by the superintendent of said school, after due inquiry and investigation, as a competent teacher; and it shall be the duty of said superintendent each year to make inquiry and investigation into the qualification of all applicants for position as teachers in said school, and he shall furnish to the board of trustees a list of all those he considers competent to fill the position of teacher, and from this list election shall be made by said board of trustees: *Provided*, that no person shall be employed as teacher in said school who shall be related by blood or marriage to a member of the board of trustees.

Branches of learning.

Further enumeration of powers of trustees.

Teachers recommended by superintendent.

Lists furnished by superintendent.

Proviso; teachers not of kin to trustees.

Admission without charge.

Pay pupils.

SEC. 13. All children of lawful school age residing in said district who shall have completed the work of the elementary schools shall be entitled to attend the said high school free of any charge for tuition; but said board of trustees shall have the right to admit other persons to be taught in said high school and to fix and collect for the benefit of said school such tuition or other charge as said board may deem necessary and just.

SEC. 14. On the first Monday in June, one thousand nine hundred and fifteen, and on the first Monday in May in each succeeding year, it shall be the duty of the board of trustees of said Lumberton High School District to meet in joint session with the board of graded school trustees of Lumberton for the purpose of electing a superintendent for the graded schools of Lumberton and the high school herein provided for. At said election each member of the respective boards shall have one vote, and a majority of the votes of members of both boards shall be necessary to elect. The person so elected shall serve for a term of one year and until his successor shall be elected and qualified. Any vacancy in the position of superintendent shall be filled by the two boards voting as herein provided, at a meeting of said boards which may be called by the chairman of either board and of which members of both boards shall have five days notice. The two said boards in joint session shall fix the compensation to be paid such superintendent, and shall divide and apportion the salary of such superintendent between the graded schools and the high school funds in a just and equitable manner. The person elected as superintendent shall, under the general control of the said boards, have the active superintendence and management of the said graded schools and of the said high school and shall perform such duties as may be imposed upon him by the said boards.

SEC. 15. It shall be the duty of the said board of trustees of Lumberton High 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 they shall set apart, each year, from the taxes collected or moneys appropriated or apportioned to said high school district a sum sufficient to pay off and discharge the principal of said bonds at maturity; and all sums set apart for this purpose shall be kept as a separate fund upon the books of the treasurer of said district, known as the sinking fund, and all amounts coming into the hands of the treasurer of said district for the credit of said sinking fund shall be kept securely invested or loaned out upon first mortgage on real estate in the district worth not less than double the amount of the loan; and no loan shall be made until and unless the same shall be authorized and approved by said board of trustees; and it shall also be the duty of the said board to provide for the payment, semiannually, of the interest on said bonds, and for that purpose to set apart from the taxes collected a sum each year sufficient to pay the same.

SEC. 16. That nothing herein contained shall be construed as suspending or superseding the special taxes now levied or hereafter to be levied and collected within the territory above de-

Joint meeting for election of superintendent.

Votes.

Vote necessary to election.

Term of superintendent.
Vacancy.

Compensation.

Apportionment.

Powers and duties of superintendent.

Sinking fund for bonds.

Fund kept separate.

Investments.

Approval of loans.

Payment of interest.

Present taxes not affected.

scribed or any part thereof under existing law, but the special taxes herein provided for shall be levied and collected over and above, and shall be separate and distinct from, all other taxes, general or special.

SEC. 17. That all laws or clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 18. That this act shall be in full force and effect, subject to the provisions hereof, from and after its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 230.

AN ACT TO CONSOLIDATE AND AMEND THE CHARTER OF THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

ARTICLE I.

Name and Rights; Corporate Limits; Division Into Wards.

SECTION 1. That chapter two hundred and four, Private Laws of nineteen hundred and three, incorporating the city of Burlington, and all acts amendatory thereof, be amended to read as follows: That the inhabitants of the city of Burlington shall be and continue, as they have heretofore been, a body politic and corporate, under the name and style of the City of Burlington, and by that name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold 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.

SECTION 2. That all property, real, personal, and mixed, of whatsoever character or description, and wheresoever situate, now held, controlled, or used by the city of Burlington 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 Burlington, shall vest in and remain and inure to said city of Burlington, its successors and assigns; and the passage and ratification of this charter shall not release the city from any liabilities that now exist against said municipality, nor shall it affect contracts of the city now existing.

Incorporation.

Corporate name.

Corporate powers.

Property and rights vested.

Liabilities not released.

SEC. 3. That the corporate limits of the city of Burlington shall remain the same as in the original charter of the town of Company Shops. The same special enactments prohibiting the sale and manufacture of spirituous and fermented liquors shall remain in full force and effect.

SEC. 4. That the city of Burlington shall be divided into four wards, as follows: The First Ward shall contain all that part of the city west of the track of the North Carolina Railroad and north of Main Street. The Second Ward all that part of the city east of the main track of the North Carolina Railroad and north of Tarpley Street. The Third Ward all that part of the city east of the main track of the North Carolina Railroad and south of Tarpley Street. The Fourth Ward all that part of the city west of the main track of the North Carolina Railroad and south of Main Street.

ARTICLE II.

Elections and Elective Officers; Bond Issues.

SECTION 1. The general municipal election shall take place biennially on Tuesday after the first Monday in June, except as otherwise herein provided; and the municipal year shall begin at twelve o'clock noon of the first Monday of July of each year and shall continue until twelve o'clock noon of the first Monday of the July following. Every special election shall be held on Tuesday.

SEC. 2. On Tuesday after the first Monday in June, one thousand nine hundred and fifteen, and biennially thereafter, the qualified registered voters of the city of Burlington shall elect a mayor and eight aldermen, who shall serve for a term of two years and until their successors are elected and qualified. Two of said aldermen shall be residents of each ward, and the candidates for the office of alderman shall be nominated by the citizens of the respective wards. The removal by any alderman from the ward in which he resided at the time of his election shall forfeit his office as alderman. The compensation of the mayor and board of aldermen shall be fixed by the city council: *Provided*, that no alderman shall receive more than seventy-five dollars for any one year.

SEC. 3. During the absence or disability of the mayor the functions of his office shall devolve upon some member of the board of aldermen designated by that body at its first regular meeting after election.

SEC. 4. The city council, for the purpose of holding the election for said officers, shall appoint a registrar and two inspectors, one for each ward, the two inspectors to be of different political parties. The registrar for each ward shall keep the registration book open for thirty days preceding each election, from nine o'clock

Notice of registration.

Close of registration.

Proviso: registration on election day.

Notice of election.

Registrars to qualify.

Inspectors to qualify.

Conduct of election.

Returns.

Time for filing returns, registration and poll books.

Canvass of returns.

Record of election.

Qualification of voters.

Power to issue bonds and levy special taxes.

a. m. to six p. m., at some convenient place in his ward, of which he shall post notices at three public places in his ward within three days after his notification; and the books shall close for registration at twelve o'clock m. on the Saturday next preceding the day of election; and no one shall vote at these elections without registration: *Provided*, any one coming of age or has for any other reason become entitled to register and vote after the books close for registration and on or before the day of election, may register and vote on the day of election. The registrar and the inspectors for each ward shall post a written notice at three places in each ward, ten days before each election, of the time and place of holding said election. The registrars, before entering upon the discharge of their duties, shall be sworn by the mayor or a justice of the peace to faithfully perform their duty according to law. The inspectors shall be sworn by some justice of the peace, as in election for members of the General Assembly, and they shall conduct the election in like manner and during the same hours of the day as elections for members of the General Assembly; and at the close of the polls they, together with registrar, shall make out and sign a report, giving the name and office voted for and number of votes cast for each candidate or other person voted for. This report shall then be placed in an envelope, sealed and directed to the mayor of the city of Burlington. It shall be the duty of each registrar to file with the mayor this report, the registration book, and a poll of the votes within twenty-four hours from the closing of the polls. On Thursday succeeding each election, at the usual hour of meeting, the mayor of the city of Burlington and the board of aldermen shall meet in the mayor's office, open and count the votes as given in the different wards, and declare the result of the election; the city council at such meeting shall make or cause to be made two returns or statements showing the tabulated vote for each and every person voted for for mayor and aldermen. This tabulated statement shall be spread upon the minutes of the board and a copy posted in the mayor's hall and a copy sent to the clerk of the Superior Court of Alamance County, to be by him enrolled in the book of election returns.

SEC. 5. The qualifications of the electors shall be the same as those prescribed by the Constitution and laws of the State of North Carolina for the election of members of the General Assembly in all respects; the residence in the State and county shall be the same, and the elector shall also have resided in the city four months, and shall be a *bona fide* resident of his ward on the day of election, and the place of his residence shall be determined as by law provided with respect to wards or precincts in election of county and State officers.

SEC. 6. The city council shall have power, with the assent of the qualified voters of the city, as hereinafter provided, to issue

bonds and to levy additional taxes for the payment of the interest on the same, and to provide a sinking fund for the liquidation of said bonds at maturity, for the following purposes, to-wit: For the mending and improving the streets and sidewalks of the city by pavement or otherwise; for the providing a supply of water for the city for the use, convenience, and health of the people and as a protection to property against fire; for a sewerage system, and for the furnishing of lights for said city and its people. Before any bonds are issued the proposition to do so shall be submitted to the qualified voters of the city at an election, either at a general election for aldermen or a special election to be ordered by the city council. The issue of bonds for lights shall not exceed two (2) per cent of the assessed value of the real and personal property of the said city; for water, not to exceed five (5) per cent of the assessed value of the real and personal property of said city; for sewerage, not to exceed five (5) per cent thereof; for street improvement, not to exceed three (3) per cent of the assessed value of the real and personal property of said city. If a special election is ordered by the city council, then thirty days notice thereof shall be given and registrars appointed and poll-holders chosen in each, just as required for a general election. And whether the election is a general or a special election, notice thereof shall be given for thirty days in a newspaper of general circulation in the city, and said notice shall state the amount for which it is proposed to issue bonds, the denomination of the bonds, how long to run, the rate of interest to carry, and how often the interest to be paid, and whether by coupons or otherwise, and the special purpose to which the proceeds and sale of bonds shall be applied. A proposition to issue bonds for one or more, or all purposes hereinbefore mentioned, may be submitted at the same election, but the published statement shall set forth the full particulars as to each, or the propositions may be submitted one at a time and at different elections. Those bonds for a supply of water shall be designated on the face, "Water-works Bonds"; those for furnishing lights, "Light Bonds"; those for sewerage, "Sewerage"; and those for improving streets and sidewalks, "Street Improvement Bonds." The electors who wish to assent to the issue of any class of bonds shall vote a ballot, printed or plainly written on white paper, with the word "Approved" before the name of the bond to which he wishes to assent; and those wishing to withhold their assent shall vote a ballot on white paper on which shall be plainly written or printed the word "Disapproved" before the name of the bonds he wishes to disapprove. The votes shall be counted, tabulated, returned, and the result declared in all respects as provided for in the election of mayor and aldermen, with this exception: when the issue of bonds is not approved by a majority of the qualified electors, a copy of the returns need not be

Purposes.

Proposition for issuing bonds submitted to election.

Limitation on amount of bonds.

Notice of election.

Issue for one or more purposes submitted.

Ballots.

Count, return, and canvass.

sent to the clerk of the Superior Court; and if any class of bonds are approved by a majority of the qualified voters of the city, then the city council shall proceed to issue said bonds in denominations of one hundred dollars (\$100) to five hundred dollars (\$500) each, as may be determined, carrying interest at a rate not greater than six (6) per cent per annum, payable semiannually with coupons in payment of the interest attached and the principal payable at the expiration of thirty (30) years from the date of issue. The said bonds shall not be sold or hypothecated for less than their par value. The fund raised by the sale of bonds for furnishing lights shall be used for no other purpose; and so also with respect to those for sewerage, water, and the improvement of streets. The bonds shall be signed by the mayor, attested by the city manager, and shall have affixed the corporate seal of the city; the coupons shall be signed by the mayor only. The city council shall have sole control and direction of the issue and sale of bonds, and shall cause accurate accounts to be kept of the sale of each bond of each class, the price obtained, and detailed, itemized account of the expenditure of the proceeds, and shall take care that the proceeds of each class are applied to the uses and purposes for which the issue was approved; and it shall be the duty of the city council of said city, upon the presentation to them of a petition signed by fifty of the citizens of the city of Burlington, to pass an ordinance submitting the question of issuing bonds for either or all the aforesaid purposes to a vote of the people; and when any election is ordered for the issue of bonds for any of the foregoing purposes, a new registration of the voters of said city shall be had.

SEC. 7. The said city council shall have power, with the consent of the qualified voters of the city, to issue bonds and to levy taxes for the payment of interest on same, and to provide a sinking fund for the liquidation of said bonds at maturity, for any purpose deemed necessary for the best interest of said city: *Provided*, that the bonds issued for any one purpose shall not exceed five per cent of the assessed value of the real and personal property of said city. In ascertaining whether the qualified voters of the city approve the issuance of bonds for any purpose for which said city council may wish to issue bonds under the provisions of this section, there shall be the same method and details as to notice, election, registration of voters for election, counting votes and certifying, preserving, and registering the returns, as provided in the next preceding section; and if bonds are issued under this section, then they shall be bonds of the same amount and denomination as those provided for in the preceding section, and there shall be the same restrictions in regard to their sale or hypothecation and as to the proceeds of the funds derived from said bonds.

Denomination of bonds.

Interest.

Maturity.

Sale below par forbidden.
Specific appropriation.

Authentication.

Accounts of bond issues.

Petition for election.

New registration.

Further bond issues.

Proviso: limit of amount.

Provisions of prior section applicable.

ARTICLE III.

Condemnation Proceedings; Procedure.

SECTION 1. That the city council shall have power to acquire and hold rights of way, water and sewer rights, and other property within and without the city limits to any distances necessary for its purposes, and shall have power to condemn and take rights of way, easements, water rights, and other property for the purpose of getting, storing, and maintaining and furnishing a pure and adequate water supply, and for furnishing lights, sewerage, and electric power for the city and its citizens at all times; that the proceedings in said condemnation of property in the city shall be the same as provided in the sections immediately succeeding, to condemn rights of way for street purposes anywhere within the corporate limits of said city; and the city council shall have power to 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 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 city council 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 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

Power to condemn property.

Procedure for condemnation.

Condemnation for streets.
Powers as to streets, parks, and other public places.

Regulation of traffic.

Proviso: procedure as to crossing railroad tracks.

Hearing and order by corporation commission.

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.

Crossing as ordered by commission.

Valuation of land taken for streets.

SEC. 2. When any land or right of way within the corporate limits shall be required for the purpose of opening or laying out new streets or widening those already opened, or for drainage or for sewerage, or for electric lighting or other purpose, and the landowner or owners and said council cannot agree upon the price which the landowner or owners will take and convey the right and easement to the said city, the same shall be taken at the valuation of three freeholders of the said city, to be chosen as follows: the aldermen shall select one, the owner or owners of the land one, within three days after notice in writing to the landowner or owners from the aldermen of the selection, and the two freeholders thus selected shall select the third man, also a freeholder, and these persons shall assess the damages, if there be any, within five days after the notice from the aldermen to the landowner or owners above mentioned; and if the owner or owners of the land fail to select a man within three days as aforesaid, then the aldermen shall select two men, and the two selected thus shall select a third man, and the three men thus selected shall assess the damage, if any, to the land within the time aforesaid. The said freeholder, when so chosen, shall be first duly sworn by the mayor or a justice of the peace to do impartial justice, and shall view the premises and the land on which the right and easement is demanded, and in making assessment of damages shall take into consideration any benefit or advantage such owner or owners may receive from the opening or widening of such street or making and maintaining such drainage or sewerage or other easement, and shall ascertain and report to the aldermen under their hands and seals what amount or sum, if any, shall be paid to the landowner or owners, which report, on being confirmed by the board of aldermen and spread upon the minutes of said city, shall have the force and effect of a judgment in favor of said landowner or owners against said city of Burlington for the amount of damages assessed: *Provided*, that either party may appeal to the next term of the Superior Court of Alamance County upon the question of damages, and notice of appeal must be served in writing within

Procedure in making assessment.

Force of award.

Proviso: right of appeal.

Notice of appeal.

ten days from the report of the freeholders and notice to the landowner that said report has been filed; but no appeal shall delay the opening or widening of any street or making any drainage or sewerage or the taking of other easement.

Appeal not to delay work.

SEC. 3. That in case the owner or owners of land on which a right of way and easement is desired, as stated in preceding section, are infants, lunatics, or nonresidents, it shall be the duty of the city council to file a petition before the clerk of the Superior Court of Alamance County on behalf of the said city of Burlington, making defendants the parties on whose land the right of way and easement is desired, and such petition shall set forth in detail the lands on which said right of way and easement will run, and the termini of said street or drainage or sewerage, and such proceedings as to notice and time of hearing shall be governed by the laws governing other special proceedings; and upon the hearing the clerk shall appoint three disinterested persons, citizens and freeholders of the city of Burlington, as commissioners, who shall view the premises and shall ascertain and report to the clerk, under their hands and seals, what amount or sum shall be paid to the landowner or owners by way of damages; and the order of the clerk of the Superior Court, if the report is confirmed by him, together with the report of the commissioners, shall be spread upon the minutes of the city of Burlington, and shall pass the right of way or easement in said land to the city of Burlington, and shall have the force of a judgment in favor of said landowner or owners against said city of Burlington for the damages assessed.

Procedure against persons under disability and non-residents.

Procedure as in special proceedings.

Effect of report.

SEC. 4. When the city council shall deem it necessary to acquire real property or rights in real property beyond the corporate limits of said city which cannot be acquired save and except by condemnation proceedings, then the right is vested in said city to acquire said real property or rights in real property by condemnation, but in acquiring such real property or rights therein the method for condemning such real property or rights therein and assessing the damage and compensation to which the owner of said property is entitled shall be that provided by law for railroad companies in acquiring real property and rights therein within the State of North Carolina.

Condemnation of outside property.

Procedure for condemnation.

ARTICLE IV.

The City Council; Powers and Duties; Organization; Compensation.

SECTION 1. The legislative and general regulative powers of the city of Burlington shall be vested in a city council, which shall be composed of the mayor and eight aldermen. The qualifications of the members of the city council shall be two years residence in the city of Burlington and the qualifications required for mem-

City council.

Qualifications for councilmen.

bers of the more numerous house of the General Assembly of North Carolina. The city council shall be the judge of the election and qualifications of its own members, subject to review by the courts.

SEC. 2. The members of the board of aldermen and the mayor, before entering upon their duties, shall severally take and subscribe an oath before a justice of the peace to perform faithfully the duties of their office. If a vacancy shall occur in the city council the remaining members shall elect a person to fill the vacancy until the next general municipal election.

SEC. 3. Five members of the city council shall constitute a quorum to transact business, but three members of said council may adjourn from day to day and compel the attendance of absent members. Any three members of the council may call a meeting. All special or adjourned meetings at which any person not a city officer is present and all regular meetings shall be open to the public. Any citizen may have access during reasonable hours to the minutes of the city council upon application to the city secretary.

SEC. 4. No resolution, by-law, or ordinance appropriating any money for any purpose, providing for any public improvements, enacting any regulation concerning the public health, levying any tax, or of any other general or permanent nature except a proclamation of quarantine or other emergency measure concerning the public safety or public health, shall be enacted unless said resolution, by-law, or ordinance shall have been read twice and passed two readings, which readings shall have been on two different days, and one of which must be at a regular meeting: *Provided*, any emergency measure enacted shall be effective only until the first regular meeting after its enactment, unless ratified at such meeting.

SEC. 5. No ordinance shall be revised, reënacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method for the adoption of ordinances.

SEC. 6. Every motion, resolution, by-law, or ordinance introduced at any meeting shall be reduced to writing and read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded. A record of the proceedings of every meeting shall be kept by the city secretary in a well-bound book, and every resolution, by-law, or ordinance passed by the city council and every motion made at any meeting must be recorded in such book, and the records of the proceedings of the meetings must be signed by at least two members of the city council.

SEC. 7. Any three citizens may appear before the city council at any of its regular meetings and may present a written motion.

Judge of election and qualification.

Aldermen and mayor to be sworn.

Vacancy.

Quorum.

Meetings open to public.

Access to minutes.

Resolutions, by-laws, and ordinances requiring two readings.

Proviso: emergency measures.

Ordinance not amended by reference to title.

Motions to be in writing and read.

Yeas and nays recorded. Record of proceedings.

Record signed by two members.

Motion presented by citizens.

Said motion shall be acted upon by the city council in the regular course of business within fifteen days. Action.

SEC. 8. No member shall be excused from voting except upon matters involving the consideration of his own official conduct. In all other cases a failure to vote by a member who is present, or who, having been present, has withdrawn from the meeting without being excused, shall be deemed, and shall be entered upon the minutes as an affirmative vote. Members not excused from voting.
Failure to vote an affirmative.

SEC. 9. The said council of the city of Burlington shall, in addition to other powers herein given them, have full power and authority: Further powers.

(a) To enact all ordinances which they deem necessary to protect the health, life, and property of the citizens of Burlington. Ordinances for protection of health, life, and property.

(b) To enact all ordinances which they believe necessary to preserve order and prevent crime within the limits of the city. Ordinances to preserve order and prevent crimes.

(c) To enact ordinances looking to the observation of Sunday, the Lord's Day, and to preserve order in all public places in said city, such as hotels, restaurants, railroad or street railway stations, and like places; and as regards restaurants and places where soft drinks are sold, said city council shall have the power and authority to make rules and regulations concerning the hours when such places shall be kept open and such other rules and regulations as they shall deem for the best interests of the city concerning such places. Ordinances for observation of Sunday and to preserve order.
Regulation of restaurants and soft-drink stands.

(d) In addition to the powers above enumerated, said city council shall have power to pass all ordinances which boards of commissioners of towns and cities may pass under the powers granted in chapter seventy-three of the Revisal of one thousand nine hundred and five, and particularly under section two thousand nine hundred and twenty-three of said chapter. Ordinances under general law.

Said city council shall have the full power and authority to provide for the enforcement of the observation of all ordinances passed by it by providing penalties for failing to comply with said ordinances or for a breach thereof: *Provided*, that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina. Enforcement of ordinances.

All ordinances of the city of Burlington when printed and published, and bearing on the title page thereof the words "Ordained and published by the city of Burlington," shall be *prima facie* evidence of their authenticity, and shall be admitted and received in all courts and places without further proof of the authenticity of said ordinances. Printed ordinances received in evidence.

ARTICLE V.

The Mayor.

SECTION 1. The mayor, when present, shall preside at all meetings of the city council; and when there is an equal division upon any question or in the election of officers by the council he shall Mayor to preside at council and settle ties.

determine the matter by his vote, but he shall vote in no other case. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes, and by the public for all ceremonial purposes. He shall have power to administer oaths; such powers and functions as are conferred upon the mayor by the general laws of the State shall be exercised by the mayor, unless conferred by this charter upon others.

ARTICLE VI.

Other Officers; Their Powers and Duties.

SECTION 1. Said city council, at the first regular meeting after election, shall, and biennially thereafter may, elect other officers for said city in those branches of the government of said city's affairs other than in connection with its public schools, as follows:

City council to elect officers.	
City manager.	(1) A City Manager,
City treasurer.	(2) A City Treasurer,
City attorney.	(3) A City Attorney,
Chief of police.	(4) A Chief of Police.

Each of these officers shall hold their positions at the pleasure of the city council and until their successors are elected and qualified.

City manager to qualify and give bond.

SEC. 2. Before entering upon the duties of his office, the city manager shall take and subscribe an oath that he will faithfully perform the duties of his office, and shall execute a bond, with an incorporated bonding company or companies as surety or sureties, in favor of the city for the faithful performance of his duties. The amount of the bond shall not be less than five thousand dollars and may be increased or a new bond required by the city council whenever it may deem it advisable.

Amount of bond.

Personal interest in city contracts forbidden.

SEC. 3. The city manager shall not be personally interested in any contracts to which the city is a party for supplying the city materials or service of any kind.

Attendance on meetings. Recommendations and information to council.

SEC. 4. It shall be his duty to attend all meetings of and to recommend to the city council, from time to time, such measures as he shall deem necessary or expedient for it to adopt, and to furnish it with any necessary information respecting any of the departments under his control.

Notice to heads of departments of action of council. Designation of employees for duty.

SEC. 5. He shall transmit to the heads of the several departments written notice of all acts of the city council relating to the duties of their departments, and he shall make designation of employees to perform duties ordered to be performed by the city council.

To sign contracts.

SEC. 6. He shall sign all contracts, licenses, and other public documents on behalf of the city, as the city council may authorize and require.

SEC. 7. He shall have access at all times to the books, vouchers, and papers of any officer or employee of the city, excepting the city treasurer's books, and shall have power to examine, under oath, any person connected therewith.

Access to books and papers of officers and employees.

SEC. 8. He shall have power to revoke licenses pending the action of the city council.

To revoke licenses.

SEC. 9. He shall have authority and charge over all public works, the erection of buildings for the city, the making and construction of all improvements, paving, curbing, sidewalks, streets, bridges, viaducts, and the repair thereof; he shall approve all estimates of the cost of public works, and recommend to the city council the acceptance or rejection of the work done or improvements made; he shall have control, management, and direction of all public grounds, bridges, viaducts, and public buildings; he shall have control of the location of street car tracks, telephone and telegraph poles and wires; he shall have charge of the water-sheds 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; and shall secure all rights of way and easements connected with the water-works or sewerage systems or the extension of the streets, etc. All the powers enumerated, however, shall be exercised subject to the supervision and control of the city council.

Further enumeration of powers.

SEC. 10. He shall have power to suspend, fine, and dismiss any member of the police force except the chief, and any member of the fire, water-works, and sewerage and street departments, in the interest of discipline. But any officer appointed or elected by the city council to a position in said departments who has been suspended, fined, or dismissed may appeal to the city council at any of its regular meetings, and it shall review his case, affirm or modify or reverse the order of the manager, and make any restitution within the law which it may deem advisable. The city manager shall promptly report all suspensions, fines, and dismissals as hereinafter provided in this article in reference to the police powers of the city of Burlington.

Power to fine, suspend, or dismiss officers.

Appeal to city council.

Report of suspensions, fines, and dismissals.

SEC. 11. All other officers and employees of the city in the police, fire, street, water-works, and all other departments of the city, save and except in connection with the office of city attorney, city treasurer, or the public schools of said city, shall be elected from a list submitted to the city council by the city manager, and if the city council is unable or refuses to elect from the list so furnished it shall call on the city manager from time to time for other lists, which it shall be his duty to furnish, until such positions are filled: *Provided*, that the person selected to fill any one of these positions may be removed at any time for cause by the city council.

Officers recommended by city manager.

Proviso: removal for cause.

Treasurer to keep books and act as secretary.

SEC. 12. The city treasurer shall have charge of the keeping of the books for said city, and he shall attend and act as secretary at all meetings of the city council, and he shall pay out money for such purposes and upon such orders as the city council may direct. He, together with such assistants as the city council may designate, shall have charge of the collection of all taxes for said city by way of property, privilege, license, or other taxes or assessments levied by said city. He shall give bond in the sum of ten thousand dollars (\$10,000), conditioned for the faithful performance of his duties and the true accounting for all funds that shall come to his hands; and his assistants shall be required to give such bonds as the city council may designate, conditioned upon the faithful performance of their duties and the accounting for all funds which shall come to their hands.

Collection of taxes.

Bond of treasurer.

Bonds of assistants.

Duties of city attorney.

SEC. 13. The city attorney shall be required to pass upon the legality of all ordinances passed by the city council, and he shall advise the city council and all officers of said city upon such questions as they shall ask him concerning the legality thereof, and he may be called upon by said city council to draft ordinances and resolutions for the city council, or any member thereof, concerning the affairs of said city. He shall appear for said city in all litigation in which said city is interested and which shall be tried during his term of office.

Chief of police to enforce ordinances.

SEC. 14. The chief of police of said city shall be at the head of the police department thereof, and, acting under the orders and directions of said city council and city manager, shall see to it that all the ordinances of said city council are observed and that violations of the city laws in the corporate limits of said city are apprehended and punished. Subject to the city council and the city manager, he shall have charge of the other members of police department, and it shall be his duty to report dereliction of duty on the part of any employee in the police department.

Charge of police department.

Report dereliction of duty.

Additional compensation forbidden.

SEC. 15. None of the officers, save and except the city attorney, shall receive any other compensation in addition to that fixed at the time of their election; but the city attorney may be paid extra compensation for appearing in any courts whatsoever in regard to city affairs, such compensation to be allowed by the city council. The compensation for all other employees of said city shall be fixed by the city council.

Exception.

ARTICLE VII.

Franchises.

Franchises granted upon conditions.

SECTION 1. Every franchise or privilege to construct or operate street, suburban, or interurban railroads along, upon, over, or under any street, highway, or other public place, or lay pipes or conduits, or to erect poles or wires or other structures in, upon,

over, under, or along any street, highway, or other public place in the city for the transmission of gas or electricity, the conducting of a telephone system, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

SEC. 2. An applicant for a franchise or privilege shall file with the city council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers published in the city of Burlington and one or more daily newspapers published in the State of North Carolina. The publication of such advertisement must run for a period of thirty days and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application.

Application.
Advertisement of purpose to grant franchise.

SEC. 3. The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban, or interurban railroad, the route to be traversed; that sealed bids shall be opened therefor at a stated time and place.

Details of advertisement.

Opening of bids.

SEC. 4. At the time of opening of the sealed bids any responsible person, firm, or corporation, present in person or represented, may increase any bid made for such franchise or privilege, but the right shall be vested in the city council to refuse any and all bids and to refuse to grant said privilege or franchise, or they may grant such privilege or franchise for a nominal consideration of not less than five dollars (\$5) annually.

Right to increase bids.

Right to reject bids.

Grant of franchise on nominal consideration.

SEC. 5. Every application and bid for franchise under this article shall be accompanied by a cash deposit of one thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise. Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidders shall be retained until the filing and approving of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchises, shall be returned.

Cash deposit with application and bid.

Return of deposit.

SEC. 6. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in any wise favor one person, firm, or corporation as against another in bidding for the purchase thereof.

Free competition in bids for franchise.

Bond for performance of conditions of franchise.

SEC. 7. The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city, to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and surety upon such bond. Such bond shall be filed with the city council within ten days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the city council be granted by ordinance to the person, firm, or corporation to whom it shall have been struck off, sold, or awarded, and in case it shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the city council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Liquidated damages.

Time for filing bond and grant of franchise.

Award set aside and deposit forfeited on failure to file bond.

Readvertisement.

Maximum term of franchise.

SEC. 8. The maximum length of time for which a franchise or privilege to use the streets, highways, or other public places of the city may be granted to any person, firm, or corporation shall be twenty-five (25) years.

Time for beginning work.

SEC. 9. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise, and if not so commenced within said time said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than thirty months from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time said franchise shall be forfeited: *Provided*, that if good cause be shown, the city council may by resolution extend the time for completion thereof not exceeding six months.

Forfeit.

Time for completion of work.

Forfeit.

Proviso: extension of time.

Regulation of exercise of franchise.

SEC. 10. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare, and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient, and proper service and accommodations for the people and insure their comfort and convenience.

SEC. 11. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals, or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban, or interurban railroad shall provide that officials, policemen, and firemen of the city shall at times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city without paying therefor and with all the rights of other passengers: *Provided, however*, the owners of any franchise or privilege or any responsible resident of the city of Burlington may appeal from any ordinance of the city council prescribing and regulating the rates, fares, rentals, or charges to the Corporation Commission of the State of North Carolina by filing with the city council a written notice of said appeal not later than ten days after said ordinance becomes effective. The city council shall thereupon send a copy of the ordinance and a complete certified copy of the record of the entire matter to the Corporation Commission of the State of North Carolina. As soon as practicable after the receipt of said record, the said Corporation Commission shall, and it is hereby authorized and empowered so to do, set a day for the hearing of said matter, giving all 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. Any party shall have the right to appeal from said Corporation Commission to the courts. All laws of the State of North Carolina that may be in conflict with this section are hereby expressly repealed in so far as they apply to the city of Burlington or to the persons, firms, or corporations owning or operating any public utility under the grant of any franchise or privilege by said city.

SEC. 12. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before, as stated in the ordinance, the city at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation.

SEC. 13. Any franchise granted by the city shall not be leased, assigned, or otherwise alienated without the express consent of the city, and no dealings with a lessee or an assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent: *Provided*, that nothing herein shall be construed

Regulation of fares and charges.

Street railroad to carry officials free.

Proviso; appeal to corporation commission.

Notice of and time for appeal.

Record on appeal.

Hearing.

Right of appeal.

Conflicting laws repealed.

Purchase by city of property or plant of grantee.

Franchise not transferable but by consent of city.

Proviso; mortgage of franchise.

to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Conditions as to
care of streets.

SEC. 14. Every grant of any franchise or privilege in, over, under, or along any of the streets, highways, or public places in the city for railway purposes shall be subject to the conditions that the person, firm, or corporation exercising or enjoying same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway, or other place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks. The city council shall be the judge as to when and how said sprinkling, cleaning, paving, and repairing shall be done, and shall determine the kind and amount of material and labor to be used in said sprinkling, cleaning, paving, and repairing. Every grant of any such franchise or privilege shall be subject to the condition that the person, firm, or corporation exercising or enjoying the same shall permit any one or more interurban or other lines that at any time may desire to enter Burlington to use its track for the purpose of reaching and leaving the business square of said city, at a reasonable charge to be fixed by the city council.

City council judge
of performance.

Condition for use of
track by inter-
urban line.

Condition for ex-
amination of books
and records.

SEC. 15. If a franchise be granted for a percentage of annual gross receipts, the city of Burlington, by its city manager or accountants authorized by its city manager or by the city council, shall have the right at all reasonable times to examine all the books, vouchers, or records of any person, firm, or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any statements of gross receipts provided for and for any other purpose whatsoever connected with the duties or privileges of the city or such person, firm, or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

Audit.

Report of oper-
ations of franchise.

SEC. 16. If a franchise be granted for a percentage of annual gross receipts, every person, firm, or corporation operating any business under a franchise granted under this article shall file annually with the city manager on such date as shall be fixed by the city council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the city council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the city council, of all gross receipts arising from all the business done by said person, firm, or corporation within the city of Burlington for the year immediately preceding such report. Such report shall contain such further statements as may be required by the city council concerning the character and amount of business done and the amount of receipts

Report in writing
and verified.

Form and detail.

Further statements
if required.

and expenses connected therewith, and also the amount expended for new construction, repairs, and betterments during such year.

SEC. 17. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to the payments of gross receipts shall apply to every person, firm, or corporation using or operating the works constructed under such franchise.

Percentage paid annually. Failure to work forfeiture.

SEC. 18. Every ordinance granting any franchise or privilege shall provide for the termination and the forfeiture thereof for any breach or failure to comply with any of the terms, limitations, or conditions thereof, and in all such cases the city council shall have power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

Condition for forfeit of franchise.

SEC. 19. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or assigns shall within six months after this charter takes effect in good faith commence the exercise and enjoyment of such privilege or franchise.

Franchises heretofore granted forfeited for nonuser.

ARTICLE VIII.

Streets and Street Department.

SECTION 1. The street department of the city of Burlington shall be composed of the city manager and such other employees as the city council may deem necessary to execute the duties of the department. The city manager shall be the executive officer of the department and shall have the direction of other officers and employees in the department, subject to the rules and regulations prescribed by the city council.

Street department.

City manager executive officer.

SEC. 2. The city manager shall have full power and authority, under ordinances of the city council, to grade, pave, macadamize, and otherwise permanently improve for travel and drainage any street, sidewalk, avenue, and public alley of the city; to put down curbing, cross drains, and crossings on the same; to lay out and open new avenues, streets, and public alleys, or widen those already open and make such improvements thereon as the public convenience may require.

Powers of city manager as to streets.

SEC. 3. 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 section, it shall be incumbent on such company to pave, repave, macadamize, or remacadamize, or otherwise improve that part of such street or streets covered by its tracks, the space between the double

Improvements imposed on street railroads and other railroads.

tracks, and at least two feet on each side of each line of track as they are now or may hereafter be constructed by any such company: *Provided*, that the city council, in order to secure uniformity in the workmanship and avoid delay in the progress of the works, 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 railroad company located in said city, and special tax levies made thereon for the purpose of collecting same in the manner herein elsewhere provided for the assessment and levy upon other property so improved.

SEC. 4. All companies, corporations, and persons having franchises or permits to use the streets of the city for laying railway tracks, pipes, or conduits, and for other purposes requiring the excavation of the streets, sidewalks, and public alleys, shall be notified by the said council when any street is to be permanently improved, and given 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 under the condition that they shall pay such reasonable proportion of the original cost of such permanent improvement as may be fixed by the city council.

ARTICLE IX.

Police Powers and Police Department.

SECTION 1. The city of Burlington shall have power, by ordinance duly passed, to establish and maintain the city police department, prescribe the duties of policemen and regulate their conduct.

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

(b) To suppress gambling houses and to punish keepers and patrons thereof, to punish all persons who play cards or games of chance of any kind for gain, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings of lottery.

Proviso: option of city to do work.

Cost assessed on franchise and property.

Notice of improvements to holders of street franchises.

Establishment and maintenance of police department.

Regulation of theaters and other public amusements.

Suppression of gambling houses and lotteries.

- (c) To regulate, control, and prohibit the keeping and management of houses or any building used for the storage of gunpowder and other combustible, explosive, or dangerous material within the city, and to regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas. Regulation of storage of combustibles and explosives. Pipes and storage of oil and gas.
- (d) To define nuisances and prevent and abate the same, whether on public or private property, and to punish the authors or keepers thereof by penalties, fines, and imprisonment. Definition and abatement of nuisances.
- (e) 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 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 cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said city council; and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the city. Regulation of animals going at large.
- (f) To establish maximum rates for all kinds of transportation within the city limits, and to prevent extortion; to regulate and to prohibit the blowing of whistles of railroad engines or locomotives within the city limits, and to regulate the speed of railroad engines and locomotives within said limits; to preserve order and prevent noise and confusion in or about the depot on arrival and departure of trains, and to provide how and where hacks or other carriers shall stand or take their position upon the streets or adjacent or near to said depot; and to provide and fix by ordinance public stands where hacks and drays, baggage wagons, or other public carriers shall stand on the streets for the purpose of soliciting business, and to prescribe that they shall not stand, excepting when discharging or receiving passengers or freight, at any points other than those designated in the ordinance as public stands. Rates of transportation. Noise and speed regulations. Regulation of hack stands.
- (g) 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 street or sidewalks, by auctioneers and others, for the purpose of business, amusement, or otherwise, except judicial sales for taxes and the like; 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 city, and to prescribe a penalty by fine for nonobservance thereof; to regulate the use of automobiles, motor cars, motorcycles, or any other motor vehicles and the speed thereof; to prescribe the proper lighting of same, when used at night, and to prescribe the qualifications required of those using same upon the streets of the city, and to issue permits for the use of such vehicles. Enumeration of subjects for restriction and prohibition. Regulation of motor vehicles.

Boxing matches,
cock and dog
fighting.

(h) To prevent all boxing matches, sparring exhibitions, and punish all persons engaging therein; to prevent cock fighting and dog fighting, and to punish all persons instigating or encouraging same.

Abuse of animals.

(i) To prohibit and punish the abuse of animals.

Licensed trades and
occupations.

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

Other subjects of
prohibition.

(k) To prohibit bawdy-houses and punish keepers, inmates, and patrons thereof, and owners of buildings used for immoral purposes; to prohibit variety shows and to punish participation therein; 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.

Removal of aban-
doned tracks.

(l) To require, on due notice, all steam or street railway companies owning tracks within the city limits, upon public streets or highways of said city, which have been or may hereafter be abandoned by said companies by nonuse, to remove such tracks and to restore at their expense the street or way upon which abandoned track is located to its former condition.

Regulation of
engines and boilers.

(m) To control and regulate the location and use of all kinds of steam engines and steam boilers in the city, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations thereto as may seem best for the public safety and comfort.

Regulation of
tracks, turnouts,
and switches.

(n) 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 and gates at the intersection of streets, avenues, and alleys and suitable ditches sewer, and culverts where the city council shall deem it necessary.

Crossings and
gates.

(o) To make such rules and regulations in relation to butchers, bakers, and dairymen as they may deem necessary and proper; to establish and erect markets and market houses, and designate, control, and regulate market places and houses, dairies, and bakeries, whether kept within or without the city limits, from which meat, bread, or milk is offered for sale within the city limits, and to punish the owners or keepers thereof for the violation of any ordinance or regulation of the city council, by penalties, fines, and imprisonment.

Regulation of
butchers, bakers,
and dairies.

Introduction of
paupers and in-
fected persons.

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

(q) To license, tax, regulate, control, restrict, or prohibit the use of and explosion of dynamite, firecrackers, or other explosives 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 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.

License and regulation of fireworks.

(r) To inspect the construction of all buildings in the city and prescribe and enforce proper regulations in regard thereto, and regulate and locate or prohibit the erection of all poles in the city, and cause the same to be changed.

Inspection of buildings.

Erection of poles.

SEC. 2. The police department of the city shall be composed of the chief of police and so many officers and patrolmen as shall be from time to time provided by ordinance of the city council.

Police department.

SEC. 3. The chief of police, acting under the city manager, shall be responsible for the discipline and efficiency of the police force. All orders shall pass through him, except so far as the rules, regulations, and orders of the city council authorize orders to be given direct to any subordinate on the police force. In addition to the power of dismissal vested in the chief, any member of the force, excluding the chief, may be removed, suspended, or fined by the city manager upon proper cause shown, and in cases where a fine is imposed it may in the discretion of the city manager be deducted from the officer's pay, and a person may be appointed by the city manager to discharge the duties of such suspended officer or member until the grounds of such suspension can be inquired into by the city council; and it shall be the duty of the city manager to report in writing the dismissal, suspension, or fine within three days, with the reason therefor, to the city council, and also furnish such dismissed, suspended, or fined officer or member with a copy thereof within like time. Whereupon the city council shall hear and determine any and all charges against the officer or member of the police force.

Chief responsible for efficiency of force.

Orders through chief.

Power of dismissal.

Report of dismissal, suspension, or fine.

Hearing by city council.

SEC. 4. In case of emergency, the city manager shall have power to appoint additional officers and patrolmen for temporary service, but the length of time for which such additional officers or patrolmen shall be employed shall be limited to the time during which such emergency may exist.

Emergency appointments.

SEC. 5. The police force shall preserve the peace, protect persons and property, obey and strive to enforce so far as it has power all the ordinances of the city and all criminal laws of the State and the United States; and each member shall wear a badge and uniform while on duty, so that the people may recognize him as a peace officer: *Provided*, the city council may provide for special ununiformed officer or officers.

Duties of police.

Badge and uniform.

Proviso: special ununiformed officers.

Police to preserve peace.

Execution of process.

Bond of chief of police.

Duty.

SEC. 6. The chief of police and each member of the police force shall have power and authority to preserve the peace within the city. They shall execute all process directed to them by the mayor of the city and all civil and criminal process directed to them by a justice of the peace or other lawful officer in said jurisdiction.

SEC. 7. The chief of police shall give bond in such sum as the city council shall prescribe for the faithful discharge of the duties of his office and for a faithful account of all moneys that may come into his hands by virtue of his office. It shall be his duty to report any violation of laws or ordinances of the city; to collect all fines and penalties imposed and pay the same to the mayor, and to perform such other duties as may be required of him by law and by the rules and regulations of the city council or city manager.

ARTICLE X.

Health and Health Department.

Burial regulations.

Cemeteries.

Sale of lots.

Condemnation of land.

Procedure.

Condemnation of nuisances.

Sanitary construction.

SECTION 1. The city of Burlington shall have power, by ordinance duly passed, to regulate burial grounds, crematories, and cemeteries, and to prohibit burials within the city limits, if deemed advisable or if found necessary to protect the public health. The city of Burlington shall have power to acquire lands and grounds inside or outside of the city limits, by purchase, gift, or otherwise, to be devoted and used for the purpose of a public and private cemetery, and to pass such suitable regulations concerning the burial of the dead in such cemetery and make such suitable regulations for the private sale of lots therein as may be deemed proper by the city council; and the said city shall have power to appropriate private property lying within or without the city limits to be used and devoted for cemetery purposes, as herein stated, by condemnation proceedings brought for such purpose, and in all such cases the proceedings had to condemn shall conform to provisions hereinbefore contained for condemnation of land for streets and other purposes.

SEC. 2. The said city shall also have power, by ordinance duly passed, to condemn as nuisances all buildings, cisterns, wells, privies, and other erections in the city 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 city council, shall reconstruct the same in such a manner as shall be prescribed by the laws of the city; and as to all buildings, cisterns, wells, privies, and other private improvements to be constructed in the 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 city.

SEC. 3. The city of Burlington shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the city reasonable charges for the removal of night-soil or other refuse matter from the closets or the premises thereof, and to prohibit any one, except some one in the employ of the city or by the city authorized to do so, from removing or carrying away the contents of any privy, vault, or water-closet or any receptacle of human excrement; and the city 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 such inspection the officers or agents of the city duly authorized to do so shall have the right to enter upon the premises of any such person at any hour during the daytime to make said inspection. Whenever notice is given by any officer or employee of the city inspecting any premises that said premises need cleaning, the said night-soil or other refuse matter shall be removed and the owner or tenant of said premises shall pay to the city the price prescribed therefor, and failure to do so shall subject said persons 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.

Scavenger charges and regulations.

Inspections.

Right of entry for inspections.

Payment for sanitary work.

Penalty for failure.

SEC. 4. The city council 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 city may own, construct, 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 property 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 city to make sewer connections or do any other thing the performance of which the city council has the power to compel, such tenant or occupant shall have a lien upon the property for reimbursement, if the primary obligation to do the same was 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.

Requirement of sewer connection.

Proviso: expenditure by tenant.

SEC. 5. The city council shall have power to establish, lease, buy, erect, maintain, own, and 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.

Butchers, slaughter-houses and hucksters.

SEC. 6. (a) The city council shall have power to regulate, license, or prohibit butchers and prevent their slaughtering animals within the city limits, and to revoke their license for malconduct in trade, and to regulate and license the sale of fresh meats, fruits, and vegetables, and the slaughter of animals, and to license and regulate or prohibit slaughter-houses or the slaughter of animals within the city limits.

Inspection of dairies and creameries.

Fees for inspection.

Standard of sanitation.

Standard of quality.

(b) To provide for the inspection of dairies and creameries inside and outside of the city limits and doing business within the city, and to charge and provide license fees for said inspection; to establish and maintain a standard of sanitary conditions governing dairies and creameries inside and outside of the city, doing business within the city; to establish and maintain a standard of quality of all dairy products sold in the city, and to provide for penalties for the violation thereof.

Regulation of unwholesome or offensive trades and places.

(c) To compel the owner or occupant of any grocery, soap, tallow, or candle establishment, or blacksmith shop, tannery, stable, slaughter-house, or other building, or sewer, privy, hide-house, or other unwholesome or nauseous place or house, to cleanse, remove, fill up, repair, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants.

Quarantine.

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

Destruction of infected property.

(e) To authorize the destroying of clothing, bedding, furniture, and buildings infected with the germ of any infectious and dangerous disease, when the public health requires the destruction of the same, and may also, by ordinance duly passed, 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 the city.

Prevention of deposit of carcasses of dead animals.

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

Burial and registration.

(g) To regulate the burial of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons, and others for any default in the premises: *Provided, however*, that this act shall in no wise interfere with the burial of the dead in any cemetery already established and now in use in said city of Burlington.

Proviso: cemeteries established and in use.

City health department.

SEC. 7. The city of Burlington shall have power, by ordinance duly passed, and it shall be its duty, to establish and maintain the city health department, to be composed of the city physician,

to be appointed by the city council for a term of one year; a sanitary officer, who may also be a police officer, and such other employees as the city council may deem necessary. The city physician shall present a list of names for the subordinate positions in the health department, and the city council shall select aforementioned subordinate officers from this list.

Subordinates recommended by city physician.

SEC. 8. The city physician shall be the chief health officer of the city, and the sanitary officer and other employees, if any, of the department shall obey his orders and instructions. It shall be his duty from time to time to present in writing to the city council proposed health ordinances, which the city council may adopt or reject, but cannot amend.

Chief health officer.

Health ordinances.

SEC. 9. The city physician, the sanitary officer, or other officer designated by the city council for this purpose, shall have power to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything within 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.

Removal or remedy matters prejudicial to health.

Expense paid by person in default. Lien on premises.

SEC. 10. It is hereby declared a misdemeanor for any person to sell or offer for sale in the city any unsound articles of 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 unsound food a misdemeanor.

ARTICLE XI.

Fires and Fire Department.

SECTION 1. The city council shall have power to provide for the organization, equipment, maintenance, and government of paid or part paid fire companies and a fire department, and for this purpose may create such offices and employees with such compensation as to the council may seem right and proper: *Provided*, the organization and government of fire companies or fire department shall not be inconsistent with the provisions of this article.

Fire companies and fire department.

Proviso: organization or government to conform to article.

SEC. 2. The chief of the fire department shall be the executive officer of the department or companies, under the direction of the city manager, and shall have direct control of the other officers, firemen, and employees in the department or companies, under such rules as may be adopted by the city council.

Executive officer.

SEC. 3. The chief of the fire department and his assistants shall have full police powers while on duty during fires, and are authorized to make arrests without warrant for interference with or obstruction to their operation.

Police powers while on duty.

SEC. 4. In the event of an alarm of fire, the apparatus of the fire department or companies shall have the exclusive right of way in and upon streets, alleys, squares, and railroad crossings

Fire apparatus to have right of way.

in going to any fire; and while going to a fire, as well as at a fire, it shall be unlawful for any person whatsoever to interfere with the firemen or their apparatus or appliances in any way, and the city council shall, by proper ordinances, provide for the punishment of any persons so interfering.

Dismissal, suspension, or fine on officers or firemen.

SEC. 5. The city manager and chief of the fire department shall have the same power and authority in reference to the dismissal, suspension, or fining any officer or member of the fire department or companies as that provided to be exercised by the city manager and chief of police in reference to the officers or members of the police department.

Fire limits.

SEC. 6. The city council 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 buildings or additions 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 regulations.

SEC. 7. The city council may make rules and regulations not inconsistent with the State law, 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, or a member of the city council, the city manager and the acting chief of the fire department, or the acting chief of the fire department and any two of the other officers above named, 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 individual shall be held liable, civilly or criminally, for acting in obedience to the orders thus given:

Destruction of buildings for arrest of fire.

Provided, that nothing herein contained shall apply to any volunteer fire company.

Proviso: volunteer fire companies.

ARTICLE XII.

Water-works and Sewerage Department.

SECTION 1. The water-works and sewerage department shall embrace all property, rights, and obligations of the city of Burlington in respect to water-works and sewerage, and shall in so far as practicable be administered as an entity. To that end all contracts, records, and muniments of title pertaining thereto shall be assembled and carefully preserved, and accounts shall be kept of its assets, liabilities, receipts and disbursements, separate and distinct from the accounts of any other department or branch of the city government.

Water-works and sewer system.

Records and accounts kept separate.

City manager and officers and employees.

SEC. 2. The water-works and sewerage department of the city of Burlington shall be composed of the city manager and such other officers and employees as the city council may deem necessary to execute the duties of the department. The city manager shall be the executive officer of the department, and shall have

Executive officer.

the direction of other officers and employees, subject to the rules and regulations prescribed by the city council.

SEC. 3. The city council shall have power to acquire and hold, in the name of the city, rights of way, water rights, sewerage outlets, and other property within and without the city limits; and the city council shall have power to condemn and take rights of way, easements, water rights, sewerage outlets, and other property within and without the corporate limits of the city for the purpose of extending, getting, storing, maintaining, and furnishing a pure and adequate water supply, and of extending, maintaining, and furnishing an adequate system of sewerage and of securing proper and adequate outlet or outlets therefor. The proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for streets and other purposes.

Power to acquire and hold property.

Right of condemnation.

Procedure for condemnation.

SEC. 4. The city manager shall have, under ordinances of the city council, entire supervision and control of the maintenance, improvement, and management of the said system, and shall fix uniform rates for water and sewerage as he may deem advisable and just, and shall fix the time or times when said water and sewerage rents shall become due and payable.

Control of system.

Rates and time of payment.

SEC. 5. When any water or sewerage connections are discontinued by any officer or agent of the city in accordance with the provisions of an ordinance, it shall be unlawful for any person, firm, or corporation, other than the city council or its agents or employees, to make said connections or to use the same, without having first obtained permission from the city manager or some officer of this department.

Reconnections not made but by permission.

SEC. 6. The city council shall out of any money received by it from the operation of the water-works and sewerage system pay, first, the operating expenses of said systems; second, the interest upon such of the bonds of the city of Burlington as were sold for the purpose of raising money to erect, construct, and enlarge said system, and the balance remaining shall be invested by the city council, and shall remain and be known as a sinking fund to meet the payment of said bonds at their maturity.

Expenditures of receipts.

SEC. 7. That the city physician shall devote such time as may be necessary to the inspection of the public watersheds and examination of the public water supply, and make his reports of the same to the city council.

Inspections and reports by city physician.

SEC. 8. If any person or persons shall maliciously or willfully divert the water or any portion thereof from the said water-works, or shall injure or destroy or obstruct any canal, aqueduct, pipe, or other property used or acquired for the proper operation of said systems, or either of them, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or shall be imprisoned not exceeding one year, at the discretion of the court.

Interference with system a misdemeanor.

Punishment.

Application of law to system.

SEC. 9. The city council shall have full power and authority to apply by ordinance the provisions of section four to section thirteen, inclusive, of article eight, to the extension of the water-works and sewerage systems of the city of Burlington. An ordinance applying said sections to said systems shall, for any and all intents and purposes, have the same effect as if said sections were herein set forth.

ARTICLE XIII.

Finance and Taxation.

Contracts for personal services and for supplies.

SECTION 1. No contract shall ever be made which binds the city to pay for personal service to be rendered for any stated period of time, unless otherwise provided herein; but all contracts involving personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city, nor shall the city of Burlington, or any one acting for it, make any contract for supplies for current use for any department of the city for a longer period of time than twelve months, and so far as practicable all supplies purchased for the use of any or all departments of said city shall be made or let upon competing prices therefor.

Appropriation.

SEC. 2. No contract shall be given until after an appropriation has been made therefor, not in excess of the amount appropriated, and all contracts, whenever practicable, shall be upon specification, and no contract shall be binding upon the city unless it has been signed by the city manager and by a member of the city council who shall have been duly authorized to sign the said contract by an ordinance adopted at a regular meeting of the city council, and the expense thereof charged to the proper appropriation. Whenever the contracts charged against any appropriation equal the amount of said appropriation no further contract shall be signed.

Contracts upon specification. Execution of contract.

No further contract when appropriation is exhausted.

Proposition involving \$200 or more.

SEC. 3. All tentative or proposed contracts of whatever character pertaining to public improvements or the maintenance of public property of said city involving an outlay of as much as two hundred dollars shall be submitted upon specifications to be prepared and submitted to and approved by the city council, and after such approval advertisement for the proposed work or matters embraced in said proposed contract shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall appear at least twice in some weekly newspaper or at least five times in a daily newspaper published in the city of Burlington. All bids submitted shall be sealed, shall be opened by the mayor in the presence of the city council in a meeting assembled, and shall remain on file in the city manager's office and be open for public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder. The city council shall determine the most advantageous

Advertisement for bids.

Bids to be opened and filed.

Award of contract.

bid for the city and shall enter into a contract with the parties submitting the same. However, the city council shall always in every advertisement of public work or contract involving as much as two hundred dollars reserve the right to reject any and all bids. Pending the advertisement of work or contract proposed, specifications therefor shall be on file in the office of the city manager, subject to the inspection of all parties desiring to bid: *Provided*, this section shall not be construed to prohibit the city council from having work done by day labor, from purchasing materials in accordance with the other provisions of this charter and under such rules and regulations as said council may by ordinance prescribe; and *Provided further*, this section shall not be construed to apply to contracts for lighting the streets and public buildings of the city.

Right to reject bids.

Specifications filed.

Proviso: work by day labor.

Proviso: contracts for lighting.

SEC. 4. The city manager shall be the purchasing agent of the city council, and all property, supplies, and material of every kind whatsoever shall, upon the order of the city council, be purchased by him, and when so purchased the bills therefor shall be submitted to and approved by the city council before the same are paid.

Purchasing agent.

Bills approved by city council.

SEC. 5. The city council shall, during the month of June 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 and not less than seven 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 council shall deem advisable; and in order to enable the said council to properly make the apportionment hereinbefore required, the city manager and the head of each department of the city shall, at least ten days before said apportionment is made, furnish in writing to said council estimates in detail of the amounts needed. The estimates in detail furnished by the city manager shall be of the amounts needed for the entire city government, and those furnished by the heads of the departments of the amounts needed for their respective departments. All of which estimates shall be considered by the city council in determining the amount apportioned to each department of the city. Any apportionment made by the city council 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 the city council. 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

Estimate and apportionment.

Emergency fund.

Details of estimate.

Estimates from city manager and departments.

Apportionment subject to amendment.

Surplus to general fund.

- Itemized reports filed monthly.
- Itemized monthly reports from city manager.
- Department reports attached.
- Manager's report posted.
- Publication of reports quarterly.
- Powers of treasurer in collection of taxes.
- Sums charged to treasurer.
- Audit of accounts.
- Full settlement prior to receipt of tax books.
- Time allowed for collection.
- Quarterly statements.
- Other statements.
- Quarterly reports published.
- Subjects of taxation.
- Assessment of property.
- 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 month during the fiscal year each of the heads of the various departments of the city shall file with the city manager an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid and for what and from whom received. The city manager, at the first of each month during the fiscal year, shall file with the city council an itemized report of all moneys received and disbursed by any and all officers of the city government during the preceding month, and showing from whom and for what such money was received and to whom and for what paid. To the said report shall be attached the monthly reports of each of the heads of the various departments of the city. The city manager's report for the preceding month shall be posted during the second week of each month in the mayor's office, and quarterly a combined report shall be published in some newspaper published in the city of Burlington.
- SEC. 6. The city treasurer, in the collection of taxes, fines, and assessments, shall be vested with the same power and authority as is given by the State to sheriffs or like persons, and shall be subject to the same fines or penalties on failure or neglect of duty. It shall be his duty to collect all taxes, fines, or assessments levied by the city council or any duly authorized officer of the said city, and he shall be charged with the sums appearing on the tax lists as due for city taxes. At least once in each year, and more frequently if it should be deemed necessary, the city council shall appoint a committee of two, or other number, to audit the books of the city treasurer and go over his accounts, and particularly his accounts concerning the collection of taxes, fines, and assessments, and full accounting and settlement shall be made of the taxes, fines, and assessments for the year before the books showing the taxes assessed for the succeeding year are turned over to the city treasurer for collection of the taxes shown thereon, but time shall be allowed the city treasurer for collecting fines, taxes, and assessments not collected at the time of the accounting and settlement. The city treasurer shall once in each quarter render to the city council a full statement showing the exact condition of the city's finances and showing the amount of taxes, fines, and assessments collected and due and uncollected. He shall render such other statements as he shall be called upon from time to time to render by the city council. The quarterly report so rendered shall be published by the city council immediately after the receipt of same from the city treasurer.
- SEC. 7. That all property the subject of taxation by the State and county shall be likewise subject to taxation by the city of Burlington; and it shall be the duty of the city council to obtain

from the office of the register of deeds of Alamance County the assessed value of all real property in the city of Burlington, and of all personal property liable to taxation in said city, and to compute the tax upon the same and have tax lists ready to turn over to the city treasurer by the first Monday in September of each year, at which time the taxes of said city shall be due and payable. The rate of taxation for general purposes shall not exceed one dollar (\$1) on the hundred. A discount may be allowed by the city council for the payment of taxes, as follows: For the payment of all taxes during the month of September, two (2) per cent; and during the month of October, one (1) per cent; and during the month of November, one-half ($\frac{1}{2}$) of one per cent. And for all taxes not paid prior to January the first following, the city council shall charge the following penalties: For taxes paid during the month of January, a penalty of one per cent; during the month of February, a penalty of two per cent; and for each additional month or a 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. In addition to the foregoing, and other provisions herein, said city may levy and collect taxes on all trades, professions, franchises, callings, and occupations carried on in said city, provided such tax is not contrary to the laws of the State of North Carolina; and it may provide that said tax so levied shall be paid in the way of a license tax, and that such trades, professions, franchises, and occupations shall not be enjoyed without first paying said license tax and receiving a receipt in the form of a license.

SEC. 8. The said city council may also levy and collect for general purposes a tax upon all dogs kept in the city, and which may be so kept on the first day of May of each year. The said tax shall not exceed 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 council on the different species and sexes of dogs.

SEC. 9. The city treasurer shall in person or by deputy each year, with the county list takers, list and assess property for taxation within the corporate limits of the city of Burlington, and they shall make an abstract of the property assessed for taxation by all persons owning property which is subject to taxation in the city of Burlington, and from said list, by comparing same with the county books, they shall make up the tax books of the city of Burlington, showing all property liable to taxation in said city; and said city in taxing property of all kinds shall tax it at the same valuation as placed upon it for purposes of taxation by the State of North Carolina and the county of Alamance. Said treasurer and his deputy shall be diligent in seeing that all persons owning

Tax list delivered to treasurer.

Rate of tax.
Discount for prompt payment.

Penalty for delay.

License taxes.

Tax on dogs.

Limit of rate. Dogs subject of larceny.

Proviso: discrimination as to species and sex.

Listing for taxes.

Tax books.
Valuation.

Search for and report of delinquents.

property liable to taxation in the city of Burlington shall list the same for taxation, and if they shall ascertain that any person has failed so to do, then they shall report the same to the county commissioners of Alamañce County, to the end that the same may be listed for city and county taxes and for municipal taxes for the city of Burlington.

License year.

SEC. 10. The license year shall begin on the first day of June of each and every year.

Graduation of license tax.

SEC. 11. The city council shall have power to graduate any of the license taxes permitted in this article, by dividing the business into classes according to the size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class.

Proviso: taxes uniform in class.

Posting of licenses.

SEC. 12. That the city council may provide that all licenses issued hereunder shall be kept posted in such place as they may deem right and proper.

Chauffeurs, plumbers, and electricians.

SEC. 13. The city council may regulate and license chauffeurs (those who run their own automobiles or those of others), plumbers, and those engaged in the electric 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 council may determine, and with such sureties as it may approve; and said council 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 causes, revoke any license issued hereunder.

Examination and bond.

Revocation of license for cause.

Doing plumbing or wiring without license forbidden.

SEC. 14. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said council.

License for one year only.
Not transferable.

SEC. 15. That no license issued hereunder by said council shall be for more than one year, and the same shall not be transferable or assignable except by the permission of the city council.

Doing business without license a misdemeanor.

SEC. 16. Any person carrying on or practicing any business, profession, trade, calling, occupation, 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 thirty days.

Tax to be paid before license.

SEC. 17. That no license shall be issued, as herein provided, before the license tax shall have been paid.

ARTICLE XIV.

Public Schools.

Management of school funds.

SECTION 1. The city council shall collect, manage, and disburse all school funds belonging to the public schools of the city of Burlington; otherwise the sole management and control of said schools

Management and control of schools.

shall be and remain in the school board of the said city of Burlington as heretofore prescribed by the acts of the General Assembly of North Carolina.

ARTICLE XV.

Miscellaneous.

SECTION 1. That the provisions of section two thousand nine hundred and eighty-two to section three thousand and ten, inclusive, of the Revisal one thousand nine hundred and five of North Carolina, and the provisions of sections three thousand and eleven (a) to three thousand and eleven (k), inclusive, of volume three of Pell's Revisal of one thousand nine hundred and eight of North Carolina, shall apply to the city of Burlington, where not inconsistent with the provisions of this charter. General laws applicable.

SEC. 2. That the provisions of chapters seventy-two and seventy-three of the Revisal of one thousand nine hundred and five of North Carolina shall apply to the city of Burlington, where not inconsistent with the provisions of this charter. Revisal applicable.

SEC. 3. All questions arising in the administration of the government of the city of Burlington, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided. Questions not provided for governed by State law.

SEC. 4. All ordinances of the city of Burlington not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the city council. Ordinances in effect until amended or repealed.

SEC. 5. In all judicial proceedings it shall be sufficient to plead any ordinance of the city by caption or by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. Pleading of ordinance.

SEC. 6. This charter shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, whether or not same has been pleaded or read in evidence. Charter a public act.

SEC. 7. Any officer of the city of Burlington, or any member of the board of school trustees of the Burlington Graded School District, who shall on demand fail to turn over all property, books, money, seals, or effects of the city in his hands to his successor in office or to the officer or officers herein provided to perform the duties of such office or member, shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding two years or fined not exceeding five hundred dollars. Failure of officer to settle with successor a misdemeanor.
Punishment.

SEC. 8. If the mayor or any of the aldermen of the city of Burlington 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, upon conviction, shall be fined or imprisoned, in the discretion of the court, and shall also be liable to a penalty of one hundred dol- Failure to perform duties relative to elections a misdemeanor.
Punishment.
Penalty.

lars, one-half of which shall be payable to the county school fund and one-half to the party who shall sue for same.

Officer contracting with city guilty of misdemeanor.

SEC. 9. That no officer of the city government shall directly or indirectly become a contractor for work to be done, material to be furnished by the city, and any person herein offending shall be guilty of a misdemeanor.

ARTICLE XVI.

The Recall of Officers.

Petition for removal of elective officer.

SECTION 1. Upon a petition in writing filed with the city secretary, signed by qualified electors of the city of Burlington equal in number to one-third of the votes cast for mayor at the last preceding municipal election, asking for the removal of any elective officer from office, the city council shall thereupon order a special election to be held within forty days from the filing of said petition, to determine whether the said officer or officers so petitioned to be removed shall remain in office.

Special election.

Method of election.

SEC. 2. The officer or officers so petitioned against, and such other or others as may be nominated to succeed them in office, shall be elected in the same manner as the officer or officers petitioned against were elected.

Reasons set out.

Time for filing.

SEC. 3. The petition shall set forth the reasons for the recall; and no petition for recall shall be filed within three months after the beginning of the term of the officer sought to be removed, nor within sixty days of the date of a regular municipal election; and no officer shall be required to stand for election more than once during his term.

Clerk to certify petition.

Notice to officer.

SEC. 4. The secretary shall certify to the city council that the petition has the requisite number of *bona fide* signatures, and he shall, within forty hours after the petition has been filed, give written notice to the officer sought to be removed, of the filing of the said petition.

Law governing election.

Induction to office.

SEC. 5. The special election shall be held and the returns tabulated and certified in the same manner as is required in case of general municipal elections hereunder, and the person elected shall assume the duties of the office to which he has been elected on the Monday following his election.

Additional regulations by city council.

SEC. 6. The city council shall have power and it shall be their duty, to make such additional regulations as may be necessary to put into effect the provisions of this article.

ARTICLE XVII.

Date for election on acceptance of charter.

SECTION 1. On the third day of April, one thousand nine hundred and fifteen, there shall be held in the city of Burlington 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 the law applicable to the city of Burlington.

SEC. 2. The board of aldermen of the city of Burlington, for the purpose of holding said election, shall appoint a registrar and two inspectors for each ward of said city, the two inspectors to be of different political parties. The registrar for each ward shall keep the registration book open for the registration of voters for thirty days preceding the time for closing the same as herein provided on each day in the week, Sundays excepted, from nine o'clock a. m. to six o'clock p. m., at some convenient place in his ward, of which he shall post notices at three public places in his ward within three days after his notification of his selection as registrar, and the books shall close for registration at twelve o'clock m. on the Saturday next preceding the day of election. No one shall vote at this election without having first registered, and for the purposes of this election a new registration of the voters of the city of Burlington is ordered, and no person registered for any other election shall be deemed registered for this election unless he shall reregister. No person shall be allowed to register and vote in this election unless he shall be possessed of the qualifications required by law for a person to possess to vote for a member of the General Assembly in a regular election held in Alamance County, and unless he shall have the right to cast his vote for such member of the General Assembly in the city of Burlington, and unless he shall have resided in the ward where he registers and votes for at least thirty days before the date of said election. Any one coming of age, or who has for any other reason become entitled to register and vote, after the books close for registration of voters and on or before the day of election, may register and vote on the day of election. The registrar and the inspectors for each ward shall post a written notice at three public places in each ward, ten days before such election, of the time and place of holding such election. The registrars and inspectors, before entering upon the discharge of their duties, shall be sworn by some person authorized to administer oaths under the laws of the State of North Carolina to faithfully perform their duties according to law. The election shall be held in like manner and the polls kept open during the hours provided by law in elections for members of the General Assembly. Voters desiring to vote for the adoption of the foregoing as the charter and the law applicable to the city of Burlington shall vote a written or printed ballot on white paper, which ballot shall not be more than three inches square, containing the words "For New Charter." Those opposed to the adoption thereof shall vote a like ballot on which shall be written or printed the words "Against New Charter." After the polls are closed the registrars and inspectors of said election shall count the votes

Election officers.

Registration.

Notice of registration.

Close of registration.

New registration.

Persons allowed to register and vote.

Registration at election.

Notice of time and place of election.

Election officers sworn.

Law governing manner and hours of election.

Ballots.

Count and return of votes.

and shall make out and sign a report showing how many votes were cast in their ward "For New Charter" and how many votes were cast "Against New Charter," and this report they shall place in a sealed envelope directed to the mayor of the city of Burlington; and this report, together with the registration book and poll book used in said election, shall be turned over to the registrar, who shall within twenty-four hours from the closing of said polls deliver said report and said books to the mayor of the city of Burlington. The mayor of the city of Burlington shall within three days next after the date of said election call a meeting of the aldermen of the city of Burlington, and he shall in the presence of such aldermen as are present at such meeting, provided there shall be a quorum present, open said reports and add the votes cast in said election for new charter and add the votes cast in said election against new charter, as shown by said reports, and said mayor shall declare the result of the election as shown by said reports, and the result thereof shall be recorded on the minutes kept by the clerk to the board of aldermen of the city of Burlington; and if the majority of the votes cast in said election shall have been cast "For New Charter," then a certified copy of the minutes of the city of Burlington, showing said tabulated returns, together with the registration and poll books used in said election, shall be filed in the office of the clerk of Superior Court of Alamance County, and the returns of said election shall be kept by him upon the book of election returns kept in his said office. The judges and inspectors of said election shall keep a poll list showing all persons voting in said election, and in the event any person's right to vote is challenged by any elector when he presents himself to vote, then said inspectors and registrar shall determine said challenge and decide whether said person is entitled to vote.

Delivery of return with registration and poll books.

Canvass of returns.

Declaration and record of result.

Poll lists.

Challenges.

Election of city council.

Term of present officers.

When act effective.

Term of present mayor.

SEC. 3. In the event the majority of votes cast at said election shall be "For New Charter," then the board of aldermen and mayor of said city of Burlington holding office at the date of the ratification hereof by the General Assembly of North Carolina shall make provision for and hold the election for members of the city council as provided for in article two hereof, and said mayor and aldermen and school committeemen and other officers and employees of the city of Burlington shall continue in office until twelve o'clock noon of the first Monday of July, nineteen hundred and fifteen, and save and except for the provisions contained in this article and for the election of city councilmen hereunder and for the election concerning the adoption of this charter, the provisions hereof shall not be effective until twelve o'clock noon of the first Monday of July, nineteen hundred and fifteen. In the sessions of the members of the city council elected under the provisions hereof and held previous to the time of the election

by said city council of a mayor under the provisions hereof, the mayor of the city of Burlington holding office at the time of the ratification of this act shall preside as mayor, with all rights given a mayor under this charter. The compensation for the registrars and other officers of said election shall be fixed and paid by the board of aldermen of the city of Burlington.

Pay of election officers.

ARTICLE XVIII.

SECTION 1. All laws and parts of laws in conflict with the provisions hereof are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 231.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seven, Private Laws of one thousand eight hundred and eighty-five, be amended by inserting in line thirteen of section sixteen, after the word "damages" the words "or benefits."

Benefits considered.

SEC. 2. That chapter one hundred and fifty-five, Private Laws one thousand nine hundred and three, be and the same is hereby repealed.

Charter amendment for street improvement.

SEC. 3. That section one of chapter eighty-eight, Private Laws of one thousand nine hundred and five, be and the same is hereby repealed.

Payment of street assessments.

SEC. 4. That chapter three hundred and eighty-nine, Private Laws of one thousand nine hundred and five, be and the same is hereby amended by striking out in section four thereof the following: "One-fifth in sixty days after adoption of said report and the balance in three equal installments," and inserting in lieu thereof, "one-third in thirty days after adoption of said report, and one-third in thirteen months after the adoption of said report, and one-third in twenty-five months after the adoption of said report."

Payment of assessments.

SEC. 5. That the board of aldermen of the town of Waynesville be and they are hereby authorized and empowered to deduct from the amount due upon the property and polls of taxpayers in said town the following amounts, provided the said taxes are paid within the time as herein set out: three per cent if taxes are paid on or by the first day of October of the year in which they are due; two per cent if the taxes are paid on or by the first day of

Discount for prompt payment of taxes.

November of the year in which they are due; and one per cent if they are paid on or by the first day of December in the year in which they are due.

Water-works and sewer system.

SEC. 6. Said board of aldermen shall from time to time lay, build, and construct in said town such system or systems of water-works, water pipes, sewerage and sewer pipes and extension of the same as to it may seem advisable, or cause the same to be laid, built, and constructed, 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 on any public street or alley where such water and sewer pipes have been laid, or are conveniently accessible, or on any line of pipes, to connect such lot with such sewer and water pipes in the manner and at the places designated by said board of aldermen, upon like notice, terms, and conditions as are hereinbefore provided for paving sidewalks, and upon failure of the owner or owners to so connect the same within the time in such notice required, said board of aldermen may enter upon such lot and make such connections and charge the costs thereof against said lot in the same manner as hereinbefore provided in the case of sidewalks, and such costs so charged shall be collected and shall constitute a lien upon such lot in the same manner and to be enforced in the same manner and with like powers and privileges as is hereinbefore provided in regard to sidewalks; and in all cases where a sewer shall be paid by or under the authority of said board of aldermen in any street in said town the cost and expenses of laying and constructing same shall be assessed, proportionate to the benefit, against the property within the radius of benefit arising from such improvement, though not actually abutting thereon; the property liable to assessment hereunder and the apportionment of the cost and expense of said improvement shall be determined by a jury of three freeholders of said town unconnected by consanguinity or affinity with any of the persons to be affected by said improvement, summoned to pass upon said question above mentioned, by the sheriff of Haywood County upon a writ to him directed by the mayor under the seal of said town, commanding that such be done, and succinctly describing the duties to be performed by said jury; each juror shall be sworn by some person competent to administer oaths in this State to faithfully and impartially execute the duties of the office, before entering upon the performance thereof. Immediately after being sworn as aforesaid, said jury shall proceed without unnecessary delay to view the street in which said improvement has been made, or is proposed to be made, as hereinbefore described, and all the property deemed by them to be beneficially affected thereby, as hereinbefore described,

Requirement of connections.

Entry for making connections.

Lien for cost of connection.

Assessment for sewers.

Determination of property liable to assessment.

and shall within reasonable time thereafter, not exceeding five days, and after due consideration thereof, make up their report, a majority concurring therein, in which shall generally be described each piece of property deemed by them to be beneficially affected by said improvement, together with the amount of special benefit thereto arising from such improvements, and giving also the names of the owner or owners thereof. In case of the inability of said jury to agree upon the benefit to any piece or parcel of land, as aforesaid, arising from such improvements, the said jury, a majority concurring, shall file their report as to the piece or parcel of land upon which they have agreed, with the clerk, stating the pieces or parcels upon which they have been able to agree; and another jury of three freeholders connected by neither consanguinity nor affinity to any person interested shall be immediately summoned and proceed as hereinbefore set out. After making up their report as herein required, said jury shall forthwith file the same with the clerk of the board of aldermen of said town, who shall submit the same to the board of aldermen at their next regular meeting after the day the same is filed as aforesaid, for their action. Said board of aldermen shall at said meeting or any regular meeting thereafter require the town clerk to publish a notice of not less than twenty days in some newspaper published in said town, to the effect that said jury had made its report and prorated and assessed the cost and expense of said improvement (which shall be described generally) against the property specially benefited, naming, where possible, the owners thereof, and admonishing all persons interested therein, particularly those named in said notice, that said report has been filed with the clerk and they and each of them are required to be and appear at a regular meeting of said board of aldermen, to be specified in said notice and to be held not less than ten days after the date of expiration of said notice, and show cause, if any should exist, why said report should not be approved and confirmed by said board of aldermen; and at such meeting said board of aldermen shall take up and consider the report of said jury, and hear any competent evidence from any person interested in the property thereby touching any matters covered by said report, and to that end the said board of aldermen are hereby constituted a court with power to send for persons and papers, to provide for the examination of witnesses, and to punish witnesses or others, in proper cases, for contempt of court. After hearing evidence as aforesaid and duly considering said report, and in case no objection is made, after duly considering said report said board of aldermen may approve, correct, amend, modify, or reject the same, or any item therein, as to them may seem just and proper; and said report or said corrected, amended, or modified report, as the case may be, shall be entered in full in the minute-book of the meetings of said aldermen. Any

Notice of report of jury.

Judicial powers to aldermen.

Action on report.

Right of appeal.

aggrieved party may appeal from the final determination of said board of aldermen with respect to said report or any item therein within ten days after the date of the registration thereof, as above provided, to the next term of Superior Court of Haywood County beginning more than ten days after date of such appeal, by serving notice of appeal on the mayor and specifying therein the particulars in which he considers himself aggrieved by such determination of the board of aldermen. On any such appeal the appellate court shall have power to increase, affirm, or diminish the amount of the item appealed from, but not to adjudicate the necessity of the improvement, and such appeal shall in no wise hinder, obstruct, or delay said improvement. The amount of any special benefit or enhanced value so assessed by the board of aldermen, or on appeal adjudged against any premises so benefited or enhanced, shall upon final determination of said board of aldermen with respect thereto, in case no appeal is taken therefrom, or upon final judgment of the court in case of any such appeal, be and become a lien in favor of said town, on said property on which it has been so assessed or adjudged as of the time of such final determination on the part of the board of aldermen, and shall be paid to the town in three equal installments, to be due and payable as hereinbefore provided as in case of sidewalks. If any installment shall remain unpaid for thirty days after its maturity all installments then unpaid shall become due and the property and premises so assessed or charged shall be sold for the payment of the same and the expense of such sale and cost by the tax collector of said town, under the same rules and regulations, restrictions, rights of redemption, and other provisions as are prescribed in the charter of the town of Waynesville for the sale of real estate for unpaid taxes. The installments of the assessments herein mentioned, or any part of the same, may be assigned and transferred by said town either absolutely or conditionally, as to the board of aldermen may seem best: *Provided*, that this section shall not be operative nor affect any sewer laid or to be laid under and by authority of any acts empowering the board of aldermen to issue bonds for the purpose of laying certain sewers in said town.

SEC. 7. That section three, chapter one hundred and twenty-seven, Private Laws of one thousand eight hundred and eighty-five, as amended by chapter eighty-eight, Private Laws of one thousand nine hundred and five, be amended as follows: By striking out the word "five" in line three of section three, as amended by chapter eighty-eight, Private Laws of one thousand nine hundred and five, and inserting in lieu thereof the word "three."

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

Ratified this the 5th day of March, A. D. 1915.

Judgment on appeal.

Lien of assessment.

Assessments payable.

Sale of property for assessment.

Assignment of assessments.

Proviso: sewers not affected.

Number of aldermen.

CHAPTER 232.

AN ACT TO AUTHORIZE THE TOWN OF CLYDE TO ISSUE BONDS AMOUNTING TO \$20,000 FOR A WATER SUPPLY, SEWERAGE, ELECTRIC LIGHTS, AND OTHER NECESSARY IMPROVEMENTS, AND TO LEVY A SPECIAL TAX TO MEET THE INTEREST TO PAY SAID BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners or aldermen of the town of Clyde, Haywood County, North Carolina, is hereby authorized and empowered and directed to issue twenty thousand dollars in bonds in the name of the town of Clyde for the purpose of establishing a water supply and sewer system, providing for electric lights and for street and sidewalk improvements in the said town of Clyde: *Provided*, that a majority of the qualified voters of said town of Clyde shall, by a majority of votes cast in an election herein provided for, authorize the same. Said bonds shall bear a rate of interest to be fixed by the board of aldermen or commissioners, not to exceed six per cent per annum, payable thirty years from date of issue, the same not to be sold for less than par value and to be of denominations of five hundred dollars or a multiple thereof each; interest to be due and payable semiannually and it be so expressed on the face of said bonds. Each bond shall be numbered and have attached thereto the requisite number of coupons, each coupon to represent the interest that shall become due and payable semiannually on each of said bonds. Said bonds and coupons shall be payable at some bank or trust company to be named in the face of each bond and coupon. The said bonds shall be signed by the mayor of the town of Clyde and countersigned by the clerk of the said town of Clyde, and the official or corporate seal of the town of Clyde shall be attached to each of said bonds, and the facsimile signature of the mayor and the town clerk of the town of Clyde, lithographed in the coupons, shall be sufficient. The said bonds and coupons attached thereto shall express upon their face that they are payable out of the taxable property and polls of the town of Clyde, only observing the constitutional equation; and it shall be lawful for and the duty of the board of commissioners or aldermen of the town of Clyde to levy annually on the taxable property and polls of the said town a sufficient tax to pay the interest on said bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said bonds when they become due: *Provided*, that said sinking fund shall be created in the first yearly levy of taxes levied after said election and ratification of this act thereat, and the same to be such an amount as will, when in-

Bond issue directed.

Purpose.

Proviso: majority of qualified voters.

Interest.

Maturity.

Sale below par forbidden.
Denomination.

Bonds numbered.

Authentication.

Recitals of bonds.

Constitutional equation.
Special tax.

Proviso: creation and amount of sinking fund.

creased from year to year by a similar levy, when put on and at legal interest, in thirty years amount to a sum equal to the total amount of the bond issue.

SEC. 2. That at any time within two years after the passage of this act, upon petition to the board of commissioners or aldermen of said town signed by one-fourth of the qualified voters of said town, the board of commissioners or aldermen of said town shall call an election at which they shall submit to the qualified voters of said town the question of whether or not the said town of Clyde shall issue the twenty thousand dollars of bonds for the purposes aforesaid and shall levy a special tax, annually, to pay the interest on said bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said bonds when they become due; and those favoring the issuing of said bonds and the levying of said special taxes shall be permitted to cast one ballot upon which shall be written or printed the words "For Bonds," and those opposing the proposition shall be permitted to cast one ballot, upon which shall be written or printed the words "Against Bonds."

SEC. 3. That it shall be the duty of the board of commissioners or aldermen of the said town of Clyde to have published for thirty days before said election, by posters at three public places and at the town hall, a notice stating the question of the issuing of said bonds and the levying of the said special taxes for the purposes aforesaid will be submitted to a vote of the qualified voters of said town at said election, and a copy of said notice shall be recorded upon the records of the minutes of the board of aldermen or commissioners of said town.

SEC. 4. That if at said election a majority of the qualified voters of said town of Clyde shall cast their votes "For Bonds," then the board of commissioners or aldermen of said town shall so declare and certify, and shall proceed forthwith to issue said bonds for the purposes aforesaid and sell the same, and shall levy said special taxes as herein provided.

SEC. 5. That said board of commissioners or aldermen of the town shall cause said bonds to be lithographed or printed and pay for such work out of the funds of the town, and may sell said bonds at either public or private sale, as it may deem for the best interest of the town, after giving notice of said sale by advertisement, as it may decide best, for thirty days, but shall not sell said bonds for less than par, but may pay a commission to a broker or any other person with whom it may contract to negotiate a sale of said bonds, if said broker or other person shall cause a sale thereof, said commissions in no case to exceed one-fourth of one per cent on the amount sold. Said bonds to be sold only for cash or its equivalent, and the proceeds shall be immediately paid over to the treasurer of the town of Clyde upon the said treasurer first giving

Petition for election.

Call for election.

Question submitted.

Ballot.

Notice of election.

Issue of bonds.

Bonds lithographed.

Sale of bonds.

Sale not below par.

Commission for selling.

Sales for cash.

Proceeds paid to treasurer.
Treasurer to give bond.

a bond approved by the board of aldermen or commissioners, in a penal sum not less than double the amount of money coming into his hands derived from the sale of said bonds, or any part thereof. The treasurer's bond to cover bond-issue money shall be recorded in the office of the register of deeds of Haywood County and shall then be deposited in the custody of the mayor of the town of Clyde. Said treasurer shall, in addition, also execute a good and approved bond, sufficient at all times to cover all taxes, both general and special: *Provided*, that said treasurer shall never be tax collector. The said treasurer shall receive no commissions on the moneys derived from the sale of the said bonds, but his compensation for his services shall be covered out of the general funds upon such terms of employment as shall be agreed upon by the board of aldermen or commissioners and said clerk. That said treasurer shall keep a separate account of the funds and moneys derived from a sale of said bonds, and shall make a written, sworn statement of his receipts and disbursements to the mayor and board of commissioners or aldermen every thirty days, and oftener if required to do so: *Provided*, that if any bank in the town of Clyde will pay interest on time deposits of any part of bond money which may be ordered deposited by the board of aldermen or commissioners for a term of three months, or longer, then the said treasurer shall deposit such part of said money on time certificate, as soon as said bank shall execute to said treasurer a good bond approved by the mayor and the board of commissioners or aldermen, for the time which he is ordered by the said board and mayor to deposit same.

SEC. 6. That the board of commissioners or aldermen shall have the power and authority to employ all necessary engineers and other employees for the purpose of estimating the probable costs of any or all of said improvements contemplated in this act. They may let contracts for all or any part of the work to be done, or shall have the right to have the same done by the said board, and for this purpose they are hereby given full power and authority to make all necessary contracts for the purpose of having same done. They may also, if they deem best, let the said improvement or any part thereof to contract, and they are hereby given that authority and power: *Provided*, that if any part of said improvements are let to contract, then in that case the said board of aldermen or commissioners shall first cause the contractor to file a good and sufficient bond, with good and sufficient justified sureties, conditioned upon the faithful performance of the work according to specifications, which shall be made in every case where work is let to contract. Said board shall in no case pay out to any contractor an amount in excess of ninety per cent of any contract, from time to time, and shall at all times hold back at least ten per cent of any percentage of the work so done until the contract is completed,

Treasurer's bond recorded.

Treasurer's bond for taxes.

Commission of treasurer.

Separate accounts.

Sworn statements rendered monthly.

Proviso: deposit of funds.

Engineers and employees.

Estimate of work.

Method of work.

Work let to contract.

Proviso: bond of contractor.

Reserve on contract work.

checked up by some competent engineer, and approved by said board, and a record of said engineer's report and the board's approval shall have been entered upon the minutes of the records of the meetings of the said board: *Provided*, that any contract let shall be to the lowest responsible bidder.

Proviso: contract to lowest bidder.

Advertisement for bids.

Bids submitted.

Deposit with bids.

Deposit retained.

Monthly payments.

Further powers.

SEC. 7. That no contract shall be let until said board has caused thirty days written notice to be given in some newspaper published in Haywood County, in four issues of said paper, and sealed bids shall have been submitted, together with a certified deposit equal to fifteen per cent of the estimated amount of the said contract; and if said contract is let, then said board shall retain the amount deposited until said contract has been completed, checked, record made of same, and approved as above set out, when said deposit shall be returned. Said board may pay on any contract, upon monthly estimates made by some competent engineer, an amount not to exceed the aforesaid ninety per cent on the estimated amount of work done up to the time of such payments. In addition to the powers above set out, the said board shall have all necessary powers and rights to carry out the improvements herein contemplated.

Power to purchase land.

SEC. 8. That for the purpose of carrying out the provisions of this act and making the improvements contemplated herein the board of commissioners or aldermen of the town of Clyde shall, in addition to the powers herein conferred, have full power and authority to purchase the necessary land, anywhere in Haywood County, suitable for a water supply and watershed, and for the necessary rights of way for laying pipe lines, sewer lines, through and outside of the town of Clyde, and all necessary land inside or outside of the corporate limits of said town for the building, construction, and maintenance of electric light plants, rights of way for poles and wires and any and all other purposes not enumerated herein which are necessary for carrying out the purposes of this act. But in case lands cannot be purchased, or the purchase price cannot be agreed upon between the said board and the owner, then and in that event the said board of commissioners or aldermen of the said town of Clyde are hereby given the right, power, and authority to enter upon lands needed for the purposes herein specified, or for any other purpose contemplated in this act, and condemn the said lands to the use of the said town of Clyde. Said town shall first cause a survey to be made of the lands sought to be condemned, together with such maps and profiles as said board shall, in its discretion, order to be made, and shall thereupon issue a writ to the town marshal or police officer of said town therein, directing him to summons three disinterested freeholders to go upon said lands upon a day and at an hour named in said writ, and to assess the damages which said owner may suffer because of the taking of said land: *Provided*, that said board shall give

Power to condemn land.

Procedure for condemnation.

Proviso: notice to landowner.

the landowner at least three days written notice of the time and place of the meeting of said jury. Said jury shall thereupon, and at the time and place named in said summons, proceed to go upon the lands to be condemned, and shall, after being duly sworn to impartially assess said damages, proceed to view the lands to be condemned and assess the damages thereto. They shall take into consideration any special benefits accruing to the landowner by reason of said improvement, if any, and shall write out and file their report with the town board, stating therein the amount assessed as damages and the amount of benefits, separately, and the difference between the two sums shall be their verdict of the amount of damages awarded. That any person who shall interfere with the said engineer or other officer or employee in making said surveys, or with the jury in going upon said lands or assessing the damages thereto, shall be guilty of a misdemeanor, and shall upon conviction thereof be fined or imprisoned, or both, in the discretion of the court.

Benefits considered.

Interference with officers a misdemeanor.

Punishment.

SEC. 9. That upon the filing of the report of any jury provided for in the last preceding section the said board of aldermen or commissioners shall consider the report of said jury and shall render their decision on the same; and if said board shall confirm or disaffirm the report of said jury they shall so say and enter a record of same on the minutes of the meetings of the board of aldermen or commissioners in the town records, and the said lands or premises shall thereupon stand condemned: *Provided*, that if the landowner or the said board shall be dissatisfied with the report of the said board they may appeal to the Superior Court, where the said appeal shall be docketed upon the filing of a sufficient cost bond with the clerk of said court, by the appellant, for the costs of the action, and the same shall be heard in the Superior Court *de novo*. Said board of aldermen or commissioners, as soon as the report of the jury shall have been acted upon by said board as set out in the next preceding section, may then proceed to make the improvements contemplated upon the lands so condemned.

Action on report of jury.

Proviso: right of appeal.

Bond on appeal.

Work pending appeal.

SEC. 10. If the said commissioners or aldermen shall affirm the report of the jury after it is filed, and the landowners shall accept the amount awarded by the said jury, said board shall immediately pay to the landowner out of the funds derived from the bond issue the amount awarded: *Provided*, that the condemnation of any lands under the provisions of this act shall be condemned for the use of the said town so long as used for town purposes, and no longer.

Payment of award.

Proviso: term of condemnation.

SEC. 11. That the board of aldermen or commissioners of the town of Clyde shall appoint annually a tax collector, who shall enter into a good and sufficient bond, with justified sureties to be approved by the said board, for the collection of the special taxes provided for in this act and all other town taxes. Said board

Appointment of tax collector.
Bond.

Collection and settlement.

shall charge the tax list to the said tax collector, who shall collect the same within the time prescribed by law, and shall make a settlement with the treasurer of the said board each and every week, or oftener if required by the board; said tax collector shall receive an amount of money for his services agreed upon by the said board, and the said tax collector shall be released from the collection of any town taxes only in the manner prescribed by law for sheriffs to be released from collection of taxes by filing a delinquent list, etc. He shall also diligently search for any and all property and polls not listed, and shall enter any found by him as discoveries in the manner provided by law, and shall have all the rights and authority to enforce the collection of taxes discovered by him as is now or which may hereafter be provided by law in such cases.

Pay of tax collector.

Search for delinquents.

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

SEC. 13. That this act shall be in full force and effect from and after the date of its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 233.

AN ACT TO AMEND THE CHARTER OF THE CHILDREN'S HOME, INCORPORATED.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one of the Private Laws of one thousand nine hundred and thirteen be amended by adding at the end of section five of said chapter the following: "And all property, estate, and assets of every kind, whether now owned or hereafter acquired by said corporation, shall be held, kept, maintained, and disposed of for the uses and purposes set forth in the certificate of incorporation under which the corporation was organized, and in the act of the General Assembly above referred to, subject, however, to the usage, discipline, and control of the Methodist Episcopal Church, South, as from time to time authorized and declared by the General Conference and by the Western North Carolina Conference of said church: *Provided further*, that if in making any gift, conveyance, legacy, or devise to said corporation the donor, grantor, or testator shall direct that the same be applied to any particular use, then and in all such cases, if the same be accepted by said corporation, it shall be used and applied as so directed."

Property, estate, and assets.

Discipline and control of Methodist Episcopal Church, South.

Proviso: use in accordance with directions.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 234.

AN ACT TO INCORPORATE RUTHERFORD COLLEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees, constituting a corporation, by virtue of the authority contained in a deed of trust from G. A. Gray to D. Atkins, R. M. Hoyle, C. G. Little, L. L. Smith, J. W. Jones, J. A. Lackey, H. W. Connelly, B. F. Davis, J. D. Glass, and H. S. Blair, dated March the twelfth, one thousand nine hundred, trustees for the Methodist Episcopal Church, South, shall be and continue a body politic and corporate, and henceforth the corporation shall bear the name and title of "Rutherford College," and under such name and title is hereby invested with all property and rights of property which now belong to said board of trustees or under any other name or names heretofore used, and by this name may acquire and hold all such property as may be devised, bequeathed, or conveyed to it, and further, may use all the authority, privileges, and possessions that said corporation exercised under its former title and name, and shall be subject to all legal liabilities now outstanding against the said board of trustees.

Incorporation of trustees.

Corporate name.

Corporate powers.

SEC. 2. That from and after the ratification of this act the terms of office of the present trustees of said property shall become immediately vacant, and J. H. Weaver, Irs Irwin, W. F. Womble, S. N. Asbury, B. F. Davis, J. A. Goode, E. C. Smith, T. L. Sigmon, W. R. Ware, H. K. Boyer, E. A. Cole, O. E. Ford, G. F. Ivey, G. C. Connelly, R. M. Hoyle, J. H. West, W. H. Nicholson, W. C. Thompson, H. M. Blair, John Rodrick, H. H. Jordan, J. A. Lackey, J. W. Jones, L. A. Falls, T. V. Goode, D. F. Carver, T. F. Marr, Augustus Setzer, J. H. Giles, J. D. Pitts, J. E. Gay, and B. Wilson, and their successors, shall at once constitute the board of trustees of Rutherford College, and the said corporation, under said name and style, shall hold all property and investments and assets of every character which now belong to said corporation or which may hereafter come into its possession, in trust for the Methodist Episcopal Church, South; and the said trustees shall in the administration of their trust act as agents of said church, and it shall be subject to the control and direction of the Western North Carolina Conference, or its successors in authority in the territory in which Rutherford College is located; and if upon investigation at any time it shall be deemed wise to remove any member or members of the board of trustees, the said Western North Carolina Conference shall have power by a majority vote of its members to remove from office any such trustee or trustees and to elect their successors as hereinafter provided.

New board of trustees.

Property and assets revested in trust.

Control of Western North Carolina Conference.

Power to remove trustees.

Terms of trustees.

SEC. 3. That the term of office of each and every trustee who is named in section two of this act shall expire at the time of the election of his successor by the session of the Western North Carolina Conference of the Methodist Episcopal Church, South, which shall be held in the year one thousand nine hundred and fifteen, and the said successors of said trustees shall be thirty-two in number, and that they shall be elected by the said Western North Carolina Conference of the Methodist Episcopal Church, South, in the following manner: The required number of suitable persons shall be nominated by the board of trustees of Rutherford College, and these nominations shall be incorporated in the report of the Conference Board of Education, and shall be submitted to the Conference with that report for the final election or rejection by said Conference of the persons whose election is proposed. The full term of office of a trustee shall be four years, and the order of the election of trustees shall be so arranged that eight trustees shall be elected by each annual session of said Conference. In the first election of trustees under the provisions and by the authority of this act eight trustees shall be elected for a term of one year, eight shall be elected for a term of two years, eight shall be elected for a term of three years, and eight shall be elected for a term of four years. The term of the first group of eight thus elected shall expire at the time of the election of their successors by the said Conference in the year one thousand nine hundred and sixteen, and the term of the second group shall expire when their successors are elected by the said Conference in the year one thousand nine hundred and seventeen, and the term of the third group shall expire when their successors are elected by the said Conference in the year one thousand nine hundred and eighteen, and the term of the fourth group shall expire when their successors are elected by the said Conference in the year one thousand nine hundred and nineteen; and each succeeding year after the year one thousand nine hundred and fifteen the said Conference shall elect for a term of four years the successors of those trustees whose terms have expired, and from time to time the said Conference shall fill by election, as herein provided for, any vacancies that occur on the board of trustees from death, resignation, or any other cause. If at any time said board of trustees shall recommend to said Conference for election and confirmation any persons which are not approved by said Conference, said Conference shall recommend to the board of trustees persons deemed suitable to fill the places of those so rejected; and if at any time said trustees shall fail to recommend persons that are deemed suitable and satisfactory to the said Western North Carolina Conference, the said Conference shall have the power and authority to elect such persons as it shall deem proper to fill said vacancies; and if at any time said board of trustees shall willfully and con-

Election of successors.

Full term.

Order of election.

tumaciously refuse to carry out the wishes of the said Conference, then said Conference shall have authority to appoint a commission to carry into effect its wishes in the management and control of said school, and the action of such commission shall be as if done by said board of trustees and shall be binding on said corporation.

SEC. 4. That the said corporation is authorized to acquire and receive by purchase, gift, devise, conveyance, or otherwise, real and personal property, and to hold and administer the same by said trustees and their successors in office for the use and benefit of the said Rutherford College, in accordance with the terms of any such conveyance, gift, will, or devise, to a value not exceeding in the aggregate the sum of one million dollars.

Power to receive, hold, and administer property.

SEC. 5. That the said corporation is authorized and empowered by this act to conduct an educational institution of collegiate grade for men and women at Rutherford College, North Carolina, to be known as "Rutherford College," and in connection with said college an institution for primary, intermediate, and secondary education, said institution to be held and administered by said board of trustees of Rutherford College as herein provided, in trust for the Methodist Episcopal Church, South, and under the control and direction of the Western North Carolina Annual Conference of such church.

Conduct of educational institution. Collegiate grade.

Primary, intermediate, and secondary education.

SEC. 6. That the said board of trustees shall be charged with the supervision and management of said corporation, and the said institution or institutions, subject to the limitations herein imposed and subject to their relation to the Methodist Episcopal Church, South, and subject also to the control and direction of the Western North Carolina Conference of said church, as representatives of said church.

Management of corporation.

SEC. 7. That said board of trustees shall have power to make rules, regulations, and by-laws not incompatible with the intent of the provisions of this act, and not inconsistent with the laws and Constitution of the State of North Carolina and of the United States. The said board of trustees shall fix a time and place of holding their annual and other meetings and shall elect a president and teachers for the said college and its dependent schools, if any such be established under the provisions of this act, and shall elect annually from the members of the board of trustees an executive committee of five members, which committee shall have the same power and shall perform the same duties as the board of trustees, when the said board of trustees is not in session. The president of the college shall be *ex officio* a member of the board of trustees and of the executive committee.

SEC. 8. That ten trustees shall constitute a quorum for the transaction of business by any of the regular or call meetings of the board of trustees, and it shall be the duty of the said board

Quorum.

Salaries of president and teachers.
Contracts.

Power to borrow money and execute instruments.

Degrees and marks of honor.

of trustees or of said executive committee, as shall be determined, to fix the salaries of the president and the teachers and to make all contracts and agreements necessary to the business management of said corporation.

SEC. 9. That the board of trustees shall have the right and authority, in the exercise of their trusts as trustees of said institution, to borrow money for the conduct of the business of the corporation, and execute such instruments of writing as may be necessary for the security of same.

SEC. 10. That the faculty and trustees of said Rutherford College shall have power to confer such degrees and marks of honor as are conferred by colleges and universities generally, and shall have all other rights and privileges as are granted to colleges and universities by the State of North Carolina.

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

SEC. 12. That this act shall be in full force and effect on and after its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 235.

AN ACT TO AUTHORIZE THE TOWN OF FOREST CITY IN RUTHERFORD COUNTY TO ISSUE BONDS FOR SEWERAGE AND STREET IMPROVEMENT.

The General Assembly of North Carolina do enact:

Bond issue authorized.
Amount.
Purpose.

Proviso; petition for bond issue.

Determination as public necessity.

Interest.
Maturity.

Denominations.
Authentication.

SECTION 1. That the town of Forest City in Rutherford County, be and it is hereby authorized and empowered to issue bonds in an amount not to exceed fifteen thousand dollars for the purpose of establishing a system of sewerage in said town and improving the public streets of said town, or for either of said purposes: *Provided*, that before the said bonds shall be issued there be presented to the governing authorities of said town of Forest City a petition signed by a majority of the qualified voters of said town, and the board of commissioners of said town shall determine that the construction of said sewerage system or the improvement of said streets is a public necessity.

SEC. 2. That the said bonds shall bear interest at a rate of not exceeding six per centum per annum, payable semiannually; the said bonds shall mature not less than thirty years from their date, and shall be in such denominations and payable at such place as the board of commissioners of said town may determine; and the said bonds shall be signed by the mayor of the town of Forest City, countersigned by the clerk of said town, and shall be authenticated by the corporate seal of said town.

SEC. 3. That the said town of Forest City be and it is hereby authorized and directed to levy and collect annually a special tax of sufficient rate to pay the interest on said bonds as it becomes due and the principal thereof at maturity.

SEC. 4. That the board of commissioners for the said town of Forest City are hereby authorized and empowered to adopt and enact such rules, regulations, and ordinances as may be necessary to force and compel the citizens and property owners of the town of Forest City to connect with the sewerage system which may be hereafter established in said town of Forest City, and to levy and collect such assessments and charges as may be just and reasonable; to enforce the provisions of such rules, regulations, and ordinances, and to assist in the payment for the connection with said sewerage system, the said board of commissioners of the town of Forest City being hereby expressly given the power and authority to establish a necessary sewerage system in case no such power or authority has heretofore been granted.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of 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 the 5th day of March, A. D. 1915.

CHAPTER 236.

AN ACT TO AMEND CHAPTER 204, PRIVATE LAWS OF 1903,
SO AS TO AUTHORIZE AND EMPOWER THE CITY OF
BURLINGTON TO ISSUE BONDS TO OBTAIN FUNDS FOR
THE PURPOSE OF ERECTING AND EQUIPPING A CITY
HALL AND CITY MARKET.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Burlington may at any time, and shall upon the application in writing of sixty qualified voters of said city, order a special election in said city upon the question of issuing bonds of said city in the sum of thirty thousand dollars for the purposes of this act; and in the event said application in writing is filed, then said special election shall be ordered and held within sixty days next after the presentation of said application asking it; but before any election is held hereunder the said board of aldermen shall give notice of such election by publication, at least thirty days prior to the holding of said election and once a week thereafter until said election is held, of a notice in some newspaper of general circulation in the city, which notice shall state the date on which said election shall be held, the amount for which it is proposed to issue bonds, how long

Special tax.

Enforcement of connection.

Assessments.

Order for election.

Question submitted.

Time for election.

Notice of election.

said bonds are to run, the rate of interest to carry, and the purpose to which the proceeds of bonds shall be applied. That said election shall be held in all respects as provided by law for the holding of elections for mayor and aldermen of said city, but for the purposes of this election said aldermen shall order and there shall be a new registration of the voters of said city.

Law governing election.

New registration.

Ballots.

SEC. 2. That those in favor of issuing said bonds shall vote a ballot of white paper on which shall be written or printed the words "For City Hall Bonds," and those opposed to issuing said bonds shall vote a ballot of white paper on which shall be written or printed the words "Against City Hall Bonds."

Count and return of votes.

SEC. 3. That the votes shall be counted, tabulated, returned, and the result declared in all respects as provided for by law in the election of mayor and aldermen for said city, with this exception: that when the issue of bonds is not approved by a majority of the qualified electors a copy of the returns need not be sent to the clerk of the Superior Court.

Issue of bonds.

SEC. 4. That if a majority of the qualified voters of said city (and only those who register for said election shall be deemed qualified voters of said city) shall have voted for city hall bonds, then the board of aldermen of said city shall issue the bonds of said city in the amount specified herein, issuing said bonds in denominations of one hundred dollars to one thousand dollars each, as may be determined, carrying interest at a rate not greater than five per cent per annum, payable semiannually, with coupons in payment of the interest attached, and the principal payable at the expiration of thirty years from the date of issue; and all of said bonds shall bear even date, and shall be dated at such time within six months after the date of said election as shall be deemed best by the board of aldermen of said city. The bonds shall be signed by the mayor, attested by the clerk of the board of aldermen, and shall have affixed the corporate seal of the city; the coupons shall be signed by the mayor only. When said bonds shall have been issued they shall be sold by the board of aldermen of said city at the best price which they can obtain, not to be sold for less, however, than the par value of said bonds, and they shall use the proceeds of said bonds for the sole and only purpose of erecting and equipping a building to be used by the citizens, officers, and employees of said city for all proper public, governmental, and administrative purposes, and as a city market in said city of Burlington; and said board of aldermen shall keep accurate accounts showing the amount received for said bonds and the manner in which the same is expended.

Denominations.

Interest.

Maturity.

Date of bonds.

Authentication.

Sale of bonds.

Sale below par forbidden.
Specific appropriation of proceeds.

Record of bonds.

Purchase of site.

SEC. 5. That said board of aldermen shall have power to acquire and hold within the limits of said city a suitable site upon which to erect said building.

Special tax.

SEC. 6. That the regular time for the levying of taxes for general and municipal purposes each year after said bonds are

issued and sold, the said board of aldermen of said city shall levy taxes upon the property and polls of said city upon which they levy taxes for general municipal purposes, in a sufficient amount to provide a sufficient sum to pay the accruing interest on said bonds and to set aside a sinking fund annually which at the end of thirty years will provide a sufficient fund for the liquidation of said bonds. This sinking fund shall be set aside by said board of aldermen and so invested that it shall yield the largest income, considering the safety of the investment made, and shall be in a sufficient amount so that at the end of thirty years from the date of the issuing of said bonds there shall be an amount in the hands of the said board of aldermen for the retiring of said bonds equal to the par value of said bonds.

Investment of
sinking fund.

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 5th day of March, A. D. 1915.

CHAPTER 237.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF DARE COUNTY TO ISSUE BONDS FOR THE PURPOSE OF COMPLETING THE ERECTION AND EQUIPMENT OF THE SCHOOL BUILDING IN SCHOOL DISTRICT No. 17 OF DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of raising money to complete the construction and equipment of the school building in School District Number Seventeen, Dare County, North Carolina, now in process of construction, the board of commissioners of Dare County is hereby authorized and empowered to issue bonds to an amount not exceeding thirty-five hundred dollars, in denominations of one hundred and seventy-five dollars each, bearing interest from the date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable semiannually at such time and place as the said board may deem advisable; said bonds shall be signed in the name of the board of commissioners of Dare County by the chairman of said board, attested by the secretary under the common seal of the board. Said bonds shall be numbered from one to twenty, both inclusive, and the first of said bonds shall mature one year after date, and one of said bonds each and every year thereafter. The coupons attached to said bonds shall be signed by the chairman of the board of commissioners, or a facsimile of his signature shall be printed thereon.

Purpose of bond
issue.

Issue authorized.
Amount.

Interest.

Authentication.

Maturity.

Disbursement of proceeds.

SEC. 2. That the proceeds from the sale of said bonds shall be turned over to the trustees hereinafter named, to be by them disbursed in the completion of the erection and equipment of said school building: *Provided*, that the purchaser of said bonds shall not be required to see to the application of the proceeds from the sale thereof.

Proviso: no duty on purchaser.

Special tax.

SEC. 3. That in order to pay the interest and principal on said bonds as the same become due the board of county commissioners of Dare County is required and directed to levy and collect, in addition to all other taxes in said School District Number Seventeen of Dare County, a tax sufficient to pay said interest coupons and principal of said bonds upon all polls and all real estate and personal property which shall be returned or listed or assessed for general taxation in said district, always observing the constitutional equation between the tax on property and the tax on polls; said special tax shall be levied and collected at the same time and in the same manner as other taxes upon property and polls in said School District Number Seventeen are collected, and shall be paid over to the treasurer of Dare County, to be held by him to pay said interest coupons and the principal of said bonds as they become due: *Provided*, that the taxes levied and collected under this act for the purposes aforesaid shall in no event exceed fifty cents on each one hundred dollars worth of property and one dollar and a half on each poll: *Provided further*, that the taxes collected under the provisions of this act shall be kept separate and apart from other funds coming into said treasurer's hands, and be used for no other purposes than those set out herein.

Constitutional equation.

Proviso: limit of rate.

Proviso: tax kept separate.

Specific appropriation.
Question submitted to voters.

SEC. 4. 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 School District Number Seventeen of Dare County, and to that end the trustees of said School District Number Seventeen as hereinafter named, or a majority of them, shall call an election at any time within six months after the ratification of this act, at which election there shall be submitted to the qualified voters of said district the proposition to issue not more than the amount of bonds herein mentioned, and to levy and collect the taxes hereinbefore set forth, within the limitations fixed in this act; and said trustees of said school district shall appoint a registrar and two poll-holders to conduct said election, who shall canvass and declare the result thereof. Except as otherwise provided herein, the said 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 School Bonds," those voting against the same shall have written or printed

Call of election.

Election officers.

Canvass and declaration of result.
Law governing election.
Ballots.

upon their ballots the words "Against School Bonds." If a majority of the qualified voters of said district shall vote in favor of the issue of said bonds, then the said bonds shall be issued and the taxes hereinbefore provided for shall be levied and collected. Effect of election.

SEC. 5. That S. L. Doshier, L. D. Hassell, J. A. Evans, J. E. Berry, and L. D. Quidley, be and they are hereby appointed trustees of School District Number Seventeen of Dare County for the purpose of supervising the construction and equipment of said school building and carrying out the other provisions of this act; the said trustees shall elect one of their number chairman and another secretary. A majority of said trustees shall constitute a quorum. The said trustees shall act as such until the said building is completed and equipped: *Provided*, that if any one or more of said trustees die or become otherwise incapacitated to act as such, the remaining members shall fill the vacancy or vacancies. Trustees appointed.
Organization.
Quorum.
Term.
Proviso: vacancy.

SEC. 6. That for the election provided in this act there shall be an entire new registration of voters of said school district, and no person shall be allowed to vote in the election herein mentioned except those who register therefor; and if the first election result unfavorably to the issuance of the bonds and the levy of the tax, there may be another election called within ninety days of the first election under the requirements hereinbefore set forth, and if the said 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 previously been held. New registration.
Further election.

SEC. 7. That this act shall be in force and effect from and after its ratification, and shall supersede all laws and clauses of law in conflict herewith.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 238.

AN ACT TO INCORPORATE THE WILSON TUBERCULAR HOSPITAL FOR NEGROES.

The General Assembly of North Carolina do enact:

SECTION 1. That W. S. Rankin, L. B. McBrayer, C. O'H. Laughinghouse, Charles L. Coon, S. H. Vick, J. D. Reid, F. S. Hargrove, C. C. Spaulding, and J. W. Jones, and their successors, be and they are hereby declared a body politic and corporate under the name and style of the Wilson Tubercular Hospital for Negroes, a hospital to aid in the prevention and cure of tuberculosis. This hospital under the aforesaid name and style shall have perpetual succession and a common seal, and shall be able in law to sue Incorporators.
Corporate name.
Corporate powers.

and be sued, plead and be impleaded, contract and be contracted with; shall take, receive, and possess all moneys, goods, chattels, and bonds which may be given them, and shall apply the same according to the wish of the donors to the purpose herein declared, and they shall have power, by purchase or otherwise, to take, demand, hold, and possess rents, lands, machinery, appliances, tenements, and hereditaments in special trust and confidence, and apply the same, together with the benefits arising therefrom, for the use of or support of said hospital. The board of trustees shall have power to take any measures which they deem expedient for encouraging subscriptions, donations, and bequests to said hospital; to take charge of all the interests and concerns of said hospital; to enter into and bind said institution by such compacts and agreements as they may deem advantageous; to make such rules and regulations for their own government and that of the hospital, not inconsistent with this act, as may appear to them reasonable and proper.

Powers of trustees.

Trustees named.

SEC. 2. That W. S. Rankin, L. B. McBrayer, C. O'H. Laughinghouse, Charles L. Coon, S. H. Vick, J. D. Reid, F. S. Hargrove, C. C. Spaulding, and J. W. Jones be and are hereby appointed trustees of the Wilson Tubercular Hospital for Negroes. Vacancies in said board of trustees caused by death, resignation, or removal from State shall be filled by the Governor of the State.

Vacancies filled by governor.

Purpose of institution.

SEC. 3. It shall be the purpose of the Wilson Tubercular Hospital for Negroes to aid in the prevention and cure of tuberculosis among the negro race of North Carolina. It shall be the privilege and the duty of the board of trustees appointed by this act and their successors in office to correlate the methods and work of the institution with the other health work of the State, and especially with the aims and purposes of the State Board of Health in the treatment and prevention of tuberculosis.

Correlation of work with work of State Board of Health.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1915.

CHAPTER 239.

AN ACT TO ALLOW THE BOARD OF EDUCATION OF COLUMBUS COUNTY TO APPOINT TRUSTEES FOR SUPPLEMENTAL SCHOOL DISTRICT, No. 3, IN CHADBOURN TOWNSHIP IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Election of trustees.

SECTION 1. That section seven, chapter five hundred and four, Public Laws of North Carolina, session one thousand eight hundred and ninety-nine (1899), be and the same is hereby repealed.

SEC. 2. That the trustees of the Washington Avenue Supplemental School District in Chadbourn Township, Columbus County, shall be appointed by the board of education of Columbus County, as prescribed by the general law of North Carolina. Appointment of trustees.

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

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 240.

AN ACT TO INCORPORATE THE CITY OF BOLTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the city of Bolton, in the county of Columbus, be and the same is hereby incorporated by the name and style of the "City of Bolton," and as such may purchase and hold, for the purposes of its government, welfare, and improvement, all such estate, real and personal, as may be deemed necessary therefor, or as may be conveyed, devised, or bequeathed to it, and may from time to time sell, dispose of, and reinvest the same as shall be deemed advisable by the authorities of said corporation. Incorporation.
Corporate name.
Corporate powers.

SEC. 2. That the corporate limits of the said city of Bolton are hereby defined and located as follows: Beginning at a point in the northerly line of the right of way of the Atlantic Coast Line Railroad one mile west of the twenty-ninth milepost at or near the station on said railroad now called Bolton, in Columbus County aforesaid; thence running north one-half mile; thence due east two miles; thence due south one and one-half miles; thence due west two miles; thence due north one mile, more or less, to the northerly line of the right of way of the Atlantic Coast Line Railroad, at the place of beginning. Corporate limits.

SEC. 3. The administration and government of the said city shall be vested in one principal officer, to be styled the mayor, and a board of five aldermen, and such other officers as are hereinafter provided for, or as the said board of aldermen shall from time to time deem necessary and provide for. City government.

SEC. 4. The mayor shall be elected by the qualified voters of the city of Bolton for the term of two years and until his successor is elected and qualified. The board of aldermen may allow said mayor an annual salary, not to exceed three hundred dollars, and in no case shall the salary so allowed exceed the amount of five per cent of the total revenue derived the preceding year from taxes levied on real estate for municipal purposes, to be paid out of the city treasury. In case of a vacancy in the office of mayor, the board of aldermen shall elect, by ballot, a qualified person Election and term of mayor.
Salary of mayor.
Limit of salary.
Vacancies.

Determination of tie vote.	from their number to fill the vacancy for the unexpired term, or full term, as the case may be. In case two or more persons shall receive an equal number of votes for the office of mayor, the clerk of the Superior Court of Columbus County shall determine the tie by his vote. In case of vacancy in the board of aldermen, the remaining aldermen shall elect, by ballot, some suitable qualified person to fill said vacancy.
Vacancies in board of aldermen.	
Law governing elections.	SEC. 5. The elections for mayor and board of aldermen and all special elections in said city shall be held and conducted under the laws, rules and regulations prescribed in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, entitled "Towns," and the first election under this charter shall be held on the first Tuesday after the first Monday in May, one thousand nine hundred and seventeen, and biennially thereafter.
Time of elections.	
Time for qualification of officers.	SEC. 6. That on the second day following their election the mayor and aldermen shall meet at the mayor's office, or some other place by them appointed, at twelve o'clock m., and shall then and there take an oath to support the Constitution and laws of the United States and the Constitution and laws of North Carolina, and to discharge the duties imposed upon them by virtue of their respective offices with fidelity and integrity, to the best of their ability, which oath shall be administered by a judge, justice of the peace, or clerk of the Superior Court, and such oath shall be subscribed and filed with the clerk of the board of aldermen.
Oath subscribed and filed.	
Forfeit for refusal.	SEC. 7. That any person elected mayor or alderman who shall refuse to qualify, without good cause, as such, shall forfeit and pay to the use of the city twenty-five dollars, and it is hereby made the duty of the mayor to enforce this section.
Mayor an official court. Jurisdiction and powers.	SEC. 8. The mayor of the said city of Bolton, while acting in such capacity, is hereby constituted an official court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said city which are now or may hereafter be given by law to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of violations of ordinances of the said city. The proceedings in said court shall be the same as are now or may hereafter be prescribed for courts of justices of the peace, and in all cases where the defendant shall be adjudged guilty there shall be the right of appeal, and in all cases where a defendant may be adjudged to be imprisoned by the said mayor it shall be competent for him to adjudge also that the said defendant work during the period of his confinement on the public streets or other public works of said city.
Procedure.	
Right of appeal.	
Sentences to street or road work.	
Precepts of mayor.	SEC. 9. The mayor may issue his precepts to the chief of police or city marshal or to other officers to whom a justice of the peace may direct his precepts.
Minutes kept by mayor.	SEC. 10. That the mayor shall keep a faithful minute of the precepts issued by him, and all of his judicial proceedings. The

<p>judgments rendered by him shall have all the force, virtue, and validity of judgments rendered by justices of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace.</p>	<p>Force of judgments. Enforced.</p>
<p>SEC. 11. The mayor, when present, shall preside at all meetings of the board of aldermen; and where there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number, <i>pro tempore</i>, to exercise his duties. The mayor shall keep his office in some convenient part of the city designated by the aldermen; he shall keep the seal of the corporation, and shall perform such duties as shall from time to time be prescribed, and he shall receive such fees as may be allowed by this act and the ordinances of the corporation. The mayor shall at every regular meeting of the board make a report concerning the government, the health, the sanitary condition, the peace, the condition of the streets and the street lights of the city, and such other matters as he shall deem necessary, and make recommendations as to these and any other matters as to him shall seem right and proper. The chairman of any committee, or any alderman, shall, whenever called upon by the mayor, furnish him with any information in his possession concerning any of the above mentioned matters.</p>	<p>Mayor to preside at meetings of aldermen. To determine ties. Vote in no other cases. Mayor pro tempore. Mayor's office. Other duties. Fees. Report at meetings of aldermen. Recommendations. Committeemen and aldermen to furnish information.</p>
<p>SEC. 12. The aldermen shall constitute one board, and a majority shall be competent to perform all the duties prescribed for the aldermen. They shall meet at least once in each month, and at their first meeting shall fix the time of their regular monthly meetings. Special meetings of the aldermen may be held on the call of the mayor or of a majority of the aldermen; and for every such meeting, when called by the mayor or when called by a majority of the aldermen, those who may not have joined in the call shall be notified in writing.</p>	<p>Aldermen one board. Quorum. Regular meetings. Special meetings. Notice.</p>
<p>SEC. 13. That if any alderman shall fail to attend any regular meeting of the board of aldermen, or any special meeting of which he shall have had notice as prescribed in this charter, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay to the use of the city the sum of four dollars, and it shall be the duty of the mayor to enforce such forfeiture.</p>	<p>Forfeit for failure to attend meeting.</p>
<p>SEC. 14. That the aldermen, when convened, in addition to all the powers now conferred by the Public Laws of North Carolina upon incorporated cities and towns, shall have the power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the government of said city as they may deem necessary; but no new ordinances shall be put into effect until at least two weeks publication thereof shall be had at three or more public places in said city; but any ordinance may</p>	<p>Legislative powers. Ordinances published before taking effect.</p>

Additional powers. stand repealed from the date of such repeal. And in addition to the powers hereinbefore mentioned, and as cumulative thereto, the said board of aldermen shall have power as follows:

To regulate bicycles and automobiles.
To supply water.

1. To regulate the manner in which bicycles and automobiles may be ridden or driven in said city.

To provide water-works and sewer system.
Lighting.

2. To provide a supply of pure water for the city.
3. To provide a sufficient and adequate water system and water-works and sewer system for the city.

4. To provide for electric lights or other lights for lighting the streets, public buildings, and houses of private individuals in said city.

Attorney, street overseer, and other employees.

5. To employ an attorney, a street overseer, and such other employees as in their discretion may be required to enforce the ordinances of said city, and fix their compensation.

Curbing, paving, and cleaning streets and sidewalks.

6. To provide for curbing and paving of the streets and sidewalks of said city, and the cleaning of the same, to the extent that such board may deem best.

To establish and regulate markets and market houses.

7. To establish and regulate a market or markets in said city, and to erect or lease and use a suitable market house or houses therefor, and regulate the sale of meats, fish, shellfish, game, poultry, fruits, vegetables, and all other kinds of edible things or products.

Prevention and extinguishment of fires.
Fire companies.

8. To provide proper and effectual methods, apparatus, means, and regulations to prevent and extinguish fires in said city, and to provide for the establishment, organization, equipment, and government of fire companies,

Police watches.
Regulations for observance of Sunday.

9. To provide and regulate police watches in policing the town.
* 10. To make suitable regulations for the observance of Sunday in said city, and to provide for the enforcement of the same.

Prevention and removal of nuisances.
Regulate keeping of dogs.

11. To prevent, suppress, and remove nuisances in said city.

Traffic regulations.

12. To regulate the manner in which dogs may be kept in said city.

13. To regulate the speed at which horses, mules, and other animals may be ridden or driven in, through, upon, or over any street or streets of said city.

Fire and building ordinances.

14. To make suitable ordinances, rules and regulations for the prevention of fires, the erection of buildings, and the manner in which flues, chimneys, and stovepipes may be placed therein for the better protection of the city against fire.

Animals running at large.

15. To regulate the manner in which hogs, goats, cattle, and all other animals may be kept in the city, and to prevent same from running at large.

Sanitary regulations.
scavengers.

16. To cause all alleys, cellars, lots, privies, stables, styes, and other places of similar character to be examined, cleaned, removed, or abated, as may be prescribed by the board of aldermen; to appoint one or more scavengers for the city, to regulate fees for scavengers and to provide for the payment and collection of the same.

17. To prohibit all trades, businesses, assemblages, practices or occupations which are nuisances from being carried on in the city. Prohibition of nuisances.
18. To establish one or more public cemeteries, as they may deem necessary, within or without the corporate limits of said city, and to provide for the care and maintenance of the same, and the proper regulation, control, and protection thereof. Cemeteries.
19. To adopt a seal for said corporation. Seal of corporation.
20. To regulate the entrances and exits to all public buildings. Entrance and exit to public buildings.
21. To require all officers appointed or elected by the mayor or board of aldermen of said city to give good and sufficient bonds for the faithful performance of their duties, as the same are prescribed by law for offices of trust or for profit, in such sum or sums as the board of aldermen or mayor may deem proper. Bonds of officers.
22. To make provision and take all proper measures to preserve the peace, quiet, and good order of the city, and to execute all laws and ordinances thereof. Preservation of peace, quiet, and good order.
23. To enact and pass such laws and ordinances and regulations as said board may deem necessary to preserve and protect the health of said city and provide for the enforcement of the same. Health ordinances.
24. To make provision for licensing auctioneers and regulating auctions. Auctioneers and auctions.
25. To provide licensing, regulating, or restraining theatrical and other public amusements in said city, and all bill posters and advertisements thereof, and to enforce all such provisions. Public amusements, bill posters, and advertisements.
26. To establish all necessary inspections to enforce ordinances for the health of the people in said city, and to appoint inspectors for this purpose. Inspections to enforce health ordinances.
27. To lay and provide for the collection of all taxes authorized by law to be laid, levied, or collected by said city, and enforce the collection of the same. Levy and collection of taxes.
28. To impose and collect fines, forfeitures, and penalties for the breach of the ordinances and regulations of said city. Imposition and collection of fines, forfeits, and penalties.
29. To appoint and provide for the pay of all such officers, and prescribe their duties, as may by said board of aldermen be deemed necessary to enforce the ordinances of the city. Appointment, pay, and duty of officers.
30. To prescribe and regulate the charges for the carriage of persons, baggage, freight by omnibuses, wagons, drays, carriages, carts, and other vehicles in said city, and to issue licenses for omnibuses, hacks, carriages, drays, wagons, carts, and other vehicles used therein for the transportation, for hire, of persons or things. To prescribe charges for transportation and license vehicles.
31. To make proper provision and take all necessary measures to preserve said city from contagious diseases or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein. Quarantine.
32. To make and pass all such rules, regulations, and ordinances as may be necessary for the government, control, management, or Control of light plant, water-works and sewer system.

operating of all electric light plants or other lighting system, water-works, or sewerage system, as the board of aldermen may deem necessary.

Chief of police and other policemen.

33. To appoint a chief of police or marshal for said city, and all other police officers as may be deemed necessary to execute such precepts as the mayor may lawfully issue to them, and to preserve the peace and good order of said city; and whenever in the opinion of the mayor of said city the peace and good order, the enforcement of the sanitary, police, quarantine, or other regulations or ordinances of said city requires an additional or special force to assist the regular force in the execution of the same or any part thereof, or upon the assembling of any large or unusual meeting in said city, deemed dangerous to the peace or good order thereof, the mayor may, in his wise discretion, appoint specials, or policemen, who shall be citizens of said city or the county of Columbus, which specially appointed officers or policemen shall be vested with all the authority under the law as the regular chief of police, marshals, or policemen of said city are vested with, and clothed with all the authority to make arrests for infractions of the law and to perform other duties as though they were regular marshals or policemen of said city.

Special policemen.

Regulation of overhead wires and obstructions to streets.

34. To make ordinances regulating the erecting and maintenance of overhead electric or other wires; to prevent obstructions to streets and sidewalks in order to prevent accidents or injuries to the citizens.

Regulation of railroad traffic.

35. To regulate the speed of all railroad trains, street cars, and locomotives within the city, and their stops at street crossings; to require said companies to keep the streets through which they run in repair, and to require all railroad companies or street railway companies to light the 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. To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary; to regulate and control the laying and construction of railroad tracks, turnouts, and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair; to regulate and control the location of cable and street railroad tracks and all steam railroad tracks, and to require railway companies of all kinds to construct at their own expense such bridges, tournouts, culverts, crossings, and other things as the board of aldermen may deem necessary.

Assessments for street improvements.

Gates and watchmen.

Regulation of construction of tracks and switches.

Location of tracks.

Bridges, culverts, turnouts, and crossings.

General powers as to ordinances.

36. To pass all laws, ordinances, and regulations necessary or proper to carry into effect the intent and meaning of this act:

Provided, they are not incompatible with the Constitution of the United States and the Constitution of this State and the laws of the same.

SEC. 15. That at the first meeting of the board of aldermen, or as soon thereafter as may be practicable, they shall elect from the membership of the board, or, if the board shall deem it advisable, from the qualified electors of the city, a city clerk and a treasurer and a tax collector, who shall respectively hold their offices during the term of the board electing them, and until their successors are elected and qualified, subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting, each of said officers shall take and subscribe an oath before the mayor to faithfully discharge the duties required of him by the board of aldermen, and each shall execute a bond, in such an amount as the board may require, with security to be approved by the board. The bonds required of the clerk and treasurer and tax collector shall be renewed every year.

SEC. 16. That the officers provided for in the foregoing section shall have a reasonable salary or compensation, to be determined by the board of aldermen: *Provided*, that in no case shall the salary or compensation allowed to the tax collector exceed the amount of five per cent on collections made by the tax collector for municipal purposes, nor shall that to the treasurer exceed one per cent on receipts and two per cent on disbursements of funds made by him for municipal purposes; and it shall be the duty of the clerk to keep a regular and fair minute of the proceedings of the board, and to preserve all books, papers, and articles committed to his care during his continuance in office, and deliver the same to his successor, and regularly to perform such other duties as may be prescribed by the aldermen.

SEC. 17. That it shall be the duty of the treasurer of said city to receive and safely keep all moneys which shall be paid into his hands as such treasurer for the use of said city; to disburse the funds of said city according to such orders as shall be drawn on him by the proper authorities; to demand of all persons such moneys or securities as they or any of them may have in their hands belonging to said city which ought to be paid or delivered to the treasurer thereof, and to perform all such other duties as may from time to time be required of him by law or said board of aldermen. He shall keep in a book provided for that purpose a fair and correct account of moneys received and disbursed by him, and of all securities and other property intrusted to him for safe keeping or otherwise, and at the expiration of his term of office, or the sooner termination thereof, shall deliver to his successor all such moneys, securities, or other property belonging to said city then in his hands. He shall receive such compensa-

City clerk, treasurer, tax collector.

Term of office.

Officers to qualify and give bond.

Removal of bonds.

Salaries.

Proviso: limit as to tax collector and treasurer.

Duties of clerk.

Duties of treasurer.

Accounts.

Settlement with successor.

Compensation.

tion as said board of aldermen shall from time to time prescribe.

Orders on treasurer. All orders drawn on him shall be signed by the mayor, attested by the clerk and under the seal of the city, and shall state the purpose for which the money therein called for is applied, and the treasurer shall in his account specify such purpose. He shall also state in his account the sources, respectively, from which all moneys received by him are derived, and shall, when required to do so, submit to the mayor or board of aldermen his vouchers for any and all disbursements made by him, and his said accounts in full. Said treasurer shall make out annually a fair transcript of the receipts and disbursements on account of the city for the general inspection of the citizens, and cause the same to be posted at the door of the courthouse in Columbus County, and, if the board shall deem necessary, printed in some newspaper published in the city of Bolton. The books and vouchers of said treasurer shall be open to the inspection of the public at all reasonable hours.

Power and authority of tax collector. Fines and penalties. Sums charged with. Credits in settlements. Penalty for retention of money. Committee to audit and settle accounts. Report and record of audit. Removal for failure to settle. Duties of chief of police.

SEC. 18. The tax collector shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax lists as due for city taxes. He shall be credited in settlement as sheriffs are credited, with amounts in suit by appeal, all poll tax and taxes on personal property deemed by the board of aldermen to be insolvent and uncollectible. He shall at no time retain in his hands more than two hundred dollars for a longer time than seven days, under a penalty of ten per cent per month to the city upon all sums so unlawfully retained. The board of aldermen, at a meeting before the last regular meeting in each year, shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and city treasurer, and to audit and settle the accounts of tax collector and city treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute-book of said board, and shall be *prima facie* evidence of their correctness and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to said office again.

SEC. 19. It shall be the duty of the chief of police or marshal or any other police officer to see that the laws, ordinances, and orders of the board of aldermen and orders of the mayor are enforced, and report all breaches thereof to the mayor; to preserve the peace and good order of the city by suppressing disturbances and apprehending offenders, and for that purpose they shall have all powers and authority vested in sheriffs or constables.

Powers and authority.

They shall execute all lawful precepts directed to them by the mayor or others, and in execution thereof they shall have the same power anywhere in the county of Columbus that sheriffs or constables have; and they shall have the same fees on all processes and precepts executed and returned by them which may be allowed to the sheriff of the county on like processes and precepts, and also such other compensation as the aldermen may allow.

SEC. 20. The fiscal year of said city shall begin with the first day of May in every year. The poll taxes and the *ad valorem* taxes shall become due on the first day of September in every year.

SEC. 21. In order to raise a fund incident to the proper government of the city or for the improvement thereof, or for any necessary buildings, offices, or prisons, or for any debt that may be now or hereafter incurred, and to provide for a sinking fund to meet the principal of any such debt when the same shall become due, the board of aldermen may, at their regular meeting in June in each and every year, levy and collect the following taxes, to-wit:

1. On real estate and personal property, a tax not exceeding sixty cents on every one hundred dollars valuation, and the valuation adopted shall be that accepted by the board of county commissioners of Columbus County, as shown on the county tax books for the years in which the tax is assessed.

2. On all taxable polls, a tax not exceeding one dollar and eighty cents.

SEC. 22. That in addition to subjects listed for taxation the aldermen may levy a privilege or license tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector, annually, when not otherwise specified; and if the same be not paid on demand, he shall proceed in such manner as the board of aldermen shall direct, by ordinance or otherwise as hereinafter provided:

1. On every four-horse omnibus, a tax not exceeding fifty dollars; on every two-horse omnibus, a tax not exceeding forty dollars.

2. On every dray or express wagon drawn by one or two horses, a tax not exceeding twenty-five dollars; if drawn by more than two horses, a tax not exceeding fifty dollars.

3. On every carriage, buggy, sulky, and other vehicle used in the city for the carriage of persons or for pleasure, a tax not exceeding fifteen dollars.

4. On every dog, a tax not exceeding ten dollars: *Provided*, that a discrimination may be made within this limit on the different species and sexes of dogs.

5. On every saddle horse kept for hire, not exceeding five dollars.

Peddlers.

6. On every itinerant merchant or peddler offering to vend in the city, a license tax not exceeding fifty dollars. This clause is to include all itinerant venders of patent medicines.

Shooting gallery or other game.

7. On every shooting gallery, billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table, or any other game or play, with or without a name, kept for hire, a license tax not exceeding fifty dollars.

Hotels, restaurants, and eating-houses.

8. On every hotel, restaurant, or eating-house, a license tax not exceeding twenty dollars.

Circus riders.

9. On every company of circus riders or performers, by whatever name called, who shall exhibit within the city or within one mile outside of the corporate limits thereof, a license tax not exceeding two hundred dollars for each performance and separate exhibition; and upon every side-show connected therewith, a license tax not exceeding twenty dollars for each performance. The tax herein specified shall be paid before exhibition; otherwise, to be doubled.

Tax paid before exhibition or doubled.

Stage plays and other shows.

10. On every person or company exhibiting within the city, or within one mile outside the corporate limits thereof, any stage or theatrical performance or play, sleight-of-hand performance, rope dancing, tumbling, wire dancing, or menageries, a tax not exceeding seventy-five dollars for every twelve hours allowed for exhibition; the tax to be paid before exhibition; otherwise, to be doubled.

Tax paid before exhibition or doubled.

Artificial curiosities.

11. On every exhibition, for reward, of artificial curiosities exhibited within the city or within one mile of the corporate limits thereof, a tax not exceeding twenty-five dollars; to be paid before exhibition, or the same to be doubled.

To be paid before exhibition or doubled.

Other shows, concerts, and strolling musicians.

12. On each show or exhibition of any other kind, and on each concert for reward, on each strolling musician, a tax not exceeding ten dollars; to be paid before exhibition or performance, or the same to be doubled.

To be paid before exhibition or doubled.

Further enumeration of subjects of license tax.

13. On auctioneers, not exceeding fifty dollars; on jewelers or silversmiths, itinerants offering for sale, not exceeding fifty dollars; on drug stores operating under State prohibition laws or otherwise selling spirituous or malt liquors, a tax not exceeding one thousand dollars; on all huckster stands, a tax not exceeding twenty dollars; on itinerant dealers in lightning rods, a tax not exceeding twenty-five dollars; on banks or banking agents, a tax not exceeding one hundred dollars; on note shaver or broker, a tax not exceeding fifty dollars; on retail dealers in fresh meat, a tax not exceeding thirty dollars; on each ice-cream saloon or parlor, a tax not exceeding twenty-five dollars; on peddlers of ice-cream, a tax not exceeding twenty-five dollars; on all soft-drink and ice-cream stands, or either or both, a tax not exceeding twenty-five dollars; on dealers or agents for fertilizers, a tax not exceeding one hundred dollars; on dealers in lumber and all

building materials, a tax not exceeding thirty dollars on each yard or place of business; on dealers in kerosene, gasoline, naphtha, or either of said articles, a tax not exceeding thirty dollars; on dealers in wood and coal, a tax not exceeding twenty-five dollars; and on dealers in wood or coal, a tax not exceeding fifteen dollars; on photographers, a tax not exceeding twenty-five dollars; on livery stables, a tax not exceeding fifty dollars; on dealers in horses or mules, or both, a tax not exceeding fifty dollars; on dealers in carriages, buggies, wagons, sewing machines, gins, tobacco, cotton, machinery of any kind, engines, boilers, pumps, windmills, tinware, a tax not exceeding twenty-five dollars; on dealers in pistols, guns, dirks, bowie-knives, sling-shots, brass or metal knuckles, or other like deadly weapons, in addition to all other taxes, a license tax not exceeding fifty dollars; on dealers in fireworks, roman candles, skyrockets, toy pistols, or fireworks of any kind, a tax not exceeding fifty dollars.

14. Upon every mercantile business where goods, wares, and merchandise are sold or offered for sale, a tax of not exceeding one hundred dollars. Mercantile business.

SEC. 23. In addition to the *ad valorem* tax, poll tax, privilege and license taxes heretofore enumerated, the board of aldermen may lay and collect such other privilege and license taxes as may to them seem fair and equitable on all persons, professions, corporations, businesses, or trades which are now or which may hereafter be taxed under the general revenue act for State purposes and not specifically herein taxed, excepting in such instances where municipalities are forbidden to lay and collect such tax. Other privilege and license taxes.

SEC. 24. The board of aldermen may in their discretion provide that the privilege and license taxes provided for herein may be paid for fractional parts of a year, not less than three months; and the said board shall have the power to graduate any of the license taxes or privilege taxes levied by dividing the business or calling into classes according to size, patronage, or income: License for fraction of year.
Provided, the tax shall be uniform for all in a class. Graduation of tax.

SEC. 25. Said board of aldermen may require and provide for the payment, in advance, of any license or privilege tax in this act authorized; and any person who in such case shall engage in any such business, trade, occupation, calling, or profession upon or for which in any manner any such tax is allowed to be imposed, without having paid such tax, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned for not more than thirty days. Proviso: tax uniform in class.
Payment in advance.
Doing business without license misdemeanor.
Punishment.

SEC. 26. That the city clerk or some other competent person appointed as tax lister by the board of aldermen shall on the third Monday in May in each and every year make advertisement in some newspaper published in Bolton, or by posted notices, notifying all persons residing in the city of Bolton who own or Advertisement for tax listing.

- have control of taxable property in the city on the first of June to return to him on or before the last day of June a list of their taxable property in said city. Said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the lists so returned to the clerk or tax lister shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, ----- do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the lots owned by me in said city, a full and accurate list of all personal property, and a full and accurate list of all stocks, bonds, incomes, solvent credits, and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information, and belief: so help me, God." And from the returns so made the clerk, list taker, or some other competent person as may be appointed by the board of aldermen shall within thirty days after the expiration of the time for taking said lists make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes; and the said clerk, tax lister, or other person appointed by the board of aldermen shall copy in said book the assessments made by the board of township assessors of all property within the city limits: *Provided*, that such list taker for the city shall be present at the time and place of the appointment of the township list taker at all his appointments in the city for the purpose of taking said city lists.
- Details of lists.**
- Lists sworn to.**
- Form of oath.**
- Tax book.**
- Assessments.**
- Proviso: list taker present with township list taker.**
- List of delinquents.** SEC. 27. The clerk, tax lister, or some competent person appointed by the board shall within thirty days from the return of the tax lists make out, to the best of his knowledge and belief, by comparing his books with the returns made to the board of township assessors or list takers and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said city who shall have failed to return a list in the manner and time aforesaid, and said persons so failing to list shall be liable for double the amount of their tax, which shall be charged against them on the tax books of the city; and on good cause being shown, the board of aldermen may remit the double tax.
- Double tax on delinquents.**
- Revisal and correction of book.** SEC. 28. That immediately upon the completion of the tax book as provided for above it shall be revised, corrected, and accepted by the board of aldermen, and when so accepted by said board shall constitute the regular tax list for that year, subject to any and all amendments, corrections, modifications, additions, and subtractions which said board of aldermen shall from time to time make therein. The city clerk shall indorse, upon order of the
- Order for collection.**

- board of aldermen, in said tax book an order to the city tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said book, and said tax book shall be delivered to the city tax collector on or before the first day of September for the collection of taxes, who shall proceed forthwith in the collection of said taxes, and shall complete the same on or before the first of January next ensuing: *Provided*, that the aldermen may extend the time for the completion of such collection as they may think best, but not later than the first day of March following. The tax collector shall receive as his fees for the collection of said taxes not more than five per cent on the amount collected for municipal purposes, at the discretion of the aldermen.
- SEC. 29. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the tax collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in said city or by posting notices at the courthouse door and three other public places in said city if the property to be sold be personalty, and of thirty days if the property be realty.
- SEC. 30. That when the tax due on any lot or other land (which is hereby declared to be a lien on same) shall remain unpaid on the first day of January or on such days as may be fixed by the board of aldermen under the powers herein granted, not later than the first of March, and there is no other visible estate except such lot or land of the person in whose name it is listed liable to distress and sale, known to the tax collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the courthouse door by the tax collector, after advertising for thirty days in some newspaper in the city or by posting notices at the courthouse door and three other public places in said city, which the collector shall do; and the collector shall divide the said lands into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city; and if not redeemed, as hereinafter provided, shall belong to said city in fee.
- SEC. 31. That the tax collector shall return an account of his proceedings to the board of aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers
- Effect of order.
- Book delivered to tax collector.
- Completion of collection.
- Proviso: extension of time.
- Fee of collector.
- Collection by distress.
- Notice of sale.
- Report as basis for sale of land.
- Order for sale.
- Advertisement.
- Method of sale.
- Sale as a whole.
- Land struck off to city.
- Returns of sale.

thereof, and the prices of each, which shall be entered on the book of the proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling the same, it shall be paid into the city treasury, subject to the demand of the owner.

SEC. 32. The owner of any land sold under the provisions of this charter, or any person acting for him, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent on the amount of taxes and expenses, and the treasurer shall refund, without interest, the proceeds, less double the amount of taxes.

SEC. 33. That if the real estate sold as aforesaid shall not be redeemed with the time specified, the corporation shall convey the same in fee to the purchaser or his assigns; and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

SEC. 34. That in addition to the powers herein conferred on the tax collector of the city of Bolton, he shall be vested with all the powers that are now or may hereafter be given to sheriffs or tax collectors under the laws of North Carolina in collection of taxes, the sale of real and personal property for taxes, and shall have the same rights, duties, and powers of garnishment for poll taxes that are now or may hereafter be prescribed by the general law of the State for sheriffs and tax collectors. The tax collector shall be entitled to and receive the same fees for levying, notice, advertisement, sale, and garnisheeing, and certificates that are now or may hereafter be allowed sheriffs or tax collectors under the general law of the State.

SEC. 35. That the board of aldermen shall have power to grade, macadamize, and pave the streets and sidewalks and to lay out and open new streets or widen those already open, and make such improvements thereon as the public convenience may require; that when any land or right of way shall be required for the purpose of opening new streets or for widening those already opened, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the city, to be chosen by the aldermen; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefit or advantage such owner may receive from the opening or widening such streets or other improvement, and ascertain the sum which shall be paid

Time for redemption.

Deed for land not redeemed.

Further powers of tax collector.

Garnishment.

Fees.

Powers as to streets and sidewalks.

Power to condemn land.

Procedure for condemnation.

to the owner of said property, and report the same to the board of aldermen, under their hands and seals, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of aldermen, and shall pass the title to the board of aldermen in their corporate capacity in the land so taken: *Provided*, that if any person over whose land the said street may pass, or improvement be erected, or the aldermen, be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court.

Effect of report.

Proviso: right of appeal.

SEC. 36. That the board of aldermen shall have further right to cause sidewalks to be curbed, paved, and repaired and new sidewalks to be established and laid, when deemed necessary, and to recover from the owner or occupier of lots in which curbing, paving, or new walks shall be established the expense of said work, when done by the city, which expense shall be a lien on the lot: *Provided always*, that the owner before whose lot such curbing, paving, or establishing new sidewalks shall have been ordered shall have thirty days notice, in writing, of such order of the said board; and if such expenses are not paid upon demand, such lot, or so much thereof as may be necessary, shall be sold by the tax collector to pay said expenses and costs of sale, under the same rules and regulations, restrictions, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes: *Provided*, that the owner shall have the right and privilege to curb, pave, and establish such sidewalks along his lot within the time limit prescribed by the board, according to the requirements and regulations of said board as to materials, construction, and dimensions: *Provided further*, that any person aggrieved shall have the right of appeal to the Superior Court from any order, act, rule or regulation made by the board in respect to private property under this section.

Improvement of sidewalks.

Expense a lien on lot.
Proviso: notice to owner.

Sale of land for charges.

Proviso: right of owner to do work.

Proviso: right of appeal.

SEC. 37. That no mayor or alderman or other officer of said city shall, directly or indirectly, become a contractor for work to be done for the city, and any person herein offending shall be guilty of a misdemeanor.

Officers not to contract with city.

Misdemeanor.

SEC. 38. That in making arrests the police or marshals shall be governed by the regulations provided for and clothed with the powers conferred upon its officers by the State statutes. When arrests have been made, the prisoners shall be immediately carried before the mayor for trial, except in the following cases: first, when the arrest is made between sunset on Saturday and nine o'clock Monday morning following; second, when the arrest is made in the nighttime; third, when the person arrested is found to be in a state of inebriation; fourth, when, for the safe keeping of the party arrested, imprisonment is necessary; in all of which cases the prisoner may be committed, without mittimus, to the city or

Arrest by police.

Trials on arrest.

Commitment.

county jail, and in such cases the sheriff or jailer of the county of Columbus and the keeper of the city jail are hereby required to receive prisoners without mittimus.

Penalties for violations of ordinances.

SEC. 39. That for the violation of any ordinance or by-law made by said board of aldermen they may prescribe penalties not exceeding fifty dollars for each offense, to be recovered before the mayor without stay of process, mesne or final; and when judgment shall be given for any such penalties the party convicted may, unless the penalty and costs be paid, be immediately committed to jail for the space of not exceeding thirty days or until payment thereof shall be made.

Committal for non-payment.

Fees of mayor.

SEC. 40. That the mayor shall be entitled to the following fees in cases herein enumerated, whereof he may have jurisdiction as mayor: For every warrant of arrest issued by him, or for the recovery of a penalty, or for other cause of action, fifty cents. For every judgment rendered thereon, one dollar, to be taxed among the costs. For every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of the offender by such as may carry him away; if the offender is charged with violation of a city ordinance, the fees shall be paid by him, if guilty; if not, by the city. For the use of the city seal for other than city purposes, fifty cents. For certificate for other than city purposes, twenty-five cents. And the mayor shall keep a book record of the nature and amount of every fee received by him from the city and from individuals, which record shall be kept in his office and shall be the property of the city, and it shall be the duty of the mayor to enter all said fees promptly therein upon the receipt of the same.

Record of fees.

Parks.

SEC. 41. The board of aldermen may establish and maintain a park or parks for the benefit of the citizens.

Mayor's power to suspend officers.

SEC. 42. The mayor may at any time, upon finding the chief of police, chief marshal, police or marshals guilty of misconduct, or upon failure to perform the duties of said offices, have power to suspend such officers from duty until the board of aldermen shall convene and take action in the matter; and upon hearing proofs in the case the board may discharge or restore such officer, and the pay of such officer so suspended shall cease from the time of his suspension to the time of his restoration to service.

Hearing and action by aldermen.

Firearms and fireworks.

SEC. 43. The board of aldermen shall have power to prohibit or control the firing of firearms, firecrackers, torpedoes, the shooting of air or spring guns and slingshots, or otherwise shooting or throwing shots or missiles of any character, also fireworks of any kind or nature, and to regulate or prohibit the manner in which powder and other explosive and inflammable substances may be kept and sold.

Officers named.

SEC. 44. That until a mayor and board of aldermen shall be duly elected and qualified as in this act is prescribed, Edward F. Car-

penter be and he is hereby appointed as mayor of said city, and D. W. Merritt, J. W. Dale, R. W. Scott, Jr., J. W. Brinkley, and G. T. Mayer be and are hereby appointed as aldermen of said city; and upon their taking the oaths of office as in this act is prescribed, they shall be and are hereby invested with all of the rights, powers, and duties and made subject to all of the penalties in this act prescribed.

Rights and powers
vested.

SEC. 45. That all laws of a general or special nature in conflict with the provisions of this act, in so far as they may affect the territory embraced within the limits of said city as herein defined, be and the same are hereby repealed.

SEC. 46. This act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 241.

AN ACT TO AMEND CHAPTER 314, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1911, REPEALING SECTION RELATIVE TO SALE OF ELECTRIC LIGHT PLANT IN THE TOWN OF LUMBERTON.

The General Assembly of North Carolina do enact:

SECTION 1. That section five (5) of chapter three hundred and fourteen (314), Private Laws of North Carolina, session of one thousand nine hundred and eleven, be and the same is hereby amended by striking out all of "section 55d" from the said act, the section so stricken out and repealed hereby being as follows: "In case of the sale of either the water-works 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."

Conditions for sale
of utilities.

Use of proceeds of sale.

SEC. 2. That upon any sale of the water-works plant or electric light plant, or both, under the provisions of said chapter three hundred and fourteen (314) of the Private Laws of one thousand nine hundred and eleven, as amended by the provisions of this act, the proceeds arising from the sale of such plant may be used by the board of commissioners of said town for such purpose as they may desire and as may be, in their discretion, for the public good and the benefit of said town.

Grant of franchise to purchaser.

SEC. 3. That section five (5) of chapter three hundred and fourteen (314), Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out the word "exclusive" appearing in line three (3) of section "55e," appearing upon page seven hundred and eighty-seven (787) of the published and printed acts; and said section is further amended by striking out the words "sole and exclusive," appearing in lines four (4) and five (5) of said "section 55e"; and said section is further amended by striking out the word "thirty," appearing in line seven (7) of said "section 55e," and inserting in lieu thereof the word "sixty."

SEC. 4. That all laws and clauses of laws in conflict with 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 5th day of March, A. D. 1915.

CHAPTER 242.

AN ACT TO AMEND CHAPTER 186 OF THE PRIVATE LAWS OF 1899, AND CHAPTER 235 OF THE PRIVATE LAWS OF 1913, BEING AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

SECTION 1. That section sixty-one of said chapter one hundred and eighty-six of the Private Laws of one thousand eight hundred and ninety-nine, the same being an act to amend, revise and consolidate the charter of the city of Salisbury, be and the same is hereby repealed, and the following section inserted in lieu thereof, to be known and designated as section sixty-one in said chapter one hundred and eighty-six of the private Laws of one thousand eight hundred and ninety-nine.

SEC. 2. (61) 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 for permanent improvement, and of equalizing the assessment on real estate to pay the cost of

Improvement districts.

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 within any such district or section laid out for improvement on the real estate abutting on the street 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 part thereof so improved or repaired to pay the amount so assessed for such improvement, said amount not to exceed two-thirds of the total cost in any case, and such cost or charges shall be a lien on all such abutting property from the commencement of the work, as provided in this act: *Provided*, that the board of aldermen shall not order such improvement district or section to be laid out until and unless the persons owning the land abutting on such street or public alley, or the portion thereof proposed to be improved, which is so much as two-thirds of the frontage abutting on such street or public alley, or portion thereof proposed to be improved, shall in writing request said board to make such improvement: *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, and the city's one-third cost of each street so proved as herein set out shall be financed by the issue of bonds.

Assessment of cost.

Limit of amount.

Lien on property.

Proviso: request for improvement.

Proviso: costs to be paid by city.

Proviso: bond issue.

SEC. 3. 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 and of such material and workmanship as the street is paved with, not to exceed, however, the space covered by its track 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

Work incumbent on street railroad and railroad companies.

Proviso: done by city to secure uniformity.

Cost assessed on railways.

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 locating the same in the manner herein elsewhere provided for the assessment and levy upon other property so improved.

Notice of improvement to holders of franchise using streets.

SEC. 4. All companies, corporations, and persons having franchises or permits to use the streets of the city for laying railroad tracks, pipes, or conduits, and for other purposes requiring the excavation of the streets and public alleys, shall be notified by the said board when any street is to be permanently improved, and given a reasonable opportunity to lay said railways, pipes, or conduits, or do such work as they may be authorized to do under said franchises, and in case any such company, corporation, or persons fail to lay said railways or pipes, or to do said work before such permanent improvements are made, they shall not be permitted to do so thereafter except upon the condition that they shall pay such reasonable proportion of the original cost of such permanent improvements as may be fixed by the board of aldermen.

Work to be done before streets paved.

Condition of later work.

Estimate of cost.

SEC. 5. That in order to equalize the assessments on real estate for the purposes described, as elsewhere provided in this act, the board of aldermen shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be made throughout the entire length of such work or improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of 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, the cost not to exceed one-third of entire cost on each abutting property owner: *Provided, however,* in order to avoid obstructing lot owners in subdividing and selling their property by reason of the liens hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit and shall file in the office of the city clerk and treasurer a plat of the subdivisions, making the lots fronting on the streets so paved or improved of any desired frontage, 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 lots fronting on such improvements shall be and remain chargeable with its ratable portion 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 or public alley so improved, and shall

Basis of prorating cost.

Proviso: subdivisions.

Front lots only assessed.

Grade, survey, and map.

cause any such street or public alley to be accurately surveyed and a map to be made of the various lots and properties abutting on such street 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 or alleys, the city clerk and treasurer or other proper clerical city officer shall write upon said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens, and the date and amount of all payments made on any of the said assessments and liens: *Provided further*, that no assessment against any piece of property improved as in this act provided shall in any case exceed the amount of special benefit to or enhancement in value of said property by reason of said improvements: *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 subsections 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 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 special tax to pay the same and the interest thereon, as herein-after provided.

SEC. 6. 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 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 Salisbury, 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 Rowan 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 im-

Assessments noted on map.

Index.

Proviso: assessment not to exceed special benefit.

Proviso: subsections.

Bond issues.

Notice of assessment.

Persons under disability.

Time for filing objections.

provements 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 Rowan County, North Carolina, by serving upon said city notice in writing of his intention so to do, and specifying in said notice the grounds of his objections to said findings, and by filing, within the time prescribed for taking appeals, in the office of the clerk of the Superior Court of Rowan 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 assessment shall be discharged; if, however, the issues or any of them, be found in favor of the city of Salisbury 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 Salisbury as elsewhere in this act provided.

Sec. 7. That in lieu of notice by publication to property owners affected by improvements to abutting real property, as elsewhere provided in this chapter, the board of aldermen, if it so determines, may give ten days personal notice to all persons affected by any permanent improvements for which a charge is to be made on real estate, to appear before said board at a certain time and place to show cause, if any, why such assessment should not be made, which notice may be served by any policeman of the city of Salisbury or any other proper officer.

Sec. 8. That 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 as herein set out against the abutting

Appeal.

Notice of appeal.

Bond on appeal.

Case on appeal.

Judgment on appeal.

Lien on property.

Personal notice in lieu of advertisement.

Mandatory on aldermen.

property, as elsewhere provided in this act: *Provided*, that where the street or streets in any paving district created under this act have been graded and curbed, the aldermen, in their discretion, can assess a greater amount than two-thirds of the cost of the paving: *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 where the street has been improved under this act and charge the entire cost of same, not including curbing, to the abutting property, the property on each side of the street to pay or bear the cost of the sidewalk on its respective side, which cost shall be a lien on the abutting property, as herein elsewhere provided, and paid immediately, or as soon thereafter as practicable, by the property owners, and not by an issue of bonds as is elsewhere provided, if the board of aldermen so determine, and such charge or assessment shall be enforced and collected by the tax collector by the sale of the abutting property specially benefited in the same manner as real estate is sold for taxes.

Proviso: rate of assessment.

Proviso: bond issues for sidewalk not mandatory.

Assessment for entire cost.

Lien on property.

Collection of assessment.

SEC. 9. 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 of improvement, the board of aldermen may cause a notice to published once a week for two weeks in some daily newspaper published in the city of Salisbury, substantially in the following form:

Advertisement of bond issue.

STREET IMPROVEMENT NOTICE.

Form of advertisement.

Notice is hereby given that a contract has been let for (describing work and street or alley), and that the improvement chargeable to the real estate to be specially benefited has been determined as to each parcel or 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.

SEC. 10. 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

Issuance of bonds.

Official entitlement.

Series of bonds.

Interest.	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 semiannually, 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 of 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 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.
Sale below par forbidden.	
Authentication.	
Recitals.	
Sale.	
Maturity.	
Payments on contracts.	
Assessments for annual payments.	
Special funds.	<p>SEC. 11. That all funds derived from assessments heretofore or hereafter levied by the mayor and board of aldermen of the city of Salisbury 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 Salisbury, 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.</p>
Official entitlement.	
Funds and accounts kept separate.	
Exclusive use of funds.	
Sewers and water mains.	<p>(2) WATER AND SEWER PIPES.</p> <p>SEC. 12. 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</p>
Requirement of connections.	

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.

Rates and fees.

Ordinances.

SEC. 13. That section two of chapter two hundred and thirty-five of Private Laws of one thousand nine hundred and thirteen be and the same is hereby repealed.

Limitation of city debt.

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

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 243.

AN ACT TO ESTABLISH BIG BRANCH SCHOOL DISTRICT IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Harnett County is hereby empowered and authorized to establish the following boundaries for a school district for the white race, to be known as Big Branch School District, to include the following territory, to wit: beginning at the McCormick bridge over Barbecue Creek on the McCormick public road, thence with said road to Glover Thomas's; thence a straight line in a northwesterly direction south of M. A. McFarland's to the Swanns Station road; thence with said road to its intersection with the Mount Pisgah School District line; thence north with that line one-half mile; thence a direct line about west to the north side of M. Q. Waddell's residence; thence a westerly direction north of John and Malcolm Darroch's residences; thence a direct line to Mrs. C. H. Wilson's residence on the Swanns Station road, about one-half mile; thence a southerly direction to the corner of H. D. Cameron's land where the Olivia School District strikes said land; thence with H. D. Cameron's line to the road leading from Olivia by Mrs. Mag Graham's; thence with that road to the road leading from H. D. Cameron's to Dock Thomas's; thence with that road to the Isaac Cameron place;

Establishment of school district.

Name.

Boundary.

thence direct to the point where Dry Creek empties into Gum Swamp; thence with said creek to its junction with Barbecue Creek; thence with Barbecue Creek to the beginning.

Powers of board
of education.

SEC. 2. That the board of education of Harnett County shall have full power and authority to appoint committeemen and do all other things needful and necessary for the organization of said district to the same extent as said board may now do in other school districts in said county.

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

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 244.

AN ACT TO ALLOW THE TOWN OF WENDELL, NORTH CAROLINA, TO ISSUE BONDS FOR THE PURPOSE OF BUILDING, EQUIPPING, AND MAINTAINING A MUNICIPAL BUILDING.

The General Assembly of North Carolina do enact:

Authority to order
election.

SECTION 1. That for the purpose of ascertaining the will of the citizens of the town of Wendell, Wake County, North Carolina, upon the question of issuing bonds in an amount not exceeding ten thousand dollars, for the purpose of building, equipping, and maintaining a municipal building to be used for a mayor's office, town jail, and other purposes, the commissioners of the town of Wendell are authorized and directed to provide for a new registration and holding an election at the voting precinct in the said town of Wendell, under such rules, regulations, and methods, and at such a time and place, as the said commissioners may determine upon, which shall conform to the provisions of chapter ninety of the Revisal of one thousand nine hundred and five, sections five, six, seven, eight, and nine. It shall be within the discretion of said commissioners to submit the proposition of issuing said bonds for the purposes above named at an election called at such a time as the town commissioners shall determine. One registrar and two judges of the election shall be appointed by the board of town commissioners at one of their regular meetings or at a meeting called specially for the purpose, after giving ten days public notice. At the election held for the purpose of voting for the construction, equipment, and maintenance of a municipal building to be used for the above named purposes all voters qualified to vote therein who favor the issuance of said bonds shall vote a ticket with the words "For a Municipal

New registration.

Law governing
election.

Question of bond
issue.

Election officers.

Ballots.

Building" printed or written thereon, and those who oppose the issuance of the bonds for that purpose shall vote a ticket with the words "Against a Municipal Building" printed or written thereon. The registrars and judges of the election of the voting precincts shall meet at their respective precinct polling place on such a date and between such hours as may be designated by the said commissioners, and shall hear any complaints for refusal and all challenges which may be made against persons admitted to registration, and shall determine the same according to the provisions of the general election laws of North Carolina. At the close of the election the votes shall be counted and returned over the signatures of the registrar and judges of election to the board of commissioners of said town, and on the Monday following such election the board of commissioners of Wendell shall meet at the polling place, or any other public place they may select, as a canvassing board, and shall receive such returns of said election, and canvass and judicially pass upon the same, and declare the result of said election, and shall cause such returns to be recorded in the minute-book kept of the proceedings of said board. If the majority of those voting at said election shall have voted in favor of the proposition submitted to them to issue bonds for a municipal building, the said commissioners shall levy a special tax sufficient to provide for the interest on and principal of said bonds in such an amount or at such a rate as the said board may deem sufficient, which taxes shall be collected and accounted for as other taxes are in the town of Wendell, and the officer collecting the same, or who at any time may be in charge thereof, shall be subject to the same liability for the collection of and accounting for such taxes as he would be in the case of other taxes, and he shall pay the same to the treasurer of the said town, and the said commissioners may increase or fix the bonds of any such officer who collects the moneys, or in whose charge they are placed, in such an amount or amounts as they may deem proper. Should the said bonds issued upon the proposition be voted favorably upon, then the bonds to be issued under this act shall be interest-bearing coupon bonds, the par value thereof and the form or style of bonds to be determined upon by the said commissioners, in their discretion.

SEC. 2. That said bonds shall bear interest at a rate not exceeding six per cent per annum from the date of issue, with interest coupons attached, payable semiannually at such place or places and at such times as may be hereafter determined by said board of commissioners.

SEC. 3. That the expense of the election held under the provisions of this act shall be paid by the treasurer of said town out of its general funds upon the order of said board.

SEC. 4. That the said bonds may be sold to the highest bidder therefor by the board of town commissioners, after having adver-

Challenge day.

Count and return of votes.

Canvass and record of returns.

Special tax.

Collection and settlement.

Bonds of officers.

Bonds if issued.

Interest.

Expense of election.

Sale of bonds.

Proceeds to town treasurer.

Bond of treasurer.

Funds kept separate.

Amount of bond issue.

Authentication.

Laws enforced at election.

tised for bids in some newspaper published in Wake County, and also in such other papers as the board may select to advertise for bids, for the term of thirty days prior to the sale; and the proceeds from the sale of said bonds shall be turned over to the treasurer of the town of Wendell, who shall give such indemnity for the safe keeping and disbursement of said funds as shall be required of him by said board of commissioners, and the said treasurer shall keep said funds separate and distinct from all other funds in his hands.

SEC. 5. 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 a Municipal Building," then said board of town commissioners shall issue said bonds, not exceeding said amount of ten thousand dollars, which said bonds shall be signed by the mayor of said town, attested by the town clerk, and sealed with the corporate seal of said town; and the signature of the mayor and the town clerk may be printed or lithographed on the interest coupons attached to said bonds.

SEC. 6. That chapter ninety of the Revisal of one thousand nine hundred and five and all public laws amendatory thereof shall be enforced at any election held under the provisions of this act.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 245.

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE BONDS FOR FLOATING DEBTS HERETOFORE CONTRACTED FOR NECESSARY EXPENSES.

Preamble.

Whereas the city of High Point has for several years past contracted debts for necessary expenses incident to water, sewer, and electric light extensions, and to the settlement of thirteen suits instituted against it by certain citizens of Davidson County: Now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Denomination.

Maturity.

Interest.

SECTION 1. That the city council of the said city of High Point be and it is hereby authorized and empowered to issue negotiable bonds of the said city in the sum of sixty thousand dollars for the purpose of providing for floating debts heretofore contracted for necessary expenses.

SEC. 2. That the said bonds shall be coupon bonds of such denomination as may be determined by the city council, and shall mature thirty years from their date, and shall bear interest at the

- rate of five per cent per annum, payable semiannually, 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 weight and fineness. Said bonds may be sold by the city council at public or private sale, and purchasers shall not be required to see to the application of the purchase money: *Provided, however*, that the 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 the city, and sealed with the corporate seal, attested by the clerk, and the coupons shall bear the engraved or lithographed signature of the said mayor and said auditor. The said city council may fix by resolution the date of said bonds, place or places of payment thereof, and may in such resolution subscribe the form of said bonds, and all other matters in relation thereto not fixed by this act.
- 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 upon the payment of city taxes.
- SEC. 4. That for the purpose of paying said bonds at maturity, and the coupons as they may 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 said taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purposes. It shall be the duty of the treasurer of the 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 amount of coupons canceled.
- SEC. 5. That this act shall, without reference to any other act of the General Assembly of North Carolina or the charter of the city of High Point, be full authority to issue and sell the 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 proceeds for the issue or sale thereof, and shall be incontestable in the hands of the *bona fide* purchaser for value.
- SEC. 6. That all acts and parts of acts, public or private, in so far as they are inconsistent with this act, are hereby repealed. 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. 7. That this act shall be in force and effect from and after May fifteenth, one thousand nine hundred and fifteen.
- Ratified this the 6th day of March, A. D. 1915.

Payable in gold coin.

Sale of bonds.

No duty on purchasers.

Proviso: sale below par forbidden.

Authentication.

Resolution for issue.

Exemption from city tax.
Coupons receivable for taxes.

Special tax.

Proviso: specific appropriation.

Cancellation of coupons and report.

Authority for bond issue.

Obligation of bonds.

Repealing clause.

Proceedings for issuance of bonds.

When act effective.

CHAPTER 246.

AN ACT TO AMEND CHAPTER 38, PRIVATE LAWS 1909,
RELATIVE TO WATER, LIGHT, AND POWER COMMISSION
OF THE CITY OF BURLINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Clause creating
commission.

SECTION 1. That section three of chapter thirty-eight, Private Laws of one thousand nine hundred and nine, be stricken out.

Powers transferred
to aldermen.

SEC. 2. That section four of said act be amended as follows, towit: Strike out the word "commission" in line one of said section and insert in lieu thereof the following: "board of aldermen"; strike out all of said section following the word "best" in line four thereof.

Powers transferred
to aldermen.

SEC. 3. That section five of said act be amended as follows, towit: Strike out the word "commission" in line one of said section and insert in lieu thereof the following: "board of aldermen"; strike out all of said section following the words "city funds" in line three thereof.

As to officers and
employees.
Pay of commission.
Repealing clause.

SEC. 4. That section six of said act be stricken out.

SEC. 5. That section seven of said act be stricken out.

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

When act effective.

SEC. 7. That this act shall be in force from and after May fourth, one thousand nine hundred and fifteen.

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 247.

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, and has duly published notice that it would apply for such amendment; and whereas the said charter was amended by an act of the General Assembly of North Carolina, ratified the twenty-fifth day of February, one thousand nine hundred and eleven, chapter one hundred and twenty-eight of the Private Laws of the General Assembly of North Carolina at its session in one thousand nine hundred and eleven: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

- SECTION 1. That section six of the charter of incorporation as issued by the Secretary of State of North Carolina on the thirtieth day of June, one thousand nine hundred and nine, is hereby repealed. Charter under general law.
- SEC. 2. That the affairs of the said school shall be controlled and managed by a board of trustees composed of the following persons, towit: J. C. Pritchard, Asheville; J. S. Carr, Durham; Dr. Abram Simon, Washington, D. C.; Rev. H. J. Chidley, Orange, N. J.; Dr. J. B. Dudley, Greensboro; J. B. Mason, Durham; Dr. A. M. Moore, Durham; J. E. Dellinger, Greensboro, and James E. Shephard, Durham, each of whom shall file with the secretary of the said corporation his consent in writing to serve as one of the board of trustees; and the said trustees so named shall have the power to elect five other trustees at such time as in their discretion they shall deem it best for the interest of said school. Of the above named persons the following shall serve on the board of trustees for a term of one year, towit: J. E. Dellinger, Greensboro; J. B. Mason, Durham; W. G. Pearson, Durham; and their successors shall be elected by the other members of said board for a term of two years. The following shall serve as members of said board of trustees for a term of two years: J. B. Dudley, Greensboro; J. S. Carr, Durham; A. M. Moore, Durham; and their successors shall be elected by the other members of said board for a term of two years. The following of the above named trustees shall hold their term as members of said board for three years: J. C. Pritchard, Asheville; Abram Simon, Washington, D. C.; H. J. Chidley, Orange, N. J.; J. E. Shephard, Durham; and their successors shall be elected by the said board for a term of two years. If the number of the said board of trustees shall be increased, under the power herein given, to fifteen, then of the five new trustees elected such part of them shall be elected for one, two, and three years as shall make the terms of one-third of said board expire each year. Board of trustees.
Trustees named.
Consent to serve.
Election of other trustees.
Terms of office. Classification.
Election of successors.
Terms of additional trustees.
- SEC. 3. The board of trustees shall have the power to appoint an executive committee from their number of not less than three nor more than five, to discharge and perform such duties as may be imposed upon them by resolutions of the said board. Executive committee.
- SEC. 4. The board of trustees shall have the power to change the name of the said corporation; and if it shall decide upon the change of the name of the corporation, then the secretary and chairman of said board shall certify to the Secretary of State and also to the clerk of the Superior Court of Durham County the new name of the said corporation. Change of name.
- SEC. 5. The board of trustees shall meet at least annually in the city of Durham on such day as they shall determine, and hold such other meetings as may seem to them necessary and for the best interest of said school. Meetings.

Organization.

SEC. 6. The board of trustees shall elect its own chairman, secretary, and treasurer of said corporation, and fix and prescribe their duties, and the bond, if any, to be executed by said officers. They shall also elect the teachers and officers of the school, and designate and prescribe their duties, and perform all other things necessary and advisable to carry out the purposes for which the corporation was organized and formed.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 248.

AN ACT TO VALIDATE AND DECLARE THE EFFECT OF THE INDORSEMENT OF CERTAIN NOTES BY THE CITY OF RALEIGH.

Preamble.

Whereas, pursuant to the authority conferred by chapter one hundred and fifteen of the Private Laws of North Carolina of one thousand nine hundred and fourteen, ratified March the fifth, one thousand nine hundred and thirteen, the city of Raleigh sold the market-house property described in said act and received in part payment of the purchase price thereof two notes of the Central Building Company, dated October the eighth, one thousand nine hundred and fourteen, for the sum of thirty thousand one hundred and ninety-one dollars and sixty-six cents (\$30,191.66) each, which notes were thereafter canceled and new notes of the Central Building Company accepted by the city in lieu thereof, such new notes being twelve in number, eleven being for the sum of five thousand dollars (\$5,000) each and one being for the sum of five thousand three hundred and eighty-three dollars and thirty-two cents (\$5,383.32), dated October the eighth, one thousand nine hundred and fourteen, maturing thirty thousand dollars (\$30,000) on October the eighth, one thousand nine hundred and fifteen, and thirty thousand three hundred and eighty-three dollars and thirty-two cents (\$30,383.32) on October the eighth, one thousand nine hundred and sixteen, and bearing interest at the rate of six per cent per annum, payable semiannually on the eighth days of April and October; and whereas by resolution adopted on November the tenth, one thousand nine hundred and fourteen, the board of commissioners of the city of Raleigh authorized and directed the mayor and city clerk of said city to sell said new notes and to indorse the same in the name of the city and affix thereto the seal of said city, and said notes have been sold and indorsed as provided in said resolution: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the indorsement of the city of Raleigh upon the notes heretofore given said city by the Central Building Company on account of purchase price of the market house, said notes aggregating the total sum of sixty thousand three hundred and eighty-three dollars and thirty-two cents (\$60,383.32), be and the same is hereby validated in every respect, and said indorsements are hereby made a direct obligation of said city, and the general funds of said city are hereby charged with the payment of the same.

Indorsement validated.

Obligation of indorsements.

SEC. 2. That chapter fifty-nine of the Private Laws of North Carolina of the session of one thousand nine hundred and thirteen, and chapter sixty of the Private Laws of North Carolina of the session of one thousand nine hundred and thirteen, in so far as they conflict with the provisions of this act, and all private and public laws and clauses of law that may be in conflict with the act, be and the same are hereby repealed.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 249.

AN ACT TO INCORPORATE THE DIRECTORS OF MERCY HOSPITAL.

The General Assembly of North Carolina do enact:

SECTION 1. That C. A. Adams, R. O. Everett, J. B. Mason, T. H. Scoggins, W. W. Olive, W. H. Boone, W. C. Lindsey, J. J. Lawson, B. H. Purington, and their successors, be and they are hereby created a body politic and corporate under the name and style of "Directors of Mercy Hospital," by which name they may contract and be contracted with, sue and be sued, have perpetual succession and a common seal. As such corporation they may establish, conduct, and maintain a hospital in the county of Durham for the training of nurses and for the reception and treatment of persons who may need medical or surgical attendance during temporary sickness or injury, under such rules and restrictions as they may from time to time establish.

Corporators.

Corporate name.

Corporate powers.

Establishment and maintenance of hospitals.

SEC. 2. That said corporation may acquire, receive, take, sell, and dispose of real and personal estate, without restriction as to quantity or value thereof, which may from time to time be given, granted, bequeathed, devised, or sold to it and accepted by it for the purposes and uses of said hospital: *Provided, always,* that

Power to acquire and hold property.

Proviso: terms of donation observed.

both the principal and income thereof shall be appropriated, and the property held, according to the terms of the donation, devise, or bequest.

SEC. 3. That all contracts or deeds of said corporation shall be made in the name of the same, and be signed by such officers thereof as may now by law execute deeds of other corporations within the State; that no director shall be personally or individually liable for any of the debts, obligations, contracts, engagements, torts, acts, or omissions of the corporation.

SEC. 4. That said directors shall have power and shall make all such rules, regulations, by-laws, and ordinances as they deem necessary or useful for the conduct and maintenance of said hospital and the management of its affairs, and may alter, amend, or repeal the same at pleasure, by the vote of the majority of the directors. They especially have power to provide and enforce regulations for the selection, admission, treatment, and dismissal of patients, but no person shall be discharged or refused admission and attendance because of inability to pay: *Provided, always,* there is sufficient room and resources with which to provide for all those who make application for entrance and who are unable to pay for treatment. Such directors may provide for the duties and services of all officers, committees, and attendants.

SEC. 5. That the city of Durham is hereby authorized to annually, or oftener, donate money to said directors in aid of said hospital.

SEC. 6. That the county of Durham is hereby authorized to annually, or oftener, donate money to said directors in aid of said hospital.

SEC. 7. That the persons named in the first section of this act shall hold office as such directors until the first day of June, nineteen hundred and fifteen, and thereafter until their successors are elected or appointed as hereinafter provided; that during the month of June, in the year nineteen hundred and fifteen, and each year thereafter, nine directors, to serve one year from the first day of July next ensuing after their election or appointment, shall be elected or appointed as follows, to-wit: six by the Mercy Hospital Association, Incorporated, a private corporation for the purpose of aiding in the development, establishment, and maintenance of the Mercy Hospital; and one by each of the following bodies: the board of aldermen of the city of Durham, or such other governing body as hereafter may be constituted; the Academy of Medicine of Durham County, and the board of county commissioners of Durham County: *Provided,* that if any of said bodies shall fail during said month of June in any year to make the appointments or elections which it is entitled to make, the directors then in office shall make the election to which such failing body was entitled. Said directors shall annually elect from their number, at

Execution of contracts.

Directors not personally liable.

Rules, by-laws, and ordinances.

Regulations as to patients.

No discharge or refusal for poverty. Proviso: sufficient room and resources.

Duties and services.

Donation by city.

Donation by county.

Term of corporators as directors.

Election of successors.

Proviso: election by directors.

Election of officers.

the first meeting in June of each year, a president, secretary, and treasurer, and such other officers as they shall deem fit. Whenever a director shall die, resign, refuse to act, or become incompetent to discharge the duties of his trust, a successor shall be elected or appointed by the body by which he was elected or appointed, for the remainder of his term: *Provided, however*, that if such body shall fail for thirty days after notice of such vacancy to fill the same, it shall be filled by the remaining directors.

Elections to fill vacancies.

Proviso: election by directors.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 250.

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

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of enabling the town of Laurinburg to fund and pay off its floating indebtedness incurred prior to the tenth day of February, one thousand nine hundred and fifteen, for the necessary expenses of said town, to wit, for the improvement of streets by paving, curbing, and guttering, and constructing sidewalks and drains therein, which notes, aggregating the amount of forty thousand dollars (\$40,000), are hereby declared to be the valid and binding obligations of said town, the board of commissioners of said town of Laurinburg be and is hereby authorized and empowered to issue bonds of said town of Laurinburg, to be denominated "Street Improvement Funding Bonds," to an amount not exceeding forty thousand dollars (\$40,000), which bonds shall be sold by said board of commissioners either at public or private sale at not less than par, and the proceeds shall be applied exclusively to the payment of said notes and accrued interest thereon, but the purchaser shall not be required to see to the application of the proceeds.

Purpose.

Bond issue authorized.

Amount.

Sale at not less than par.

Specific appropriation.

No duty on purchaser.

Further issue authorized.

Amount.

Sale or payment on contract.

SEC. 2. That for the purpose of providing for both the town's and the property owners' share of the cost of improving any or all of the streets within said town by paving, curbing, and guttering, and constructing sidewalks and drains therein, the board of commissioners of said town be and is hereby authorized and empowered to issue bonds of said town of Laurinburg, to be denominated "Street Improvement Bonds," to an amount not exceeding ten thousand dollars, which bonds may be sold by said board of commissioners either at public or private sale or may be delivered to any contractor or contractors in payment for any street improvement work of any of the descriptions aforementioned.

Denomination. SEC. 3. That said bonds provided for in sections one and two
Interest. hereof shall be of such form, tenor, and denomination, and bear
 interest at such rate, not exceeding six per centum per annum, and
Maturity. the principal and interest thereof shall be payable at such time or
 times not exceeding thirty years from the date thereof, and such
 interest and principal shall be payable at such place or places
Authentication. within or without the State as said board of commissioners shall
 by resolution determine. Said bonds shall be signed by the mayor
 of said town and countersigned by the town clerk and sealed with
 the corporate seal of said town. Said bonds may be issued at one
 time or from time to time.

Special tax. SEC. 4. That the said board of commissioners or their successors
 in office be and they are hereby authorized and empowered to levy
 and collect on all taxable property in the said town of Laurinburg
 a special tax of sufficient amount to pay the interest on each issue
 of said bonds as it shall become due, and the principal of each
Levy and collection. issue thereof at maturity. Said special taxes shall be levied and
 collected at the same time as other taxes are levied and collected
 for the use of said town.

SEC. 5. This act shall be in force from and after its ratification.
Ratified this the 6th day of March, A. D. 1915.

CHAPTER 251.

AN ACT FOR THE RELIEF OF R. L. DIXON, L. J. WHITLOCK, AND C. B. NEWMAN, TRUSTEES OF THE MILTON GRADED SCHOOL DISTRICT, IN CASWELL COUNTY.

Preamble. Whereas R. L. Dixon, L. J. Whitlock, and C. B. Newman, trustees
 of the Milton Graded School District in Caswell County, in con-
 formity with long prevailing custom, deposited moneys belonging
 to said school district in the Bank of Caswell, located in the town
Preamble. of Milton; and whereas said Bank of Caswell has been closed by
 order of the Corporation Commission and a receiver has been
Preamble. appointed by the Superior Court; and whereas at the time said
 bank was closed the aforesaid trustees had on deposit therein the
 sum of four hundred and seventy-three dollars and sixty-five cents
 (\$473.65) belonging to said school district and deposited therein in
 the name of the trustees aforesaid: Therefore,

The General Assembly of North Carolina do enact:

Trustees relieved
of liability.

SECTION 1. That said R. L. Dixon, L. J. Whitlock, and C. B. New-
man, trustees as aforesaid, be relieved of any individual liability
attaching to them as such trustees by reason of any loss sustained
by said school district of the amount deposited in said Bank of
Caswell.

SEC. 2. That the county board of education of Caswell County be and it is hereby authorized, in its discretion, to replace said sum so lost by closing said bank or such part thereof as may not be collected from the receiver of such bank, or such sum less than the amount so lost, as it may deem proper. Loss repaid from county fund.

SEC. 3. That the loss sustained by the said district by reason of the closing of the said Bank of Caswell shall not affect or reduce the amount appropriated by the State to said district for the maintenance of a high school in said district in accordance with the laws of North Carolina. Appropriation from State.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 252.

AN ACT TO AUTHORIZE F. R. DOUTHIT TO REMOVE BODIES FROM GRAVES NEAR HIS RESIDENCE.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the publication of a notice for two weeks in some newspaper published in Yadkin County, stating the time thereof, it shall be lawful for F. R. Douthit to remove the bodies from the several graves near his residence in the town of Yadkinville, North Carolina, in what is known as Whitaker Graveyard, and which is included in the boundary of deed executed to F. R. Douthit by A. E. Holton, commissioner, and reinter same in the public graveyard in said town. Notice of intent.
Removal and reinterment authorized.

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

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 253.

AN ACT RELATIVE TO THE ESTABLISHMENT OF SCHOOL DISTRICTS IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Madison County is hereby empowered to establish a new school district for the white race, to be known as the Brooksville School District, to include the territory embraced within the following boundary lines, towit: Establishment authorized.

- Boundary. Beginning at the Jefferson Moore farm on Long Mountain and runs east, crossing Spring Creek, to the top of the mountain which divides the waters of Spring Creek and Doe Branch; thence with the top of said mountain a northerly course to a high knob near Benjamin Anderson's house; thence a westerly course, crossing Spring Creek, to a point on the Spring Creek road near the reservoir; thence a straight line to the top of the mountain; thence with the top of the mountain to a high knob near Noah Wardrupe's house; thence a straight line to the beginning.
- Committeemen. SEC. 2. That the board of education of Madison County shall have full power and authority to appoint committeemen and do all other things needful and necessary for the organization of said new school district to the same extent as said board may now do in other school districts in said county.
- When act effective. SEC. 3. That this act shall take effect and be in force from and after the first day of May, A. D. nineteen hundred and fifteen.
- Ratified this the 6th day of March, A. D. 1915.

CHAPTER 254.

AN ACT TO AUTHORIZE THE BOARD OF GRADED SCHOOL TRUSTEES OF THE TOWN OF CHAPEL HILL TO ISSUE BONDS AND LEVY A TAX FOR THE PURPOSE OF BUYING LAND FOR A SCHOOL SITE AND ERECTING AND EQUIPPING A SCHOOL BUILDING IN THE CHAPEL HILL GRADED SCHOOL DISTRICT, CHAPEL HILL, NORTH CAROLINA, AND AMENDING SECTION 1 OF CHAPTER 2, PRIVATE LAWS OF NORTH CAROLINA FOR 1909.

The General Assembly of North Carolina do enact:

- Purpose of issue. SECTION 1. That for the purpose of raising money to buy land for a school site and building and equipping a graded school building thereon, or on the present site, for the Chapel Hill Graded School District, the board of graded school trustees of the town of Chapel Hill is hereby authorized and empowered to issue bonds to an amount not exceeding thirty-five thousand dollars, payable at such time and place as it may designate, which bonds shall bear interest not exceeding six per cent per annum, payable semi-annually at such time and place as the said board may designate, and evidenced by coupons attached to said bonds. Said bonds shall be signed in the name of the board of graded school trustees of Chapel Hill, under its corporate seal, by the chairman of said board, and attested by its secretary, and shall mature in not less than twenty years nor more than thirty years from the date of their issue.
- Bond issue authorized.
- Amount.
- Interest.
- Authentication.
- Maturity.

SEC. 2. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for less price than their par value, nor shall said bonds or their proceeds be used for any other purpose than that declared in section one of this act: *Provided*, that when the sinking fund provided for in this act shall have become sufficient to retire said bonds at their maturity, then said board of graded school trustees may in its discretion use for the purpose of maintenance of the Chapel Hill Graded School such part of the special tax provided for in section three of this act as may be necessary.

Sales below par forbidden.

Specific appropriation. Proviso: use of fund for maintenance.

SEC. 3. That for the purpose of providing for the payment of said bonds at their maturity, the board of aldermen of the town of Chapel Hill shall, annually, at the time of levying the municipal taxes, commencing with the fiscal year beginning the first Tuesday in May next following the election provided for in this act, levy and lay a special tax on all polls and real and personal property subject to taxation within said graded school district sufficient to meet the annual accruing interest on said bonds and provide a sinking fund for the payment of the same at their maturity: *Provided*, that said special tax shall not exceed twenty-six and two-thirds cents on the hundred dollars valuation of property and eighty cents on the poll.

Special tax.

Proviso: limit of rate.

SEC. 4. That such taxes shall be collected by the town tax collector as other municipal and public graded school taxes are collected; and the said tax collector shall pay over the same to the treasurer of the board of graded school trustees of the town of Chapel Hill, and the treasurer of the said board of trustees shall pay out said taxes only upon warrant of said trustees, signed by the chairman and secretary of said board of trustees, and exclusively for the purpose for which they are collected: *Provided*, that the said tax collector and said treasurer shall enter into bond in such amounts as the said board of trustees may direct; that of the tax collector conditioned upon the faithful collection and paying over of said taxes and other funds which may come into his hands for the use of said graded school, and that of the treasurer for the proper disbursement and safe keeping of the same; and the said tax collector and treasurer shall be allowed such compensation as the board of trustees may fix.

Collection and settlement.

Warrants on fund.

Proviso: bonds of officers.

Compensation.

SEC. 5. That the provisions of this act with reference to the issuing of said bonds and the levying of said taxes shall be submitted to the qualified voters of Chapel Hill Graded School District for ratification or rejection at an election to be called by the board of aldermen of the town of Chapel Hill, and such election shall be held as elections for mayor and aldermen are held in said town, and all of the provisions of the law governing the holding of such municipal elections shall apply thereto, unless otherwise herein provided. Notice that such an election has been called

Bond issue subject to election.

Law governing elections.

Notice of election.

shall be published for not less than thirty days in some newspaper published in Chapel Hill, which notice shall state the purpose of such election and the time and place at which it is to be held, and shall recite, in full or in substance, sections one, two, and three of this act. At such election those qualified voters in said Chapel Hill Graded School District favoring the issuing of said bonds and the levying of the particular taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those opposing the issue of said bonds and the levying of such taxes shall vote a ballot containing the words "Against School Bonds." It shall be the duty of the registrar and judges of election to count and canvass the votes cast at such election and to judicially determine and declare the result thereof; and if it shall be found that a majority of the qualified voters voted "For School Bonds," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of the provisions of this act, and the same shall immediately be in full force and effect. Said registrar and judges of election shall prepare and file with the town clerk an abstract setting forth the number of votes cast, and how cast, in the graded school district at such election; the number of qualified voters therein, and the result of such election as judicially determined and declared by them. The town clerk shall forthwith furnish to the said board of graded school trustees of the town of Chapel Hill a copy thereof, to the correctness of which he shall certify over his hand and the corporate seal of the town of Chapel Hill.

SEC. 6. That should the result of such election be favorable to such bond issue, said board of graded school trustees of the town of Chapel Hill shall without unnecessary delay proceed to issue the same in an amount not exceeding the sum of thirty-five thousand dollars, and make sale thereof in such manner and upon such time as said board of trustees shall deem most advantageous, subject, however, to the provisions of this act. Should the result of this election be unfavorable to the bond issue, then the board of aldermen of the town of Chapel Hill may at any time thereafter call another election and again submit the same question as herein involved to the qualified voters of Chapel Hill Graded School District, under the same rules and regulations as provided for this election, including a new registration as provided for in section nine of this act; and if at any subsequent election the majority of votes cast shall be "For School Bonds," it shall have the same force and effect as if no election had previously been held: *Provided further*, that should the result of any election called under this act be favorable, then the additional territory taken into Chapel Hill Graded School District under section eight of this act shall be subject to the same annual tax for maintenance of the school or schools of said district as is now or may hereafter be

Ballots.

Count and canvass of votes.

Effect of election.

Abstracts filed.

Copy to trustees.

Issue and sale of bonds.

Further election.

Proviso: additional territory subject to tax.

levied under chapter two, Private Laws of North Carolina of one thousand nine hundred and nine.

SEC. 7. That the said bonds may be sold at private or public sale, with or without notice, subject, however, to the provisions of this act, as the board of graded school trustees of the town of Chapel Hill may direct, and the proceeds turned over to the treasurer of the board of graded school trustees of the town of Chapel Hill, who shall give such bond for the safe keeping and disbursement of said fund as shall be required of him by said board: *Provided*, that the purchasers of said bonds shall in no case be required to see to the application of the proceeds of the sale thereof.

Sale of bonds.

Proceeds paid to treasurer.

Bond for safe keeping.
Proviso: no duty on purchasers.

SEC. 8. That section one of chapter two of the Private Laws of North Carolina for one thousand nine hundred and nine be amended as follows: By striking out in line three, page eight, the words "to west line of the town of Chapel Hill," and inserting in lieu thereof the following words: "to the east side of Church Street; thence north with east side of Church Street to the northwest corner of Captain W. N. Pritchard's property; thence east to the east side of Columbia Street; thence north to the town line; thence east with the town line to the east side of Hillsboro Street; thence south with Hillsboro Street to the northwest corner of E. V. Howell's lot on said street; thence eastward parallel with North Street one hundred and fifty feet; thence in a northeastwardly direction parallel with Hillsboro Street to the northern boundary line of the town of Chapel Hill; thence eastwardly with said line to the eastern boundary line of the town."

New boundary.

SEC. 9. That a new registration of the qualified voters of the said graded school district shall be required for the purpose of said special tax election, and said registration shall be conducted in accordance with the requirements for election of mayor and aldermen of said town of Chapel Hill.

New registration.

SEC. 10. That all laws and clauses of law 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 6th day of March, A. D. 1915.

CHAPTER 255.

AN ACT RELATING TO HOLLY GROVE AND RED HILL SCHOOL DISTRICT IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That F. F. Williamson and the plantation of E. L. Knowles of Holly Grove Special-tax School District of Sampson

Transfer.

County be and they are hereby transferred from said Holly Grove District to Red Hill School District of said county.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 256.

AN ACT TO AMEND CHAPTER 91 OF THE PRIVATE LAWS OF 1911, RELATING TO SCHOOL DISTRICT No. 1, WHITE RACE, MARKS CREEK TOWNSHIP, WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter ninety-one of the Private Laws of North Carolina, session one thousand nine hundred and eleven, be amended by inserting after the word "road" and before the word "to," in line fifteen thereof, the following: "to a stake, being the northeast corner of the land of Norman Dean, thence westward around and taking in the land of said Norman Dean which is on the west side of said road and contains about one hundred and thirty acres, and back to said road; thence westward around and taking in the land of E. V. Johnson, which is on the west side of said road and contains about three acres, and back to said road."

Boundary changed.

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

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 257.

AN ACT TO PROVIDE FOR AN ADDITIONAL BOND ISSUE FOR LILLINGTON HIGH SCHOOL DISTRICT, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees of Lillington High School District as created by chapter three hundred and fifty-six (356) of the Private Laws of North Carolina, session of one thousand nine hundred and thirteen, be and they are hereby authorized and empowered to issue bonds to an amount not exceeding ten thousand dollars (\$10,000) in the name of and on behalf of the

Bond issue
authorized.

Amount.

Obligation of
bonds.

said Lillington High School District, for the purpose of completing and equipping the school buildings of said district. Purpose of issue.

SEC. 2. The bonds provided for in this act shall be of like character and subject to all of the same requirements as the original issue of fifteen thousand dollars provided for in the said chapter three hundred and fifty-six of the Private Laws of one thousand nine hundred and thirteen. Bonds as of original issue.

SEC. 3. For the purpose of providing for the payment of the interest and the creation of a sinking fund for the additional bond issue provided for in this act, the maximum taxes to be collected under the provisions of section ten (10) of the said chapter three hundred and fifty-six (356) of the Private Laws of one thousand nine hundred and thirteen may be thirty cents upon the one hundred dollars valuation of property and ninety cents on the poll. Maximum of tax rate.

SEC. 4. That before the bonds provided for in this act shall be issued the question of issuing said bonds shall be submitted to the qualified voters of Lillington High School District at an election to be held under the same rules and governed by the same provisions as provided for in sections thirteen and fourteen of the said chapter three hundred and fifty-six of the Private Laws of one thousand nine hundred and thirteen. Issue subject to election.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1915.

CHAPTER 258.

AN ACT TO AMEND THE CHARTER OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF ASHEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter ninety-two of the Private Laws of North Carolina passed at its session in the year one thousand eight hundred and ninety-one be and the same is hereby repealed, and the following substituted therefor:

"SEC. 4. That said association shall be authorized and empowered to bargain, sell, grant, convey, and mortgage to any other person or persons all such lands, tenements, rents, annuities, and other property, real or personal, which it now owns or may hereafter acquire, by order of the board of directors of said association, for the use and benefit of said association." Power of sale or mortgage.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 259.

AN ACT TO AMEND CHAPTER 86 OF THE PUBLIC LAWS OF 1887 AND ENTITLED "AN ACT IN RELATION TO THE PUBLIC SCHOOLS IN THE TOWN OF DURHAM."

The General Assembly of North Carolina do enact:

Tax rate.	SECTION 1. That section two of chapter eighty-six of the Public Laws of one thousand eight hundred and eighty-seven (1887) be and the same hereby is amended by adding after the word "twenty" and before the word "cents" in line fifteen of said section the word "five," and by striking out the word "sixty" in line sixteen of said section and inserting in lieu thereof the words "seventy-five."
Act submitted to election.	SEC. 2. That the provisions of this act shall be submitted to the qualified voters of 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 the board of aldermen or other governing authority of said city, within two years after the ratification of this act;
Time for election.	the said board of aldermen or other governing authority of said city shall cause a notice of said election and the purpose of the same to be published in some newspaper published in said city of Durham for thirty days before said election. Said election shall be held under the supervision of inspectors or poll-holders or judges of election appointed by said board of aldermen or other governing authority of said city, and the return of the result of said election shall 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 shall be canvassed by the said board of aldermen or other governing authority of said city, and the result of said election declared. At said election those who are in favor of amending said section two of said chapter eighty-six of said Public Laws of one thousand eight hundred and eighty-seven, and of increasing the amount of taxes to be levied for school purposes, as provided by said act, shall vote on written or printed ballots the words "For Schools," and those who are opposed to the levying of such additional tax shall vote on written or printed ballots the words "Against Schools"; and the number of ballots cast for and against said amendment to said act shall be deposited in the ballot boxes provided for that purpose, and shall be counted and the result of said election certified and returned to the said board of aldermen or other governing authority of said city, and the same, when canvassed and declared as aforesaid, shall be certified under the hands of the mayor of said city and the clerk of the said board of aldermen or other governing authority and the corporate seal of said city of Durham to the Sec-
Notice.	
Election officers.	
Returns.	
Canvass of returns.	
Ballots.	
Ballot box.	
Count and return.	
Certificate to Secretary of State.	

retary of State of the State of North Carolina, which certificate of the result of said election shall be filed by the said Secretary of State in his office. If at said election a majority of the qualified voters of said city of Durham shall not vote "For Schools." then this act shall be thereafter of no force and effect; but if at said election the ballots cast "For Schools" shall be the ballots of a majority of the qualified voters of said city of Durham, the said board of aldermen or other governing authority of said city shall, in addition to the taxes now authorized to be levied and collected by virtue of the provisions of said chapter eighty-six of said Public Laws of one thousand eight hundred and eighty-seven, levy and cause to be collected annually an *ad valorem* tax upon all taxable property in said city, not to exceed five cents on the one hundred dollars valuation of property and fifteen cents on each taxable poll in said city; such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected on property and polls in said city, and shall be applied exclusively to the support and maintenance of the public schools of said city of Durham, and for no other purpose.

SEC. 3. That at or before the time of calling said election, as herein provided, the board of aldermen or other governing authority of said city may order a new registration of the voters thereof, and in such case said board of aldermen or governing authority of said city of Durham, or, upon their failure to act, the mayor of said city, shall appoint a suitable person for each precinct to act as registrar within his precinct of the corporation of said city, and said registration shall close on the second Saturday before the day of election. The registrars shall attend the voting place of their respective precincts, between the hours of nine o'clock a. m. and four o'clock p. m., for four consecutive Saturdays, beginning on the fifth Saturday next preceding the day of election, and keep open said registration books for the registration of such electors residing in said precinct as may be lawfully entitled to register and vote therein. The registrars, before admitting any one to register as a duly qualified voter, shall require the elector to take the following oath: "I, -----, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith; and that I have been a resident of North Carolina for twelve months and of the city of Durham for ninety days next preceding this date; that I am a duly qualified elector and that I have not registered for this election in any other precinct, and that I am a *bona fide* resident of Precinct No. ----- in the city of Durham: so help me, God." And upon taking such oath the registrar shall enter the name, age, residence, and day of registration of said elector upon the registration books of the precinct as a duly

Additional tax.

Limit of rate.

Levy and collection.

Exclusive application.

New registration.

Registrar.

Close of registration.
Registration.

Oath to be taken.

Proviso: registration on election day.

Deposit of books for inspection.

Challenges.

Present taxes effective.

qualified voter therein: *Provided, however,* if on the day of election, or between the closing of the registration books and the day of election, any one shall become twenty-one years of age, or otherwise qualified to vote, by reason of residence, he shall be allowed to register and vote on that day. That on the first Monday after the close of the registration books, at or before ten o'clock a. m., they shall be deposited in the office of the mayor of the city and be opened for the inspection of the citizens. It shall be lawful to challenge the right of any person to vote, either on the day of election when he offers to vote or on the day of registration when he offers to register; and if it shall appear to the judges of election, or a majority thereof, or to the registering officer, that such person is disqualified to vote under the Constitution and laws of the State, he shall be excluded from registration, or, if he has been registered, from voting.

SEC. 4. That if the provisions of this act are not approved by the votes of a majority of the qualified voters of said city of Durham, as is herein provided, such failure of such approval shall in no wise affect the levy and collection of taxes for school purposes in said city as is now provided in said chapter eighty-six of said Public Laws of one thousand eight hundred and eighty-seven, but the same shall remain in full force and effect.

SEC. 5. That all laws and clauses of laws inconsistent herewith be and the same are hereby repealed.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 260.

AN ACT FOR RELIEF OF A. C. WEATHERLY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county board of education of Durham County be and it is hereby authorized and empowered to pay to A. C. Weatherly the sum of twelve dollars and twenty-seven cents (\$12.27) as compensation for services as teacher during the scholastic year of one thousand nine hundred and eleven, one thousand nine hundred and twelve, after the funds allotted to the Mineral Spring School had been exhausted.

SEC. 2. That this act shall not be construed so as to compel the said county board of education of Durham County to pay said amount.

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

Ratified this the 6th day of March, A. D. 1915.

Payment authorized.

Amount.

Construction of act.

CHAPTER 261.

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE NEGOTIABLE BONDS TO RAISE MONEY FOR THE EXTENSION AND IMPROVEMENT OF THE WATERWORKS AND SEWERAGE SYSTEM OF THE CITY OF HIGH POINT.

Whereas the city of High Point desires to issue bonds to raise money for the extension and improvement of the water-works and sewerage system of said city, which has become a desirable and necessary expenditure, to provide for the health and safety of the rapidly increasing population of the city of High Point and for the protection of the property of its citizens from fire: Therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the city council of the said city of High Point be and it is hereby authorized and empowered to issue negotiable bonds of the said city in the sum of fifty thousand dollars for the purpose of extending and improving the present water and sewerage system of the said city, which is a necessary expenditure of said city.

Bond issue authorized. -

Amount.

Purpose.

SEC. 2. That the said bonds shall be coupon bonds of such denomination as may be determined by the city council, and shall mature thirty years from date, and shall bear interest at the rate of five per cent per annum, payable semiannually, 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 of weight and fineness. Said bonds may be sold by the city council at public or private sale, and purchasers shall not be required to see to 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 the auditor of the city, and sealed with the corporate seal, attested by the clerk, and the coupons shall bear the engraved or lithographed signature of said mayor and said auditor. The city council may fix by resolution the date of said bonds, 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 by this act.

Denominations.

Maturity; interest.

Payable in gold coin.

Sale.

No duty on purchasers. Proviso: sale below par forbidden.

Authentication.

Resolution of council.

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 upon the payment of city taxes.

Exempt from city tax. Coupons receivable for taxes.

SEC. 4. That for the purpose of paying said bonds at maturity, and coupons as they may become due, it shall be the duty of the city council of said city, and it is hereby empowered and directed

Special tax.

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 said taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purposes. It shall be the duty of the treasurer of the 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 amount of coupons canceled.

Proviso; specific appropriation.

Cancellation and report of coupons.

Issue to be authorized by voters.

SEC. 5. That the city council shall not issue the said fifty thousand dollars bonds, or any of them, levy or collect any taxes to pay the principal or interest of said bonds, unless it shall have been authorized and empowered so to do by vote of the majority of the qualified voters of the said city at an election to be called and held in said city at such time and place or places as said city council may appoint. Said city council shall order a new registration of the voters of the 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 election for mayor and councilmen for said city, except as otherwise provided for in this

New registration.

Notice of election.

act. That the mayor of said city shall give notice of said election and the purpose thereof by advertisement in one or more newspapers published in the city, which said notice shall be published once a week for four consecutive 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 issue of the said bonds and the levy of taxes to pay the principal and interest on said bonds shall have written or printed upon them the words "For Water-works and Sewerage Extension Bonds" or "Against Water-works and Sewerage Extension Bonds," and the qualified voters of said city who vote for the issue of said bonds and the levy of city taxes upon conditions and terms set out in this act shall vote "For Water-works and Sewerage Extension Bonds" as desired, and all qualified voters opposed thereto shall vote "Against Water-works and Sewerage Extension Bonds" as desired. In the event that the majority of the qualified registered votes cast on said question shall be "For Water-works and Sewerage Extension Bonds," then and in that event the city council shall be authorized to issue bonds as in this act provided.

Ballots.

Majority of qualified voters.

Time for election.

SEC. 7. That the city council may call an election for this act at any time it may see fit, after giving the notice herein provided for, and observe the law relating to elections, as required in this act. But the rejection by the voters of the said proposition shall not prevent the city council from calling another election or elections under this act until the proposition is carried affirmatively.

Other elections.

SEC. 8. That this act shall, without reference to any other act of the General Assembly of North Carolina or the charter of the city of High Point, be full authority to the city of High Point to issue and sell the 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 or sale thereof, and shall be incontestable in the hands of the *bona fide* purchasers for value. Force and effect of act.

SEC. 9. All acts and parts of acts, public or private, so far as they are inconsistent with this act, are hereby repealed. 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. Repealing clause.
Proceedings for issuance.

SEC. 10. This act shall be in force and effect from and after May the fifteenth, one thousand nine hundred and fifteen. When act effective.

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 262.

AN ACT TO AUTHORIZE THE REMOVAL OF BODIES FROM GRAVES ON PREMISES OF F. R. DOUTHIT IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That upon publication of a notice for two weeks in some newspaper published in Yadkin County, stating the time thereof, it shall be lawful for F. R. Douthit to remove the bodies from several graves on his premises near his residence in the town of Yadkinville, North Carolina, and reinter same in the public graveyard of said town. Notice.
Removal.
Reinterment.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 263.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF CHARLOTTE TO PAY EXPENSES OF THE CHARTER COMMITTEE.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Charlotte is hereby authorized to pay out of any moneys in the city treasury the actual expenses for janitor, postage, printing, and stenog- Payment author-
ized.

raphers' services paid by the committee of seventy-two which was elected in May, one thousand nine hundred and thirteen, to draft a new charter for the city of Charlotte.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 264.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HERTFORD BY PROVIDING THAT THE MAYOR BE ELECTED BY THE PEOPLE, AND TO FIX THE SALARY FOR SAID OFFICE.

The General Assembly of North Carolina do enact:

Election.

SECTION 1. That section three of chapter two hundred and ninety-five of Private Laws of one thousand nine hundred and three be amended by adding after the word "commissioners" in line four thereof the words "and a mayor."

Qualification.

SEC. 2. That section four of chapter two hundred and ninety-five, Private Laws of one thousand nine hundred and three, be amended by adding after the word "commissioners" in line one thereof the words "and mayor," and by striking out all of said section beginning with the word "and" in line two, down to and including the word "qualified" in line five thereof.

Salary.

SEC. 3. That the salary of the mayor shall be one hundred and fifty dollars per annum.

SEC. 4. All laws and parts of laws in conflict with this act be and they are hereby repealed.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 265.

AN ACT TO AMEND CHAPTER 316, PRIVATE LAWS OF 1903, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF WENDELL, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be added to section seven of chapter three hundred and sixteen, Private Laws of one thousand nine hundred and three, the following: "*Provided*, that the board of commissioners of said town shall have the right and power to

Proviso: powers as to streets.

lay out, alter, discontinue, or establish public streets in said town, and for such purposes shall have power and right to enter upon, survey, and lay out and condemn land for such purposes, after having given ten days notice to the owner or owners of the land through which or over which the said street or streets are to be opened, that the said land has been adopted and condemned for the use of the town; and if any person shall be aggrieved thereby, he may within three months after said street or streets have been opened and completed apply to the board of town commissioners, who shall appoint a jury of three freeholders of the town, which jury shall make oath before some officer empowered to administer oaths that they will assess all damages, if any, which should be awarded for injuries done to the lands by laying out of said street or streets without favor, affection, or hatred, to the best of their skill and knowledge. The said jury in determining said damages shall take into consideration the benefits made to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict, and the town shall pay the damages so assessed; and the town or the party aggrieved shall have the right of appeal to the next ensuing term of the Superior Court of Wake County from such finding."

Condemnation of land.

Assessment of damages.

Benefits considered.

Right of appeal.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 266.

AN ACT TO AUTHORIZE THE RALEIGH TOWNSHIP SCHOOL COMMITTEE TO AID THE RALEIGH TEACHERS' MUTUAL AID SOCIETY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Raleigh Township School Committee in Wake County be and the same is hereby authorized to aid in the support of the Raleigh Teachers' Mutual Aid Society, a corporation duly chartered under the general laws of the State of North Carolina, in the following manner, that is to say:

(a) The said school committee may donate to the said society the whole or any part of the tuition fees received from non-resident pupils attending any of the graded schools or the high school in Raleigh Township.

(b) The said school committee may donate to the said society the whole or any part of the difference between the salary of a regular teacher, deducted on account of absence from duty, and the expense of employing a substitute teacher.

Aid authorized.

Tuition fees.

Deductions from salaries.

Membership compulsory.

(c) The said school committee may make membership in the said society compulsory on the part of all teachers in the Raleigh Township Graded Schools and the high school.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 267.

AN ACT TO AMEND CHAPTER 342 OF THE PRIVATE LAWS OF 1907, BEING THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-two of the Private Laws of nineteen hundred and seven be amended as follows: By striking out the word "June" in line ten of section sixty-nine and inserting in lieu thereof the word "May."

SEC. 2. That section seventy of said chapter three hundred and forty-two be amended so as to strike out the word "May" in line two thereof and by inserting in lieu thereof the word "April"; and by striking out the word "June" wherever it appears in line five of said section and inserting in lieu thereof the word "May."

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 268.

AN ACT TO AMEND CHAPTER 128, PRIVATE LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven, chapter one hundred and twenty-eight, Private Laws of one thousand nine hundred and seven, be amended by adding at the end thereof the following: "That the ownership and control of Carolina College shall be perpetually vested in the North Carolina Conference of the Methodist Episcopal Church, South."

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

Ratified this the 6th day of March, A. D. 1915.

Poll tax.

Time for advertising and listing tax.

Ownership and control.

CHAPTER 269.

AN ACT TO AMEND CHAPTER 461 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1913, RELATING TO "THE FIVE-CENT UNION BANK AND TRUST COMPANY."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and sixty-one of the Private Laws of North Carolina, session of one thousand nine hundred and thirteen, be and the same is hereby amended by striking out all of sections six and seven and inserting in lieu thereof the following sections:

"SEC. 6. That the period of existence of this corporation shall Term. be sixty years.

"SEC. 7. That the board of directors of this corporation shall By-laws. have power, by a majority vote of all the directors, and without the assent or vote of the stockholders, to make, alter, amend, or rescind the by-laws of this corporation.

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

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 270.

AN ACT TO AMEND THE CHARTER OF LINCOLNTON.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-nine of Private Laws one thousand eight hundred and ninety-nine be amended by striking out in line two, section five, the words "eight aldermen" and inserting in lieu thereof the words "four aldermen," and that section be further amended by striking out in line two the words "two from each ward" and inserting in lieu thereof the words "one from each ward." Number of aldermen.

SEC. 2. That section twenty-seven of said chapter and Private Laws be amended in line three after the word "money" and before the word "with" by inserting the following words: "for general purposes." General fund.

SEC. 3. That section fifty-six of said chapter be amended by adding at end thereof the following: "Provided, in event the board of aldermen shall order cement or paved sidewalks be built, the abutting landowner shall be taxed only one-half the costs thereof." Proviso: apportionment of cost.

SEC. 4. That section seventy-six of chapter three hundred and sixty-nine, Private Laws one thousand eight hundred and ninety-

Power to borrow money.

nine, be stricken out and the following inserted in lieu thereof: "That for the necessary expenses of said town, as defined by the Supreme Court of North Carolina, the board of aldermen of said town are authorized and empowered to borrow from time to time, or all at once, a sum of money not exceeding twenty thousand dollars, and to issue the note, obligation, or negotiable coupon bonds of the town of Lincolnton of such denomination and rate of interest, not exceeding six per centum per annum, as the board of aldermen may fix, and payable at such time or times and place or places as may be deemed by said board of aldermen advisable; if coupon or serial bonds are issued, same shall be of such form, tenor, and transferable and principal payable at such time or times, not exceeding thirty years, as the board of aldermen may fix. If bonds are issued, same may be sold either publicly or privately, and a portion of said bonds may mature earlier than others, in the discretion of said board of aldermen. That same shall be contracted and issued without submitting such question to a vote of the qualified voters of said town: *Provided further*, that no bonds shall be disposed of for less than face value. A tax sufficient in amount to pay the interest and create a sinking fund to pay the principal shall be levied.

Amount.

Evidence of debt.

Interest.

Maturity.

Sale of bonds.

Election not required.

Proviso: bonds not sold below par.

Tax for interest and sinking fund.

SEC. 5. That said chapter and laws be further amended by adding at end of said chapter the following section:

Salaries.

"SEC. 95. That the salary of the mayor of said town shall be one hundred dollars per annum, and the salary of each alderman shall be fifty dollars per annum."

SEC. 6. That said chapter three hundred and sixty-nine of Private Laws one thousand eight hundred and ninety-nine be further amended by adding at the end of said chapter the following sections:

Improvement districts.

"SEC. 96. That the town council shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets and sidewalks for permanent improvement, and of equalizing the assessment on real estate to pay the cost of such improvement, as may be proper; and in order to more fully carry out the duties imposed by this charter for street improvement, the town council shall have power and authority to determine the kind of such improvements and the amount to be expended therefor, and to pass ordinances assessing not exceeding one-half—that is to say, one-fourth on either side—of the entire cost of paving, macadamizing, or otherwise permanently improving all such streets and sidewalks within any such district or section laid out for improvement on the real estate abutting on the streets or sidewalk or portion thereof so paved, macadamized, or otherwise permanently improved; and it shall be incumbent on the owners of the real estate abutting on each side of the street or sidewalk so improved to pay the amount so

Determination of improvements.

Apportionment of cost.

assessed for such improvement, and such costs and charges shall be a lien on all such abutting property from the commencement of the work, as provided in this charter: *Provided*, that the town, out of its general fund, shall pay the cost of grading, curbing, and paving and permanently improving the street intersections except that part of intersections required to be paid for by such street railways as in this charter elsewhere provided; and *Provided further*, that the cost of such improvement may be financed by the issue of bonds as hereinafter provided.

“SEC. 97. That in order to equalize the assessments on real estate for the purpose described, as elsewhere provided in this charter, the town council 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 then shall prorate the cost of such improvement to be made throughout the entire length thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and may charge to and assess upon each side of the street upon which said work is done its pro rata share, not exceeding one-fourth to the side of the entire cost of all such improvements as may be made under the provisions of this charter: *Provided, however*, in order to avoid obstructing lot owners in subdividing and selling their property by reason of the lien 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 town manager a plat of the subdivision making the lots fronting on the street so paved or improved of any desired frontage, but not less than fifty feet in depth, and the assessment made and the liens created by virtue of this act for street improvements shall thereafter affect and attach to said front lots only, not less than fifty feet depth, and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain chargeable with its ratable proportion of said assessment and liens according to its frontage; that the town council shall cause to be established a permanent grade on any such street, sidewalk, or public alley to be accurately surveyed, and a list 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, and the said list shall be filed with the town council and be subject to public inspection; and when the assessments and liens, as provided for in this charter, shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the town clerk shall write upon said list the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens and the

Lien on property.

Proviso: charges on town.

Proviso: bond issues.

Estimate of cost.

Cost prorated.

Proviso: subdivisions.

Lien attached to front lot.

Lien proportioned to frontage.

Grade.

Lists of abutting lots.

Assessments entered on lists.

Record of assessments and liens.

date and amount of all payments made on any of the said assessments and liens; and after the said list shall have been duly certified by said town clerk and probated and recorded in the register's office of Lincoln County and properly indexed in the manner prescribed by law for the registration and indexing of deeds or other instruments allowed to be registered, the town council shall indorse thereon an order in the following or similar form:

Form of order.

OFFICE OF
TOWN COUNCIL OF THE TOWN OF LINCOLNTON,
STATE OF NORTH CAROLINA.

To the Town Tax Collector of the Town of Lincolnton—Greetings:

By order of the town council, you are hereby commanded to collect the assessments herein mentioned according to the provisions and requirements prescribed by this charter for the collection of taxes due said town, except that it shall not be necessary to exhaust or levy upon the personal property of the owner before subjecting such lots or subdivisions to sale for the payment of the assessment so fixed and charged thereon.

Authentication of list.

The said list shall be signed and dated by the council or by the mayor in its behalf, and the said list, when thus recorded and indorsed, shall have the force and effect of a duly docketed judgment against the lot or subdivision so charged with an assessment, and shall constitute and be an execution in the hands of the town tax collector, to be executed by him by a sale of such lot or subdivision in the manner prescribed by law for a sale of land by sheriff under execution. The clerk of the Superior Court of Lincoln County shall have power and authority to probate and order registered any and all lists of assessment certified by said town clerk, as aforesaid, and when recorded and cross-indexed, as hereinbefore provided, such list shall be and constitute full, legal notice of the lien and encumbrance on the lots and subdivisions therein mentioned to the extent of the assessment charged thereon:

Force as of judgment and execution.

Probate and registration.

Notice of encumbrance.

Proviso: reassessment.

Provided further, where permanent street improvements shall be made, the property bearing such assessments shall not be 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 street laid out as a district for permanent improvement is of such unequal width or cost of material as to render the plan of equalization of assessment as above set out unjust to any abutting property, then in that case the town council is 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 town council may make as many subsections as may be neces-

Proviso: subdivision of districts.

sary to make a just distribution of the cost of permanent improvements made or to be made in such district. The cost of all such improvements shall be financed by the issue of bonds and the levy of a special tax to pay the same and the interest thereon, as herein provided.

Bond issue and special tax.

"SEC. 98. That the notice of the assessment by the town council, as herein elsewhere provided in this charter, against abutting property on any street, sidewalk, or public alley in any such improvement district or section shall be given at least once a week for two weeks in some newspaper published in the town of Lincoln, which notice shall state the time and place that such assessments are to be made and determined, and shall notify all persons to be affected by such assessment to appear before the council 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 Lincoln County to appoint a guardian *ad litem* to act for him. That any person who shall feel aggrieved by the findings of said council with reference to said assessments for such permanent improvements shall have the right, within ten days after such findings of said council, and not after that time, to file his objections to such findings, and to appeal from the decision of said council to the next term of the Superior Court of Lincoln County, by serving upon said town notice in writing of his intention so to do and specifying in said notice the grounds of his objections to said findings, and by filing, within the time prescribed for taking appeals, in the office of the clerk of the Superior Court of Lincoln 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 town all such costs and damages as it may sustain by reason of said appeal; in such cases of appeal from the town council the ordinance laying out the improved district, the action of the said council in determining the assessment, 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 town clerk to the Superior Court, and shall be docketed on the civil docket and stand at issue as other civil cases regularly brought in such court, with leave to either party to file such pleadings and papers as he may deem necessary; the trial of the issues involved in such appeal shall have priority over all civil actions pending in the Superior Court of Lincoln County, and the cause shall be advanced and shall be the first civil action tried at the term to which it is returned; and if all the issues be found in favor of the appellant on such appeal, as above provided for, the lien

Advertisement of assessments.

Lot owners under disability.

Time for filing objections.

Notice of appeal.

Bond on appeal.

Case on appeal.

Pleadings.

Priority of trial.

Judgment on appeal.

for said assessments shall be discharged; if, however, the issues, or any of them, be found in favor of the town of Lincolnton, to any amount, then judgment shall be rendered in favor of said town for such amount, to the end that no merely technical objections shall defeat the rights of the town; and the amounts so found, together with the cost of such 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, and from the date of the finding of said town council, and shall be collected by the town tax collector of the town of Lincolnton as elsewhere in this charter provided, that is to say, as if no appeal had been taken.

Lien of judgment.

Collection.

Personal notice.

"SEC. 99. That in lieu of notice of publication to property owners affected by improvements to abutting real property, as elsewhere provided in this charter, the town council, 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 town council 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 town of Lincolnton or any other proper officer.

Notice of bond issue.

"SEC. 100. As soon as the amount chargeable to real estate abutting on the street, avenue, or public alley to be so improved as is provided in other sections of this article is finally determined by the town council, and after the contract is let for any such work or improvement, the town council may cause a notice to be published once a week for two weeks in some newspaper published in the town of Lincolnton, 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 abutting real estate 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 town 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.

"SEC. 101. After the expiration of the time fixed for filing notice of election to pay the special assessment as provided in the preceding sections, the town council 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

Entitlement.

as "Street Improvement Bonds"; shall comprise ten equal series; each series shall consist of a like number of bonds, and shall be sold for not less than par; and shall be signed by the town council and attested by the town 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 semiannually, 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 town 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 not less than their par value, the contractor to be charged with accrued interest; at the date of each tax levy after the issuance of any 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 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.

"SEC. 102. That all funds derived from assessments hereafter levied by the town council of Lincolnton upon private property on account of the improvement of the streets upon which such property abuts shall, when collected and received by the town of Lincolnton, constitute a special fund, to be designated as "Street Improvement Fund," and the same shall be kept separate from all other funds of the town and a separate record thereof shall be kept by the town clerk, and said funds and every part thereof shall be applied by the town council exclusively to the payment of the said bonds and interest on same, or payment of said work.

"SEC. 102½. The provisions of this act amending charter for the town of Lincolnton shall be inoperative and shall not go into effect until the same shall be approved and ratified by the qualified voters of the town of Lincolnton, and, for the purpose of ascertaining said approval and ratification, a special election shall be held at the courthouse in Lincolnton, North Carolina, on the first Tuesday after the first Monday in May, one thousand nine hundred and fifteen, at which time the question of approval and ratification shall be submitted, and all persons favoring the ratification of this act shall vote a written or printed ticket, without design or ornamentation, with the words "For Amended Charter," and all persons, opposing and objecting to ratification of same shall vote a ticket with words "Against Amended Charter."

Series of bonds.

Sale below par
forbidden.
Authentication.

Sale.

Maturity.

Payments on con-
tracts.

Special taxes.

Special fund.

Fund and account
kept separate.Specific appropri-
ation.Ratification by
voters.

Date for election.

Tickets.

Election officers. The board of aldermen of said town shall, on or before March the nineteenth, one thousand nine hundred and fifteen, appoint a registrar and two judges of election for holding said election and

Polling place. make publication of said notice of election. There shall be for purposes of this election only one polling place in said town, and said election shall be held under the rules and regulations for holding municipal elections. That at said election, should a majority of the votes cast be "For Amended Charter," then the provisions of this charter shall go into effect *immediately*; but should the majority of the votes cast be "Against Amended Charter," then this act and charter shall be null and void. The result of said election shall be declared the evening of said election by the registrar and judges of election and certified to the board of aldermen of Lincolnton.

Effect of election.

Declaration and certificate of result.

"Sec. 103. That this act shall be in force and effect from and after its ratification."

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 271.

AN ACT TO ABOLISH THE SPECIAL-TAX SCHOOL DISTRICT OF BATH, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Preamble. SECTION 1. That whereas, at a meeting of the board of county commissioners of Beaufort County on January fifth, one thousand nine hundred and nine, the said board of commissioners, on petition of one-fourth of the freeholders in Bath and adjoining territory thereto, ordered an election for a special-tax school district for the boundaries described in said petition, which petition is registered in the minutes of the board of county commissioners of Beaufort County at pages thirteen and fourteen; and whereas an election was held pursuant to the order of the board of county commissioners on March sixteenth, one thousand nine hundred and nine, at which election a special tax of thirty cents on the hundred dollars worth of property and ninety cents on the poll was voted, and on April sixth, one thousand nine hundred and nine, the returns of said election were made to the board of county commissioners of Beaufort County, and said commissioners ordered a levy in accordance with said returns:

Tax revoked. SEC. 2. Now, therefore, be it enacted: That the special tax for the Bath District above referred to shall be revoked and shall not be levied, and said district is hereby discontinued.

District discontinued. When act effective. SEC. 3. That this act shall be in force from and after April first, nineteen hundred and fifteen.

Ratified this 8th day of March, A. D. 1915.

CHAPTER 272.

AN ACT TO INCORPORATE THE VILLAGE OF SELMA COTTON MILLS IN THE COUNTY OF JOHNSTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the village of Selma Cotton Mills in the county of Johnston is hereby declared a body politic and corporate under the name of the "Town of Selma Cotton Mills." Incorporation.
Corporate name.

SEC. 2. That the boundaries of said town shall be as follows: Beginning at a point six hundred and forty feet directly east from the east end of the mill building of the Selma Cotton Mills and runs thence southerly three hundred feet to the main line of the Southern Railway; thence westerly with said railway line one thousand two hundred and eighty feet; thence northerly one thousand two hundred feet; thence easterly one thousand two hundred and eighty feet; thence southerly nine hundred feet to the point of beginning. Corporate limits.

SEC. 3. That three of the directors of the Selma Cotton Mills, to be biennially designated by the said board of directors and their successors in office, shall be the commissioners of said town, and shall, as such commissioners, have power to pass, enact, and ordain such rules, regulations, laws, and ordinances as may be necessary to maintain the public peace and good order in said town and to preserve the public health thereof. Violations of any ordinances passed in accordance with this section shall be deemed a misdemeanor and punishable by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days. Town commis-
sioners.
Powers.
Misdemeanor.
Punishment.

SEC. 4. The commissioners of said town shall have power to elect biennially any qualified voter residing in Selma Township, Johnston County, as mayor of said town, who, when duly elected by said commissioners and qualified, shall have all the powers now given to mayors of towns by chapter seventy-three of the Revisal of nineteen hundred and five, and shall be governed by the same rules of procedure and be entitled to the same fees as such mayors are now. He shall hold office for a term of two years, and all vacancies in said office by expiration of term, death, resignation, or otherwise shall be filled by said commissioners. Election and
powers of mayor.
Term.
Vacancies.

SEC. 5. The commissioners of said town shall have power to elect one or more town constables, who shall hold office for one year, and shall have all the powers given to town constables under chapter seventy-three of the Revisal of nineteen hundred and five, and all vacancies occurring in said office by expiration of term or otherwise shall be filled by the commissioners of said town; said constables to receive the same fees allowed by the general statutes for town constables, and such other compensation as the commissioners may provide. Town constables.
Powers.
Vacancies.
Fees.

- Taxes. SEC. 6. That said commissioners shall have the right to annually levy and cause to be collected such tax within the bounds of said town upon property liable to taxation as they may deem just and necessary, not exceeding ten cents on the one hundred dollars valuation of property and thirty cents on the poll, to be used for the general purposes now conferred upon municipalities by laws relating thereto.
- Limit of rate. SEC. 7. All 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 8th day of March, A. D. 1915.

CHAPTER 273.

AN ACT TO AMEND CHAPTER 184 OF THE PRIVATE LAWS OF 1905, INCORPORATING THE GRAHAM COUNTY RAILROAD COMPANY; TO AMEND CHAPTER 243 OF THE PRIVATE LAWS OF 1909 AMENDING SAID CHAPTER 184 OF THE PRIVATE LAWS OF 1905; AND ALSO TO AMEND CHAPTER 266 OF THE PRIVATE LAWS OF 1911, FURTHER AMENDING SAID CHAPTER 184 OF THE PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five, entitled "An act to incorporate the Graham County Railroad Company," be and the same is hereby amended by inserting in section two at the end of line four and following the word "Graham" the words "or by any township or townships of said county," and said words are hereby inserted in said section two of said chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five as an amendment thereto.

SEC. 2. That sections twelve, thirteen, and fourteen of said chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five be and the same are hereby stricken out and the following sections substituted in lieu thereof, towit:

"SEC. 12. That said county of Graham, or any township or townships thereof, one or more, may subscribe to the capital stock of said company in an amount not exceeding fifty thousand dollars (\$50,000), and pay the same either in cash or in the bonds of said county, or in the bonds of any township or townships, one or more, under the following conditions, towit: Upon the presentation of a petition in writing at any time after the passage of this

Subscription by county or townships.

Subscriptions by county or townships.

Amount.

Payment.

Petition for election.

act, signed by at least fifty citizens and voters of said county, or by the citizens and voters of any particular township or townships, one or more, addressed to the board of county commissioners of said county of Graham, requesting them to submit to the qualified voters of the county or to the qualified voters of any certain township or townships, one or more, a proposition to subscribe a definite sum named in said petition to the capital stock of said company, to be paid either in cash or in the bonds of the county, or in the bonds of any township or townships, one or more, the board of county commissioners of said county shall submit such proposition to subscribe to the capital stock of said company to the qualified voters of said county, if the petition be filed on behalf of the county at large, or to the qualified voters of such township or townships, one or more, as may be named in the petition, at an election to be held on a day to be fixed and named by said board of county commissioners, which date shall not be later than ninety days after the filing of said petition, and for the purposes of such election said board of county commissioners shall forthwith order a new registration of the voters of said county, or of the township or townships petitioning, to be made as soon as practicable, and in the manner prescribed for registration of voters under the general laws of the State, and shall appoint the necessary registration officers for the purposes of such registration. Said board of county commissioners shall, at least thirty days preceding the date of said election, give public notice thereof by advertisement posted at the courthouse door and six other public places in said county, or in the township or townships petitioning, and by publishing such notice in some newspaper circulating in said county, stating in said notices and advertisement the purposes of the election, the amount of the subscription to be made, whether same is to be paid in cash or bonds of the county, or in the bonds of any certain township or townships, and such other matters as are deemed necessary. All persons qualified to vote for members of the General Assembly shall be permitted to vote at said election, and said election shall be held and the votes thereat canvassed and returned under the rules and regulations now prescribed, or such as may hereafter be prescribed, for the election of members of the General Assembly and other officers of said county. The board of canvassers of said election to be appointed under the statute in such cases made and provided shall meet at the courthouse in said county on the third day after said election and canvass the votes and declare the result of said election, and the result of said election shall be recorded by the register of deeds of Graham County in the minutes of the proceedings of the board of county commissioners, and no other record of said result shall be necessary. That at said election the ballots tendered and cast by the qualified voters shall have

Proposition to be submitted.

Date of election.

New registration.

Registration officers.

Notice of election.

Qualified voters.

Law governing election.

Canvass of votes.

Declaration and record of result.

Ballots.

written or printed upon them 'For Railroad Subscription' or the words 'Against Railroad Subscription,' and all qualified electors who favor such subscription shall cast ballots having written or printed thereon the words 'For Railroad Subscription,' and all qualified electors opposed to said subscription shall cast ballots having written or printed thereon the words 'Against Railroad Subscription.'

Election by township or townships.

"SEC. 13. If the petition for the election provided for in section twelve preceding be filed for and on behalf of any certain township or townships of said county of Graham, and not for and on behalf of the county as a whole, the election shall be held by the qualified voters of such township or townships only. Should a majority of the qualified electors of said county, in event the petition shall have been filed for an election by the county as a whole, or should a majority of the qualified electors of any township or townships for which the petition has been separately or jointly filed cast ballots having written or printed thereon the words 'For Railroad Subscription' as above prescribed, said board of county commissioners of Graham County shall immediately make such subscription for and on behalf of the county as a whole, if the petition shall have been so filed, or for and on behalf of the township or townships in which the election was held, and in event same is not paid in cash, they are hereby authorized and empowered to issue the bonds of said county, or the bonds of the township or townships in which the election was held, to the amount of such subscription, not exceeding said sum of fifty thousand dollars. Said bonds shall be in denominations of one thousand dollars each, and shall become due and payable twenty years after their date and bear interest at a rate not exceeding six per cent per annum, which shall be evidenced by coupons attached, and the principal and interest of said bonds shall be payable at such place as the board of county commissioners may determine. When said bonds shall have been prepared and executed by said board of county commissioners under the seal of said county, they shall be used for the purpose of paying the subscription to the capital stock of said company, and for that purpose delivered to the duly authorized officers of said railroad company; but no delivery of said bonds shall be made by said commissioners until said company shall have complied with all reasonable terms and conditions which said board of county commissioners shall have deemed necessary to impose in order to secure the completion of said railroad, or any required portion thereof.

Effect of election.

Bond issue authorized.

Amount.

Denominations.

Maturity.

Interest.

Payment of subscription.

Conditions performed before delivery.

Special tax.

"SEC. 14. That the board of county commissioners of said Graham County shall levy annually (until said bonds are paid), on the first Monday in May, beginning with the first Monday in May after the issuing of said bonds, a sufficient tax upon the property and polls in said county, or in the township or townships of said county

in which the election was held, to regularly and promptly pay the interest on said bonds, and at the same time shall also compute and levy a tax on the property and polls of said county or of the township or townships thereof in which the election was held, which when collected will net an amount equal to one-twentieth part of the bonds so issued, which last mentioned tax as collected shall constitute a sinking fund to provide for the payment of said bonds at their maturity. The taxes so levied as above shall be annually collected as other taxes are collected and shall be paid by the collecting officer to the treasurer of said Graham County, to be by him kept as a special fund separate and apart from any and all other moneys in his possession, and used for the purposes for which said taxes were levied and collected, and for no other purpose. Said treasurer shall give a separate bond for the safe keeping and proper disbursement of said taxes, to be executed in such sum and with such security as said board of county commissioners shall deem proper and to be renewed from time to time and at least once in every two years, and he shall receive for his services the same compensation he receives for handling county funds. Whenever practicable the sinking fund above provided for shall annually be applied to the purchase of the identical bonds to pay the principal of which said fund was created; but whenever it is found to be impracticable to so apply said sinking fund, or any part thereof, then the same shall be safely invested as may be directed by said board of county commissioners, due precaution being taken in making any such investment to have all moneys belonging to said fund available when said bonds mature."

Sinking fund.

Collection and settlement.

Fund kept separate.

Bond of treasurer.

Pay of treasurer.

Investments of sinking fund.

SEC. 3. That section two of chapter two hundred and sixty-six of the Private Laws of one thousand nine hundred and eleven is hereby stricken out.

Time to begin work.

SEC. 4. That section one of chapter two hundred and forty-three of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended by adding after the word "Robbinsville" at the end of line three, on page five hundred and twenty-four of the printed volume of the Private Laws of North Carolina for the said year of one thousand nine hundred and nine, the following words: "or from any point or place on the line of the railroad now or recently building and to be built, up the Tennessee River, to connect with the Southern Railway at Bushnell, and connecting with said railroad so building and to be built at any point thereon between the mouth of said Cheoah River and said town of Bushnell, and running from thence to said town of Robbinsville by such route as may be selected by said company."

Route.

SEC. 5. That chapter two hundred and forty-three of the Private Laws of nineteen hundred and nine be and the same is hereby amended by inserting after the word "thereon" and before the word "and" in the twenty-first line of section one of said chapter the words "or at or near the town of Andrews, North Carolina."

Terminus.

Forfeit released.

SEC. 6. And whereas said Graham County Railroad Company has heretofore 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, and has, within the time prescribed by chapter two hundred and sixty-six of the Private Laws of one thousand nine hundred and eleven, commenced the construction of its railroad at a point on the Tennessee River called Fontana and connecting with the line of the Southern Railroad built from said town of Bushnell down to that point and extending therefrom in the direction of said town of Robbinsville, and has purchased and acquired a large amount of rolling stock for operation on said railroad, but has been obliged to suspend construction for want of funds, and it is desired that its acts in so commencing the construction of its railroad be ratified, and that it be relieved from any forfeiture or penalties for suspension of said construction: Therefore, all acts of the Graham County Railroad Company in the construction of its railroad as aforesaid are hereby ratified and confirmed, and the time within which to resume construction, and any and all rights granted said corporation under chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five, and under any of the acts heretofore amending said chapter, are hereby extended for the further term of two years from and after the date of the ratification of this act.

Acts ratified and confirmed.

Rights extended.

Term.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 274.

AN ACT TO AMEND CHAPTER 270 OF THE PRIVATE LAWS OF 1913, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF SEAGROVE, RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventy of the Private Laws of the General Assembly of North Carolina of its session of one thousand nine hundred and thirteen be and the same is hereby amended as follows, to wit: Strike out all of section two of said chapter and substitute in lieu thereof the following, to wit:

Corporate limits.

"SEC. 2. That the corporate limits of said town shall be as follows, to wit: Beginning at a point 40 chains east of the depot at a stake; thence north 12 chains to a stake; thence north 85 west

21½ chains to a stake; thence north 31 west 44½ chains to a stake; thence west 20½ chains to a stake; thence south 55 chains to the southwest corner of auction sale lots; still south 40 chains to a stake; thence east about 60 chains to a stake south of the beginning corner; thence north 40 chains to the beginning.”

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 275.

AN ACT TO FURTHER AMEND THE CHARTER OF THE TOWN OF WEST ASHEVILLE, IN BUNCOMBE COUNTY AND STATE OF NORTH CAROLINA, AS CONTAINED IN CHAPTER 80 OF THE PRIVATE LAWS OF 1913 (EXTRA SESSION).

The General Assembly of North Carolina do enact:

SECTION 1. That the number of election precincts at all elections held in the town of West Asheville shall be determined, fixed, and defined by the board of aldermen of said town, and the machinery for holding said elections shall be provided and controlled by the same authority, including the selection of all officers therefor.

Election precincts.

Machinery.

Election officers.

SEC. 2. That the primary election law heretofore provided for the city of Asheville, North Carolina, and now in force therein, as contained in Bourne's Asheville Code, from section thirty-seven to section fifty-nine, both inclusive, and all amendments thereto, shall apply to and be in force in said town of West Asheville.

Primary election law.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 276.

AN ACT TO AMEND, REVISE, AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Charlotte shall be and continue, as they have been, a body politic and corporate, and the corporation shall bear the name and style of the city of Charlotte, and have perpetual succession; and under such name and style shall have all the franchises, powers, property, and rights of

Incorporation.

Corporate name.

Corporate powers.

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 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 to be contracted with, to sue and be sued, and shall have all the rights, powers, privileges, franchises, and immunities necessary or belonging to or usually appertaining to municipal corporations.

Corporate limits.

SEC. 2. That the corporate limits of said city of Charlotte shall be circumscribed by the following boundaries, towit: Beginning at a stone in the center of the present main-line track of the North Carolina Railroad, now leased and operated by the Southern Railway Company, being a point north fifty-three degrees and twenty minutes east, thirteen thousand and two hundred feet from the center of Independence Square in said city, and running north seventy-five degrees forty-five minutes west, five thousand four hundred and sixty-five feet, to a stone near the track of the Atlantic, Tennessee and Ohio Railroad, being a point two miles by a straight line from the center of said Independence Square; thence, continuing by the same courses, five thousand four hundred and sixty-five feet to a stone, being a point two miles by a straight line from said center of said Independence Square; thence south sixty-seven degrees and thirty minutes west, eight thousand eighty-two feet to a stone, being a point two miles by a straight line from the center of said Independence Square; thence south twenty-two degrees and thirty minutes west, eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence south seven degrees and thirty minutes east, about nine thousand four hundred feet to a stone in the center of the track of the Charlotte, Columbia and Augusta Railroad, being a point thirteen thousand and two hundred feet by a straight line from the center of said square; thence south eighty-two degrees and thirty minutes east, nine thousand and four hundred feet to a stone, being a point two miles by a straight line from the center of said square; thence north sixty-seven degrees and thirty minutes east, eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence north twenty-two degrees and thirty minutes east, eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence north twelve degrees east, five thousand five hundred and fifty feet to a stone; thence north seven degrees and thirty minutes west, six hundred and fifty feet to a stone; thence north thirty-four degrees west, one thousand seven hundred and thirty-five feet to a stone; thence north twenty-seven degrees and thirty minutes west, four hundred and seventy-five feet to the point of beginning.

SEC. 3. That the territory comprised within the corporate limits described and established in section two shall be and is divided into four wards, by lines intersecting the city, as follows:

First Line.—Beginning at the center of Independence Square and running along the center of North Tryon Street and the Salisbury big road to the city limits. Wards.
First line.

Second Line.—Beginning at the center of Independence Square and running along the center of East Trade Street, East Avenue, East Fourth Street, and the Providence road to the city limits; and that portion of the city located between the lines one and two shall be known as Ward One. Second line.
Ward one.

Third Line.—Beginning at the center of Independence Square and running along the center of South Tryon Street and the Camden big road to the city limits; and that portion of the city located between the second and third lines shall be known as Ward Two. Third line.
Ward two.

Fourth Line.—Beginning at the center of Independence Square and running along the center of West Trade Street to the Rozzell's Ferry road; thence along the center of Rozzell's Ferry road to the city limits; and that portion of the city between the third and fourth lines shall be known as Ward Three. Fourth line.
Ward three.

And that portion of the city between the fourth and first lines shall be known as Ward Four. Ward four.

ELECTIVE OFFICERS.

SEC. 4. The elective officers of the city of Charlotte shall consist of a mayor, eight aldermen, and eight school commissioners. Elective officers.

ELECTION LAW.

SEC. 5. That on the first Tuesday in May, one thousand nine hundred and fifteen, and every year thereafter, an election shall be held in the city of Charlotte for mayor, aldermen, and school commissioners, as is herein elsewhere provided. Date of election.

SEC. 6. That the provisions of the general election law, now existing or as hereafter amended, as to the qualifications of voters, shall apply, as far as practicable, to any election held under this chapter, except as herein elsewhere provided. Provisions of
general law.

SEC. 7. That the chairman of the board of county commissioners, the clerk of the Superior Court, and the city clerk and treasurer shall constitute a city election commission and shall exercise the powers and duties herein enumerated. The necessary expenses of the board shall be paid by the city. The city clerk and treasurer shall be the secretary and clerk of the commission, and they shall elect one of their number chairman. City election com-
mission.
Expenses of board.
Secretary.
Chairman.

SEC. 8. The city election commission shall appoint, on or before the first Monday of April, one thousand nine hundred and fifteen, a competent person to act as registrar of voters for each of the Appointment of
registrars.

eleven wards of the city of Charlotte, as the same existed prior to the passage of this act, and on or before the first Monday in April, one thousand nine hundred and sixteen, and annually thereafter, shall appoint a competent person to act as registrar of voters for each of the precincts in the city of Charlotte, as the same may be established under this act, and shall cause publication thereof to be made at the city hall and at the county courthouse door, and notice thereof to be served on such persons by the police. If any registrar shall fail or refuse to perform the duties of such office, or if there shall be a vacancy in such office, the chairman of the city election commission shall fill said vacancy. Before entering upon the duties of his office, each registrar shall take an oath, before some person authorized to administer oaths, to faithfully perform the duties of his office.

Notice of appointments.
Vacancies.

Registrars to qualify.

Registration book.

Time for registration.

Advertisement.

New registration.

Registration oath.

Evidence of qualification.

Record on registration.

SEC. 9. That the registrar of each voting precinct shall be furnished by the city election commission with a registration book, and it shall be his duty, between the hours of nine o'clock a. m. and seven o'clock p. m. of each day (Sunday excepted), commencing on the third Monday before the first Monday in May and ending on the first Wednesday before the first Monday in May, to open said book at a place in said ward or precinct to be designated by the board of aldermen for the registration of all voters in his ward or precinct entitled to registration. The names of the registrars and the place of registration shall be advertised by the city clerk, on Monday of each week during which the registration books are open, in a newspaper published in the city of Charlotte.

SEC. 10. That for the election in May, one thousand nine hundred and fifteen, there shall be a new registration of all voters in the city. That in all cases the applicant for registration, before being registered, shall state on oath his name, age, place of birth, place of residence, giving the precinct, number of house if numbered, and if not numbered, then designation of its locality by streets; his occupation, place of business, where and by whom employed if employed; from whence he came, if he has become a resident within the past year, and his post-office address before removal; also the time of his residence in the county of Mecklenburg and in the precinct. Said applicant shall also answer as to whether he has been disqualified as a voter by a judgment or decree of any court; if so, by what court or how otherwise reinstated, and any other questions which may be material upon the question of his identity and qualification for registration. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the qualifications of the applicant, and thereupon, if the applicant shall be found duly qualified, the registrar shall register the applicant by recording in the proper column of the registration book his name, age, place of birth, residence, the township, the county or State from which he has re-

moved in the event of a removal; and the registration books containing said record shall be evidence against the applicant in any court of law in a prosecution for false or fraudulent registration: *Provided*, that nothing herein contained shall prevent a challenge of his right to vote by any elector or judge of election when he presents himself to vote. That after the new registration heretofore provided for shall have been made by virtue hereof, a new registration shall not be made annually, but such registration books shall be revised so as to show an accurate list of electors previously registered and still residing in said city, without requiring such electors to be registered anew. If any elector has been previously admitted to register in another precinct of said city he shall not register anew until he produces a certificate of the registrar in the former precinct that his name has been erased from the registration books of the precinct from which he was removed, and the identity of any person claiming the right to be registered in any precinct by virtue of such certificate with the person named therein shall be proven to the registrar, if not known to him: *Provided, however*, that the board of aldermen may at any time order a new registration in the manner herein provided. If any applicant for registration shall not disclose the place of his residence in his precinct, his willful failure to do so shall be *prima facie* evidence that he is not entitled to register in such precinct.

Registration books evidence.

Proviso: challenge.

Revision of registration.

Registration on change of precinct.

Proviso: new registration.

SEC. 11. Every person qualified as an elector shall take the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for two years, and of the county of Mecklenburg for six months, and of _____ Precinct for four months; (or that I was a resident of _____ Precinct on the _____ day of _____ [being four months preceding the election], and removed therefrom to _____ Precinct, where I have since resided;) that I am twenty-one years of age; that I have not registered for this election in any other precinct: so help me, God."

Oath to be taken.

Form of oath.

SEC. 12. That it shall be the duty of the city attorney to prepare forms of applications for registration, and the city election commission shall have same printed and distributed among the registrars. Such applications shall contain proper blanks for all information required to be furnished by a person applying for registration in person, and such other information as may be necessary or proper to establish the right of the applicant to register and to vote. Such application shall also contain the affidavit required to be taken by persons registering as herein elsewhere provided. Any person qualified to vote in any city election may have his name registered on the registration books upon filling out and signing in his own handwriting, witnessed by some person, one such applica-

Forms of application.

Registration on application.

tion blank, provided he shall furnish or transmit same to his proper registrar before the books close for registration; and it shall be the duty of the registrar before the books close for the registration of voters to enter on a separate page of his alphabetical registration book the names of persons applying to register on such registration blanks. The registrar shall enter opposite each name so registered the words "By application." No person registered by application shall be entitled to vote on election day until he shall have made affidavit to the election officers that the facts stated in his application are true, and shall have subscribed to the oath prescribed for persons who are challenged; and before permitting such person to vote, the election officers shall have the right, and it shall be their duty, to satisfy themselves that the person is the identical person he represents himself to be, and that he is lawfully entitled to vote in such election; and it shall be the duty of the registrar to faithfully preserve all the applications filed with him.

Affidavit as to application.

Investigation of identity.

Fraudulent registration a misdemeanor.

SEC. 13. Any person who shall procure his own name or the name of any other person to be placed on the registration books by any false or fraudulent representation or by forging the name of any person shall be guilty of a misdemeanor and punishable in the discretion of the court.

Official ballots.

SEC. 14. It shall be the duty of the city election commission to have printed and to furnish the officers conducting the election on the first Tuesday in May ballots containing the names of all of the candidates to be voted for in such election, and no other ballots shall be voted or counted in the said election. No candidate's name shall be printed on such ballot unless the candidate shall have previously been declared the nominee of some party or organization primary conducted under the provisions of this act: *Provided, however,* that any voter in the city election shall have the right to scratch or erase the name of any candidate appearing thereon and to substitute the name of another in place thereof. The names of the various candidates for the different offices to be voted for in the city election shall be printed upon a sheet of paper uniform in color, quality, texture, and size, with the name of the office for which such persons are candidates, and shall be arranged alphabetically, according to the surname of each of said candidates, and the names of the candidates of each party or organization shall be arranged in separate columns under proper words to designate the party or organization of the various candidates.

Names printed on ballot.

Proviso: right to scratch ballots.

Details and arrangement of ballots.

Vote for party ticket.

SEC. 15. Any voter desiring to vote for the candidates in the same political party may do so by making a cross mark in the blank square at the head of the column containing the names of the candidates for whom he desires to vote. In case a voter shall desire to vote for individual candidates, not including the entire number of any political party, he may do so by making a cross

Vote for individual candidates.

mark opposite the name of any candidate for whom he desires to vote. No ticket shall contain the names of more candidates for each political party than there are offices to be filled, and every ballot with a cross mark at the top of the column containing the names of candidates of the political party shall be considered as a vote for the candidates of such political party.

Number of candidates.

SEC. 16. Any political party or organization whose candidates received twenty per cent of the entire vote cast for mayor in the last preceding city election, or any party or organization which shall at least twenty days before the election to be held in May file with the city election commission a petition signed by qualified voters of the city of Charlotte equal in number to fifteen per cent of the entire vote cast for mayor at the last city election, shall have the right of conducting a primary for the nomination of candidates for the various offices to be filled in the general city election.

Party or organization entitled to nominate.

SEC. 17. That all primary elections for the nomination of candidates shall be held on the second Friday before the first Monday in May of each year, at the places and between the hours to be fixed by the city election commission, and under such rules and regulations as may be adopted by the organization conducting such primary, not inconsistent with the provisions of this act: *Provided*, no person shall be allowed or permitted to vote in any such primary election unless he is, or will be on election day, qualified to vote in the city election.

Date for primaries.

Proviso: voters.

SEC. 18. Any person disqualified to vote in the approaching city election who shall vote in any primary election, and any person voting in more than one primary election held on the same date shall be guilty of a misdemeanor, and punishable in the discretion of the court.

Acts declared misdemeanor.

Punishment.

SEC. 19. The managers of the party or organization conducting a primary shall designate the officers for conducting its primary, and such officers shall keep an accurate list or poll book of the names and street address of all persons voting in such primary, and shall return said book to the city clerk.

Officers for primary.

Poll book.

SEC. 20. That no person shall be a candidate in any primary election unless he shall have, at least five days before the holding of such primary, filed with the city election commission a notice in writing stating the party primary in which and the office for which he will be a candidate. Each candidate shall deposit with the city election commission the sum of five dollars to cover the cost of printing and distributing the ballots to be voted in such primary: *Provided*, if the deposits made by the candidates and the party or organization shall not be sufficient to cover the cost of printing and distributing the ballots for any such party or organization, then it shall not be permitted to conduct a primary

Notice of candidacy.

Deposit for expenses.

Proviso: deposits to cover expense.

- Printing and distribution of ballots. for the nomination of candidates for city offices. The city election commission shall have printed and distributed the ballots of each party conducting a primary, and such ballots shall contain the names of the party candidates arranged in alphabetical order, stating the office for which they are candidates, directions as to the number to be voted for, and shall contain at the head of the ticket in bold plain type the name of the party or organization to which the candidates belong, and no other ballots shall be cast in any such primary election: *Provided, however,* any voter may erase the name of any candidate appearing thereon and may substitute another in place thereof. The ballots shall contain the names of all the persons who are candidates of such political party or organization.
- Details and arrangement of ballots.
- Proviso: right to scratch ballots.
- Returns of election. SEC. 21. It shall be the duty of the persons conducting the several party primaries to certify over their signatures to the city election commission the vote received by all of its candidates at the several voting precincts, and it shall be the duty of the city election commission to tabulate all such returns. No person shall be declared the nominee of any party primary unless such person shall have received a majority of all the votes cast in the entire city for such party primary election. If any candidates of any party fail to receive a majority of all the votes for such office in the party primary in the entire city, a second primary between the two highest candidates of such party for that office for which no majority vote was cast shall be held on the first Tuesday before the election in May at the same time and place and under the same rules as the first primary was held, and the person receiving the majority of the votes cast in the entire city for the office in such second party primary shall be declared the nominee of the party or organization for such office in the election to be held in May following.
- Canvass of returns.
- Majority necessary to nominate.
- Second primary.
- Date.
- Nominee.
- Voting places. SEC. 22. That at the election to be held in May, Anno Domini one thousand nine hundred and fifteen, the voting places shall be the same as existed in each of the eleven wards prior to the passage of this act; that at the election to be held in May, Anno Domini one thousand nine hundred and sixteen, and all subsequent elections, the voting places shall be at the places designated by the city election commission and shall be advertised twice a week during the week preceding the election in some newspaper published in the city of Charlotte.
- Advertisement.
- Employment of aid in securing nomination or election. SEC. 23. No person who is a candidate for the nomination or election to any municipal office shall employ any person to perform any service, of any nature whatever, on the day of or before any municipal election or primary in which he is a candidate, for the purpose of promoting or aiding his candidacy, or offer or agree, either directly or indirectly, to pay or reward any person, in money, property, or appointment to office or municipal employ-
- Offer or promise of pay or reward.

ment, for any service which any such person may render in any municipal election or primary in aid of the candidacy of any person therein; and every candidate for office in any municipal election or primary shall, within ten days after such election or primary, file with the clerk of the city election commission a sworn itemized statement of all moneys, property, or other things of value paid out by him or otherwise expended, directly or indirectly, in the promotion or aid of his candidacy in such election or primary. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court, and forfeit any municipal office which he may hold at the time of his conviction.

Itemized statement of expenses.

Misdemeanor.
Punishment.
Forfeit of office.

SEC. 24. That the city election commission, on or before the fifteenth day of April, one thousand nine hundred and fifteen, and annually thereafter, or at such other time as it may be necessary to do so, shall appoint two persons who shall act as judges of election, and one person who shall act as clerk, at each place of holding elections in their respective wards, each of whom shall be men of good moral character and able to read and write. The said judges of election shall attend at the polling places for which they are severally appointed on the day of election, and they, together with the registrar for such ward, who shall attend with the registration books, after being sworn by some justice of the peace or other person authorized to administer oaths to conduct the election fairly and impartially according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep the poll books, in which shall be entered the name of every person who shall vote, and at the close of the election the said registrar and judges of election shall certify the same over their proper signatures and deposit same with the clerk of the city election commission, and said poll books shall be evidence in any trial for illegal and fraudulent voting. The city election commission shall immediately after the appointment of the judges of election, as herein provided, furnish a list of such judges to the chief police officer of the city, who shall within five days serve notice of such appointment upon said judges, and if any person appointed judge of election shall fail to attend or to act, the registrar of the ward shall appoint some discreet person to act in his stead, who shall be by him sworn before acting; and if the registrar shall fail to attend on the day of election, then the judge or judges of election, after qualifying, may appoint another to act as registrar, who shall be sworn by him or them before acting.

Judges of election.

Clerk.

Conduct of election.

Poll books.

Poll books evidence.
Service of notice of appointment.

Vacancies.

SEC. 25. That the city election commission shall, at least three days before election, appoint for each polling place two discreet persons as challengers, from opposite political parties, if any of

Challengers.

Action on challenges.

the candidates belong to opposite political parties; otherwise, any discreet person; and in the event the commission fails to appoint such challengers, the registrar and judges may appoint; and if the vote of any elector shall be challenged by them or any other elector, or by the registrar or judges of election, said challengers, or either of them, upon the announcement of such challenge, and any witness that may be called upon the question of challenge, shall be permitted to enter the polling place and remain while the testimony is being taken upon the question of challenge, and no longer.

Constables or bailiffs.

SEC. 26. The registrar and judges of election may appoint as many election constables, or bailiffs, not to exceed three, as they may deem necessary for each precinct, to be present during the election, to keep the peace, to prevent improper intrusion upon the voting place or the booths or railed or roped space provided in this act, to arrest all persons creating any disturbance about the voting place, and to enable those who have not voted to have unobstructed access to the polls, and to keep clear the open space herein provided at all times during the election. It shall be the duty of said election constables, or bailiffs, to be present at the voting place and to take such steps as will accomplish the object of their appointment, and they shall have full power to summon all persons present at the voting place to aid in arresting offenders against this section and to hold them in custody as long as may be necessary for service of regular process on them; and for the purpose of exercising the powers herein conferred upon them, the registrar and judges of election shall be and are hereby constituted conservators of the peace.

Duties of bailiffs.

Conservators of the peace.

Examination on challenge.

SEC. 27. When any person is challenged the judges and registrar shall explain to him the qualifications of an elector, and shall examine him as to his qualifications; and if the person shall insist that he is qualified and shall prove his identity with the person in whose name he offers to vote, by the testimony, under oath, of at least one elector, the registrar or one of the judges shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years old, and that you have resided in this State for two years and in this county for six months and in the city and precinct four months preceding this election, and that you are not disqualified from voting by the Constitution and laws of this State; that your name is (here insert the name given), and that in such name you are duly registered as a voter of this precinct, and that you are now an actual resident of the same and have been ever since you registered; and that you are the identical person you represent yourself to be, and that you have not voted in this election at any other polling place: so help you, God." If he refuses to take such oath his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after

Tender of oath.

Form of oath.

Proviso: refusal after oath.

such oath shall have been taken the registrar and judges may refuse to permit such person to vote unless they are satisfied that he is a legal voter, and they are hereby authorized to administer necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. When any person's vote shall be received, after having taken the oath prescribed in this section, the registrar of election shall write on the poll books, at the end of such person's name, the word "Sworn." The same power as to the administration of oaths and examination of witnesses as in this section granted to registrars and judges of election may be exercised by registrars in all cases where the names of persons registered or offering to register are objected to.

Entry on poll books.

Challenges on registration.

SEC. 28. If any person, by force or violence, shall break up or stay any election or primary by assaulting the officers thereof, or by depriving them of the ballot boxes, or by other means, such person and his aiders and abettors shall be guilty of a misdemeanor and imprisoned not more than three months or 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 up the result thereof, or shall behave in a disorderly or boisterous manner in the presence of said officials 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 persons shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Interference with election.

Misdemeanor.

Punishment.

Further declaration of misdemeanors.

Punishment.

SEC. 29. The registrar and judges of election shall certify over their signatures to the city election commission the votes received by the various candidates at their respective voting places, and it shall be the duty of the city election commission to compile and tabulate such returns. No person shall be declared elected in any city election unless he shall have received a majority of all the votes cast in the city at large for such office; and if no candidate shall receive a majority of the votes cast for any office, a second election shall be held on the following Friday with the same election officers, at the same place, hours, and in all respects as in the first election, in which election the two candidates receiving the highest vote in the first election shall be voted for. Each candidate receiving a majority of the votes cast for the office for which he is a candidate shall be declared elected to such office; and it shall be the duty of the city election commission to furnish each person elected a certificate of his election.

Returns.

Canvass of returns.

Majority necessary to election.

Second election.

Date.

Persons declared elected.

Certificate of election.

SEC. 30. If any person shall treat with either meat or drink, on any day of election or primary or on any day previous thereto,

Forfeit for treating.

with an intent to influence the election, he shall forfeit and pay two hundred dollars, the one-half for the use of the county and the other to the use of the person who shall sue for same.

Intimidation a misdemeanor.

SEC. 31. 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.

Bribery a felony.

SEC. 32. 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 a felony, and any person who shall receive or offer to receive such a bribe shall be guilty of a felony.

Receiving bribe a felony.

SEC. 33. The registrars and judges of election are hereby empowered to administer all oaths and affirmations necessary in the conduct of elections.

Election officers may administer oaths.

Betting a misdemeanor.

SEC. 34. If any person shall bet or wager money or other thing of value upon the result of any election under this act, he shall be guilty of a misdemeanor.

Fraudulent registration or voting an infamous crime.

SEC. 35. 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 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 a fine not exceeding one thousand dollars or imprisoned at hard labor for a term not exceeding two years, or both, in the discretion of the court.

Punishment.

Hours of election.

SEC. 36. That the polls shall be opened on the day of election from sunrise in the morning until sunset on the same day, and no longer, and each elector whose name shall appear registered, and who shall not be challenged and rejected, shall be entitled to a vote. A space of not more than fifty feet in every direction from each poll or the room in which the election is held may be kept open and clear of all persons except the election officers herein provided, which space shall be railed off or roped off, with a narrow passage leading to and from the polls, and each elector shall approach the polls from one direction through such passage, and after depositing his ballot in the box with as little delay as possible, shall depart by the passage leading from the polls. Only one elector shall enter the said passage leading to the polls at one time. The said railed or roped off space shall at all times during the hours for balloting be kept open and cleared of all persons, except the election officers aforesaid, and it shall be the duty of the election bailiffs herein provided for to keep such space so cleared and opened.

Space railed off.

Approach and departure.

Space kept open and cleared.

SEC. 37. No man who is a candidate for any office shall be an election officer. Candidates not to be election officers.

SEC. 38. The mayor and members of the board of aldermen and the school commissioners of the city of Charlotte in all primaries and elections shall be nominated and elected by the voters of the city at large. Nomination and election at large.

SEC. 39. The city election commission shall fix the compensation of the registrars and officers necessary to conduct the election, and it shall be the duty of the board of aldermen to provide for and pay such expense and the expenses of the city election commission necessarily incident to the discharge of their duties. Compensation of election officers.

SEC. 40. If any person shall, with intent to commit a fraud, register or vote at more than one polling place or more than one time, or shall induce another to do so, in the same primary or election, 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 dol- Repeating an infamous crime.

lars, 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 a fraud shall be liable to the same penalty. Punishment.

SEC. 41. 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 Punishment of false entry.

thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two years nor more than five years. False swearing perjury.

BOARD OF ALDERMEN.

SEC. 42. Two of the aldermen shall reside in Ward One, two in Ward Two, two in Ward Three, and two in Ward Four, and they shall be elected by the qualified voters of the city at large. Residence of aldermen. Election at large.

SEC. 43. The aldermen from each ward receiving the greater majority vote cast for aldermen for such ward in the first election held under this act shall hold office for a term of two years and until his successor is elected and qualified. The aldermen elected from each ward receiving the lesser majority vote cast for aldermen for such ward in the first election held under this act shall hold office for one year and until his successor is elected and qualified; and at all subsequent elections one alderman shall be elected by the voters of the city at large from each ward for a term of two years and until his successor is elected and qualified. In case two aldermen from the same ward receive the same majority vote, the tie shall be voted off by the city election commission. They shall form one board, and a majority of the board duly assembled shall be competent to perform all duties prescribed in this act, unless otherwise provided. Term of office.

SEC. 44. Should a vacancy occur in the board of aldermen at any time by reason of death, resignation, removal from the city or Tie.

One board.
Quorum.

Vacancies.

ward, or other disability, the board of aldermen shall elect a citizen from the same ward to serve out the unexpired term of the member whose place he fills.

SALARY AND ATTENDANCE OF ALDERMEN.

Salary. Deduction from absence. SEC. 45. Each member of the board of aldermen shall receive an annual salary of two hundred and forty dollars, payable in equal monthly installments. For each absence of a member from a regular or special meeting of the board there shall be deducted five dollars from the salary of such member.

MEETINGS OF ALDERMEN.

Regular meetings. Special sessions. Notice of special meetings. Meetings public. Access to minutes and records. SEC. 46. The board of aldermen shall meet in the city hall regularly on the first and third Mondays of each month. Special sessions of the board shall be called by the city clerk upon written request of the mayor or of a majority of the members, upon reasonable written notice to each member of the board, served personally upon each member or left at his usual place of residence. Any such request and notice shall state the subjects to be considered at the meeting, and no other subject shall be there considered. All meetings of the board, or committees thereof, shall be public, and any citizen of the city shall have access to the minutes and records thereof at all reasonable times.

Rules. Journal. SEC. 47. The board shall determine its own rules and order of business, and shall keep a journal of its proceedings.

HOLDING OTHER OFFICES, ETC.

Holding other office or appointment forbidden. Ineligible to office created. Personal interest in contracts or purchases. Misdemeanor. SEC. 48. Neither the mayor nor any member of the board of aldermen shall hold any other office or employment during the term for which he was elected, compensation for which is paid out of the public moneys, nor be entitled or appointed to any office created by or the compensation of which was increased or fixed by the board of aldermen while he was a member thereof; and it shall be unlawful for the mayor, aldermen, or other officer of said city, directly or indirectly, to become a contractor for work done for the city, or to become, directly or indirectly personally interested in or receive profit from any purchase of supplies for any department of said city; and any such person so offending shall be guilty of a misdemeanor.

VOTING.

Members not to be excused. Failure counted as negative. SEC. 49. No member present shall be excused from voting except where he is personally interested. In all cases a failure to vote shall be entered upon the minutes as a negative vote. The affirmative vote of a majority of the members of the board shall be neces-

sary to adopt any ordinance or resolution. The vote upon the passage of all ordinances and resolutions shall be taken by "yeas" and "nays," and entered upon the journal.

Yeas and nays entered.

ORDINANCE ENACTMENT.

SEC. 50. Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated, and general and special improvement resolutions may contain the various improvements to be made. No ordinance, unless it be declared an emergency measure, shall be passed until it has been read on three separate days, or the requirement of reading on three separate days has been dispensed with by a unanimous vote of the members present: *Provided*, that the requirement of reading on three separate days shall never be dispensed with on ordinances making a grant, renewal, or extension of a franchise. The first and third readings of all ordinances shall be in full.

Specification of ordinances.

General appropriations.

Improvement resolutions.

Passage of ordinances.

Proviso: ordinances as to franchises.

Readings in full.

SEC. 51. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contain the entire ordinance or resolution or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed.

Revisal or amendment.

PUBLICATION OF ORDINANCES.

SEC. 52. Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the mayor and attested by the city clerk. Every ordinance or resolution providing for public improvements, or assessing property, shall before its final passage be published by posting on a board at some public place in the city hall for ten days immediately prior thereto; and every ordinance of a general nature shall, upon its final passage, be promptly published in a like manner and place for ten days.

Record and authentication.

Ordinances published before final passage.

Publication after passage.

INVESTIGATION BY BOARD.

SEC. 53. The board of aldermen or any committee thereof duly authorized by the board so to do may investigate the transactions of any office or department of the city government, and the official acts and conduct of any city official; and by similar investigations may secure information upon any matter within its province. In conducting any such investigations the board, or any committee thereof, may compel the attendance of witnesses, and the production of books, papers, and other evidence, and for that purpose may issue subpoenas or attachments, to be signed by the presiding officer

Investigations.

Powers of board or committee.

of the board or chairman of such committee, as the case may be, which shall be served and executed by any officer authorized by law to serve subpoenas and other process. If any witness shall refuse to testify to any facts within his knowledge, or to produce any papers or books in his possession or under his control, relating to the matter under inquiry before the board or any such committee, the board shall have the power to commit the witness to prison for contempt. No witnesses shall be excused from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution, except for perjury. Willful false swearing in any such investigation and examination shall be perjury, and punishable as such.

Power to commit for contempt.

No witnesses excused.

Perjury.

SPECIAL AUDIT.

Audits made annually.

Details of report.

Publication.

Examination and adjustment of departments.

SEC. 54. The board of aldermen shall cause an audit to be made of the books of account, records, and transactions of the administrative departments of the city at least once each year, and such audit shall be made by one or more competent accountants. Such report shall include a general balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules; summaries of income and expenditures, supported by detailed schedules; and also comparison, in proper classification, with the last previous year. Such report, or a condensed summary thereof, shall be printed for distribution, or published, as the board may direct. This board shall also have the power, and may employ the proper assistance therefor, to investigate any or all administrative departments, with a view of eliminating conflict of power and administrative jurisdiction, and recommend methods of preventing waste and improving efficiency.

APPOINTIVE OFFICERS.

Officers to be appointed.

Term and compensation.

Proviso: consolidation of offices. Sinking fund commission.

Fiscal year.

Budget.

SEC. 55. The board of aldermen shall at the first meeting in May of each year, or as soon thereafter as practicable, appoint an executive officer of the city, a city recorder, a city solicitor, a tax collector, a clerk and treasurer, an auditor, a city attorney, a city tax commissioner, a health officer and such assistants as may be found necessary, whose terms of office shall be at the will of the board, not to exceed one year; and shall fix their compensation: *Provided*, that the board of aldermen may consolidate any two of the above mentioned offices. And the board of aldermen shall also elect a sinking fund commission, as hereinafter provided.

SEC. 56. That the fiscal year of the city shall extend from July first to June thirtieth of the year next following, and it shall be the duty of the board of aldermen, at the first regular meeting in July of each year, or as soon thereafter as is practicable, to appropriate such sums of money, respectively, for each of the various

departments of the city government as it may deem necessary for their maintenance during the current fiscal year. In addition to the appropriation herein provided for, the board of aldermen shall make such appropriation for contingent expenses as may be deemed necessary. In making such appropriation due regard shall be had to the report and recommendation of the executive officer of the city hereinafter provided for. At the beginning of each fiscal year the board of aldermen shall first make provision for the payment of interest on the outstanding bonded indebtedness of the city, and shall then pay over to the sinking fund commission a fund of not less than one per cent of the estimated annual income from all property and license taxes for the current year, as a sinking fund to aid in paying off the bonded indebtedness of the city; and the said sinking fund shall be in addition to any funds arising from the water department and sewer tax required to be devoted to the payment of bonds. Except for permanent improvement, to be made by special assessments herein elsewhere provided for, the total expenditures for all purposes, including interest on bonded debt, and the sinking fund above provided for, shall not in any fiscal year exceed the amount of total revenue raised from all sources by the city during such fiscal year, except for emergency appropriations made necessary by the act of God or the public enemy. Any violation of this provision shall render the officers violating the same personally liable for the amount of such expenditures made in excess of such revenues, and also guilty of a misdemeanor, and punishable in the discretion of the court.

SEC. 57. The board of aldermen shall have control of all the finances, and all the property, real and personal, belonging to the city; and all of the corporate powers conferred upon the city of Charlotte shall be exercised by the board of aldermen, subject to the provisions of this act, and consistent with the powers herein granted; and, among the powers granted, shall have power and authority, by ordinances duly enacted:

(1) To provide for the payment of any existing indebtedness, and of any lawful obligations that may from time to time be made by the city, and to appropriate funds for that purpose.

(2) To establish, construct, open, close, grade, and keep in repair streets, sidewalks, public alleys, bridges, culverts, drains, and conduits in the city, and regulate the construction and use of same; to abate any obstruction and encroachments thereon, and to punish those causing or responsible for such obstructions or encroachments; and to establish and regulate public parks and grounds; and the board of aldermen shall not accept any street, sidewalk, alleyway, park, or public place that may be tendered or dedicated to the use of the city or the public, unless same shall have been laid out or approved by the board of aldermen; and the naming of all streets, parks, and public places shall be subject to the approval of the board of aldermen.

Contingent expenses.

Recommendation of executive officer.

Interest and sinking fund.

Additional to water rents and sewer tax.

Expenditures not to exceed income.

Officers personally liable.

Misdemeanor. Punishment.

Control of finances and property.

Exercise of powers.

Enumeration of powers.

To provide for payment of debt.

As to streets.

Public parks and grounds. Acceptance of streets or public places.

Names.

Regulation of grants for excavations.

(3) To prevent excavations on any street, sidewalk, public alley, park, or public ground, unless by permission of the board; to prescribe and exact fees for such privileges, and to require satisfactory bonds or deposits as guarantee for the proper restoration of such streets, sidewalks, park, public alley, or public ground.

Light.

(4) To provide for the lighting of the streets, public grounds, parks, and public buildings, and for supplying light to the citizens of the city, by contract or otherwise, and to erect, own, and operate machinery, fixtures, appliances, and appurtenances of every nature whatever necessary for such purpose.

Regulation of tracks of railroads or street railways.

(5) To regulate and control the laying and construction of railroad tracks or street railways, turnouts, and switches, and to regulate, change, or alter the grades of same; to require that they be constructed and so laid as to interfere as little as possible with the ordinary travel and use of streets; to regulate and control the location and construction of street railroad and steam railroad tracks, turnouts, and switches, and to require railroad companies of all kinds to construct, raise, lower, alter, widen, or enlarge, at their own expense, such tracks, bridges, turnouts, culverts, crossings, and other things as the board of aldermen may deem necessary, and to require the railroad companies to maintain gates or watchmen at street crossings when deemed necessary.

Gates or watchmen at crossings.

Regulation of engines and boilers.

(7) To control and regulate the erection and use of steam and other power engines and boilers in the city, and to adopt such rules and regulations in relation thereto as may be deemed best for the public safety and comfort.

Explosive and inflammable substances.

(8) To regulate the transportation, storage, and use of gasoline, benzine, dynamite, and other substances which are explosive or highly inflammable or dangerous to the public safety.

Motor vehicles.

(9) To regulate the use of automobiles, motor cars, motorcycles, or other motor vehicles; to issue permits for the use of such, and to require the same to be numbered.

Inspection and regulation of dairies.

(10) To provide for inspection of all dairies inside and outside of the city limits, doing business within the city, and to regulate and maintain a standard for milk sold in the city; to provide for and regulate the inspection of all foodstuffs offered for sale in the city of Charlotte, and to impose license fees on all persons engaged in any of said businesses.

Inspection of foodstuffs.

License fees.

License and regulation of slaughtering and selling fresh meat. Slaughter-houses and abattoirs.

(11) To regulate, license, or prohibit the business of slaughtering animals or selling fresh meats in the city limits; to revoke such license for malconduct in business; to regulate and prescribe plans and specifications and conduct of slaughter-houses and abattoirs within and without the city limits, where animals are slaughtered and where fresh meats are kept or stored for sale in the city.

Sanitary regulations.

(12) To require any owner or occupant of a dairy, grocery, meat, fish, or other market place, any restaurant or eating place, any blacksmith shop, slaughtering-house, or stable, to cleanse or operate

same in such manner as may be necessary for the health, comfort, and convenience of the inhabitants.

(13) To establish markets and market places, and provide for the government and regulation thereof. Markets.

(14) To regulate, restrain, and prohibit the running at large of horses, cattle, sheep, swine, goats, dogs, and other animals in the city, and to authorize the impounding and sale of the same for the cost of proceedings and the penalty incurred; to order the destruction of such as cannot be sold or are not reclaimed, and to impose penalties on the owners or keepers thereof for violating any ordinance; and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto, if the provisions of the ordinance have been complied with. Animals going at large.

(15) To pass ordinances for the due observance of Sunday and the maintenance of order in the vicinity of churches, schools, and hospitals. Observance of Sunday and maintenance of order.

(16) To establish and own stations and equipment for extinguishing fires, and to provide everything necessary for the efficient operation of same. Fire apparatus.

(17) To establish fire limits, and to regulate or prohibit the erection, building, placing, moving, or repairing of wooden buildings within said limits; to declare as nuisances all dilapidated buildings which they may deem dangerous, and to require the same to be removed in such manner as the board may direct. Fire limits.

(18) To provide for the inspection of all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles in the city, and cause the same to be changed or removed and to require all wires placed underground, whether telegraph, telephone, light, power, or otherwise. Building inspection and regulation.
Poles.
Wires underground.

(19) To authorize one or more officers, agents, or employees of the city to enter in and upon all buildings and premises within the city, to inspect and discover whether the same are dangerous on account of fire hazard or otherwise, or in unclean state; to cause the defects to be remedied and filth and trash to be removed. Entry for inspections.

(20) To require the construction of suitable fire-escapes on or in hotels, boarding-houses, factories, and other buildings, whether now built or hereafter built; to prevent dangerous construction of chimneys, fireplaces, hearths, stoves, stovepipes, flues, boilers, furnaces, and other heating apparatus, and cause the same to be removed and made safe; to prevent nuisances on account of dense smoke from boilers or furnaces, and to establish such regulations for the prevention and extinguishment of fires as it may deem expedient. Fire-escapes.
Construction of flues and heating apparatus.
Smoke ordinances.
Fire ordinances.

(21) To regulate the size, arrangement, and construction of theaters, tenement-houses, audience rooms, public halls, and all buildings used for the gathering of a number of people, whether now built or hereafter built. Regulation of theaters, halls, and buildings.

- To define and abate nuisances. (22) To define what shall be nuisances in the city, to abate them by summary proceedings, and to punish the authors thereof by penalties, fines, or imprisonment.
- Crematories. (23) To establish one or more crematories, and to provide for the removal of all filth, carcasses of dead animals, and other unhealthful substances, for cremation; and to require the owners and occupants of all premises to keep them in a cleanly condition.
- Further sanitary regulations. (24) To require the owners of private drains, sinks, and privies to fill up, cleanse, drain, relay, repair, remove, or fix and improve the same. If necessary, the city 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. (25) To establish one or more cemeteries, and to regulate the burying of the dead.
- Sewerage and drainage. (26) To establish, enlarge, or extend systems of sewerage and drainage, and to require persons owning property within a reasonable distance to connect therewith, and to establish works or plants for sewage disposal, and to extend or build the same beyond the city limits when deemed necessary.
- Water-works. (27) To own, maintain, and operate a system of water-works, for the furnishing of a supply of water to the city and its inhabitants.
- Census. (28) To provide for the annual taking of an enumeration or census of the inhabitants of the city.
- Supervision of transportation. Regulation of fares and transfers. (29) That all transportation facilities in the city shall be under the supervision of the board of aldermen; it shall have the power to regulate fares for transportation by all licensed hacks and other vehicles in the streets of said city; to regulate the convenient transfer of passengers from one railway or street railway depot to another.
- Penalties and forfeitures. (30) To prescribe penalties and forfeitures for the breach of any ordinance enforcing the powers granted in this charter, and to provide for the recovery of such fines and forfeitures before the recorder.
- Powers under general laws. (31) To exercise any other powers and functions granted to municipalities by the general laws of the State, not inconsistent with any specific provisions of this charter.

MAYOR.

- Election and term of mayor. SEC. 58. The mayor shall be elected by the qualified voters of the city, and his term of office shall be for one year and until his successor is elected and qualified. The mayor shall be the official head of the city, for the service of process, for ceremonial purposes, and so considered by the Governor of the State in connection with the military law. The mayor shall preside over the meetings of the board of aldermen, and shall have a vote on all motions,
- Official head of city.
- To preside at meetings. Vote.

resolutions, etc. In case of a tie vote, he shall vote off the tie unless he shall have already voted. If he shall have already voted, he shall not vote off the tie. He shall appoint all standing and special committees of the board of aldermen. He shall have the power to administer oaths and take affidavits. He shall receive an annual salary to be fixed by the board of aldermen, not exceeding one thousand two hundred dollars, payable monthly.

Vote on ties.

Appointment of committees.
To administer oaths.
Salary.

MAYOR PRO TEM.

At their first meeting the board of aldermen shall elect one of their members mayor *pro tem.*, to preside in the absence of the mayor, and act as mayor in the absence of the mayor from the city or during the disability of the mayor by reason of sickness or otherwise; and in case of a vacancy occurring in the office of mayor, by reason of death, removal, or other permanent disability, the board of aldermen shall elect some citizen to fill his office until the next election.

Mayor pro tem.

Vacancy.

SEC. 59. The mayor shall sign all written contracts entered into by the board of aldermen on behalf of the city, and all instruments executed by the city which by law are required to be in writing except such contracts as are hereinafter required to be made or signed by the executive officer of the city of Charlotte.

Execution of contracts.

SCHOOL COMMISSIONERS.

SEC. 60. That there shall be maintained in the city of Charlotte a system of public schools, to be kept open not less than nine months in each year, without charge, for the education of the children of said city between the ages of six and twenty-one years.

School term.

SEC. 61. The said system of public schools shall be under the control of the board of school commissioners, composed of eight members elected by the qualified voters of the city at large, two of whom shall reside in Ward One, two in Ward Two, two in Ward Three, and two in Ward Four. The school commissioner from each ward receiving the greater majority vote cast for school commissioner for that ward in the first election held under this act shall hold office for a term of two years and until his successor is elected and qualified. The school commissioner elected from each ward receiving the lesser majority vote cast for school commissioner for such ward shall hold office for one year and until his successor is elected and qualified, and at all subsequent elections one school commissioner shall be elected by the voters of the city at large from each ward for a term of two years and until his successor is elected and qualified. In case two school commissioners from the same ward receive the same majority vote, the tie shall be voted off by the city election commission. Should a vacancy occur in the board of school commissioners at any time, by reason of death, resigna-

Board of school commissioners.

Election.

Residence.

Terms of office.

Vacancies.

tion, removal from ward or city, or other disability, the board of school commissioners shall elect a citizen resident in the same ward to serve out the unexpired term of the member whose place he fills.

Election and term of chairman.

SEC. 62. That the board of school commissioners shall at their first meeting after the May election in the year one thousand nine hundred and fifteen, and every year thereafter, elect one of its members as chairman, who shall hold office for one year and until his successor is elected and qualified. The chairman shall preside at all meetings of the board, and shall have a vote on all questions, but shall not have an extra vote in case of a tie. The board shall hold regular meetings on the first Tuesday in each month; special meetings to be called at any time by the chairman or by four members of the board; notice of such meeting to be given each member. In all meetings of the board a majority of the board shall constitute a quorum for the transaction of business.

Duty and vote.

Regular meetings.

Special meetings.

Quorum.

Exclusive control of schools.

SEC. 63. That said board of school commissioners shall have exclusive control of the public schools of the city of Charlotte, and shall have full and ample power to provide facilities, appoint examiners, employ a superintendent, an assistant superintendent, principals, teachers, and such other officers as may be found necessary, and fix their salaries, prescribe courses of study, and in general to do everything that may be necessary and proper to open and conduct a sufficient number of schools to meet the needs of the scholastic population of the city of Charlotte; and it shall be lawful for said board of school commissioners, in their discretion, to receive into the public schools of the city of Charlotte, upon such terms as they think reasonable, any children of school age residing beyond the limits of the city.

Enumeration of powers.

Nonresident pupils.

High schools.

SEC. 64. That the said board of school commissioners shall have the power and authority to establish and maintain one or more high schools in the city of Charlotte, to be known as the Charlotte High School, and may employ a principal and teachers, fix their salaries, prescribe course of study, and in general do whatever may be necessary and proper to establish and maintain said high school for the higher education of the children of the said city of Charlotte, without charge, between the ages of twelve and twenty-one years; and it shall be lawful for the said board of school commissioners, in their discretion, to receive into said high school, upon such terms as they may think reasonable, any children between the ages herein mentioned residing beyond the limits of the said city.

Powers as to high schools.

Nonresident pupils.

Text-books.

SEC. 65. That the said board of school commissioners shall have the power and authority to adopt and prescribe such text-books for use in the public schools in the city of Charlotte as they may deem suitable and proper, and the said board shall not be compelled to adopt for use in the public schools in said city, graded or high school, any book or books which may at any time be adopted by

the State Text-book Commission or other State school authority: *Provided*, the board shall not change any text-books heretofore adopted and in use except by vote of six members of the board.

Proviso: change of books.

SEC. 66. The treasurer of the city of Charlotte shall be the clerk and treasurer of the board of school commissioners, and the board of school commissioners shall prescribe his duties and compensation. He shall give bond for the faithful performance of his duties, in such sum as the board may prescribe, which bond shall not be less than double the amount that may reasonably be expected to be in his hands at any one time, and with sufficient security, to be approved by said board. He shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of the public schools of the said city, whether from appropriations made by the board of aldermen, general or special school tax, or from other sources; and it shall be the duty of the treasurer of Mecklenburg County to pay to the treasurer of said board of school commissioners, to be used in the carrying out of the objects of this act, all school moneys in his hands, from time to time, to which the city of Charlotte shall be entitled.

Clerk and treasurer. Duties and compensation.

Bond.

To receive and keep money.

Payments from county.

SEC. 67. That said board shall make and publish reports annually, and as often as it may deem necessary, of the finances and condition of the city schools; and they shall make reports to the Superintendent of Public Instruction of the State of North Carolina in the manner and to the extent that the county treasurer and the secretaries of the boards of education of the counties are bound by law to report to the Superintendent of Public Instruction, under the same pains and penalties for the failure to do so as said officers are liable to for like failure; and it shall, at least once a year, publish a concise statement of all receipts and disbursements of the public school funds of the city in some daily newspaper published in the city.

Reports.

Annual publication.

SEC. 68. The board of aldermen shall, out of the general funds of the city, provide such sums as it may deem necessary for school grounds, buildings, furniture, repairs, and permanent improvements on same; and the board of school commissioners shall submit in their annual budget at the beginning of the fiscal year the amount of money deemed by it necessary for such purpose during the current year.

Appropriation for grounds, buildings, and equipment.

Estimates by school commissioners.

SEC. 69. That said board of school commissioners may cause to be made, annually, on or before the first day of December, an accurate school census of all of the children of school age within the limits of said city of Charlotte, and upon said census, so taken each year, shall be based the apportionment to the city of Charlotte of its proper share of the county school funds, the expense of making such school census to be paid for out of the city school funds: *Provided, however*, the board of school commissioners may provide for making such census in conjunction with the board of aldermen, when making the annual census of the citizens of the city of Char-

School census.

Proviso: census in conjunction with city.

Division of cost. lotte herein required to be made, the cost of making such joint census to be divided equally between the general funds of the city and the city school funds.

School tax. SEC. 70. The board of aldermen of the city of Charlotte shall levy, in addition to the levy provided for elsewhere in this act for general purposes, an annual tax for the support and maintenance of said system of public schools in the city of Charlotte, which annual tax shall not exceed thirty cents on the hundred dollars valuation of property and ninety cents on the poll.

Limit of rate. SEC. 71. That the county board of education of Mecklenburg County, in apportioning the school fund of said county, shall ascertain and determine the amount of said funds to be used each year, for the public graded schools of the city of Charlotte, by dividing the whole amount of school funds received by the county treasurer of Mecklenburg County, less his commission, or the amount of his salary to be paid out of said funds, and less the amount reserved by the county board of education for the office expenses and salary of the county superintendent of education and for the per diem and mileage of the said county board of education, by the total number of children of school age in said county, as determined by the last census preceding such apportionment, and by multiplying the quotient by the total number of children of school age in the city of Charlotte, as determined by the last school census preceding such apportionment; and the amount so ascertained and determined is to be paid by the treasurer of said Mecklenburg County to the treasurer of the public schools of the city of Charlotte, or such other official as may be legally designated to receive the same, to be used for the said public schools of said city, under the control and direction of the board of school commissioners of said city of Charlotte: *Provided*, that the amount so ascertained and determined for said graded school shall bear its proportionate part of the loss sustained on account of any taxes not collected by reason of errors, release from taxation, or otherwise.

Proviso: apportionment of loss.

School property vested in city.

SEC. 72. That all the lands, lots, and public school buildings and fixtures located within the corporate limits of said city as defined by this act, formerly held by the county board of education of Mecklenburg County or by any public school trustees, and used as part of the public school system within said territory, shall be and remain absolutely the property of the city of Charlotte.

EXECUTIVE OFFICER.

Executive officer.

SEC. 73. The board of aldermen, at their first regular meeting after their election, or as soon thereafter as practicable, shall appoint an executive officer of the city of Charlotte, who shall be the administrative head of the city government and who shall hold office at the pleasure of the board of aldermen. During the absence or disability of the executive officer, the board of aldermen may

Term.

Temporary appointment.

designate some properly qualified person to execute the functions of the office. The salary of the executive officer, and the time and manner of payment thereof, shall be fixed by the board of aldermen. He shall devote his entire time to the affairs of the city, and shall not actively engage in any other business. He shall not, at the time of his appointment, or at any time during his tenure of office, have any personal interest, direct or indirect, in any contract made by the city.

Salary.

Exclusive occupation.
Personal interest in city contracts.

SEC. 74. The powers and duties of the executive officer shall be :

Enumeration of powers and duties.
Enforcement of law.

(a) To see that the laws and ordinances are enforced.

Attendance and consultation with aldermen.
Recommendations.
Monthly reports.

(b) To attend all meetings of the board of aldermen, and to enter into the discussions and deliberations of that body; but he shall have no vote. He shall make recommendations to and prepare business for the board, and shall at least once a month, and whenever requested by the board, furnish the board with information regarding the affairs of any or all of the departments of the city.

(c) To establish and organize such departments for the administration of the affairs of the city as he may deem proper or necessary for the efficient and economical administration thereof.

Departments.

(d) Except as herein provided, to appoint and remove all heads of departments and all subordinate officers and employees, and fix their compensation; all appointments to be upon merit and fitness alone.

As to officers and employees.

(e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchises are faithfully kept and performed, and, upon knowledge of any violation thereof, to call the same to the attention of the board of aldermen, and to take such steps as are necessary to enforce the same.

Supervision of franchises and enforcement of conditions.

(f) To superintend the construction, operation, and maintenance of all public works, including streets, sewers, water-works, public grounds, parks, etc.

Superintendence of public works and places.

(g) To revoke licenses, pending action of the board of aldermen.

Revocation of licenses.
Supervision of contracts.

(h) To supervise performance of all contracts of the city.

(i) To examine personally, or by duly designated deputy, all records, books, and accounts of each and every department of the city's administrative affairs.

Examination of records and accounts.

(j) To purchase all supplies and materials used by the city.

Pnrchases.

(k) To keep the board of aldermen fully advised as to the financial condition and needs of the city.

Financial condition and needs.

(l) To prepare in detail an annual budget, to be submitted to the board of aldermen at its first annual meeting, which budget shall contain a statement of the expenditures in the various departments during the preceding year; and which budget shall include recommendations to the board of aldermen.

Annual budget.

(m) To exercise such other powers and perform such other duties as may be authorized by the board of aldermen, not inconsistent with this charter.

Other powers and duties.

CITY TAX COLLECTOR.

- City tax collector. SEC. 75. The city tax collector shall be vested with the same
 Powers and liabilities. power and authority in the collection of taxes that sheriffs have,
 and subject to the same fines and penalties for failure or neglect
 Charges and credits. of duty. He shall be charged with the sums appearing by the tax
 list as due for city taxes. He shall be credited in settlement, as
 sheriffs are credited, with all poll tax and taxes on personal prop-
 erty certified by the clerk of commissioners of the county, by order
 of the board of county commissioners, to be insolvent and uncol-
 lectible. He shall at no time retain in his hands more than five
 hundred dollars for a longer time than three days. The board of
 aldermen, at a meeting before the last regular meeting in each
 year, shall appoint one or more of its number to be present and
 assist the city auditor at the accounting and settlement between
 the tax collector and city treasurer, and to audit and settle the
 accounts of the city clerk and treasurer. The accounts so audited
 shall be reported to the board of aldermen, and when approved by
 it shall be recorded in the minute-book of the said board, and shall
 be *prima facie* evidence of their correctness, and impeachable only
 for fraud or specified error. It shall be the duty of said board to
 remove any tax collector who shall fail to settle and duly pay up
 the taxes by law due from him, and he shall not be eligible to
 reëlection to said office.
- Not to retain funds.
 Audit and settle-
 ment.
 Report and record.
 Removal.
 Assistant tax col-
 lector.
- SEC. 76. That whenever the board of aldermen shall deem it
 necessary to elect an assistant tax collector, his duties shall be to
 assist the collector in collecting all taxes and licenses due the city,
 and perform such other duties connected with the office as may be
 required of him by the collector or the board of aldermen, and he
 shall be elected for such term, give such bond, and receive such
 compensation as the board may determine.

CITY CLERK AND TREASURER.

- Warrants on
 treasury. SEC. 77. That all warrants or orders drawn on the clerk and
 treasurer by any of the executive departments of the city shall be
 signed by the executive head of the department in which said order
 originates, and countersigned by the executive officer of the city
 and the auditor, and shall state the purpose for which the money
 is applied.
- City clerk. SEC. 78. That whenever the public business shall require it, the
 board of aldermen may establish the office of city clerk, separate
 from that of city treasurer, and shall define his duties.

CITY AUDITOR.

- Accounts and
 reports. SEC. 79. He shall prescribe the methods of keeping accounts by
 all departments, and the form of reports to be rendered to the
 executive officer, who shall require that reports shall be made to
 Reports made
 monthly.

him by each department, showing the receipt of all moneys by such departments, and the disposition thereof, at least once a month, and oftener, if he desires. The auditor shall keep account of all appropriations made by the board of aldermen, and expenditures made or contracted to be made thereunder.

Accounts of appropriations and expenditures.

SEC. 80. He shall, upon the death, resignation, removal, or expiration of term of any officer, examine the accounts of such officer, and if he be found indebted to the city, the auditor shall immediately give notice thereof to the board of aldermen and the city attorney, and the latter shall forthwith proceed to collect such indebtedness.

Examination of accounts upon vacancy.

Notice to and action by city attorney.

SEC. 81. No warrant for the payment of any claim shall be issued by the auditor until such claim shall have been approved by the head of the department for which the indebtedness was incurred, and by the executive officer of the city; each head of a department, and the executive officer of the city, and the surety on his bond, shall be liable to the city for all loss or damage sustained by the city by reason of the negligent or corrupt approval of any claim against the city in his department. Whenever any claim shall be presented to the auditor, he shall have the power to require evidence that the amount claimed is justly due and that such is in conformity with law and ordinance. For that purpose the auditor shall summon before him any officer, agent, or employee of any department, or any other person, and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the auditor shall draw a warrant for any claim contrary to law or ordinance, he and his sureties shall be individually liable for the amount thereof, and he shall be guilty of a misdemeanor.

Approval of claims.

Officers liable on bond.

Proof of claim.

Liability on bond.

Misdemeanor.

SEC. 82. He shall install and maintain accounting procedures adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash receipts and disbursements; and the recorded fact shall be presented periodically to officials and to the public, in such summaries, and analytical schedules in detailed support thereof, as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government.

Installation and maintenance of records.

Reports.

CITY ATTORNEY.

SEC. 83. The city attorney shall be an attorney at law admitted to practice in the State of North Carolina. He shall be the legal adviser of and attorney and counsel for the city, and for all officers thereof, in matters relating to their official duties. He shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds, and other instruments in writing in which the city is concerned, and shall indorse on each his approval of the form, correctness, and validity thereof. He may designate

Qualification of city attorney. Enumeration of duties.

Assistants.

such assistant attorneys as the board of aldermen by ordinance may authorize. He shall perform such other duties as may be designated by the board of aldermen.

Other duties.

SEC. 84. When required to do so by resolution of the board of aldermen or board of school commissioners, the city attorney shall prosecute or defend, for and in behalf of the city, all complaints, suits, and controversies in which the city is a party, and such other suits, matters, and controversies as he shall by resolution or ordinance be directed to prosecute or defend.

Appearance for aldermen or school commissioners.

SEC. 85. The city attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption. When an obligation or contract made on behalf of the city, granting a right or easement or creating a public duty, is being evaded or violated, the city attorney shall, after appropriate action by the board of aldermen, likewise apply for the forfeiture or the specific performance thereof, as the nature of the case requires.

Remedies by injunction.

Actions for forfeiture or performance.

CITY SOLICITOR.

SEC. 86. The city solicitor shall prosecute all cases in the recorder's court for and on behalf of the city and State, and shall discharge such other duties as may be required of him by the board of aldermen. It shall be his duty, if required by the board of aldermen, to assist the solicitor of the Superior Court in the trial of appeals from the recorder's court to the Superior Court.

Prosecutions in recorder's court.

Assistance on appeals.

SINKING FUND COMMISSION.

SEC. 87. At their first annual meeting in May, one thousand nine hundred and fifteen, or as soon thereafter as practicable, the board of aldermen shall elect a sinking fund commission of three men. One of the said commission shall be elected for a term of two years, one for a term of four years, and one for a term of six years. Every two years thereafter they shall elect a successor to the member whose term has expired. Members of the sinking fund commission shall be freeholders and taxpayers in the city of Charlotte and shall be men of eminent character and of recognized experience and ability in business affairs, and they shall not hold any other office or employment in connection with the city's affairs. The sinking fund commission shall have entire charge of the sinking fund hereinbefore provided for, with full power and authority to deposit same in reliable banks on interest-bearing certificates, to loan at interest on real estate security, or to purchase shares in local building and loan associations, as in their judgment may be best. They shall also have the power to purchase, or to pay off when falling

Election of sinking fund commission.

Term of office.

Election of successors.
Qualifications.

Charge and investment of sinking fund.

Purchase or payment of bonds.

due, any outstanding bonds of the city of Charlotte whose payment has not been otherwise provided for. They shall make detailed reports to the board of aldermen at least once every six months, and whenever requested by the board of aldermen, of all moneys received by them, amounts invested or loaned, and of the securities held for such investments or loans. The board of aldermen shall pay any necessary expense incurred by the sinking fund commission in the discharge of their duty, and the clerk and treasurer of the city of Charlotte shall be the clerk of the sinking fund commission. In case of a vacancy in the office of the sinking fund commission by reason of death, removal from city, or otherwise, the board of aldermen shall elect a successor to fill out the unexpired term.

Semiannual reports.

Payment of expenses.

Clerk.

Vacancies.

OATHS.

SEC. 88. Immediately upon their election, or as soon thereafter as practicable, the mayor, the aldermen, school commissioners, and all officers elected or appointed by the board of aldermen, shall take and subscribe an oath to support, advance, protect, and defend the good order, peace, and welfare of the city of Charlotte and its inhabitants, and to faithfully demean themselves in their respective offices according to law and the ordinances and regulations thereof, and to support the Constitution of the United States and the Constitution and laws of this State.

Officers to be sworn.

BONDS.

SEC. 89. The board of aldermen shall require the executive officer of the city of Charlotte, the clerk, treasurer, auditor, city tax collector, or other person having charge of city property or intrusted with money belonging to the city, and every person, firm, or corporation contracting to furnish material or supplies or do work for the city of Charlotte, to give bond with good surety and of sufficient amount to protect the city. Where the security in any such bond shall become insufficient or insolvent, it shall require additional security. The city shall pay the premiums on all bonds given by officers of the city with regularly licensed and approved bonding companies as surety.

Officers and contractors to give bonds.

Premiums on bonds.

TAXES.

SEC. 90. 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.:

Taxes.

(1) On the real and personal property within the corporate limits, and on the personal property owned by residents of said city, including money on hand and solvent credits; and upon all other subjects taxed now or hereafter by the General Assembly, *ad valorem*, a tax not exceeding one dollar on every hundred dollars value in addition to the school tax herein provided for.

Ad valorem tax.

Poll tax.

(2) A poll tax not exceeding two dollars and thirty cents a poll on the taxable polls of all persons who may be residents in the city on the first day of May of each year, or who may be residing in the city on the first day of May of each year, or on such date as may be fixed by the General Assembly for the listing of poll tax for State and county purposes.

Advertisement for tax listing.

SEC. 91. That the city clerk and treasurer on the third Monday in April of each year shall make advertisement in some newspaper published in the city, notifying all persons who own or have control of property liable to taxation by the city on the first day of May to return to the auditor, at the city hall, on or before the last day of May, a list of their said taxable property: *Provided*, in case the General Assembly shall change the date for listing of property for State and county purposes, the board of aldermen shall have authority to require the listing of property for city purposes at a time to conform with the listing for State purposes. Said list shall state the number of lots or parts of lots and all other property now taxable or that may hereafter be made taxable by the laws of the State or the ordinances of the city, and the list so returned shall be sworn to before said auditor, and said auditor shall administer the following oath: "I, A. B., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of all personal property, of Mecklenburg County bonds, and a full and accurate list of all stocks, bonds, income, solvent credits, and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information, and belief: so help me, God."

Proviso: to conform to State.

Details of lists.

Lists sworn to.

Form of oath.

Tax book.

SEC. 92. That from the returns so made, the auditor shall within thirty days after the expiration of the time for taking said list make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes; and the auditor shall copy in said book the assessments made by the board of township assessors of all real property within the city limits, and the said list may be revised, corrected, or amended by the board of aldermen.

Assessments.

List of delinquents.

SEC. 93. That the auditor shall, within thirty days from the return of the tax list, make out, to the best of his knowledge and belief, by comparing his book with the returns made by the board of township assessors and by the city census hereinbefore required to be taken, as soon as possible after, and by diligent inquiry from other sources, a list of taxable polls and other taxable property in said city who shall have failed to return a list in the time and manner aforesaid, and said persons so listed shall forfeit and pay a sum fixed by the board, not exceeding twice the amount of the tax, which penalty may be recovered, as other fines and penalties imposed by the board of aldermen, or assessors, before the recorder or any justice of the peace.

Forfeit for delinquency.

- SEC. 94. The board of aldermen shall annually levy the taxes on such subjects of taxation as above designated and shall place the tax list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer; and the collector, for his compensation, shall receive a salary to be fixed by the board of aldermen. Levy.
Collection.
Settlements.
Salary.
- SEC. 95. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold is personalty, and of thirty days if the property be realty. Collection by distress and sale.
- SEC. 96. That when the taxes due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the board of aldermen, together with a particular description of the real estate, and thereupon the board of aldermen may order the same sold at the Mecklenburg County courthouse door, after advertising for thirty days in some newspaper published in the city; and the collector shall divide the said land into so many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed as hereinafter provided shall belong to the said city in fee. Lien on land.
Report of non-payment.
Order and advertisement.
Division of land.
Sale of entire lot.
- SEC. 97. That the collector shall return an account of his proceedings to the board of aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury, subject to the demand of the owner. Return and record of proceedings.
Record.
Surplus.
- SEC. 98. The owner of any land sold under the provisions of this charter and amendments, or any person acting for him, may redeem the same, within one year after the sale, by paying to the purchaser the sum paid by him, and twenty-five per cent of the amount of taxes and expenses, and the treasurer shall refund to the owner, without interest, the proceeds of the sale, less double the amount of taxes. Time for redemption.

Conveyance on failure to redeem.

SEC. 99. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the city shall convey the same in fee to the purchaser, or his assigns, by deed, signed by the tax collector, attested by the city clerk and treasurer, and the corporate seal of the city attached; and the recital in such conveyance shall be conclusive evidence that the tax collector has complied with all requirements of this charter necessary to make the sale valid, and the deed shall be presumptive evidence that the taxes for which the property was sold were due and unpaid.

Recitals conclusive evidence.

Deed presumptive evidence.

Tax on poles.

SEC. 100. That in addition to subjects listed for taxation, the aldermen may levy on all obstructions and on all poles, whether telegraph, telephone, electric power wire, or otherwise, located in, on, over, or above any public alley, street, or sidewalk in the city limits, an annual tax or charge in the nature of rent, not to exceed one dollar per pole: *Provided*, the board of aldermen shall have power and authority to graduate the tax with reference to the number, location, and quality of the poles.

Proviso: graduation of tax.

Licenses.

SEC. 101. That the board of aldermen are hereby authorized and empowered to impose taxes on trades, professions, franchises, privileges, licenses, or businesses, by dividing the same into classes, according to size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class.

Tax uniform as to class.

Doing business without license a misdemeanor.

SEC. 102. That any person carrying on or practicing any franchise, 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.

Provision for payment of debt.

SEC. 103. That it shall be the duty of the board of aldermen, in their levy of taxes, to make provision for paying the interest on the bonded debt of the city and for the payment of said bonds as they fall due, but no owner of past-due bonds shall be paid interest thereon after advertisement in some newspaper to present the same to the city treasurer for payment.

Interest to cease on maturity.

Delinquent property brought on list.

SEC. 104. That whenever it shall appear to the board of aldermen of the city of Charlotte that property, real or personal, has escaped taxation in the said city for city purposes on account of the failure of the owner of the property to list said property for taxation, or for any other reason, it shall be the duty of the said board to notify the said person or corporation whose property has thus escaped taxation to appear before it at a time and place mentioned in the notice and show cause, if any there be, why the said owner should not be charged with the tax on the said property for the year or years during which it escaped taxation. At the time and place mentioned in the notice the board of aldermen shall hear and determine the matter, and if they find that the said property was liable for taxation, and was not listed, they shall direct the clerk of the said city to enter upon the tax book against the owner of the said

Order for listing.

property, who should have listed it, the taxes due for the year or years it escaped taxation, and the tax thus levied shall be collected as other taxes are collected against the owner who failed to list his or its property or whose property was not listed for any cause.

SEC. 105. That from the decision of the board of aldermen the owner may appeal to the next term of the Superior Court of Mecklenburg County, and the collection of such taxes shall be stayed pending such appeal, if the owner shall give bond in at least double the amount of the taxes assessed against him, conditioned that he will pay the city of Charlotte all such judgments as may be had against him in the Superior Court upon such appeal, which bond shall in no case be less than fifty dollars.

Right of appeal.

Bond on appeal.

CITY TAX COMMISSIONERS.

SEC. 106. The board of aldermen at their first regular meeting in May of each year, or as soon thereafter as practicable, shall appoint a city tax commissioner, who shall devote his entire time and attention to investigating and discovering all property of delinquents who have failed to properly list their taxables, which he shall report to the city list takers and assessors for Charlotte Township. He shall report to the board of aldermen, on or before the expiration of the time fixed by law for placing delinquents upon the tax books, all listing of real and personal property therein. He shall also examine the books of the tax collector of said city, and report to the board of aldermen all errors and inaccuracies and discrepancies that may appear therein, and all uncollected and unlisted taxes for such year not included in the insolvent list allowed said tax collector by the board of aldermen. Said commissioner shall be appointed for such length of time and receive such compensation for his services as the board of aldermen of the city of Charlotte shall fix, to be paid out of its general funds.

Appointment of tax commissioner.

Duty.

Reports.

Examination and report on books.

Term and compensation.

PUBLIC HEALTH.

SEC. 107. Power is hereby given to the board of aldermen, subject to the provisions of this act, to pass such ordinances and do such acts and things as may be necessary, useful, or desirable to safeguard and protect the health of the inhabitants of the city; and power is hereby conferred upon the said city to institute and carry out all sanitary measures for the preservation of the public health and for the prevention of the generation, introduction, or spread of infectious or contagious diseases of any kind; to provide quarantine regulations, personal or otherwise; and to exercise the authority and jurisdiction conferred by sections four thousand five hundred and six, four thousand five hundred and seven, four thousand five hundred and eight, and four thousand five hundred and nine of the Revisal of one thousand nine hundred and five, and any and all acts amendatory thereof.

Health ordinances.

Sanitary measures.

Quarantine.

Health officer.

SEC. 108. The health officer hereinbefore provided for shall be a graduate of a reliable medical college, licensed to practice medicine in the State of North Carolina, and shall be a physician of recognized experience and ability. He shall advise with and recommend to the board of aldermen ordinances and rules that he may deem necessary or useful to prevent disease and promote health. It shall be his duty to see that the laws of the State pertaining to public health are properly enforced, and he shall discharge such other duties as may be required of him by ordinances of the city of Charlotte.

Duties.

Vital statistics.

SEC. 109. The board of aldermen shall have power and authority to pass ordinances requiring physicians and others to make reports of all births, sicknesses, deaths, causes of death, and such other things as may be necessary to enable the health department to maintain and furnish accurate and reliable vital statistics.

Houses of detention.

SEC. 110. That there may be established under the provisions of this act a house or houses of detention, that persons having or being suspected of having smallpox or any infectious or contagious disease may be examined, stopped, detained, or kept in the said house or houses; that the city or any part thereof may be quarantined; and all persons in the city limits may be compulsorily vaccinated; and furniture, bedding, clothing, or other property infected or tainted with any infectious or contagious disease, or upon reasonable grounds of suspicion that the same is so tainted or infected, may be fumigated or destroyed without incurring liability to the owner; and all expense incurred in carrying out the aforesaid provisions shall be borne by the city.

Quarantine.

Compulsory vaccination.
Disinfection.

Slaughter and sale of meat.

SEC. 111. Power is hereby given to the city to regulate the slaughtering of animals and the sale of meats, and, whenever it is necessary to preserve the public health, to order the destruction of any meat or product sold for the purposes of human food, and the city or persons acting under its orders shall be free from civil or criminal liability, or both, by reason of such destruction.

Destruction.

CITY WATER-WORKS.

Board abolished.

Property vested in city.

Liabilities.

Control of water-works and water.

Rates.

SEC. 112. That the board of water commissioners is hereby abolished, and all real estate and personal property of every nature and description now held by the said board shall immediately upon the ratification of this act become the property of the city of Charlotte, and all liabilities of the said board shall be and become the obligations of the city of Charlotte.

SEC. 113. That the board of aldermen shall have the authority to extend, construct, maintain, change the location of, or discontinue the water mains and water pipes connected with said water-works, and by ordinance shall have authority to regulate and control the introduction, distribution, and use of water in the said city, and fix the rate at which the same shall be furnished to consumers, and

- prescribe the time of payment, and may grant a rebate for payment of such rates within a designated time, and provide for the collection of all rents, rates, forfeitures, or emoluments from the operation of the water-works system and require the payment in advance of the water rates for water furnished in or to any building, place, or premises, and, after five days notice, may cause the water to be shut off from any building, place, or premises on account of the nonpayment of said rates or rent; and said premises, building, or place need not be furnished with water until arrears, with interest thereon, and the expense of cutting off and reintroducing the water supply, shall have been fully paid; and to prescribe penalties against any person who shall interfere with the water supply of any building, place, or premises, or who shall turn on the water in or to any building, place, or premises after the same shall have been cut off, and before payment of said arrears. They may require the owners of real property upon which residences or other buildings are located abutting upon the streets in which any sewers 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, in which shall be included the right to fix reasonable fees and rates to be charged such property owners for the privilege of connecting with such sewers and water mains and the subsequent use thereof, which rate shall also apply to the owners whose property has heretofore been connected with the public sewers and water mains now established, as well as 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.
- SEC. 114. The board of aldermen may levy a special sewer assessment upon all lots and property abutting on any street in which is located a sewer main, whether the said lot or property be connected with said sewer main or not, such sewer tax or assessment not to exceed three cents per lineal foot of the frontage of such lot or property, said tax to be devoted to the payment of interest on bonds issued for sewer purposes.
- SEC. 115. That no contracts shall be made for the use of water for a longer term than five years.
- SEC. 116. That where unnecessary waste of water is known or suspected, the board of aldermen shall have the authority to cause entry to be made, at reasonable hours after demand and refusal, into and upon any building, place, or premises where such water is taken and used, and examine and inquire into the cause of the waste thereof, and may prescribe penalties for any person who refuses to permit such examination or obstructs the performance of this duty; and the supply of water may be cut off until such examination is made.

Enforcement of payment.

Penalties for interference.

Power to require connection.

Charge for connections.

Enforcement of payment.

Sewer tax.

Limit.

Term of contracts.

Entry for examinations.

Accounts of water-works.

SEC. 117. That accurate accounts shall be kept of all receipts and disbursements and expenditures on account of the operation of the water-works, separate from other funds of the city.

Water receipts to interest and sinking fund.

SEC. 118. That out of the proceeds of the operation of the water-works there shall be paid the interest upon bonds of the city of Charlotte which were sold for the purpose of raising money to purchase or enlarge said system of water-works, and the balance remaining over and above the costs of maintenance, operation, and extension, after the payment of such interest, shall be invested, under the direction of the board of aldermen, as a sinking fund to meet the payment of said bonds at maturity.

Interferences with water-works made misdemeanor.

SEC. 119. That if any person or persons shall maliciously or willfully divert the water or any portion thereof from the said water-works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, or other property used or acquired for procuring or distributing the water, the said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or shall be imprisoned not exceeding one year, at the discretion of the court.

Punishment.

Use of rights of way.

SEC. 120. That the said board of aldermen shall have the right to use the ground or soil within the right of way of any street railway or other railway, highway, public lane or alley, for the purpose of extending or improving the said system of water-works, and may carry pipes under any railroad or highway for said purposes, under condition that such property shall not be permanently injured and shall be restored to its original condition or damages done thereto repaired.

Inspection of watershed and supply.

SEC. 121. That the watershed shall be carefully and regularly inspected by a competent person to be appointed by the executive officer of the city of Charlotte, and a daily examination of the public water supply shall be made.

Protection of watershed.

SEC. 122. 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.

Credit for city water.

SEC. 123. The board of aldermen shall allow to the water department, annually, credit in a reasonable sum for water used and consumed annually by the city.

STREETS.

Street improvements.

SEC. 124. That the board of aldermen shall have full power and authority, by ordinance, to grade, pave, repave, macadamize, re-macadamize, and otherwise permanently improve for travel and drainage any street, sidewalk, or public alley of said city; to put down curbing, cross drainage, and crossings on the same; to lay out and bound new streets or widen those already bounded, and make such improvements thereon as the public convenience may require.

SEC. 125. That the board of aldermen shall have full power and authority to pass ordinances providing for the laying out of districts or sections of streets and sidewalks for permanent improvement, and they shall have the power, and it shall be their duty, to equalize the assessments on the real estate in such districts or sections to pay the costs 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 street improvement, the board of aldermen shall have the 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 improvements, and such cost and charges shall be a lien on all such abutting property from the commencement of the work, as provided in this act: *Provided*, that the board of aldermen shall not order such improvement district or section to be laid out until and unless the persons owning the land abutting on such street or sidewalk, or public alley, or the portion thereof proposed to be improved, which is more than one-half the frontage abutting on such street, sidewalk, or public alley, or the portion thereof proposed to be improved, shall, in writing, request said board to make such improvement, except, 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, and Seventh streets between College and Church streets, West Fourth Street between Church Street and Southern Railroad, North College Street between Fifth and Thirteenth streets, South College Street between Second and Third streets, South Church Street between First and Fourth streets, North Church Street between Fifth and Seventh streets, Poplar Street between Fourth and Fifth streets, Ninth Street between Third and Trade Streets, Elizabeth Avenue from East Avenue to the bridge over Sugar Creek, West Seventh Street from Church Street to the cemetery, and East Fifth Street from College Street to Brevard Street, 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 and curbing the streets and the cost of paving and permanently improving the street intersections, except that part of such intersections required to be paid for by such street railways

Improvement districts.

Cost assessed on property.

Lien for cost.

Proviso: request for improvement.

Exception of main thoroughfares.

Proviso: costs paid by city.

- Proviso: bonds for expense. as in this act is elsewhere provided; and *Provided further*, that the cost of such improvement shall be financed by the issue of bonds, as hereinafter provided.
- Street railways and other railroads. SEC. 126. That if any street railway company or other railroad company have tracks running through or across any street or streets, sidewalks, or public alleys, laid out as permanent improvement districts or sections, it shall be incumbent on such company to pave, repave, macadamize, remacadamize, or otherwise improve that part of such street or streets, sidewalks, or public alleys, as is covered by said tracks, together with thirty inches on each side of each line of track, and also so much of said street, sidewalk, or public alley as lies between double tracks, where said street railway or other railroad is double-tracked, including all tracks which are now or which may hereafter be constructed by any such street railway or railroad 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 power and authority to pave or repave, macadamize or remacadamize, or contract for paving or repaving, macadamizing or remacadmizing the whole of said space, without giving such street railway company, railroad company, or other occupant of the streets, sidewalks, or public alleyways the option of having said space paved or repaved, macadamized or remacadamized by itself or otherwise; and the cost of such permanent improvement shall be assessed upon the franchise or property of said railway or railroad company, or both, located within said city of Charlotte, and shall constitute a lien thereon:
- Proviso: uniformity of work. and special-tax levies shall be made thereon for the purpose of collecting the same in the manner herein elsewhere provided for the assessment, levy, and collection of such assessments upon other property so improved.
- Assessment of cost. SEC. 127. All companies, corporations, and persons having franchises or permits to use the streets of the city for laying railway tracks, pipes, or conduits, and for other purposes requiring the excavation of the streets, sidewalks, and public alleys, shall be notified by the executive officer of the city when any street is to be permanently improved, and given a reasonable opportunity to lay said railways, pipes, or conduits, or do such work as they may be authorized to do under said franchises; and in case any such company, corporation, or person fails to lay said railway or pipes, or to do said work before such permanent improvements are made, they shall not be permitted to do so thereafter, except upon such reasonable terms and conditions as the board of aldermen may fix.
- Collection. SEC. 128. 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
- Notice of improvement.
- Work before improvement.
- Conditions on work afterward.
- Estimate of cost.

improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge to and assess upon each side of the street upon which said work is to be done its pro rata share of the entire cost of all such improvements as may be made under the provisions of this act: *Provided, however*, in order to avoid obstructing lot owners in subdividing and selling their property, by reason of the liens hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit, and shall file in the office of the city clerk and treasurer a plat of the subdivisions, making the lots fronting on the streets so paved or improved of any desired frontage, but not less than one hundred feet in depth; and the assessment made and the liens created by virtue of this act for street improvement shall thereafter affect and attach to such front lots only, not less than one hundred feet in depth; and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain chargeable with its ratable proportion of said assessments, and liens, according to its frontage. That the board of aldermen shall cause to be established a permanent grade on any such street, sidewalk, or public alley; shall cause said street, sidewalk, or public alley to be accurately surveyed, and a map to be made of the various lots and properties on such street, sidewalk, or alley, or portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivisions, if any; and the said map shall be filed with the city clerk and treasurer, to be subject to public inspection; and when the assessments and liens, as provided for in this act, shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the city clerk and treasurer, or other proper clerical city officer, shall write upon said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens, and the date and amount of all payments made on any of said assessments and liens: *Provided*, that no section or district shall be ordered or declared a section or district for permanent street improvement under the provisions of this act until and unless one-third, at least, in frontage of the various lots or properties abutting on the streets or sidewalks of such district or section shall have been built up or improved for business or residential purposes: *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 assessed again until after expiration of ten years from the date of the last preceding assessment: *Provided*

Basis of apportionment.

Proviso: subdivision.

Plat of subdivision.

Attachment of lien.

Grade.

Survey and map.

Assessments entered on map.

Indexed record.

Entry of payments.

Proviso: improvements on property.

Proviso: limit of assessment.

Limit of time.

Proviso: subsections.

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 is authorized to divide such district into subsections 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 of aldermen may make as many subsections as may be necessary to make a just distribution of the cost of permanent improvements 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 special tax to pay the same and the interest thereon, as hereinafter provided.

Bond issues and special tax.

Notice of assessments.

SEC. 129. That notice of the assessment of special benefits by the board of aldermen, as herein elsewhere provided in this act, against abutting property on any street, sidewalk, or public alley, in any such improvement district or section, shall be given at least once a week for four weeks in some daily newspaper published in the city of Charlotte, which notice shall state the time and place at which 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 have none, on application by the city, it shall be the duty of the clerk of Superior Court of Mecklenburg County to appoint a guardian *ad litem* to act for him, her, or them. 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 finding, and to appeal from the decision of said board to the next term of Mecklenburg County Superior Court, by serving upon the 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 Superior Court of Mecklenburg County, a written undertaking in at least the sum of two hundred dollars, with sufficient surety to be justified before and approved by the 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

Persons under disability.

Right of appeal.

Bond on appeal.

Case on appeal.

appeal, and be certified by the 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 said 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 of said assessment 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 an amount, to the end that no merely technical objections shall defeat the rights of the city; and the amounts so found, together with the costs of the appeal, which costs shall be assessed as costs in other civil actions, shall be and constitute 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.

Pleadings.

Judgment on appeal.

Lien on property.

Collection.

SEC. 130. That in addition to notice by publication to property owners affected by improvements to abutting real property as elsewhere provided by this act, the board of aldermen shall 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. Should any such person be a nonresident of the city of Charlotte, then such notice shall be served on such nonresident's agent in the city having charge of said property, or said notice may be mailed to the last known address of said nonresident.

Personal notice.

Service on non-residents.

SEC. 131. Nothing in this act shall be construed to make it mandatory on the board or aldermen to require abutting property owners to pay the cost of macadam, but it shall be in the discretion of said board to exercise its judgment about the cost of macadam; but it is hereby made mandatory upon the said board to charge the cost of bitulithic, asphalt, vitrified brick, and other permanent pavements against the abutting property, as elsewhere provided in this act: *Provided further*, that nothing in this act shall be construed to make it mandatory on the board of aldermen to issue bonds to finance the construction of sidewalks, but said board may require the construction of sidewalks, and charge the entire cost of same, not including curbing, to the abutting property, the property on each side of the street to pay or bear the cost of the sidewalk on its respective side, which cost shall be a lien on the abutting property as herein elsewhere provided, and paid immediately, or as soon thereafter as practicable, by the property owners, and not by an issue of bonds, as is elsewhere provided, if the board of aldermen so determine; and such charge or assessment shall be enforced

Cost of macadam.

Charges mandatory.

Proviso: assessments for sidewalks.

Collection of assessment.

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.

Repaving macadam streets.

SEC. 132. If the board of aldermen shall, in accordance with the provisions of this act, assess the cost of paving any street or section with macadam or other less valuable material, not guaranteed for at least five years, they shall have the power, according to the provisions of this act, to pave, repave, or macadamize the said street or section at the end of five years, and the assessment levied for paving with such macadam or less valuable material, and bonds covering the same, shall be payable in five years, instead of ten years, as is provided for more permanent paving.

Bonds payable.

Notice for bond issue.

SEC. 133. As soon as the amount chargeable to the real estate to be specially benefited, as 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 shall 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 real estate to be benefited has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds, chargeable to the said real estate, to pay the special assessments, and such bonds will be issued, covering all of said assessments, except in cases where the owner 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."

Issue of bonds.

SEC. 134. After the expiration of the time fixed for 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, and 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 semiannually, and each installment of interest shall be represented by corresponding coupons. The re-

Ten equal series.

Interest.

Sale below par forbidden.
Authentication.

Recitals.

Bonds payable annually.

spective 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 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.

Proceeds paid on contract.

Assessments for bonds.

SEC. 135. That all funds derived from assessments heretofore or hereafter levied by the board of aldermen upon private property on account of the improvements of the streets, sidewalks, and public alleys upon which such property abuts, shall, when collected and received by the city of Charlotte, constitute a special fund, to be designated "Street Improvement Fund," and the same, with funds derived from the taxes hereafter authorized to be levied for street improvements, 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 board of aldermen exclusively to the payment of any bonds issued against the property from which such funds were derived, or to reimburse the city in case the city has financed the improvement.

Street improvement fund.

Fund and account kept separate.

Exclusive appropriation.

SEC. 136. That for the preservation and protection of the pavements and improvements herein provided for, the board of aldermen of said city shall have and are hereby given power and authority, in all cases where any of the public streets or alleys of said city, whereon water and sewer pipes have been laid or are conveniently accessible, are being paved or are to be paved, to require, by ordinances duly enacted, that the owner or owners of any unimproved or vacant lots or parcels of land bordering or abutting thereon, under the supervision of the executive officer, shall make proper branch water-pipe and sewer connections for said lots or parcels of land from said water pipes and sewers to the edge of such lots or parcels of land, upon like notice, terms, and under the same regulations as are herein provided for making or requiring such connections with improved lots in said city; and upon failure of the owner or owners of such unimproved or vacant lots or parcels of land to so connect the same within the time required, said board of aldermen may make such connections and charge the costs thereof against said lots or parcels of land in the same manner as

Water and sewer connections.

Connections charged against lots.

Lien on lots.

is hereinbefore provided in the case of sidewalks, and such costs so charged shall constitute a lien upon such lots or parcels of land to the same extent and to be enforced and collected in the same manner as the liens hereinbefore provided with respect to the sidewalks in said city: *Provided further*, that in all sections for permanent paving the board of aldermen may require any person, firm, or corporation owning or using gas mains, gas pipes, or any other pipes whatever, or underground electric or other wires, in or under said street so being paved or about to be paved, to forthwith make all their lateral connections in said streets, at least to the edges thereof, before said streets are paved, so as not to interfere with the progress of the paving; and for failure for twenty days after notice of said requirement to comply with same, said person, firm, or corporation so in default shall thereby forfeit the right to use said streets for the purposes aforesaid, and the board of aldermen of said city may, at its discretion, remove said gas mains, pipes and wires from said streets.

Proviso: laterals by public utilities.

Forfeit for failure.

CONDEMNATION.

Purchase of land.

SEC. 137. That when in the opinion of the board of aldermen any land, right of way, privilege, or easement shall be required for the purpose of opening new streets, or of extending or widening those already open, or for the extension and maintenance of the drainage and sewerage systems of the city of Charlotte, or for other public purposes, said city may purchase the same from the owner or owners thereof, and pay such compensation therefor as may be agreed upon; and when in any case said board shall find that additional land, water rights, privileges, rights of way, or easements are necessary to the operation of the system of water-works or sewerage, they may likewise purchase the same at an agreed price; but if said city should be unable to agree with the owner thereof for the purchase of any such land, rights, privileges, or easements therein, condemnation of the same for such public use may be made in the manner hereinafter set forth. The said city shall file with the clerk of the Superior Court of Mecklenburg County its verified petition, praying for the appointment of commissioners to appraise and value the real property, or rights, privileges, or easements proposed to be taken or condemned for the purposes 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 to be so taken, the said assessment to be made by the commissioners according to the value of the property, or rights, privileges, or easements to be acquired for public use. The petition shall set forth and describe the particular property, rights, privileges, or easements proposed to be taken or condemned for the purpose aforesaid, and shall also state the names and residences of the owner or owners thereof, and of the

Power of condemnation.

Procedure for condemnation.

Petition.

persons who have any interest therein which may be affected by the said condemnation and whether any of the said owners are minors with or without guardians.

SEC. 138. That upon the filing of the said petition the clerk of the Superior Court shall issue a summons to the parties interested in the lands, rights, privileges, or easements described in the petition, requiring them to appear in his office in the courthouse of said county on a day at least ten days after the service of the said summons, and answer or otherwise plead to the petition, and the said proceedings shall be conducted in all respects as are other special proceedings, and the clerk may issue process and make publication for parties, and appoint guardians, in like manner as is provided by law in the case of special proceedings.

SEC. 139. That if the clerk shall find that the property, rights, privileges, or easements described in the petition are required for public use, he shall make an order appointing five disinterested and competent freeholders of Mecklenburg County to ascertain and assess the value of the property, rights, privileges, or easements proposed to be taken, and the damages to be paid to the owner thereof by said city. The clerk shall issue a notice of their appointment to the said freeholders, to be served upon them by the sheriff of the county, and when so notified they shall within five days go upon the premises and ascertain the value of the lands, rights, privileges, or easements proposed to be taken for public use, determine by a majority vote the amount of damages to be paid for the same, and make report of their findings to the clerk of the Superior Court of said county within ten days after notice of their appointment. Before making such report, they may take the evidence of witnesses offered as to any value 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 the said report with said clerk, and all issues of fact and law raised before the clerk in the said proceedings and upon the said exceptions shall be transferred to the Superior Court for trial in like manner as provided in the case of other special proceedings pending before the clerk; and the said issues shall be tried at the first term of the Superior Court after they are transferred, unless for good cause shown the trial or hearing of the matter is continued by the court; and the trial of said issues shall have precedence over all other civil cases or matters on the docket of the said court. From the judgment of the Superior Court, rendered in said proceedings, any of the parties may appeal to the Supreme Court as in other cases pending in the Superior Court: *Provided, however*, that no appeal either to the Superior or Supreme Court shall hinder or delay the city or board in opening such streets, in constructing such lines, or erecting such improvements.

Summons.

Jury of view.

Notice to jurors.

Assessment.

Exceptions.

Transfer to court.

Trial term.

Precedence.

Right of appeal.

Proviso: appeal not to delay work.

Considerations governing valuation.

SEC. 140. That in making the valuation and assessment aforesaid the commissioners shall take into consideration the loss or damage that may accrue to the owner by reason of the land or right of way being surrendered, and also any benefit or advantage such owner may receive from the opening, extending, or widening of the street, or any other improvements thereof, and shall ascertain the amount of loss or damage in excess of the said benefit or advantage, or the value or amount of such benefit or advantage in excess of loss or damage, as the case may be. That in any case where the benefits to land caused by the erection of any such improvement are ascertained to exceed the damages to the land, then the city or board shall pay the costs of the proceedings, and shall not have a judgment for the excess of benefits over the damages.

No judgment for excess of benefit.

Jurisdiction.

SEC. 141. 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 nearly as may be to the ordinary practice and procedure in such court.

Order for condemnation.

SEC. 142. That when it is proposed to condemn any land, rights, privileges, or easements for the purpose 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 nearly as may be, the nature of the improvement for which the land is required, and authorizing the executive officer of the city to proceed in accordance with this act.

Proceedings in rem.

SEC. 143. When any proceedings for appraisal of property or rights under this act shall have been instituted, no change of ownership or transfer of the real estate or any interest therein, or of the subject-matter of the appraisal or any part thereof, shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer has been made or attempted to be made.

Procedure for perfection of title.

SEC. 144. 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 right proposed to be taken, or which has been acquired or condemned, is 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 possession of the same, and if not in possession, to take possession, and use such property or rights during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against the petitioner on account thereof, upon such petitioner paying into

court a sufficient sum, or giving security as the court may direct, for the damages which may be finally assessed and recovered against it; and in every case any party interested in such property or rights may conduct the proceedings to a conclusion, if the city delays or omits to prosecute the same.

SEC. 145. That where any notice is required to be given in said proceedings, and the person to be notified is a nonresident of Mecklenburg County, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be; and if the said person is a nonresident of the State, the notice may be served by the publication thereof once a week for four weeks in a newspaper published in the city of Charlotte; and the affidavit of the publisher, proprietor, or foreman of said newspaper that said notice was so published shall be sufficient *prima facie* evidence of such publication, and the time of notice shall be counted from the last day on which the notice was inserted in said newspaper.

Notices on non-residents.

SEC. 146. That the title to any real estate, rights, privileges, or easements which have been condemned under the provisions of this act shall vest in the said city upon its paying into court, or to the parties entitled to receive the same, the amount of compensation or damages recovered against it, together with the costs adjudged to be paid by it in the said proceedings, and upon its further complying in all respects with the judgment of the court.

Titles vested in city.

SEC. 147. A copy of the final judgment of the court, duly certified by its clerk, shall be registered in the office of the register of deeds of Mecklenburg County aforesaid, and said copy, so certified by the clerk, or a copy of the registry of such judgment duly certified by the register of deeds, shall be received as evidence in all courts of this State; and where the said copy is offered in any court not held in the county of Mecklenburg the certificate shall have affixed to it the official seal of the certifying officer.

Registration of judgment.

PUBLIC UTILITIES.

SEC. 148. That the said city of Charlotte shall have the power, to be exercised by and through the board of aldermen, to regulate and supervise all public utility corporations, or *quasi*-public corporations, which operate or do business in the city of Charlotte, as to all matters exclusively in the city of Charlotte, to the end that all the citizens of Charlotte shall receive from the said public or *quasi*-public utility corporations equal treatment, and also to the end that said citizens shall have good service and just and reasonable rates from any and all said public or *quasi*-public utility corporations. The board of aldermen of the city of Charlotte shall have power to make and establish just and reasonable rules and regulations governing the public utility or *quasi*-public utility corporations which operate or do business in the city of Charlotte, for the purpose of providing and enforcing such equal treatment and good service.

Regulation of public utilities.

Rules and regulations.

Penalty for violation.	Any violation of such rules and regulations as may be prescribed under this section shall subject the person or corporation so offending to a penalty of fifty dollars. For the purposes mentioned in this section the term "public utility" or " <i>quasi</i> -public utility" corporation shall be construed to embrace all corporations usually known as public-service or <i>quasi</i> -public-service corporations. Any public utility or <i>quasi</i> -public utility corporation, or other interested person, shall at any time have and be entitled to an appeal to the Corporation Commission of the State from any action, judgment, or other decision of the board of aldermen of the city of Charlotte.
Terms defined.	
Appeal to corporation commission.	On such appeal the Corporation Commission shall hear the matter on the same evidence as that heard by the board of aldermen, which evidence shall be certified to the Corporation Commission under the hand of the mayor and seal of the city, attested by the city clerk or other proper officer, and said evidence, together with the other papers in the case, shall constitute the record before the Corporation Commission. In all other respects the said cause shall be governed by all the laws and rules regulating matters heard by the Corporation Commission. The board of aldermen of the city of Charlotte, upon complaint of any person, firm, or corporation residing or doing business in said city that any public or <i>quasi</i> -public-service corporation is charging an unjust or unreasonable rate, or of its own motion after due notice and hearing, shall have the power to declare what shall be just and reasonable rates in the matter under investigation, and shall make an order accordingly, such order not to become effective for thirty days after same is made and notice given. If within said thirty days exception is filed to such order by any corporation or other person affected thereby, then the whole matter under investigation shall be heard <i>de novo</i> by the Corporation Commission of North Carolina; and said Corporation Commission, after hearing the same, shall have power to fix just and reasonable rates and such rules as they may deem necessary to carry such rates into effect. In case no exception is filed to the order or rule of the board of aldermen within thirty days, as above provided, then the board of aldermen is authorized to make such ordinances as may be necessary to carry the same into effect. In addition to the power herein conferred, the Corporation Commission shall have full power and authority to fix and establish any and all rates which any public-service or <i>quasi</i> -public-service corporation shall charge or exact from any person, firm, or corporation for the service rendered or commodity furnished. Upon application being made, the Corporation Commission shall proceed to hear, pass on, and determine, in the manner prescribed by law, a just and reasonable rate or charge for the service or other commodity rendered or furnished. Said hearing before the Corporation Commission shall be governed by the general law as to said Commission relating to the fixing of rates and rules, and orders of the
Hearing on appeal.	
Order fixing rates.	
Exceptions.	
Hearing by corporation commission. Order.	
Ordinance.	
Power to fix rates.	
Application and hearing.	
Rules of procedure.	

Commission as to the enforcement thereof by said Commission. The Corporation Commission shall have the same power and authority, in hearing and passing on any matter or case under this act, enforcing or fixing of rates, or supervising and regulating said corporation, or otherwise, under this act, as they now have under the act establishing said Corporation Commission, in addition to such power and authority as they now have under the general law. The failure or refusal to conform to or obey any decision, rule, regulation, or order made in such cases by the Corporation Commission shall subject said public utility corporation or *quasi*-public utility corporation refusing or failing to comply therewith to the penalty provided for railroad companies in chapter twenty, sections one thousand and eighty-six, one thousand and eighty-seven, one thousand and eighty-eight, one thousand and eighty-nine, one thousand and ninety, one thousand and ninety-one, one thousand and ninety-two, one thousand and ninety-three, of the Revisal of North Carolina of one thousand nine hundred and five, and acts amendatory thereof. Nothing contained in this section shall be construed to deprive the Corporation Commission of the authority and power which it now has under the laws of North Carolina to supervise and regulate or fix the rates for public utility or *quasi*-public utility corporations operating or doing business in the city of Charlotte.

Penalty.

Powers not restricted.

SEC. 149. No franchise for the use of streets, sidewalks, highways, or other public property of the city shall be hereafter granted, extended, or renewed for a longer period than thirty years, and no ordinance granting any such franchise shall be passed until the full text thereof shall have been published for three weeks in a daily newspaper of the city, at the expense of the applicant applying for such franchise, before the second reading of such ordinance; and all such ordinances shall be read at three separate regular monthly meetings of the board, and an "aye" and "nay" vote shall be taken and recorded on the second and third readings; and the rules shall not be suspended so as to pass such ordinance in a shorter time; neither shall such ordinance be passed unless some reasonable time limit shall be therein provided for the commencement and completion of the work authorized, and the board shall have the right to fix such terms and conditions upon which such franchise shall be granted. No franchise to construct and operate any street or other railway upon any street in said city shall be granted except on the condition that the company owning and operating such railway shall keep up and maintain the street between and at least thirty inches on each side of every line of such railway.

Limitation of franchises.

Ordinances granting franchises.

Rules not suspended. Conditions of grant.

SEC. 150. The board of aldermen may by ordinance, and in the manner hereinbefore specified for granting franchises, renew any grant for the construction or operation of any utility not earlier than two years prior to its expiration, upon such terms as may be conducive to the public interest.

Renewal of franchise.

Construction of grant.

SEC. 151. All franchises or privileges for the occupation of the streets shall be strictly construed in favor of the city, and no franchise or privilege shall be held to have been granted unless granted in clear and unmistakable terms.

Grant subject to power of supervision and regulation.

SEC. 152. The grant of every franchise, privilege, or renewal thereof shall be subject to the right of the city, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare, and accommodation of the public, including among other things the right to enact and enforce ordinances to require proper and adequate extensions of service, and to protect the public from danger and inconvenience in the operation of any work or business authorized by the grant of the franchise, and the right to make and enforce all such regulations as shall be necessary to secure adequate, sufficient, and proper service and accommodation for the people and to insure their comfort and convenience without discrimination.

Revocable permits.

SEC. 153. Revocable permits for laying spur tracks across or along streets and public places to connect any steam, electric, or other railroad with any warehouse, factory, or other establishment needing switching facilities shall not be considered to be franchises, as that term is used in this charter, but such permits may be granted and revoked by the board of aldermen from time to time in accordance with such terms and conditions as may be prescribed by general ordinance.

Grants for extensions.

SEC. 154. The board of aldermen may by ordinance grant to any individual, company, or corporation operating a public utility or *quasi*-public utility the right to extend the appliances and service of such utility. All such extensions shall become a part of the aggregate property of the utility, and shall be subject to all the obligations and reserved rights in favor of the city applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made, or any renewal thereof.

Grants not exclusive nor perpetual.

SEC. 155. No right to construct, maintain, or operate any public utility in the city of Charlotte shall be exclusive or perpetual.

PUBLIC PROPERTY.

Title to and control of property.

SEC. 156. The title to all cemeteries, parks, public buildings, and other public property belonging to the city, except as herein provided, shall vest in the city, and shall be under the control and in the custody of the board of aldermen, and such officials, servants, and agents as shall be needed to care for, manage, and look after the same shall be appointed, and their terms of office and compensation fixed, as herein elsewhere provided. That nothing in this act contained shall embrace the Carnegie Public Library, but the same shall remain vested in the corporation created by chapter six-

Carnegie library.

teen of the Private Laws of one thousand nine hundred and three, and this act shall not be construed to repeal any part of said chapter.

SEC. 157. The board of aldermen shall have exclusive control of all trees upon the streets or public property of the city, and shall have the power to make, maintain, regulate, and manage all parks, playgrounds, and recreation grounds within the city. That chapter thirty-two of Private Laws of one thousand nine hundred and five, creating the Charlotte Park Commission, is hereby repealed, and the title to all property and real estate vesting in the said Charlotte Park Commission is hereby vested absolutely in the city of Charlotte.

Trees, parks, and playgrounds.

Park commission abolished.

Title vested in city.

POLICE.

SEC. 158. The police powers of the city of Charlotte shall be exercised by such officials as may be appointed by the executive officer of the city, subject to the provisions of this act. The persons exercising the police powers shall have all the power and authority now or which may hereafter be vested in sheriffs and constables for the preservation of the peace of the city by suppressing disturbances and arresting offenders. They shall execute all process directed to them by the mayor or the recorder or other lawful officer, and shall have the same power in regard thereto as sheriffs and constables. The members of the police force shall take oath before the executive officer for the faithful performance of their duties imposed by law and the ordinances of the city, and such officers and policemen as the executive officer may designate shall give bond for the faithful accounting for all moneys that may come into their hands by virtue of their office. Any officer exercising police powers shall wear a badge while on duty. All fees now or hereafter prescribed to be taxed as costs for the benefit of any officer or policeman shall become the property of the city, and shall be paid over to the city treasurer or other person authorized to receive the same.

Police powers.

Power and authority.

Execution of process.

Policemen to be sworn and give bond.

Badges.

Fees.

INSPECTION.

SEC. 159. That subject to the provisions of this act provision shall be made for the inspection, by the executive officer of the city or his deputies, of all buildings which may be in course of erection or alteration, according to the building ordinances of the city, and reports of the condition thereof shall be made and kept by the executive officer. All electrical works and appliances used and intended for the use of manufacturing, supplying, or receiving electricity within the city, either for light, heat, telephone, telegraph, or signaling systems, shall be supervised and inspected. All plumbing work, water fixtures, and sewer connections shall also be inspected and required to conform to the city ordinances. The executive officer, by and with the consent of the board of aldermen, may

Inspection of buildings.

Reports.

Electric apparatus.

Plumbing work.

Stations for cotton weighing.

Inspectors. establish one or more stations in the city of Charlotte for the public weighing of cotton by the cotton weigher of Mecklenburg County and such assistant weigher as he may appoint, subject to approval of the board of county commissioners; that said executive officer of the city may appoint one or more inspectors for each of said stations, whose duties and compensation may be regulated by ordinance of the said board, and the duties of the assistant weigher and inspector may be performed by the same person.

FIRE PROTECTION.

Protection from fire loss.

SEC. 159a. 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 executive officer, or the person exercising the duties of chief of the fire department, may order the blowing up, pulling down, or the 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.

Destruction of houses.

Arrests during fires.

SEC. 160. That persons exercising the duties of firemen shall have power and are hereby authorized to make arrests during fires for interference with or obstruction to their operations.

Right of way for fire apparatus.

SEC. 161. 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, squares, and railroad crossings, in going to or operating at any fire, and any interference with the operations of the firemen in the discharge of their duty, or any of the apparatus, shall be unlawful.

Interference unlawful.

JURY DUTIES.

Exemptions of officers.

SEC. 162. All officers of the city, and all persons exercising the powers of policemen or firemen in the city, shall be exempted from militia or jury duty and from arrest by civil process while in discharge of their duties.

MISCELLANEOUS.

General laws.

SEC. 163. That all questions arising in the administration of the government of said city, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided.

Pleading ordinances.

SEC. 164. That in all judicial proceedings it shall be sufficient to plead any ordinance of said city by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances, published in book form by authority of the board of aldermen, shall be admitted in evidence in all courts, and shall have the same force and effect as would the original ordinances.

Ordinances in evidence.

Actions for taxes.

SEC. 165. That in addition to the other modes of collection in this act provided, all taxes due the city, whether general or special, and

all assessments for street improvements or otherwise, may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as *prima facie* evidence of the statements made therein, and the city shall have equal right to become the purchaser at all sales of property for taxes or assessments due it, under judgment or otherwise.

Sec. 166. That it shall be lawful for the policemen to serve all civil process or notices that may be directed to them by the mayor or by any court under the same regulations and penalties as are or may be prescribed by law in the case of constables.

Service of civil process by policemen.

Sec. 167. That no levy shall be made on any property belonging to the city, nor shall any levy be made upon 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 taxable by the city.

Debts of city.

Sec. 168. That any officer of the city of Charlotte who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals, or effects of such city, shall be deemed guilty of a misdemeanor, and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Officer failing to settle with successor.

Misdemeanor.

Punishment.

Sec. 169. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax and subject to be corrected or altered by them, and shall be open for inspection by the public, and upon demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction; and any tax collector who shall fail or refuse to surrender his list upon such demand shall be deemed guilty of a misdemeanor.

Control of tax lists.

Failure to surrender list misdemeanor.

Sec. 170. That the board of aldermen shall have no power to sell any real property belonging to the city except by a three-fourths vote of the entire board and the mayor, and when so authorized a deed for the said real estate may be executed by the mayor and attested by the city clerk and treasurer, or by two members of said board with the corporate seal of the city attached: *Provided, however*, that this section shall not apply to plats in the cemetery, except as to the manner of the execution of the deed.

Sale of real estate.

Execution of deed.

Proviso: plats in cemetery.

Sec. 171. That any alderman or other officer or employee of the city of Charlotte convicted of bribery or of any crime amounting to malfeasance in office shall forfeit his office and the emoluments thereof.

Office forfeited for bribery or malfeasance.

Sec. 172. 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

Notice of actions for damages.

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.

Statute of limitations.

Charter of city.

Acts repealed.

Proviso: recorder's court.

Vested rights and pending litigation.

Offenses committed and penalties incurred.

Proviso: suits or prosecutions pending.

Proviso: laws not revived.

Proviso: present incumbents of office.

SEC. 173. That from and after the ratification of this act, as hereinafter provided for, the same shall thenceforth be the charter of the city of Charlotte, and all laws now constituting the charter of the city and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds and all laws of public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, so far only, however, that such repeal shall not annul any ordinances, by-laws, or rules of the corporation unless the same be inconsistent with this act: *Provided further, however,* that this act shall not be construed to repeal subsections A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, of section three of an act ratified by the General Assembly of North Carolina on the eighth day of March, one thousand nine hundred and nine, and entitled "An act to amend the charter of the city of Charlotte and to revise the same," such sections of said act having reference to the recorder's court of the city of Charlotte. Nor shall such repeal affect any act done or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty, or obligation possessed by or due to the corporation by its present name, from any corporation or person whatever, be lost, affected, or impaired, but the same shall remain in full force, and be possessed, enforced, and enjoyed, in the name and for the use of the corporation, by the name of the city of Charlotte.

SEC. 174. That no offense committed and no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty, or forfeiture shall have been mitigated by the provisions of the act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided,* that no suit or prosecution pending at the time of repeal for any offense committed, or for any penalty or forfeiture incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal: *Provided further,* that no law heretofore repealed shall be revived by the repeal of any act repealing such law; and *Provided lastly,* that all persons who at the time when the said repeal shall take effect shall hold any office under any of the acts hereby repealed shall continue

to hold the same until the officers succeeding to their functions shall be elected or appointed according to the provisions of this act.

SEC. 175. It shall be the duty of the Secretary of State to furnish a certified copy of this act to the mayor of the city of Charlotte immediately after the ratification of same.

Secretary of State
to furnish copy.

BONDS.

SEC. 176. That no bonds, except bonds necessary to refund bonds falling due and bonds for permanent street improvements herein provided for, shall be issued by the city of Charlotte for any purpose unless such issue of bonds be authorized by a majority vote of the qualified electors of the city; and no election for the issue of bonds shall be held except after thirty days notice of same has been given by publication in some daily newspaper published in said city; and said notice shall contain a statement of the amount of bonds sought to be issued, together with the purpose for which said bonds are sought to be issued.

Bond issues to be
voted on.

Notice of election.

SEC. 177. That this act shall not go into effect unless same shall be ratified by a majority of the votes cast by the voters of the city of Charlotte at a special election to be held on the fifth Tuesday in March, one thousand nine hundred and fifteen; said election to be held according to the law prescribed for holding elections in the city of Charlotte. Those favoring the adoption of this act as the charter of the city of Charlotte shall vote a written or printed ballot containing the words "For New Charter," and those opposed to the adoption of this act shall vote a written or printed ballot containing the words "Against New Charter." The registrars shall be appointed at least fifteen days before the election, and the registration books used in the city election of one thousand nine hundred and thirteen shall be used for the registration of voters for such election. The registration books shall be open for ten week days and shall close on Saturday before election. If the registrars are unable to procure registration books used in any of the wards in the city election in one thousand nine hundred and thirteen, the registration books used in the special school tax election held in one thousand nine hundred and fourteen shall be used as the registration books for such wards. It shall be the duty of the city clerk and treasurer, immediately upon the receipt of a properly certified copy of this act, to have printed for free distribution not less than one thousand copies, the expense of printing to be paid by the city of Charlotte; and it shall also be the duty of the said clerk and treasurer to advertise for five successive days in a daily newspaper published in the city of Charlotte, commencing fifteen days before the election, stating the date and purpose of the election, registration places, names of the registrars, days the books will be open for registration, and the places for holding election, the expense of such publication to be paid by the city of Charlotte. Returns for

Act to be ratified
by voters.

Date for election.

Ballots.

Registrars.

Registration books.

Registration.

Printed copies of
act.

Advertisement for
election.

Returns.

the election shall be made to the clerk of the Superior Court of Mecklenburg County, who shall tabulate the vote and announce the result of such election.

SEC. 178. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1915.

CHAPTER 277.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF RALEIGH TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.	SECTION 1. That the board of commissioners of the city of Raleigh be and they are hereby authorized to issue bonds to an
Amount.	amount not to exceed forty-four thousand and five hundred dollars
Purposes.	(\$44,500) for the purpose of paying the floating debt of said city due prior to the first day of January, one thousand nine hundred
Denominations.	and fifteen; that the said bonds shall be negotiable coupon bonds, payable to bearer, in denominations of five hundred dollars (\$500)
Maturity.	each, and be numbered serially and become due and payable as to principal in thirty years from date of issue, and the interest to be
Interest.	payable in semiannual installments, at the rate of five per cent per annum, and shall be in such form and payable, as to principal and
Date.	interest, at such place or places as said board of commissioners may determine, and shall be dated on such date as such board of
Further issue authorized.	commissioners may determine.
Amount.	SEC. 2. That the board of commissioners of the city of Raleigh be and they are hereby authorized to issue bonds to an amount not
Purpose.	to exceed twelve thousand and five hundred dollars (\$12,500) for the purpose of opening and extending Martin Street to Boylan
Denominations.	Heights, widening Person Street between South Street and Bledsoe Avenue, and opening and improving a new street from Hillsboro
Maturity.	Street to and beyond Morgan Street; that the said bonds shall be negotiable coupon bonds, payable to bearer, in denominations of
Interest.	five hundred dollars (\$500) each, and to become due and payable thirty years after date as to principal, and the interest to be payable
Date.	in semiannual installments at the rate of five per cent per annum, and shall be in such form and payable, as to principal and
Proviso; specific appropriation.	interest, at such place or places as said board of commissioners may determine, and shall be dated on such date as said board of
	commissioners may determine: <i>Provided</i> , that ten thousand dollars (\$10,000) of said amount, if necessary, shall be used in opening and
	extending of Martin Street, and not more than two thousand and five hundred dollars (\$2,500) for widening Person Street between

South Street and Bledsoe Avenue and opening and extending a street from Hillsboro Street to and beyond Morgan Street.

SEC. 3. That upon the sale of said bonds the proceeds shall be applied only to the purposes aforesaid, that is, to use the proceeds of the forty-four thousand and five hundred dollars (\$44,500) issue to pay the floating debt of the city of Raleigh, and the proceeds of the twelve thousand and five hundred dollars (\$12,500) issue to be used in the following manner: Not more than ten thousand dollars (\$10,000) to be used in opening and extending Martin Street, and not more than two thousand and five hundred dollars (\$2,500) to be used in widening Person Street between South Street and Bledsoe Avenue, and opening and extending a street from Hillsboro Street to and beyond Morgan Street: *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: *Provided further*, that said bonds shall not be sold at less than their par value, and that said bonds shall be sold only after due advertisement.

Application of proceeds.

Proviso: no duty on purchasers.

Proviso: sale at not below par.

SEC. 4. That the said bonds shall be signed by the mayor of said city and attested by the clerk of said city and sealed with the seal of said city.

Authentication.

SEC. 5. That the said board of commissioners or their successors in office be and they are hereby authorized and empowered to levy and collect on all taxable property in the said city of Raleigh a special tax of sufficient amount to pay the interest of each issue of said bonds as it may become due and the principal of each issue thereof at maturity. Said special taxes shall be levied and collected at the same time as other taxes are levied and collected for the use of said city.

Special tax.

Levy and collection.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 278.

AN ACT TO ESTABLISH CLAREMONT GRADED SCHOOL DISTRICT IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory within the corporate limits of the town of Claremont, in Catawba County, as it is now or shall hereafter be prescribed, and all the territory without the corporate limits of the town of Claremont included within the following boundaries, towit, beginning at a stake on the Southern Railroad track, on the line between the lands of Noah Huitt and Alfred Hol-

Territory.

Boundary.

ler, and runs with said Huitt's line, excluding his land, to Robert Holler's line; thence along the line of and including the lands of Robert Holler, P. M. Wilson, Mrs. S. C. Huitt, and G. C. Huitt to the Elam Sherrill line; thence with the Elam Sherrill and A. M. Huitt's old line to Jacob Witherspoon's corner, and follows his line, excluding his land, to "the long branch"; thence with said branch to McLinn's Creek; thence with said creek to E. S. Little's line, and with said Little's line, including his lands, to E. P. Kale's line; thence with the lines of and excluding the lands of E. P. Kale, P. S. Setzer, Perry Witherspoon, and P. S. Setzer to a post-oak tree on the north side of McLinn's Creek, George W. Setzer's corner; thence, including George W. Setzer's land, with the lines of and excluding the lands of P. S. Setzer, Mrs. Celia Boggs, and Samuel Brinkley, to the center of McLinn's Creek; thence along the line of R. A. Yount, excluding his land, to W. A. Hoke and M. S. Sigman's corner; thence along M. S. Sigman's line, excluding his land, to the "four-corner white oak" on the public road; thence with R. E. Connor's line, including his seven-acre tract, back to said white oak; thence along the lines of Mrs. P. C. Deal and M. W. Cloninger, excluding Mrs. Deal's land and including M. W. Cloninger's land, to Lee Yount's corner, near the railroad; thence along the line of Lee Yount's land, including said land, to his and Mrs. P. C. Deal's corner; thence along the line of J. M. Isenhour's land, excluding said land, to the center of the Southern Railway track; thence east with said railroad to R. F. Connor's corner on the railroad; thence along the lines of and including the lands of R. F. Connor and Thomas Frazier to the public road leading to Bunker Hill Bridge; thence along said road to Lyle's Creek; thence with said creek to D. F. Roseman's corner; thence with said Roseman's line, excluding his land, to M. S. Sigman's line; thence along the lines and including the lands of M. S. Sigman, Mrs. Sid Sigman, C. A. Sigman, George M. Yount, and Alfred Holler, to the beginning on the said Southern Railroad, shall be and is hereby constituted a public school district, and shall be known as the "Claremont Graded School District": *Provided*, that the boundary of said territory, in case of any doubt, vagueness, or omission, shall follow the lines of landowners, whether named or not, between any two given points, if possible; otherwise to run as near as may be with such lines, and otherwise to run in straight lines: *Provided further*, that whenever a majority of the qualified voters in said district shall have voted "For School Tax" as hereinafter provided, then any and all property in said district that may have theretofore been taxed for school purposes in any special-tax school district shall not thereafter be subject to tax in any such special-tax school district.

School district.

Official entitlement.

Proviso: boundary.

Proviso: effect of vote for school tax.

Trustees named.

SEC. 2. That J. H. Moser, R. L. Smyre, W. K. Carpenter, J. C. Yount, and J. M. Isenhour shall be and are hereby constituted

trustees of the public schools of the Claremont Graded School District, and shall serve until their successors are elected and qualified as herein provided. The successors of the first three named shall be elected at the election for municipal officers of the town of Claremont in the year one thousand nine hundred and fifteen, for a term of one year, and the successors of the last two named shall be elected at the same time, for a term of two years, and at the election for municipal officers of the town of Claremont each year thereafter trustees shall be elected for a term of two years, to succeed those whose terms expire at such election: *Provided*, that all vacancies in the board of trustees shall be filled by the other members of said board, whether such vacancy shall occur by death, resignation, failure to elect, or otherwise: *Provided*, that the position of school trustee shall not constitute an office or place of trust within the meaning of article fourteen, section seven, of the Constitution of North Carolina.

SEC. 3. That the said trustees named in section two and their successors shall be and are hereby constituted a body corporate, by the name and style of "School Trustees of Claremont," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, devise, or otherwise, real and personal property, and may hold, exchange, mortgage, or sell the same in any manner and to any extent the said trustees may deem advisable, and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal, which it may break and change at pleasure.

SEC. 4. That it shall be the duty of said board of school trustees to establish separate schools for the white and colored children of said school district, and they may grade the schools for either race, and shall appropriate and use the funds from special taxes and from State and county school fund in such manner as may be deemed just to both races, due regard being had to difference in cost of maintaining and the requirements of said schools: *Provided*, donations and income for benefit of any special school shall be so applied.

SEC. 5. That said school trustees shall prescribe rules and regulations for the government of such schools, conduct of pupils, teachers, and officers, and for the preservation, control, and use of school property; may provide for the suspension and expulsion of pupils, who may be denied the privileges of said schools until reinstated by authority of said trustees; shall employ and fix the compensation of all teachers and officers of such schools; may require examination of teachers and may dismiss teachers; shall cause to be taken, in accordance with the general school law of the State, an accurate census of the school population of said district and transmit a copy thereof to the county superintendent, and shall exercise any and all other powers they may deem necessary or advantageous

Term.

Election of successors.

Proviso: vacancies.

Incorporation.

Corporate name.

Corporate powers.

Establishment of schools.

Graded schools.

Apportionment of expense.

Proviso: donations to special schools.

Rules and regulations.

Teachers and officers.

School census.

Other powers.

for the successful control and operation of said schools, and the management of the school property in said district.

Admission of pupils.

SEC. 6. That said trustees may admit pupils residing outside the limits of said district, or those under or over the public school age, upon such terms as the trustees may deem reasonable, and may erect, repair, alter, and improve the school buildings and grounds, and may purchase furniture, equipment, and appliances, including fixtures for heating, lighting, water supply, sewerage, etc.

Buildings and equipment.

Organization.

SEC. 7. That said school trustees shall, as soon as convenient after the ratification of this act, meet and organize by electing a chairman and a secretary and treasurer. The treasurer shall give bond in such sum as the trustees may require. The school authorities of Special-tax School District, Number Eleven, Clines Township, as at present constituted, shall carry on the schools in said district until the trustees shall organize under this act.

Treasurer to give bond.
Present school authorities.

Funds to be paid to school treasurer.

SEC. 8. That as soon as said trustees shall have organized and the treasurer elected by them shall have given an approved bond, the treasurer of the county school fund shall pay over to the treasurer of said board of trustees all school funds then in his hands belonging to said Special-tax School District, Number Eleven, or the Claremont Graded School District, and shall in like manner pay over all such funds as shall hereafter come into his hands for the use and benefit of said district: *Provided*, that the treasurer of said board of trustees of Claremont Graded School District shall not receive any commission or fees for handling any of the school funds of said district.

Proviso: treasurer to receive no commission.

Taxes paid to school treasurer.

SEC. 9. That all taxes levied and collected in said district for the use and benefit of said schools under authority of this act shall be paid over to the treasurer of said district by the tax collector for the benefit of the public schools in said district.

Title vested in trustees.

SEC. 10. That all the property, both real and personal, of the public school districts embraced within the limits of said graded school district shall become the property of the Claremont Graded School District, and the title thereto shall vest in the "School Trustees of Claremont." and all real estate belonging to the public schools in said limits shall be conveyed to said trustees by the proper county authorities holding title to the same, and said trustees may, in their discretion, sell any of said property and apply the proceeds as they may deem best for the schools and school property of said district.

Conveyance of real estate.

Sale of property.

Apportionment from county.

SEC. 11. That the county board of education of Catawba County is authorized and directed to pay to the treasurer of said graded school district, out of the county school funds, any balance theretofore apportioned to the schools in Special-tax School District, Number Eleven, or appropriated to said district for building or other purposes, which has not been paid to or drawn from the county treasurer by said special-tax district, and such apportion-

ment and appropriation by the county board of education are declared to be valid and legal in all respects.

SEC. 12. That for the purpose of the levy and collection of school taxes, assessment of property therefor, election on questions of taxation and for school trustees, and in all other matters affecting the public schools in the Claremont Graded School District, that portion of said graded school district lying outside of the corporation limits of the town of Claremont is deemed and is hereby constituted a part of the town of Claremont, and for all the said purposes the provisions of all laws now in force or that shall hereafter be enacted relating to or affecting the public schools in said district or governing the assessment of real and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Claremont, shall be and are hereby extended to that portion of said graded school district lying without the corporate limits of said town as fully as if the same lay within the said corporate limits.

SEC. 13. That on Saturday, the third day of April, one thousand nine hundred and fifteen, an election shall be held in the town of Claremont (including the entire school district), at which election shall be submitted to the qualified voters of said district the question of levying an annual tax of twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on each poll, to be used for general school purposes in said district; and also the levying of an additional annual tax of not exceeding fifty cents on the one hundred dollars valuation of property and not exceeding one dollar and fifty cents on each poll for the purpose of discharging any indebtedness of the said special-tax school district or said graded school district, or both, and to pay off and discharge any debt due to, assumed or incurred by any person or corporation for money loaned, advanced, or secured by their indorsement, for the purpose of or used in the purchase of real estate or other property or the erection of buildings for school purposes in said special-tax school district or said graded school district, and such disposition of said taxes declared to be valid and legal. There shall be a new registration of voters for said election, and only those who register for this election shall be deemed qualified voters in said election. The registration books shall be opened for the registration of voters on the twentieth day before the election and shall remain open, Sundays excepted, until the day of election. Copies of this section posted for twenty days before the election at three public places in the town of Claremont shall be the only notice required of said election and registration.

SEC. 14. That the commissioners of the town of Claremont shall appoint a registrar and two judges for said election, and any vacancy may be filled by the commissioners or other election offi-

Territory as of town.

Laws extended.

Date for election.

Question to be submitted.

New registration.

Registration.

Notice.

Election officers.

Proviso: two registration books.

cers: *Provided*, two registration books shall be kept, one containing the names of those within the corporate limits of Claremont and the other containing the names of voters within the school district, but outside of the town limits. The registrar and judges shall make returns of said election in duplicate, one to the commissioners of Claremont, the other to the register of deeds for Catawba County, certifying the number of qualified voters registered for said election, the number of votes cast for and the number of votes cast against the levying said taxes.

Returns.

Ballots.

SEC. 15. Those who favor the levy of taxes as provided in this act shall vote a ballot on which shall be written or printed the words "For School Tax," and those opposed to said levy of taxes shall vote a ballot on which shall be written or printed the words "Against School Tax." If at said election the voters fail to authorize the levy of taxes as herein provided, the board of commissioners of Claremont shall call an election for the same purpose at any time or times thereafter, when requested to do so by the said school trustees, upon giving twenty days notice.

Further elections.

Law governing elections.

SEC. 16. Except as otherwise provided herein, the registration of and qualification of voters, the manner of holding the election, and all other matters pertaining to the election for school tax shall be governed in all respects as is or shall be provided by law for the election for mayor and commissioners of the town of Claremont.

Levy of tax.

SEC. 17. Whenever a majority of the qualified voters of Claremont Graded School District shall have voted "For School Tax," then the board of commissioners of the town of Claremont shall annually, at the time of levying municipal taxes, levy a tax of twenty-five cents on the one hundred dollars valuation of all property subject to tax in said graded school district and a tax of seventy-five cents on each taxable poll in said district for general school purposes, and they shall also at the same time levy a tax of not more than fifty cents on the one hundred dollars valuation of all property and not more than one dollar and fifty cents on each poll in said district, the amount to be designated by the school trustees, for the purpose of paying the indebtedness of said district for grounds, building, and furniture. When the indebtedness is all paid, and the grounds, buildings, and other property are paid for, then the tax for that purpose shall cease to be levied.

Collection and settlement.

SEC. 18. The tax collector of the town of Claremont shall collect the taxes levied under the preceding section and pay the same over to the treasurer of the district, retaining such commissions as the school trustees may determine.

Tax laws.

SEC. 19. For the purpose of taxation for schools, property and polls shall be listed, assessed, and valued under the same laws as provided for municipal purposes: *Provided*, the assessors and list takers appointed to list assessed property in Clines Township

Proviso: assessment by township assessor.

for county and State taxation shall ascertain and designate on the tax list the property and polls subject to taxation for school purposes in said school district, and it shall be legal and binding for the tax lister for said district to copy the same on the tax list for said school district: *Provided*, that if a majority of the voters are "Against School Tax" the Claremont Graded School District shall comprise the territory now included in Special-tax School District, Number Eleven, Clines Township, Catawba County, and the taxes shall be levied, listed, and collected as heretofore and by the same officers.

Proviso: territory if tax be defeated.

SEC. 20. That until there shall be enough children of the colored race within said territory to justify the maintenance of a school for said race, the trustees are authorized to arrange with the county board of education to furnish adequate school facilities for such children outside of said district, or may arrange, upon such terms as may be agreed upon by said trustees and the county board of education, to receive colored children into the school of such district from outside of the territory of said graded school district.

Schools for colored children.

SEC. 21. That all laws and parts of laws in conflict with this act are hereby repealed so far as the same applies to the Claremont Graded School District.

SEC. 22. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1915.

CHAPTER 279.

AN ACT TO AUTHORIZE DURHAM COUNTY AND THE CITY OF DURHAM TO SUBSCRIBE FOR STOCK IN THE DURHAM COUNTY AGRICULTURAL SOCIETY AND TO OFFER PREMIUMS AT FAIRS TO BE GIVEN BY SAID DURHAM COUNTY AGRICULTURAL SOCIETY.

Whereas agricultural fairs have a tendency to promote agriculture and the mechanic arts; and whereas Durham County Agricultural Society intends to conduct, in the county of Durham and near the city of Durham, agricultural fairs; and whereas the holding of said fairs will be of great benefit to the county and city of Durham: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the county of Durham, acting through its board of commissioners, is hereby authorized and empowered to subscribe for and purchase shares of the capital stock of the Durham County Agricultural Society and to pay for said stock in cash or

Subscription authorized.

Payment.

- by work done by the convict force by grading any part of the lands purchased by the Durham County Agricultural Society to be used as a fair ground, and building and grading a race track on said fair grounds; and said board of commissioners of Durham County be and it is hereby authorized and empowered to permit the said convict force to be worked on said fair grounds in grading said grounds and building said race track under the direction of the road superintendent of Durham County; and said board of commissioners of Durham County is further empowered to fix the price to be paid for the services so rendered, which said services may be paid for in cash or by fully paid capital stock of the Durham County Agricultural Society.
- Convict work.
- Payment for work.
- Subscription by city.
- Donation for premiums. Amount.
- Police authority.
- SEC. 2. That the city of Durham, acting through its board of aldermen or other governing authority, is hereby authorized and empowered to subscribe for and purchase shares of the capital stock of the Durham County Agricultural Society.
- SEC. 3. That the county of Durham and the city of Durham are authorized to offer jointly or separately not exceeding one thousand dollars (\$1,000) in any one year to be given as premiums at an exhibition or fair held by the Durham County Agricultural Society.
- SEC. 4. That the police authority of the city of Durham is hereby extended over the fair grounds of the Durham County Agricultural Society and for three hundred yards in every direction from said grounds.
- 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 from and after its ratification.
- Ratified this the 8th day of March, A. D. 1915.

CHAPTER 280.

AN ACT TO CREATE THE CROSS CREEK CEMETERY COMMISSION, TO PROVIDE FOR THE MAINTENANCE OF A CEMETERY IN THE CITY OF FAYETTEVILLE, AND TO AMEND CHAPTER 30, PRIVATE LAWS 1873-74.

The General Assembly of North Carolina do enact:

- Corporators.
- Corporate name.
- Corporate powers.
- SECTION 1. That Robert G. Jones, Thomas J. Purdie, James D. McNeill, Fulton R. Hall, Edward J. Monaghan, Charles G. Rose, and Robert W. Herring of the city of Fayetteville, and their successors in office, be and they are hereby created a corporation and body politic, under the name and style of the "Cross Creek Cemetery Commission," and as such shall possess all the rights, privi-

leges, and powers granted under the general corporation laws of the State and any amendments thereto.

SEC. 2. That the objects of said corporation shall be to provide for, maintain, and control suitable burial-grounds for the white race of the city of Fayetteville; and to this end it is authorized and empowered to take by deed, will, or otherwise any real and personal property, and to hold and use the same for such purpose; and to pass and enforce reasonable rules, regulations, and by-laws as from time to time may be deemed necessary and proper to maintain such property in good and improved condition and to protect and preserve the same from injury and trespass.

Purpose of incorporation.
Power to hold property.
Rules, regulations, and by-laws.

SEC. 3. That said commission shall elect a chairman and a secretary and treasurer, the former from among its membership, who shall hold office for one year or until their successors are elected and qualified. That no member of said commission shall receive any compensation. The secretary and treasurer shall give bond for the faithful and honest performance of his duties, and the commission may allow him a reasonable sum for his services.

Organization.
Terms of office.
Bond of secretary-treasurer.
Compensation.

SEC. 4. That the terms of office of the aforesaid commissioners shall expire on the second Monday in May as follows, to-wit: Robert G. Jones and Thomas J. Purdie, in nineteen hundred and fifteen; Robert W. Herring, in nineteen hundred and sixteen; Fulton R. Hall, in nineteen hundred and seventeen; Charles G. Rose, in nineteen hundred and eighteen; James D. McNeill, in nineteen hundred and nineteen; and Edward J. Monaghan, in nineteen hundred and twenty. The aforesaid commission shall have full power and authority, by the passage of proper rules and by-laws, to provide for the terms of office of their successors in office, but in no case shall any such term be for less than one year, except when vacancies are filled, and also the manner of election or appointment of such successors.

Expiration of terms.
Terms and election of successors.

SEC. 5. That said commission, by and with the approval of the board of aldermen or other lawmaking power of the city of Fayetteville, is fully authorized and empowered to pass any and all rules, regulations, and by-laws for the proper protection and policing of the white cemeteries in said city, or near thereto, which may be hereafter placed under the care or control of said commission; and, when so approved, such rules, regulations, and by-laws shall have the force and effect of ordinances of said city, and shall be enforceable as such by the courts of competent jurisdiction.

Regulations for white cemeteries.
Rules effective as ordinances.

SEC. 6. That in order to keep up and properly maintain the cemeteries placed under its care the said commission shall have full power and authority, by and through duly appointed agents, and from time to time, to go upon the lots of any of the lot owners in such cemeteries and make any and all such improvements in and upon the same as said commission shall deem necessary or proper to the beauty or symmetry thereof.

Entry on lots for improvements.

Subscriptions and assessments.

SEC. 7. The said commission shall have the power and authority to take subscriptions or levy reasonable assessments upon the owners of lots in the cemeteries under the care or control of said commission, as may be necessary or proper from time to time in order to carry out the purposes of the commission; and upon the failure or refusal of any such lot owner to pay any subscription or assessment so taken or levied, the same may be collected by the commission by suit in any court of competent jurisdiction.

Enforcement of collection.

Exclusive power and control.

SEC. 8. Said commission shall have full and exclusive power and control over all cemeteries for the burial of white persons of the city of Fayetteville, and all matters and things therewith connected, and of all property thereto belonging and not inconsistent with the laws of North Carolina.

Sale from cemetery company.

SEC. 9. That the Cross Creek Cemetery Company, a private corporation created by chapter thirty of the Private Laws of one thousand eight hundred and seventy-three-seventy-four, shall have full power and authority to sell, transfer, and assign to the Cross Creek Cemetery Commission any and all right, title, and interest which it has or may hereafter have in and to any cemetery property located in the city of Fayetteville; and when such conveyance is executed, said Cross Creek Cemetery Company shall thereupon be dissolved, and all of its rights, powers, duties, and liabilities shall pass to and be exercised by said Cross Creek Cemetery Commission: *Provided*, the same are not inconsistent with this act.

Dissolution.

Conveyance by city authorized.

SEC. 10. That the city of Fayetteville be and it is hereby authorized and empowered to convey to said commission, by deed or otherwise, any and all right, title, and interest which it may now or hereafter have in any cemetery property located in or near the city of Fayetteville, and such conveyance may be executed by the mayor and city clerk, upon due authority granted by the board of aldermen of said city.

Execution of conveyance.

Exemption from execution and taxation.

SEC. 11. That the property of said commission and the interest of each lot owner in said cemeteries under its care shall be exempt from execution or attachment, and shall not be subject to the payment of any taxes whatever except that the commission may levy and collect reasonable assessments from the lot owners as hereinbefore provided for. No streets, lanes, roads, or alleys shall at any time be made or established over the lands held by said commission, or any part thereof, without its written consent, except those laid out or established by the commission, nor shall any part of the same be condemned or taken in any manner for any public use without its written consent.

Assessments for maintenance.

Streets, roads, and alleys.

Exempt from condemnation.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 281.

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE NEGOTIABLE BONDS TO RAISE MONEY FOR THE EXTENSION AND IMPROVEMENT OF THE STREETS OF THE CITY OF HIGH POINT, NORTH CAROLINA.

Whereas the city of High Point desires to issue bonds to raise money for the extension and improvement of the streets of said city, which has become a desirable and necessary expenditure, to provide for the health and safety of the rapidly increasing population of the city of High Point, and for the protection of the property of its citizens: Now, therefore,

The General Assembly of North Carolina do enact:

- SECTION 1. That the city council of the said city of High Point be and it is hereby authorized and empowered to issue negotiable bonds of the said city in the sum of fifty thousand dollars for the purpose of extending and improving the present streets of the said city, which is a necessary expenditure of said city. Bond issue authorized.
Amount.
Purpose.
- SEC. 2. That the said bonds shall be coupon bonds of such denomination as may be determined by the city council, and shall mature thirty years from date, and shall bear interest at the rate of five per cent per annum, payable semiannually, 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 of weight and fineness. Said bonds may be sold by the city council at public or private sale, and purchasers 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 the auditor of the city, and sealed with the corporate seal, attested by the clerk, and the coupons shall bear the engraved or lithographed signature of said mayor and said auditor. The said city council may fix by resolution the date of said bonds, 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 by this act. Denomination.
Maturity.
Interest.
Payable in gold coin.
Sale of bonds.
Proviso: sale below par forbidden.
Authentication.
Resolution for issue.
- 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 upon the payment of city taxes. Exempt from city tax.
Coupons receivable for taxes.
- SEC. 4. That for the purpose of paying said bonds at maturity, and coupons as they may 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 Special tax.

Proviso; specific appropriation.	the same time as other taxes are collected: <i>Provided</i> , that the said taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purposes.
Cancellation and report of coupons.	It shall be the duty of the treasurer of the 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 amount of coupons canceled.
Bond issue subject to election.	SEC. 5. That the city council shall not issue the said fifty thousand dollars bonds, or any of them, levy or collect any taxes to pay the principal or interest of said bonds, unless it shall have been authorized and empowered to do so by vote of the majority of the qualified voters of the said city at an election to be called and held in said city at such time and place or places as said city council may 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 election for mayor and councilmen for said city, except as otherwise provided in this act. That the mayor of said city shall give notice of said election and the purpose thereof by advertisement in one or more newspapers published in the city, which said notice shall be published once a week for four consecutive 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 issue of the said bonds and the levy of taxes to pay the principal and interest on said bonds shall have written or printed upon them the words "For Street Improvement Bonds" or "Against Street Improvement Bonds," and the qualified voters of the said city who vote for the issue of said bonds and the levy of city taxes upon conditions and terms set out in this act shall vote "For Street Improvement Bonds" as desired, and all qualified voters opposed thereto shall vote "Against Street Improvement Bonds" as desired. In the event that the majority of qualified registered votes cast on said question shall be "For Street Improvement Bonds," then and in that event the city council shall be authorized to issue bonds as in this act provided.
New registration.	
Law governing registration and election.	
Notice of election.	
Ballots.	
Effect of election.	
Time for election.	SEC. 6. That the city council may call an election for this act at any time it may see fit, after giving the notice herein provided for, and observe the law relating to elections, as required in this act. But the rejection by the voters of the said proposition shall not prevent the city council from calling another election or elections under this act until the proposition is carried affirmatively.
Further elections.	
Authority for bond issue.	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 of High Point, be full authority to the city of High Point to issue and sell the bonds as in this act authorized, which bonds shall have
Bonds incontestable.	

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 or sale thereof, and shall be incontestable in the hands of the *bona fide* purchasers for value.

Sec. 8. That all acts and parts of acts, public or private, so far as they are inconsistent with this act, are hereby repealed. 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.

Repealing clause.
Proceedings for
bond issue.

Sec. 9. That this act shall be in force and effect from and after May fifteenth, one thousand nine hundred and fifteen.

When act effective.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 282.

AN ACT RELATIVE TO ESTABLISHMENT OF SPECIAL-TAX SCHOOL DISTRICT, PROVIDING FOR BUILDING OF SCHOOLHOUSE AND FOR LEVY OF TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That a public school district, for whites, be and the same is hereby established, designated, and defined and constituted for the county of Wilkes, Brushy Mountain District, State of North Carolina, to be known as District Number Five, defined as follows: Beginning at a point about three hundred yards south of W. E. Hendren's; running northeast and with the line of District Number Three to a point at the Eli Hendren place; then northwest and by the old muster ground and on the Joel Tedder bottoms; thence a southwest course and by Dr. Townsend's place and on by A. M. Vannoy's house to the graded road; then northwest and with said road to and including J. W. Davis's house and land; then southeast course to J. A. Reeves's; then about the same course to the beginning.

School district
established.

Official entitlement.
Boundary.

Sec. 2. That a schoolhouse, fit and suitable for such district, shall, as soon as may be, be erected for and in said district, as above designated, at such point or place as may be most convenient to the children of said district; the site to be located by the board of education and the house paid for in such manner as is now provided for by general laws governing the erection of aforesaid buildings.

Schoolhouse.

Location.
Payment.

Sec. 3. That there having been a petition of the citizens living in above boundary of the proposed school district, filed with the board of education of Wilkes County, praying the establishment thereof and the levy of taxes necessary to maintain same; and the same having been granted; and that an election having been had; and that by reason thereof the above boundary of land was ordered

Action heretofore
had.

Action ratified.

to be incorporated and designated as a special school district, and a levy of taxes made, and apportionment had for the maintenance of said school by the board of education: Therefore, all things done by reason of said petition, viz., the holding of the election, voting of the tax, establishment of the district, and such other acts done in the premises, either by the citizens composing the said district or the board of education, is hereby declared ratified and in every particular legal and binding; and that such district be and the same is hereby designated and declared a special school district; and the same shall be maintained, the school operated, taxes levied therefor, as are other schools and districts in said county of Wilkes.

Special school district.

SEC. 4. That all laws conflicting herewith are repealed for the purposes of this act.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 283.

AN ACT TO REPEAL THE PRESENT CHARTER OF THE TOWN OF LINCOLNTON AND ALL AMENDMENTS TO SAID CHARTER, AND TO INCORPORATE THE TOWN OF LINCOLNTON, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

ARTICLE I.

Name, Rights, and Liabilities.

Incorporation.

SECTION 1. That the inhabitants within the territory set out and described in section three of this article shall continue, as they have heretofore been, a body politic and corporate under the name and style of "Town of Lincolnton," and by that name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold 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 name.

Corporate powers.

Rights and liabilities.

SEC. 2. That all property, real, personal, and mixed, of whatsoever character or description and wheresoever situate, now held, controlled, or used by the town of Lincolnton for any purpose, or which may hereafter be held, controlled, or used by said town,

or which may have been vested in said town by virtue of any laws 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 town of Lincolnton, shall vest in and remain and inure to said town of Lincolnton, its successors and assigns; and the passage and ratification of this charter shall not release the town from any liabilities that now exist against said municipality.

SEC. 3. That the corporate limits of the said town of Lincolnton shall be as hereafter defined and located, as follows: "Begin-
Corporate limits.
 ning at the east abutment of the iron bridge of the Carolina Central (now Seaboard Air Line) Railway on the south fork of the Catawba River; running thence with the east bank of said river as it meanders to the mouth of Clark's Creek; thence with the east bank of Clark's Creek to a point halfway between Reinhardt bridge and Morganton road bridge on said creek; thence an air line to the southeast corner of V. A. McBee's land; thence with the northern line of the McBee land to V. A. McBee and S. P. Sherrill's corner; thence an air line to the milepost on the Beattie ford road; thence an air line to milepost on Tuckasege road; thence an air-line course to Caleb Motz, formerly Cansler Spring; thence with the public road, following the line of the old road leading from Lincolnton to Laboratory to top of hill, to the corner on dividing line between Mr. John W. Loyd and Rhodes Manufacturing Company lands; thence with the dividing line between Mrs. John W. Loyd and Rhodes Manufacturing Company to the eastern bank of the south fork of the Catawba River; thence along the eastern bank of the south fork of the Catawba River as it meanders to the beginning."

SEC. 4. The town council shall appoint a registrar and two
Election officers.
 judges at least forty days before any general or special municipal election. The names of the registrar and judges of election shall
Notice of election.
 appear in the notice calling for the municipal or special election.

SEC. 4½. The town of Lincolnton shall be divided into four
Wards.
 wards by the intersection of Main and Aspen streets, to be known as follows, to wit:

Ward One.—That part of said territory lying northeast of said
Ward one.
 intersection to be known and is hereby designated as Ward One.

Ward Two.—That part of said territory southeast of said inter-
Ward two.
 section to be known and is hereby designated as Ward Two.

Ward Three.—That part of said territory lying southwest of said
Ward three.
 intersection to be known and is hereby designated as Ward Three.

Ward Four.—That part of said territory lying northwest of said
Ward four.
 intersection to be known and is hereby designated as Ward Four.

The registrar shall be furnished, at the expense of the town,
Election supplies.
 with registration books, ballot boxes, and such blank forms as are required by this charter. It shall be his duty, after being qualified,
Registration.
 to perform the functions of his office impartially and according to

- law; to open and to keep open registration books for thirty days immediately preceding the day of election; that in the municipal election he may require any person offering to register for any municipal election to take and subscribe an oath that he has resided in the State of North Carolina two years and in the town of Lincolnton for one year immediately preceding said election, and that he is twenty-one years of age.
- Voters to be sworn.**
- False swearing misdemeanor.**
- Punishment.**
- Conduct of elections.**
- Hours of election.**
- Count and returns.**
- Persons declared elected.**
- Ties.**
- Vacancies.**
- Temporary registrar.**
- Pay of election officers.**
- SEC. 5. If any person willfully swears falsely in taking the oath mentioned in the preceding section he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding two hundred dollars or be imprisoned not exceeding sixty days.
- SEC. 6. 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 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 the municipal election then being held, superintend and conduct the election in like manner and during the hours from eight a. m. to sundown and in other respects as elections for members of the General Assembly of North Carolina are conducted.
- SEC. 7. The registrar and judges of election shall, immediately upon the closing of the polls, publicly count the ballots and ascertain the number of votes cast for each person for the office for which he was a candidate; and they shall forthwith make returns thereof to the town council upon the blank forms furnished by the town manager.
- SEC. 8. At a municipal election the person receiving the highest number of votes for an office shall be deemed and declared elected to such office; and if two or more persons are to be elected to the same office the several persons receiving, respectively, the highest number of votes, the second highest, and so on to the number to be chosen to such office, shall be deemed and declared to be elected; but if two or more persons receive the same number of votes for an office for which no person or the required number of persons have not been elected, the persons receiving an equal number of votes shall decide by lot which one shall be deemed and declared to be elected.
- SEC. 9. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor or, in his absence, the registrar, 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 may appoint to fill the vacancy. The registrar and judges of election shall receive for their services such compensation as shall be fixed by the town council; but such compensation shall

in no event exceed that allowed by law for registrars and judges holding elections for members of the General Assembly of North Carolina.

SEC. 10. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such, as hereinafter provided. Vacancy on failure to qualify.

SEC. 11. No informalities in conducting municipal elections in the town of Lincolnton shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this chapter. Informalities not to vitiate election.

SEC. 12. Any person who shall agree to perform any service in the interest of any candidate for any office provided in this act, in consideration of any money or other valuable thing, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars or be imprisoned in the county jail not exceeding six months. Agreement to perform service for pay a misdemeanor.
Punishment.

SEC. 13. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any municipal election provided for in this charter, or any elector entitled to vote at any such election receiving and accepting such bribe or other consideration, shall be fined a sum not less than one hundred dollars nor more than five hundred, or be imprisoned in the county jail not less than four months nor more than twelve months. Punishment for bribery.

SEC. 15. All duties imposed upon the mayor, the town council, and the town manager with reference to municipal elections shall, prior to the election and qualification of the mayor, aldermen, and town manager in one thousand nine hundred and fifteen, be performed by the mayor, board of aldermen, and the clerk of the board of commissioners of Lincolnton as now constituted, and said last mentioned mayor and board of aldermen of Lincolnton shall continue to exercise the power and authority now vested in them under the law until the election and qualification of the mayor, aldermen, and town manager herein provided for. Duties discharged by present officers.

ARTICLE II.

Elections and Elective Officers.

SECTION 1. The governing body of said town shall consist of a mayor and two aldermen, who shall be elected at the time and in the manner hereinafter defined. Mayor and aldermen.

SEC. 2. An election shall be held on the first Tuesday after the first Monday in June, one thousand nine hundred and fifteen, at which election each and every qualified elector shall vote a ticket, without device or ornamentation, upon which shall be printed or written, upon plain white paper, "For Mayor and Two Aldermen," and upon which ticket shall appear not more than the names of three persons, qualified electors of the town of Lincolnton: Elections.
Tickets.

Provided, no candidate shall be voted for more than one time on the same ticket; and at said election the person receiving the largest number of votes cast, provided same is a majority of all the votes cast, shall be declared elected mayor of the town of Lincolnton for a term of one year, and at the expiration of said term, without further election, shall serve as alderman for a term of two years. The person receiving at said election the next highest number of votes, provided the same is a majority of the votes cast, shall be declared alderman for a term of two years, and the person receiving the next highest number of votes cast declared an alderman for a term of one year: *Provided further*, that if at said election so held any one, two, or all persons voted for shall fail to receive a majority of the votes cast, the said office or offices respectively shall be declared by the registrar and judges of said election vacant, and no election as to said office or offices; and in that event another election shall be held by the same officers or persons duly appointed to hold same under the same rules and regulations provided for holding election, except the registration books during said intervals shall be closed and no new registration allowed; on the second Tuesday after the first Monday in June, one thousand nine hundred and fifteen, at which election the vacancies occurring by failure of election held on first Tuesday after first Monday in June, one thousand nine hundred and fifteen, shall be filled by election by the qualified registered voters of said town; and at said election no new candidate shall be voted for, and only persons voted for in first election shall be eligible, and only such persons voted for in first election receiving the highest number of votes respectively, and only two candidates for each vacancy in office remaining unfilled shall be permitted to run or be voted for in said second election; and at said second election the candidate receiving the largest number of votes shall be declared elected to the highest office remaining unfilled, and in said order until the whole of said offices are filled. What is meant and termed the highest office in order to determine to which each person is elected shall mean, mayor first, two-year alderman second, and one-year alderman third. That in event a mayor shall be elected at first election held, the tickets voted in second election shall be headed "For Two or One Alderman," as the case may be. The same machinery herein prescribed for holding the election for year one thousand nine hundred and fifteen shall be used at any subsequent election when aldermen in addition to mayor are to be elected: *Provided*, that all subsequent elections be held in May instead of June. That at all other elections when only a mayor is to be elected or voted for, said election shall be held on first Tuesday after first Monday in May each year succeeding, and said tickets shall be headed "For Mayor" and shall contain the name of one elector or person

Proviso: cumulative voting.

Mayor.

Alderman for two years.

Alderman for one year.
Proviso: majority required for election..

Second election.

Date.

Candidates.

Highest office defined.

Tickets at second election.

Machinery.

Proviso: date for subsequent elections.
Election for mayor only.

only; and *Provided further*, that the person receiving the largest number of votes at said election shall be declared duly elected to said office.

(a) The municipal year for the year one thousand nine hundred and fifteen shall begin at twelve o'clock noon the second Wednesday after the first Monday in June, one thousand nine hundred and fifteen, and shall continue until twelve o'clock noon of Wednesday after the first Monday in May of the succeeding year. All other years, except such years in which an election for alderman, in addition to mayor, shall occur, the municipal year shall begin at twelve o'clock noon of the Wednesday after the first Monday in May and shall continue until twelve o'clock noon of the first Wednesday after first Monday in May of the succeeding year.

SEC. 3. On Tuesday after the first Monday in May of each year after the year one thousand nine hundred and fifteen the mayor shall be elected by the qualified registered voters of the town of Lincoln. The person elected mayor shall serve as mayor during a term of one year; at the expiration of said term, and without formal election, shall serve as alderman during a term of two years.

Recall.

SEC. 4. The holder of any elective office, whether elected or appointed by this act, may be removed at any time by the electors qualified to vote for a successor for such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition 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 cent of the registered voters of the town, demanding an election of a successor of the person sought to be removed, shall be filed with the city 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 an oath before an officer competent to administer oaths that the statement therein is 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 town clerk or mayor shall examine, 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 said examination. If by the clerk or mayor's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk or mayor shall within ten days after such amendment make like examination of the amended petition, and if this certificate shall

Municipal year.

Elections after 1915.

Term as mayor.

Term as alderman.

Recall.

Procedure.

Petition for election of successor.

Signatures.

Verification.

Examination and certificate.

Amendment.

Examination of amendment.

Return without prejudice.

Order for election.	show the same to be insufficient, it shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk or mayor shall submit the same to the board of aldermen without delay. If the petition shall be found to be sufficient, the board of aldermen shall, if the officer sought to be removed shall not resign within five days after the date of the clerk's certificate, order and fix a date for holding the said election not less than thirty days or more than forty days from the date on the clerk's certificate to the board of aldermen that a sufficient petition is filed. The board of aldermen shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result 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. 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 receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case these persons who receive the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law.
Notice of election.	
Conduct of election.	
Successor to hold for term.	
Person charged candidate. Person declared elected.	
Incumbent removed.	
Vacancy on failure to qualify.	
Incumbent continued in office. Removal cumulative.	
Person recalled not eligible to appointment.	No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation. No recall petition shall be filed against any officer until he has actually held his office for at least six months, and but one recall petition shall be filed against the same officer during his term of office.
Limitation on petitions.	

Initiative.

Ordinance submitted by petition.	SEC. 5. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification certificates, authentication, inspection, certification, amendment, and submission of such petition shall be the same provided for petitions under the last section. If the petition accompanying the proposed ordinance be signed by electors equal in number to fifty per centum of the registered voters, and contains a request that the same ordinance be submitted to a vote of the people if not passed by the board of commissioners, such board of commissioners shall either :
Details of petition.	
Action on petition.	

Action on petition.	per centum of the registered voters, protesting against the passage of such ordinance, be presented to the board of aldermen, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board of aldermen to reconsider such ordinance; and if the same is not entirely repealed, the board of aldermen shall submit the ordinance, as is provided by subsection (b) of section headed "Initiative" of this act, to the vote of the electors of the town, 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 electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section five, except as to the percentage of signers, and be examined and certified to by the clerk or mayor in all respects as therein provided. Any ordinance or measure that the board of commissioners or the qualified electors of the city shall have authority to enact, the board of commissioners may, of its own motion, submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this act for ordinances or measures submitted on petition. At any special election called under the provisions of this act there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted to such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest number of votes shall control.
Ordinance in-operative.	
Requirements for petition.	
Measures submitted by commissioners.	
Measures submitted at special elections.	
Conflicting ordinances.	

ARTICLE III.

The Town Council.

Town council.	SECTION 1. The legislative and general regulative powers of the town of Lincolnton shall be vested in a town council, which shall be composed of the mayor and two aldermen.
Qualifications for membership.	SEC. 2. The qualifications of the members of the town council shall be two years residence in the town of Lincolnton and the qualifications required for members of the more numerous house of the General Assembly of North Carolina. The town council shall be the judge of the election and qualifications of its own members, subject to review by the courts.
Oath of office.	SEC. 3. The members of the town council, before entering upon their duties, shall severally take and subscribe an oath before a justice of the peace to perform faithfully the duties of their office.
Vacancies.	SEC. 4. If a vacancy shall occur in the town council, the remaining members shall elect a person to fill the vacancy until the next municipal election, at which the vacancy shall be filled for the unexpired term by the qualified registered voters of the town.

- SEC. 5. The town council shall hold regular meetings on the first Friday in each month at some regular hour to be fixed by said council from time to time and publicly announced by it; and it may hold such adjourned and called meetings as may be necessary or convenient.
- SEC. 6. Two members shall constitute a quorum to transact business, but one member may adjourn from day to day and compel the attendance of absent members. Any two members may call a meeting. All special or adjourned meetings at which any person not a town officer is present, and all regular meetings, shall be open to the public. Any citizen may have access, during reasonable hours, to the minutes of the town council, upon application to the town manager.
- SEC. 7. No resolution, by-law, or ordinance appropriating any money for any purpose, providing for any public improvements, enacting any regulation concerning the public safety or public health, levying any tax, or of any other general or permanent nature except a proclamation of quarantine or other emergency measure concerning the public safety or public health, shall be enacted unless said resolution, by-law, or ordinance shall have been read twice and passed two readings, one of which must be at a regular meeting: *Provided*, any emergency measures enacted shall be effective only until the first regular meeting after its enactment, unless ratified at such meeting.
- SEC. 8. No ordinance shall be revised, reenacted, or amended by reference to its title only, but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method for the adoption of ordinances.
- SEC. 9. Every motion, resolution, by-law, or ordinance introduced at any meeting shall be reduced to writing and read before any vote shall be taken, and the yeas and nays thereupon shall be recorded. A record of the proceedings of every meeting shall be kept by the town manager in a well-bound book, and every resolution, by-law, or ordinance passed by the town council, and every motion made at any meeting, must be recorded in such book, and the records of the proceedings of the meetings must be signed by at least two members of the town council.
- SEC. 10. Any three citizens may appear before the town council at any of its regular meetings and present a written motion. Said motion shall be acted upon by the town council in the regular course of business within fifteen days.
- SEC. 11. No member shall be excused from voting except upon matters involving the consideration of his own official conduct. In all other cases a failure to vote by a member who is present, or who, having been present, has withdrawn from the meeting without being excused, shall be deemed, and shall be entered upon the minutes as, an affirmative vote.

Regular meetings.

Adjourned and called meetings.

Quorum.

Call of meeting.

Meetings open to public.

Access to minutes.

Passage of resolutions or ordinances.

Emergency measures.

Proviso: emergency measures.

Revisal, reenactments and amendments.

Motions in writing and read.

Yeas and nays.

Records.

Authentication.

Motions presented by citizens. Action.

Excuses from voting. Failure counted as affirmative.

- Subjects of ordinances. SEC. 12. To enact all ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove nuisances, and to preserve and to enforce the good government, order, and security of the town and its inhabitants, and to enact ordinances upon subject: *Provided*, that no ordinances shall be enacted inconsistent with the laws of the State of North Carolina or inconsistent with the provisions of this charter; and *Provided further*, that the grant of particular powers shall never be construed as a limitation upon the general powers herein granted, it being intended by this charter to grant and bestow upon the inhabitants of the town of Lincolnton full power of self-government, to be exercised in accordance with the general plans of this charter.
- Proviso: conformity with law.
- Construction of powers.
- Printed ordinances. All ordinances of the town of Lincolnton, when printed and published and authenticated by signature of the mayor and attested by the official seal of the town and bearing on the title page thereof the words "Ordained and published by the town of Lincolnton," 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.
- Admitted as evidence.
- Control of public utilities. (b) To exercise such control over and power to require all public-service corporations, and all people doing a public-service business in the town of Lincolnton, 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 control, require, and inspect under the laws now enacted or which may be enacted with reference to public-service corporations doing business in the State of North Carolina.
- Powers in securing evidence.
- To punish for contempt. (c) To summon and compel the attendance of witnesses and the production of books and papers before it wherever it may be deemed necessary for the more effective discharge of its duties, and shall have power to punish for contempt of said town council with the same fines and penalties that a justice of the peace may impose for contempt of his court. All processes necessary to enforce the powers conferred by this subsection shall be signed by the mayor, addressed to the town manager, and shall be served by him or any member of the police department.
- Issue and service of process.
- Building regulations. Levy and appropriation of taxes. (d) To make all orders for the doing of work, of 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 costs of street improvements, sidewalks, sewers, and other work or 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 town unless either made by ordinance or resolution adopted by the town council, or reduced to writing and approved by said council, or expressly authorized by ordinance or
- Assessments for improvements.
- Contracts.

- resolution adopted by the town council. All contracts and all ordinances shall be drawn by the town attorney or submitted to such officer before the same is made or passed. Contracts drawn by town attorney.
- (e) To issue, and it shall be their duty to issue, general and special orders, by resolution to the town manager, giving him power and authority to carry out, in accordance with law, all administrative powers and duties, in addition to those herein expressly conferred, that the town council may deem wise. Orders and authority to town manager.
- (f) To require the town manager to present, once a month, a complete report, financially and otherwise, of the activities of the several departments of the town government, and special reports at any time. Requirement of monthly reports. Special reports.
- (g) To validate any lawful act performed by any administrative officer of the town without its previous authority. Validation of acts.
- (h) To declare forfeited and terminate franchises granted persons or corporations for street railway, electric light, telephone, gas, power, or other public-service purposes, whenever the conditions upon which such franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered, or forfeited. Declaration of forfeit of franchise.
- (i) 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 town as it may deem best for the public welfare of the citizens of the town. Streets, squares, and parks.
- (j) To lay out, establish, and regulate parks within or without the corporate limits of the town for the use of the inhabitants of the same. Establishment and regulation of parks.
- (k) To erect, repair, and alter all public buildings; to condemn any land that may be required for the purpose of erecting any building or buildings for town hall, market house, fire companies, and for any other 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. Condemnation of land. Proviso: procedure.
- (l) To accept any money or property for the purpose of any public or corporate use. Acceptance of money or property.
- (m) To issue bonds of the town, except for public necessities as defined by the Supreme Court of North Carolina, only after they have passed an ordinance by a two-thirds vote of the town council 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 of the town 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 town council in some newspaper published in the town of Lincolnton. At such election those who favor issuing such bonds shall vote a ballot on which shall be Issue of bonds by authority of voters. Notice of election. Ballots.

Majority of qualified voters.

Term and interest of bonds.

Sale below par forbidden.
Special tax.

New registration.

Appointment and term of city attorney.
Enumeration of duties.

Salary.

Extra compensation.

Salaries of mayor and aldermen.

Powers and duties of mayor.

President of council.
Right to vote.
Official head of town.

Power to administer oaths.
Powers exercised by town manager.

printed or written the words "For Bonds," and those who oppose it shall vote a ballot on which shall be printed or written the words "Against Bonds"; and if at any such election a majority of the qualified registered voters of said town shall vote in favor of issuing bonds, then the town council shall have the right to issue coupon bonds in the name of and payable by said town of Lincoln in the amount and manner specified in the ordinance under which such election has been held, and no bonds shall be issued for a longer term than forty years nor bear a rate of more than six per cent per annum, nor shall be sold or hypothecated for less than par; and upon the issuance of such bonds the town council shall provide for the levying of a tax annually, sufficient in amount to pay the interest on said bonds, and to create a sinking fund for their discharge at maturity. The town council, if it deem it proper so to do, may order a new registration of the voters of said town at any and all such elections.

Sec. 13. To appoint a city attorney for a term of twelve months at the first regular meeting in May of each year. It shall be the duty of the city attorney, in addition to other duties herein mentioned, to prosecute and defend all suits for and against the city; to advise the city council, the mayor, the city manager, and all officers and agents 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 city council, and to prepare such deeds, contracts, bonds, and other legal papers as may be required for the city's business. The city attorney shall receive an annual salary of not less than one hundred dollars nor more than three hundred dollars. In addition thereto he may receive such extra compensation as the city council shall deem proper for services rendered in the Superior or Supreme Court.

Sec. 14. The mayor shall receive two hundred dollars per annum, and each member of the council shall receive one hundred dollars per annum as full compensation for their services, and said salaries shall be paid quarterly.

ARTICLE IV.

The Mayor.

SECTION 1. The powers and duties of the mayor shall be such as are conferred upon him by this charter, together with such others as are conferred by the town council in pursuance of the provisions of this act, and no others.

Sec. 2. He shall preside at all meetings of the town council and shall have the right to vote upon all questions. He shall be recognized as the official head of the town by the courts for the purpose of serving civil processes, and by the public for all ceremonial purposes. He shall have power to administer oaths.

Sec. 3. Such functions not enumerated in this charter as are conferred upon the mayor by the general laws of the State shall be

exercised by the town manager, unless the town council designate some other person to exercise same.

SEC. 4. During the disability of the mayor the functions of his office shall devolve upon some member of the town council designated by that body at its first meeting in May of each and every year. Mayor pro tem.

ARTICLE V.

The Town Manager.

SECTION 1. There shall be chosen by the town council an officer to be known as the town manager, who shall be the administrative head of the town government. Town manager.
Administrative head.

SEC. 2. Before entering upon the duties of his office the town manager shall take and subscribe an oath that he will faithfully perform the duties of his office, and shall execute a bond, with an incorporated bonding company or companies as surety or sureties, in favor of the town for the faithful performance of his duties. The amount of the bond shall not be less than seven thousand five hundred dollars, and may be increased or a new bond required by the town council whenever it may deem it advisable. Oath of office and bond.
Amount of bond.

SEC. 3. The term of the town manager shall be at the pleasure of the town council, and said council shall determine and fix his compensation or salary. Term and salary.

SEC. 4. The town manager shall not be personally interested in any contract to which the town is a party for supplying the town materials of any kind. Personal interest in contracts.

SEC. 5. It shall be his duty to attend all meetings of, and to recommend to, the town council, from time to time, such measures as he shall deem necessary, information respecting any of the departments under his control. He shall accurately keep the minutes of the town council. Duties as to council.

SEC. 6. He shall transmit to the heads of the several departments written notices of all acts of the town council relating to the duties of their departments, and he shall make designation of officers to perform duties ordered to be performed by the town council. Notices to departments.
Designation of officers.

SEC. 7. He shall sign all contracts, licenses, and other public documents on behalf of the town, as the town council may authorize and require. Execution of documents.

SEC. 8. He shall have access at all times to the books, vouchers, and papers of any officer or employee of the town, excepting the town treasurer's books, and shall have power to examine, under oath, any person connected therewith. Access to books, vouchers, and papers.
Power to examine under oath.

SEC. 9. He shall have power to revoke licenses pending the action of the town council. Revocation of licenses.

SEC. 10. He shall have authority and charge over all public works, the erection of buildings for the town, the making and construction of all improvements, paving, curbing, sidewalks, streets, Public works, buildings, and improvements.

Approval of estimates.
Recommendations.

Location of tracks, poles, and wires.
Charge of watersheds and water supply.

Rights of way.

Management of light plant.

Supervision and control of council.

Suspension or dismissal of officers.

Appeal to town council.

Report of punishments.

bridges, viaducts, and the repair thereof; he shall approve all estimates of the cost of public works, and recommend to the town council the acceptance or rejection of the work done or improvements made; he shall have control of the location of street car tracks, telephone and telegraph poles and wires; he shall have charge of the watersheds from which the town 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 town; and shall secure all rights of way and easements connected with the watersheds or sewerage systems or the extension of the streets, or the widening or opening thereof. The town manager shall also have full management and control of the electric light plant belonging to the said town in furnishing light to the said town and its citizens; shall appoint all employees, fix their compensation, adopt uniform schedules of rates, and do and perform all and singular the acts and duties necessary and convenient to the maintenance, operation, and control of said water-works and light plant. All of the powers conferred on the said town manager as above enumerated, however, shall be exercised subject to the supervision and control of the town council.

SEC. 11. The town manager shall have power to suspend, fine, and dismiss any member of the police, fire, water-works, and sewerage and street departments, in the interest of discipline. But any officer, appointed or elected by the town council to a position in said departments, who has been suspended for a longer term than three days, fined or dismissed, may appeal to the town council at any of its regular meetings, and it shall review his case, affirm or modify or reverse the order of the manager, and make any restitution within the law which it may deem advisable. The town manager shall promptly report all suspensions, fines, and dismissals as hereinafter provided in the article in reference to the police powers of the town of Lincolnton.

ARTICLE VI.

Streets and Street Department.

Street department.

SECTION 1. The street department of the town of Lincolnton shall be composed of the town manager and such other employees as the town council may deem necessary to execute the duties of the department. The town manager shall be the executive officer of the department and shall have the direction of the other officers and employees in the department, subject to the rules and regulations prescribed by the town council.

Executive officer.

Improvements authorized.

SEC. 2. The town manager shall have full power and authority, under ordinances of the town council, to grade, pave, macadamize, and otherwise permanently improve for travel and drainage any street, sidewalk, avenue, and public alley of the town; to put down curbing, cross-drain and crossings on the same; to lay out and open

new avenues, streets, and public alleys, or widen those already open, and make such improvements thereon as the public convenience may require.

SEC. 3. The property lying within the town limits shall hereafter be platted or laid off into avenues, streets, alleys, blocks, and lots, or into any of them, unless the same is done in compliance with the provisions hereinafter in this section mentioned, or unless otherwise hereinbefore provided. The owner or owners of any property for filing a blue-print of the proposed avenues, streets, alleys, blocks, and lots. Whereupon, within five days after the blue-print is presented, the town manager shall determine whether the proposed avenues, streets, alleys, blocks, and lots conform to the avenues, streets, alleys, blocks, and lots abutting thereon. If found to so conform, he shall forthwith file the blue-print in his office, and the owner or owners of said property may after the filing the aforesaid plat lay off said property in accordance with the blue-print so filed.

Plats.

Blue-prints.

Determination of conformation.

Plat on acceptance of blue-print.

SEC. 4. That the town council 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 of equalizing the assessment on real estate to pay the cost of such improvement, as may be proper; and in order to more fully carry out the duties imposed by this charter for street improvement, the town council shall have power and authority to determine the kind of such improvements and the amount to be expended therefor, and to pass ordinances assessing not exceeding two-thirds, that is to say, one-third on either side, of the entire cost of paving, macadamizing, or otherwise permanently improving 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, macadamized, or otherwise permanently improved; and it shall be incumbent on the owners of the real estate abutting on each side of the street or sidewalk so improved to pay the amount so assessed for such improvement, and such costs and charges shall be a lien on all such abutting property from the commencement of the work, as provided in this charter: *Provided*, that the town, out of its general fund, shall pay the cost of grading, curbing, and paving and permanently improving the street intersections except that part of intersections required to be paid for by such street railways as in this charter elsewhere provided: *Provided further*, that the cost of such improvement may be financed by the issue of bonds as elsewhere in this charter provided.

Improvement districts.

Equalizing assessments.

Determination of improvements.

Apportionment of cost.

Lien on property.

Proviso: items paid for by town.

Proviso: improvement financed by bonds.

SEC. 5. That in order to equalize the assessments on real estate for the purpose described, as elsewhere provided in this charter, the town council shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be

Estimate of cost.

Ratio of assessment.	made throughout the entire length of such work or improvement, and then shall prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and may charge to and assess upon each side
Limit of charge on property.	of the street upon which said work is its pro rata share, not exceeding one-fourth to the side of the entire cost of all such improvements as may be made under the provisions of this charter: <i>Provided, however,</i> in order to avoid obstructing lot owners in subdividing and selling their property by reason of the lien hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit, subject to the provisions of section three of this article, and shall file in the office of the town manager a plat of the subdivision, making the lots fronting on the street so paved or improved of any desired frontage, but not less than fifty feet in depth, and the assessment made and the liens created by virtue of this act for street improvements shall thereafter affect and attach to said front lots only, not less than fifty feet depth, and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain chargeable with its ratable proportion of said assessment and liens according to its frontage; that the town council shall cause to be established a permanent grade on any such street, sidewalk, or public alley to be accurately surveyed, and a list 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 subdivision, and the said list shall be filed with the town manager and be subject to public inspection; and when the assessments and liens as provided for in this charter shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the town manager shall write upon map of said lots the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens and the date and amount of all payments made on any of the said assessments and liens; and after the said list shall have been duly certified by said town manager and probated and recorded in the register's office of Lincoln County and properly indexed in the manner prescribed by law for the registration and indexing of deeds or other instruments allowed to be registered, the town council shall indorse thereon an order in the following or similar form:
Proviso: subdivision.	
Assessment on front lots only.	
Lots charged ratably.	
Grade.	
Survey and lists.	
List filed for inspection.	
Assessments entered on map. Indexed record.	
Order for collection.	

Form of order.

OFFICE OF TOWN COUNCIL OF THE TOWN OF LINCOLNTON,
STATE OF NORTH CAROLINA.

To the Town Manager of the Town of Lincolnton—Greetings:

By order of the town council, you are hereby commanded to collect the assessments herein mentioned according to the provisions and requirements of the provisions prescribed by this charter for

the collection of taxes due said town, except that it shall not be necessary to exhaust or levy upon the personal property of the owner before subjecting such lots or subdivisions to sale for the payment of the assessment so fixed and charged thereon.

The said list shall be signed and dated by the council or by the mayor in its behalf, and the said list when thus recorded and indorsed shall have the force and effect of a duly docketed judgment against the lot or subdivision so charged with an assessment, and shall constitute and be an execution in the hands of the town manager, to be executed by him by a sale of such lot or subdivision in the manner prescribed by law for a sale of land by sheriff under execution. The clerk of the Superior Court of Lincoln County shall have power and authority to probate and order registered any and all lists of assessments certified by said town manager, as aforesaid, and when recorded and cross-indexed as hereinbefore provided such list shall be and constitute full, legal notice of the lien and incumbrance on the lots and subdivision therein mentioned to the extent of the assessment charged thereon: *Provided further*, where permanent street improvements shall be made, the property bearing such assessments shall not be 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 street laid out as a district for permanent improvement is of such unequal width or cost of material as to render the plan of equalization of assessment as above set out unjust to any abutting property, then in that case the town council is authorized to divide such district into subdivisions and to apply the rule of equalization of assessments prescribed herein to such subsection, instead of to the entire district or section; and the town council 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 shall be financed by the issue of bonds and the levy of a special tax to pay the same and the interest thereon as herein provided: *Provided further*, that when a majority of the property owners along any street or blocks thereof shall petition the town council for street or sidewalk improvement, or both, it shall be the duty of said town council to declare such street or part thereof a public improvement district, and order improvement to be made according to provisions of sections four and five of this article.

SEC. 6. That the notice of the assessment of the town council, as herein elsewhere provided in this charter, against abutting property on any street, sidewalk, or public alley in any such improvement district or section shall be given at least once a week for two weeks in some newspaper published in the town of Lincoln, which notice shall state the time and place that such assessments are to

Authentication of list.
Force as judgment and execution.

Probate and registration of lists.

Notice of lien.

Proviso: time limit.

Proviso: subdivision of districts.

Improvements financed by bond issues.

Proviso: petition for improvement.

Notice of assessments.

- Persons under disability. be made and determined, and shall notify all persons to be affected by such assessment to appear before the council and show cause, if any, why such assessments 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 Lincoln County to appoint a guardian *ad litem* to act for him. That any person who shall feel aggrieved by the findings of said council with reference to said assessments for such permanent improvements shall have the right within ten days after such findings of said council, and not after that time, to file his objections to such findings, and to appeal from the decision of said council to the next term of the Superior Court of Lincoln County, by serving upon said town notice in writing of his intention so to do, and specify in said notice the grounds of his objections to said findings, and by filing within the time prescribed for taking appeals, in the office of the clerk of the Superior Court of Lincoln 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 town any such costs and damages as it may sustain by reason of said appeal; in such cases of appeal from the town council the ordinance laying out the improved district, the action of the said council in determining the assessment, the objections of the property owner filed thereto, and all other matters material to the case shall constitute the case on appeal and be certified by the town manager to the Superior Court, and shall be docketed on the civil docket and stand at issue as other civil cases regularly brought in such court, with leave to either party to file such pleadings and papers as he may deem necessary; the trial of the issues involved in such appeal shall have priority over all civil actions pending in the Superior Court of Lincoln County, and the cause shall be advanced and shall be the first civil action tried at the term to which it is returned; and 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 town of Lincolnton, to any amount, then judgment shall be rendered in favor of said town for such amount, to the end that no merely technical objections shall defeat the rights of the town; and the amounts so found, together with the cost of such 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 finding of said town council, and shall be collected by the town manager of the town of Lincolnton as elsewhere in this charter provided, that is to say, as if no appeal had been taken.
- Right of appeal.
- Bond on appeal.
- Case on appeal.
- Pleadings.
- Priority of trial.
- Effect of judgment.
- Lien against property.
- Collection.
- Personal notice. Sec. 7. That in lieu of notice of publication to property owners affected by improvements to abutting real property as elsewhere

provided in this charter, the town council, 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 town council 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 town of Lincolnton or any other proper officer.

SEC. 8. As soon as the amount chargeable to real estate abutting on the street, avenue, or public alley to be so improved, as is provided in other sections of this article, is finally determined by the city council, and after the contract is let for any such work or improvement, the town council may cause a notice to be published once a week for two weeks in some newspaper published in the town of Lincolnton, substantially in the following form:

Notice of bond issue.

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 abutting real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city manager. 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 town manager, within the time stipulated in said notice, a written notice that they elect to pay the special assessments on their property, describing the same.

SEC. 9. After the expiration of the time fixed for filing notice of election to pay the special assessment as provided in the preceding sections, the town council 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 be sold for not less than par; and shall be signed by the town council and attested by the town manager; 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 semiannually, 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 town 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

Bonds covering assessments.

Series of bonds.

Sale below par forbidden.

Authentication.

Recitals.

Bonds payable annually.

Proceeds paid on contracts.

- Collection of assessments for annual payments. contract, at not less than their par value, the contractor to be charged with accrued interest; at the date of each tax levy after the issuance of any 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 town 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.
- Special fund. SEC. 10. That all funds derived from assessments hereafter levied by the town council of the town of Lincolnton upon private property on account of the improvement of the streets upon which such property abuts shall, when collected and received by the town of Lincolnton, constitute a special fund, to be designated as "Street Improvement Fund," and the same shall be kept separate from all other funds of the town, and a separate record thereof shall be kept by the town manager, and said funds and every part thereof shall be applied by the town council exclusively to the payment of the said bonds and interest on same or payment of said work.
- Official entitlement. Fund and record kept separate. Exclusive application. SEC. 11. The town council shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of the town and make such improvements thereon as it may deem best for the public good, and may provide for and regulate lighting of the public parks and streets, and regulate, control, license, prohibit, and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures and appliances of every kind, and the removal thereof, whether on, above, or below the surface thereof, and regulate and control use thereof, remove obstructions, encroachments, pollution or litter therein, and shall have under their government, management, and control all parks and squares within or without the town limits established now or hereafter to be established by the town council for the use of the town.
- Sidewalks. SEC. 12. The town council shall have power to prohibit cellars under the sidewalks of the town, or any obstruction upon the streets or sidewalks thereof.
- Lights. Use of streets and sidewalks. SEC. 13. When any land or right of way be required for the purpose of opening new streets, or widening or changing those already opened, or other subjects allowed by this charter, and the compensation therefor cannot be agreed upon by the owner or owners and the town council, the same may be condemned and taken by the town council at a valuation to be made by three disinterested freeholders of the town, one of whom shall be chosen by the town council 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
- Parks and squares.
- Cellars and obstructions.
- Condemnation of land.

a freeholder, as above provided, for five days after being notified so to do, then it shall be the duty of the town council to appoint a disinterested freeholder to act on the part of said owner or owners. In making the valuation said freeholders, after giving the owner or owners or their agent notice, or giving notice by publication in two issues of a weekly newspaper published in the town of Lincolnnton in case the owner cannot be found in the town, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also such benefit or advantage such owner or owners may receive from the opening, widening, or changing of such streets or other public improvements, and ascertain the sum, if any, which shall be paid to the owner or owners of said property and report the same in writing, over the signatures of any two of them, to the town council, which report on being confirmed by the council and spread upon its minutes, shall have the effect of a judgment against the town of Lincolnnton and shall pass the title of the land so taken to the town of Lincolnnton, and the land so taken may at once be used by the town for the purposes intended: *Provided*, that either party may appeal to the next term of the Superior Court of Lincoln County: *Provided, however*, that such appeal shall not hinder or delay the town council in opening or changing such street or making such improvements.

Considerations governing valuation.

Report.

Effect of judgment.

Proviso: right of appeal.

Proviso: appeal not to delay work.

ARTICLE VII.

Police Powers and Police Department.

SECTION 1. The town of Lincolnnton shall have power by ordinance duly passed to establish and maintain the town police department, prescribe the duties of policemen and regulate their conduct; and

(a) To permit, forbid, or regulate theaters, halls, dance houses, moving picture shows, circuses, and other public amusements, and to suppress the same whenever the preservation of order, tranquillity, public safety, or good morals may demand.

(b) To suppress gambling houses and to punish keepers and patrons thereof, to punish all persons who play cards or games of chance of any kind for gain, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings of lottery.

(c) To regulate, control, and prohibit the keeping and management of house or any building used for the storage of gunpowder and other combustible explosives or dangerous materials within the town, 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.

Police department.

Public amusements.

Gambling houses.

Lottery tickets.

Explosives and combustibles.

Oil and gas.

Definition and abatement of nuisances.

(*d*) To define nuisances and prevent and abate the same, whether on public or private property, and to abate such nuisances by summary proceedings, and to punish the authors or keepers thereof by penalties, fine, or imprisonment.

Animals going at large.

(*e*) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, goats, chickens, and all other animals and fowls of whatever description, and to authorize the distraining and impounding and sale of same for the cost of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said town council; and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the town.

Transfer rates.

(*f*) To establish maximum rates for all kinds of transportation within the town limits and to prevent extortion; to regulate and to prohibit the blowing of whistles of railroad engines or locomotives within said limits; to preserve order and prevent noise and confusion in or about the depot on arrival and departure of trains, and to provide how and where hacks or other carriers shall stand or take their positions upon the streets adjacent or near to said depot; and to provide and fix by ordinance public stands where hacks and drays, baggage wagons, or other public carriers shall stand on the streets for the purpose of soliciting business, and to prescribe that they shall not stand, excepting when discharging or receiving passengers or freight, at any point other than those designated in the ordinance as public stands.

Engine whistles.

Depot regulations.

Hack stands.

Noise ordinances.

(*g*) 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 and others for the purpose of business, amusement, or otherwise, except judicial sales, sales for taxes, and the like; to prohibit beggars, mendicants, or other 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 town, and prescribe penalty by fine for nonobservance thereof; to regulate the use of automobiles, motor cars, motorcycles, or any other vehicles, and the speed thereof; to prescribe the proper lighting of same when used at night, and to prescribe the qualifications required of those using same upon the streets of the town, and issue permits for the use of such vehicles.

Beggars.

Motor vehicles.

Boxing matches and cock or dog fighting.

(*h*) To prevent all boxing matches, sparring exhibitions, and punish all persons engaged therein; to prevent cock fighting and dog fighting, and to punish all persons instigating or encouraging same.

Abuse of animals.

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

Trades, occupations and professions.

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

- (*k*) To prohibit bawdy houses and punish keepers, inmates, and patrons thereof, and owners of buildings used for immoral purposes; to prohibit variety shows and to punish participation therein; to prohibit, prevent, and suppress assignation houses and houses of ill-fame, to determine and to declare by ordinance such inmates and keepers to be vagrants, and to provide for the punishment of such persons. Bawdy houses.
Variety shows.
Assignation houses.
Vagrants.
- (*l*) To control and regulate the location and use of all kinds of steam engines and steam boilers in the town, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort. Engines and boilers.
- (*m*) To direct, control, and prohibit the laying of railroad tracks, turnouts, and switches in the streets, avenues, and alleys of the town, unless the same shall have been authorized by ordinances, and to require that all railroads, turnouts, and switches shall be so constructed as not to interfere with the drainage of the town and with the ordinary travel and use of the streets, avenues, and alleys in said town, and to construct and keep in repair suitable crossings and gates at the intersection of streets, avenues, and alleys, and suitable ditches, sewers, and culverts where the town council shall deem it necessary. Tracks, turnouts, and switches.
Crossings and gates.
Drainage.
- (*n*) To make such rules and regulations in relation to butchers, bakers, and dairymen as they may deem necessary and proper; to establish and erect markets and market houses, and designate, control, and regulate market places and houses, dairies, and bakeries, whether kept within or without the town limits, from which meat, bread, or milk is offered for sale within the town limits, and to punish the owners or keepers thereof for the violation of any ordinance or regulation of the town council, by penalties, fines, and imprisonment. Butchers, bakers, and dairymen.
Markets.
- (*o*) 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. Introduction of infected persons.
- (*p*) To license, tax, regulate, control, restrict, and prohibit the use of an explosion of dynamite, firecrackers, or other explosives 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 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 town, whether for purposes of amusement, business, curiosity, or otherwise. Use of explosives and fireworks.
Dangerous noises and amusements.
- (*q*) To inspect the construction of all buildings in the town, and prescribe and indorse proper regulations in regard thereto, and regulate and locate or prohibit the erection of all poles in the town, and cause the same to be changed. Unlawful assemblies.
Construction of buildings and erection of poles.

- Police force. SEC. 2. The police force of the town shall be composed of the chief of police and as many officers and patrolmen as shall be from time to time provided by ordinance of the town council.
- Chief responsible for discipline and efficiency. SEC. 3. The chief of police, acting under the town manager, shall be responsible for the discipline and efficiency of the police force.
- Orders. All orders shall pass through him, except so far as the rules, regulations, and orders of the town council authorize orders to be given direct to any subordinate on the police force. In addition to the power of dismissal vested in the chief, any member of the force, including the chief, may be removed, suspended, or fined by the town manager upon proper cause shown, and in cases where a fine is imposed it may in the discretion of the town manager be deducted from the officer's pay, and a person may be appointed by the town manager to discharge the duties of such suspended officer or member until the ground of such suspension can be inquired into by the town council; and it shall be the duty of the town manager to report in writing the dismissal, suspension, or fine within three days, with the reasons therefor, to the town council, and also furnish such dismissed, suspended, or fined officer or member with a copy thereof within like time. Whereupon the town council shall hear and determine any and all charges against the officer or member of the police force.
- Powers of town manager. SEC. 4. In case of any emergency the town manager shall have power to appoint additional officers and patrolmen for temporary service, but the length of time for which such additional officers or patrolmen shall be employed shall be limited to the time during which such emergency may exist.
- Appointment ad interim. SEC. 5. The police force shall preserve the peace, protect persons and property, obey and strive to enforce, so far as they have power, all the ordinances of the town and all criminal laws of the State and the United States; and each member thereof shall wear a badge and uniform while on duty, that the people may recognize him as a peace officer: *Provided*, the town council may provide for special uniform officer or officers.
- Report of punishment. SEC. 6. The chief of police and each member of the police force shall have power and authority to preserve the peace within the town. They shall execute all process directed to them by the police court of Lincoln County and all civil and criminal process directed to them by justices of the peace or other lawful officer in said jurisdiction.
- Copy to office. SEC. 7. The chief of police shall give bond in such sum as the town council shall prescribe for the faithful discharge of the duties of his office and for a faithful accounting of all moneys that may come into his hands by virtue of his office. It shall be his duty to attend the said police court each day and report any violation of law or ordinance of the town; to collect all fines and penalties imposed and pay the same to the clerk of the said police court; to
- Hearing by council.
- Emergency appointments.
- Duties of police.
- Badge and uniform.
- Proviso: special officers.
- Police powers.
- Execution of process.
- Bond of chief.
- Enumeration of duties.

execute the process and judgments of said court, and to perform such other duties as may be required of him by law and by the rules and regulations of the town council or town manager.

SEC. 8. The salary of the chief of police and the compensation of the other officers and patrolmen of the police department shall be fixed by the town council, and they shall receive no other compensation for their services. All fees now and heretofore prescribed to be taxed as their cost shall be paid into the said police court.

Salaries.

Fees paid into court.

ARTICLE VIII.

Health and Health Department.

SECTION 1. The town of Lincolnton shall have power, by ordinance duly passed, to regulate burial-grounds, crematories, and cemeteries, and to prevent burial within the town 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. The town of Lincolnton shall have power to acquire land and grounds inside or outside of the town limits, by purchase, gift, or otherwise, to be devoted and used for the purpose of a public and private cemetery, and to pass such suitable regulations concerning the burial of the dead in such cemetery or in the cemeteries now owned by the town, and make such charges for the burial of the dead therein as may be deemed proper by the town council; and the said town shall have power to appropriate private property lying within or without the town limits to be used and devoted for cemetery purposes, as herein stated, by condemnation proceedings brought for such purpose, and in all such cases the proceedings had to condemn shall conform to provisions hereinbefore contained for condemnation of land for streets in article six hereof.

Burial-grounds, crematories, and cemeteries.

Land for cemeteries.

Burial regulations.

Condemnation of property.

SEC. 2. The said town shall also have power, by ordinance duly passed, 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 personal 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 town council, shall reconstruct the same in such a manner as shall be prescribed by ordinance of the town; and as to all buildings, cisterns, wells, privies, and all 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.

Structures subject to condemnation as nuisances.

Abatement.

Future construction.

SEC. 3. The town council shall have the right and power by ordinance to provide that the tenant or owner of any property

Scavenger work.

- shall pay to the town reasonable charges for the removal of night-soil or other refuse matter from the closets or the premises thereof, and to prohibit any one except some one in the employ of the town or by the town authorized to do so, from removing or carrying away the contents of any privy, vault, or water-closet, or any receptacle of human excrement; and the town 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 such 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 inspection. Whenever notice is given by any officer or employee of the town inspecting any premises that said premises need cleaning, the said night-soil or other refuse matter shall be removed and the owner or tenant of said premises shall pay to the town the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the police court, in any sum not less than one dollar nor more than two hundred dollars.
- Inspection of premises.**
- Right of entry.**
- Sanitation of premises.**
- Penalties for failure in payment.**
- Sewer connections.** SEC. 4. The town council 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 town may own, construct, 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 property 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 thing the performance of which the town council has the power to compel, such tenant or occupant shall have a lien upon the property for reimbursement, if the primary obligation to do the same was 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 expenditures.**
- Set-off against rent.**
- Markets and abattoirs.** SEC. 5. The town council shall have power to establish, lease, buy, erect, maintain, own, and regulate and operate markets and market places, abattoirs, and to build, own, and maintain buildings therefor, and to rent and lease the same.
- Butchers.** SEC. 6. (a) The town council shall have the power to regulate, license, or prohibit butchers and to prevent their slaughtering animals within the town limits, and to revoke their license for malconduct in trade, and to regulate and license the sale of fresh meats, fruits, and vegetables, and the slaughter of animals, and to license and regulate or prohibit slaughter-houses or the slaughter of animals within the town limits.
- Market regulations.**

(b) To provide for the inspection of dairies inside and outside of the town limits and doing business within the town, and to charge and provide license fees for said inspection; to establish and maintain a standard of sanitary conditions governing dairies inside and outside of the town doing business within the town; to establish and maintain a standard of quality of all dairy products sold in the town, and to provide for penalties for the violation thereof.

Inspection of dairies.
License fees.
Sanitary standards.

Standard of quality.

(c) To compel the owner or occupant of any grocery, soap, tallow or candle establishment, or blacksmith shop, tannery, stable, slaughter-house or other building, or sewer, privy, hide-house, or other unwholesome houses or house, to cleanse, remove, fill up, repair, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants.

Regulation of unwholesome business.

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

Quarantine.

(e) To authorize the destroying of clothing, bedding, furniture and buildings infected with the germs of any infectious and dangerous disease, when the public health requires the destruction of the same, and may also, by ordinance duly passed, authorize the destruction or removal of buildings or other objects, after the same shall have been declared by the town council a nuisance and to be dangerous to the health or lives of the citizens of the town.

Destruction of infected property.

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

Introduction of unwholesome or filthy substances.

(g) To regulate the burial of the dead, the registration of births, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons, and others for any default in the premises.

Vital statistics.

SEC. 7. The town council shall have power by ordinance duly passed, and it shall be its duty, to establish and maintain the town health department, to be composed of the town physician, to be appointed by the town council for a term of one year; a sanitary officer, who may also be a police officer, and such other employees as the town council may deem necessary.

Town health department.

SEC. 8. The town physician shall be the chief health officer of the town, and the sanitary officer and other employees, if any, of the department shall obey his orders and instructions. It shall be his duty from time to time to present in writing to town council proposed health ordinances, which the town council may adopt or reject or amend.

Chief officer.

Health ordinances.

Removal of dangerous or unsanitary matter.

SEC. 9. The town physician, the sanitary officer, or other officer designated by the town council for this purpose shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything within the town 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 a lien on property.

Sale or offer of unsound food misdemeanor.
Punishment.

SEC. 10. It is hereby declared a misdemeanor for any person to sell or offer for sale in the town any unsound article of food, and any person convicted of any violation of this section shall be fined or imprisoned, in the discretion of the police court of Lincoln County.

ARTICLE IX.

Fire and Fire Department.

Fire companies and fire department.

SECTION 1. The town shall have power to provide for the organization, equipment, maintenance, and government of fire companies and the fire department, and to this end may hold and use the fire equipment or other apparatus and property now owned by the town and used in the extinguishment of fires; and in its discretion may provide for a paid fire department, and for this purpose may create such offices and employees with such compensation as to the council may seem right and proper: *Provided*, the organization and government of fire companies or fire department shall not be inconsistent with the provisions of this article.

Equipment.

Paid fire department.

Proviso: consistent with law.

Executive officer.

SEC. 2. The chief of the fire department shall be the executive officer of the department or companies, under the direction of the town council, and shall have direct control of the other officers, firemen, and employees in the department or companies, under such rules as may be adopted by the town council.

Police powers.

SEC. 3. The chief of the fire department and his assistants shall have full police powers while on duty, during fires, and are authorized to make arrests without warrants for interference with or obstructions to their operation.

Right of way.

SEC. 4. In the event of an alarm of fire, the apparatus of the fire department or companies shall have the exclusive right of way in and upon streets, alleys, squares, and railroad crossings in going to any fires; and while going to a fire, as well as at a fire, it shall be unlawful for any person whatsoever to interfere with their firemen or their apparatus or appliances in any way, and the town council shall by proper ordinances provide for the punishment of any person so interfering.

Unlawful interference.

Discipline of force.

SEC. 5. The town manager and chief of the fire department shall have the same power and authority in reference to the dismissal, suspension, or fining of any officer or member of the fire depart-

ment or companies as that provided to be exercised by the town manager and chief of police in reference to the officers or members of the police department.

SEC. 6. The town council may establish and maintain fire limits in the town in which it shall be unlawful to erect, alter, and repair wooden buildings or structures or additions thereto; it may also prohibit the removing of buildings or additions 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.

SEC. 7. The town council may make rules and regulations governing the erection and construction of buildings in the town or the removal of buildings already built so as to make them or adjoining buildings as safe as possible from fire; and in case of fire the mayor or a member of the town council, the town manager, and the chief of the fire department, or the acting chief of the fire department and any two of the other officers named, may order the blowing up, tearing down, or destruction in any way that may seem best, of any building when it is deemed necessary to stop the progress of the fire; and no individual shall be held liable civilly or criminally for acting in obedience to the orders thus given.

ARTICLE X.

Water-works and Sewerage Department.

SECTION 1. The water-works and sewerage department shall embrace all property rights and obligations of the town of Lincolnnton in respect to water-works and sewerage, and shall, in so far as practicable, be administered as an entity. To that end all contracts, records, and muniments of title pertaining thereto shall be assembled and carefully preserved, and account shall be kept of its assets, liabilities, receipts, and disbursements separate and distinct from the accounts of any other department or branch of the town government.

SEC. 2. The water-works and sewerage department of the town of Lincolnnton shall be composed of the town manager and such other officers and employees as the town council may deem necessary to execute the duties of the department, and the town manager shall be the executive officer of the department, and shall have the direction of other officers and employees, subject to the rules and regulations prescribed by the town council.

SEC. 3. The town council shall have the power to acquire and hold, in the name of the town, rights of way, water rights, sewerage outlets, and other property within and without the town limits, and the town council shall have the power to condemn and take rights of way, easements, water rights, sewerage outlets, and other property within and without the corporate limits of the

Fire limits.

Building regulations.

Destruction of property in arresting fires.

Water-works and sewerage.

Administration.

Records and accounts.

Department.

Executive officer.

Power to hold property.

Power of condemnation.

town for the purpose of extending, getting, storing, maintaining and furnishing a pure and adequate water supply, and of extending, maintaining, and furnishing an adequate system of sewerage and of securing proper and adequate outlet or outlets therefor. The proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Proceedings.

SEC. 4. The town manager shall have, under ordinance of the town council, entire supervision and control of the maintenance, improvement, and management of the said system, and shall fix such uniform rates for water and sewerage as he may deem advisable and just, and shall fix the time or times when said water and sewerage rates shall become due and payable.

Supervision and control of system.

Rates.

SEC. 5. When any water or sewerage connections are discontinued by any officer or agent of the town in accordance with the provisions of an ordinance, it shall be unlawful for any person, firm, or corporation, or other than the town council or its agents or employees, to make said connections or to use the same without having first obtained permission from the town manager or some officer of this department.

Disconnections.

SEC. 6. The town council shall, out of any money received by it from the operation of the water-works and sewerage system, pay, first, the operating expenses of said system, and such surplus as remains shall be used as shall be deemed best by the town council.

Use of receipts from system.

SEC. 7. That the town physician shall devote such time as may be necessary to the inspection of the public watershed and examinations of the public water supply, and make his report of the same to the town council.

Inspection of watershed. Examination of water.

SEC. 8. If any person or persons shall maliciously or willfully divert the water or any portion thereof from the said water-works, or shall corrupt or render the same impure, or shall injure or destroy or obstruct any canal, aqueduct, pipe, or other property used or acquired for the proper operation of said systems, or either of them, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or shall be imprisoned not exceeding one year, at the discretion of the court.

Interference constituting misdemeanor.

Punishment.

SEC. 9. The town council shall have full power and authority to apply by ordinance the provisions of this charter as to the condemnation of lands for streets to the purposes of the sections of this article so far as may be necessary in the extension of the water-works and sewerage systems of the town of Lincolnton; and ordinances applying said provisions to said systems shall for any and all intents and purposes have the same effect as if said provisions were herein set forth.

Power of condemnation.

Ordinances.

ARTICLE XI.

Finance and Taxation.

<p>SECTION 1. No contract shall ever be made which binds the town to pay for personal service to be rendered for any stated period of time except as otherwise herein provided, but all contracts involving personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the town, nor shall the town of Lincoln, or any one acting for it, make any contract for supplies for current use for any department of the town for a longer period of time than twelve months, and so far as practicable all supplies purchased for the use of any or all the departments of said town shall be made or let upon competing prices therefor.</p>	<p>Contracts for personal service.</p> <p>Contracts for supplies.</p> <p>Competing prices.</p>
<p>SEC. 2. No contract shall be given until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts whenever practicable shall be upon specification, and no contract shall be binding upon the town unless it has been signed by the town manager and a member of the town council who shall have been duly authorized to sign the said contract by an ordinance adopted at a regular meeting of the town council, and the expense thereof charged to the proper appropriation. Whenever the contracts charged against any appropriation equal the amount of said appropriation, no further contract shall be signed.</p>	<p>Appropriations as basis for contracts.</p> <p>Execution of contracts.</p> <p>Contracts not to exceed appropriation.</p>
<p>SEC. 3. All tentative or proposed contracts, of whatever character, pertaining to public improvements or the maintenance of public property of said town, involving an outlay of as much as two hundred dollars, shall be submitted upon specifications to be prepared and submitted to and approved by the town council; and after such approval, advertisement for the proposed work or matters embraced in said proposed contract shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall appear at least twice in some weekly newspaper or at least five times in a daily newspaper published in the town of Lincoln. All bids submitted shall be sealed, shall be opened by the mayor in the presence of the town council in a meeting assembled, and shall remain on file in the town manager's office and be open for public inspection for at least forty-eight hours before any award of work is made to any competitive bidder. The town council shall determine the most advantageous bids for the town, and shall enter into a contract with the parties submitting the same. However, the town council shall always, in every advertisement of public work or contract involving as much as two hundred dollars, reserve the right to reject any and all bids. Pending the advertisement of work or contract proposed, specifications therefor shall be on file in the office of the town manager, subject to the inspection of all parties desiring to bid: <i>Pro-</i></p>	<p>Contracts on specifications.</p> <p>Advertisement for bids.</p> <p>Bids opened and filed for inspection.</p> <p>Award of contract.</p> <p>Right to reject bids.</p> <p>Specifications kept on file.</p> <p>Proviso: work by day labor and purchase of supplies.</p>

vided, this section shall not be construed to prohibit the town council from having work done by day labor, from purchasing materials in accordance with the other provisions of this act, and such rules and regulations as said council may by ordinance prescribe: *Provided further*, this section shall not be construed to apply to contracts for lighting the streets and public buildings of the town.

Proviso: contracts for lights.

Manager as purchasing agent. Bills approved.

SEC. 4. The town manager shall be the purchasing agent of the town council; all supplies shall be purchased by him, and when so purchased the bills therefor shall be submitted to and approved by the town council before the same are paid.

Estimate and apportionment of revenue.

SEC. 5. The town council shall, during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenue of the town 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 town government, reserving from said estimate not more than ten per cent and not less than seven per cent of the total amount of the revenue, as above provided,

Emergency fund.

Surplus of reserve fund.

to be used in the case of emergencies. Any unexpended portion of the 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 council shall deem advisable, and in order to enable the said council to properly make the apportionment hereinbefore required, the town manager and the head of each department of the town shall at least ten days before said apportionment is made furnish in writing to said council estimates in detail of the amounts needed. The estimates in detail furnished by the town manager shall be of the amounts needed for the entire town government, and those furnished by the heads of the departments of the amounts needed for their respective departments; all of which estimates shall be considered by the town council in determining the amount apportioned to each department of the town. Any apportionment made by the town council to any department of the town may at any time be increased or reduced, or may be diverted from one department to another, by a majority vote of the town council. If at the end of the fiscal year any surplus remains to any department of the town for which an apportionment was made, the same shall be credited to the general funds of the town, and shall form a part of the general funds for the next fiscal year. At the end of each month during the fiscal year each of the heads of the various departments of the town shall file with the town manager an itemized report of all moneys received and disbursed by this department, and showing for what and to whom such money was paid and for what and from whom received. The town manager, at the first of each month during the fiscal year, shall file with the town council an

Details of budget.

Details in full and for departments.

Change of apportionments.

Surplus to general funds.

Itemized reports filed monthly.

Itemized statement of general accounts.

itemized report of all moneys received and disbursed by any and all officers of the town government during the preceding month, and showing from whom and for what such money was received, and to whom and for what paid. To the said report shall be attached the monthly reports of each of the heads of the various departments of the town. The town manager's report for the preceding month shall be published during the second week of each month in some newspaper published in the town of Lincolnton.

Sec. 6. That at their first meeting in May of each and every year, or as soon thereafter as is practicable, the town council shall by ballot elect a town treasurer, who must be a person other than the town manager and who shall receive a sum not exceeding one-third of one per cent of the funds paid into his office.

Sec. 7. The town treasurer shall give bond in some bonding company in such sum and form and with such conditions as may be required by the town council; the amount of said bond shall not be less than seven thousand five hundred dollars, and the same to be approved by the town council, said bond to be paid for out of the regular expense funds of the town. It shall be his duty to call on all persons having in their hands any moneys or securities belonging to the town 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 town manager and countersigned by some other persons to be designated by the town council. All moneys belonging to said town 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 keep in books provided for that purpose full and correct account of all moneys received and disbursed by him, and shall render a statement of his receipts and disbursements to the town council at the first of each month and at such other times as may be required of him by said council. The town council shall have the right to require a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall do no official act until said bond shall be given and approved in the manner aforesaid. The town council may, in their discretion, select one or more banks in the town as depository banks for the town of Lincolnton, 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 town council to pay into the treasury of said town interest at a rate to be fixed by said town council, not exceeding legal rate of interest in North

Reports of departments.

Publication of report.

Town treasurer.

Commission.

Bond of treasurer.

To collect and keep town funds.

Authentication of warrants.

Moneys turned over to treasurer.

Accounts.

Statements.

New bond.

Depositories.

Daily deposits.

Interest on deposits.

- Carolina, which shall be paid at the end of each month and shall be based on the daily average balance for the month: *Provided*, the rate of interest to be paid by said bank or banks may at any time be changed by the town council, but never to exceed the legal rate. The said bank or banks may, in the discretion of the town council, be required also to execute a good and sufficient bond with sureties to be approved by the town council, and conditioned that such bank or banks will safely keep and account and pay over said money on demand and as ordered by the town council. All interest paid by any such bank upon such balance shall be collected by the treasurer of the town, 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 town, subject to use for any legitimate purpose by the town council; said treasurer shall keep the funds and the accounts thereof of the different departments separate. Said treasurer shall do and perform such other acts as the town council 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 properties which are or ought to be in his hands by virtue of his office.
- Proviso: change of rate.**
- Bond of depositories.**
- Collection and report of interest.**
- Funds and accounts kept separate.**
- Settlement with successor.**
- Powers and liabilities of tax collector.**
- Duties.**
- Sums charged to collector.**
- Record of approved accounts.**
- Ad valorem tax.**
- SEC. 8. The town manager 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 town council, and he shall be charged with the sums appearing on the tax list as due for town taxes, except taxes on personal property which the town council shall declare to be insolvent and uncollectible, and with such amounts as may be involved in suit by appeal from the ruling of the council and errors in listing, 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 the town shall be reported to the town council, and when approved by them, the same shall be recorded in the minute-book of said council, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.
- SEC. 9. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the town, the town council shall have power, and they are hereby authorized, to levy and collect for general purposes an annual *ad valorem* tax on all real and personal property within the corporate limits of said town, and on all personal property, including money on hand and solvent credits owned by residents of said town, 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

fifty cents on the one hundred dollars valuation of said property, and a tax not exceeding one dollar and fifty cents on each taxable poll, and in addition thereto, for the purpose of paying interest on municipal bonds and creating a sinking fund, the town council shall levy and collect a sufficient annual *ad valorem* tax on all property and polls subject to taxation as hereinbefore provided. 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.

SEC. 10. The said town council may also levy and collect for general purposes a tax upon all dogs kept in the town, and which may be so kept on the first of May of each year. The said tax shall not exceed ten dollars, and any dogs so taxed shall be the subjects of larceny: *Provided*, that a discrimination within the limit above fixed may be made by the said council on the different species and sexes of dogs.

SEC. 11. The town council shall have 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 appraising of property in said town, 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 number, the duties and powers of list takers, appraisers, and all other officers or agents that may be necessary for collecting the taxes, and may 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 town and the collection of the taxes thereupon. If all of such taxes are not paid on or before the first day of March next following the listing of said taxes, the town manager shall proceed to collect such taxes and penalties by distress and sale as provided by law for collection of State and county taxes.

SEC. 12. The town manager 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 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 town council and for cause shown.

Poll tax.
Tax for interest and sinking fund.

Real property defined.

Personal property.
Date taxes become due.

Tax on dogs.

Limit.
Dogs subject of larceny.
Proviso: discrimination of species and sex.

Tax ordinances.

Collection by distress and sale.

Delinquent lists.

Double tax.
Relief.

Failure to list a misdemeanor.

SEC. 13. All persons who own property and who willfully fail to list it within the time allowed by law, and all persons who are liable for poll tax to the said town and who shall willfully fail to give themselves in, 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 town manager to prosecute against this section.

Punishment.

Manager to prosecute.

Attachment of lien for taxes.

SEC. 14. The lien for taxes for any and all purposes in each year shall attach to all the real estate of the taxpayers within the town on the first day of May 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 until there has been a levy thereon.

Lien on personal property.

License taxes.

SEC. 15. That in addition to the subjects listed for taxation, the town council, 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 town manager, and if not paid when due, the same may be recovered by suit brought in the name of the town, 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:

Enforcement of payment.

Itinerant merchants and peddlers.

(a) Upon all itinerant merchants or 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, or wares of their own manufacture, but not excepting venders of medicine, by whomsoever manufactured; and not more than one person shall peddle under a single license.

Tables for games.

(b) Upon every billiard table, bowling 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 in a house used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars.

Hotels.

Boarding-houses and restaurants.

(c) Upon every hotel, a license tax not exceeding one hundred dollars; upon every boarding-house with more than ten boarders, and every restaurant, a license tax not exceeding fifty dollars.

Circus companies.

(d) Upon every circus company, or circus riders or performers, by whatever name called, who shall exhibit within the town or in one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition; and upon every side-show connected therewith, 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.

Stage plays.

(e) Upon every person or company exhibiting in the town or within one mile thereof stage or theatrical plays, sleight-of-hand performance, rope dancing, tumbling, high diving, wire dancing,

or menagerie, a tax not exceeding twenty dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibiting or the same shall be doubled.

(f) 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 twenty dollars, to be paid before exhibiting, or the same shall be doubled. Artificial curiosities.

(g) Upon each show or exhibition of any other kind, and on each concert for reward, unless for religious or charitable purposes or by pupils of schools or the town for school purposes, in the town or within one mile thereof, 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. Other shows and concerts.
Strolling musicians.
Proviso: shows in licensed halls.

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

(i) Upon every stock and bond broker, sewing machine company or agent of such company, dealer in or manufacturer's agent of musical instruments, keeper of sales stables, livery stables, or stock-yards, doing business in the town, a license tax not exceeding twenty-five dollars. Enumerated occupations.

(j) 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 twenty-five dollars. Bill-posters.

(k) Upon every shooting gallery, and agency, skating rink, insurance agent or agency, street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal, or either, a license tax not exceeding twenty dollars. Enumerated subjects.

(l) Upon every telephone or electric light company, power company, street railway company, water-works company furnishing water to the citizens of Lincolnton, or gas company, a license tax not exceeding one hundred dollars. Public utilities.

(m) Upon each marble yard, undertaker, plumber, person putting gas or water fixtures in houses or yards, and persons engaged in the electric wiring of buildings for light, power, or heat, a license tax not exceeding fifty dollars. Enumerated subjects.

(n) Each barber shop, rope walker, itinerant dealer in lightning rods and stoves, every dealer in fertilizer, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, buggy or wagon agent, cigar manufactory, tobacco factory, tobacco warehouse, each dancing school, every soda or mineral water fountain, every stallion or jack standing in the town, every lecturer for reward except for religious or charitable purposes, land agent or land broker, each butcher or garage, retail dealer in fresh meats, person selling jewelry or any other article having a prize given therewith, each dealer in patent rights, a license tax not exceeding fifty dollars. Enumerated subjects.

- Commission merchants and brokers. (o) Upon all commission merchants and commercial brokers, a license tax not exceeding fifty dollars a year.
- Transfer vehicles. (p) Upon every omnibus, hack, cab, carriage, dray, baggage wagon, or automobile used to transport persons, baggage, freight, or other article for hire, a license tax not exceeding twenty dollars.
- Moving picture shows. (q) On moving picture shows in connection with or without vaudeville acts, or on vaudeville shows alone, a license tax not exceeding one hundred dollars.
- Other subjects. (r) On any business, profession, trade, or avocation of any kind carried on in the town of Lincolnton, not hereinbefore enumerated, a license tax not exceeding five hundred dollars.
- License year. SEC. 16. The license year shall begin on the first day of June of each and every year.
- Graduation of licenses. SEC. 17. The town council shall have power to graduate any of the license taxes permitted in this charter by dividing the business into classes according to the size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class.
- Proviso: tax uniform as to class. SEC. 18. That in addition to the subjects enumerated in the foregoing, the town council shall, for the purpose of raising revenue, have power to levy a license tax on 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 that levied annually on like subjects by the State and county for State and county purposes.
- Further license taxes. SEC. 19. That the town council may provide that all licenses issued hereunder shall be kept posted in such place as they may deem right and proper.
- Proviso: limit of amount. SEC. 20. The town council may regulate and license chauffeurs, those who run their own automobiles or those of others, plumbers and those engaged in the electric 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 council may determine, and with such sureties as it may approve; and said council 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 hereunder.
- Posting of licenses. SEC. 21. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained permission from said council.
- Chauffeurs, plumbers, and electricians. SEC. 22. That no license issued hereunder by said council shall be for more than one year, and same shall not be transferable or assignable except by the permission of the town council.
- Examination and bond.
- Revocation of license.
- License before doing work.
- License for one year.
Not transferable.

ARTICLE XII.

Added Powers and Ratification of This Act.

SECTION 1. That the municipality herein incorporated as town of Lincolnton shall, in addition to those granted by this charter, have all of the rights and powers conferred upon incorporated cities and towns by chapter seventy-three (sections two thousand nine hundred and fifteen to three thousand and eleven, inclusive) of the Revisal of one thousand nine hundred and five, except as such rights and powers may be added to, modified, changed, or extended by the provisions of this act.

Rights and powers under general law.

SEC. 2. All laws, clauses of laws, and amendments heretofore passed or granted, incorporating the town of Lincolnton, be and the same are hereby repealed upon the adoption of this charter by the qualified voters of the town of Lincolnton as hereinafter provided.

Laws repealed.

SEC. 3. The provisions of this act and charter for the town of Lincolnton shall be inoperative and shall not go into effect until the same shall be approved and ratified by the qualified voters of the town of Lincolnton, and, for the purpose of ascertaining said approval and ratification, a special election shall be held at the courthouse in Lincolnton, North Carolina, on the first Tuesday after the first Monday in May, one thousand nine hundred and fifteen, at which time the question of approval and ratification shall be submitted, and all persons favoring the ratification of this act shall vote a written or printed ticket, without design or ornamentation, with the words "For New Charter," and all persons opposing and objecting to ratification of same shall vote a ticket with words "Against New Charter." The board of aldermen of said town shall on or before March nineteenth, one thousand nine hundred and fifteen, appoint a registrar and two judges of election for holding said election and make publication of said notice of election. There shall be for purposes of this election only one polling place in said town, and said election shall be held under the rules and regulations for holding municipal elections. That at said election, should a majority of the votes cast be "For New Charter," then the provisions of this charter shall go into effect immediately; but should the majority of the votes cast be "Against New Charter," then this act and charter shall be null and void. The result of said election shall be declared the evening of said election by the registrar and judges of election and certified to the board of aldermen of Lincolnton.

Law inoperative until ratified by voters.

Date for election.

Ballots.

Election officers.

Notice.

Polling place.

Law governing election.

Effect of election.

Declaration and certificate of result.

SEC. 4. That in event this act and charter shall be approved and ratified by the qualified voters of the town of Lincolnton, as herein provided, then and in that event an election shall be held in said town on Tuesday after the first Monday in June, one thousand

Election for officers.

nine hundred and fifteen, for the purpose of electing a mayor and two aldermen, as provided by article two, section two of this chapter.

Voting precincts.

SEC. 5. That for all municipal, special, and other elections held by the town of Lincolnton, the mayor and board of aldermen may determine and fix one or more voting precincts in said town.

Duties, offices, and laws continued.

SEC. 6. That in event this charter shall be approved and ratified as herein provided, the duties and office of the present mayor and board of aldermen and all ordinances of said town shall continue in full force and effect until the mayor and board of aldermen under this charter shall be elected and qualified.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 284.

AN ACT TO CREATE THE OFFICE OF SPECIAL DISTRICT CONSTABLE FOR WANCHESE SCHOOL DISTRICT, DARE COUNTY.

The General Assembly of North Carolina do enact:

Office created.

SECTION 1. That there is hereby created the office of special district constable for Wanchese School District in Dare County.

Powers and duties.

SEC. 2. That said special constable shall have all the powers delegated to and exercised by the regular township constables throughout the State, and shall perform within his jurisdiction the same duties as those that are incumbent upon township constables throughout the State.

Deputy.

SEC. 3. That said special constable shall have the power under this act to appoint and deputize a deputy to serve during his absence, and the said deputy shall receive for his services the same fees and remuneration to which the special constable is entitled, which shall be in amounts the same fees and remuneration allowed regular township constables throughout the State.

Appointment and term.

SEC. 4. That the county board of commissioners shall have the power to appoint the said special district constable, and they shall make such appointment at their first annual meeting in each respective year; and that the constable thus appointed shall continue to hold office until his successor shall have been appointed as herein provided.

Qualifications.

SEC. 5. That no one shall be appointed special constable under this act who is not of legal age, a registered voter, and who does not maintain his residence within the boundaries of the said Wanchese School District.

SEC. 6. That Claud Brothers shall be appointed as said special Appointment. constable to serve until his successor shall be appointed as herein provided.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed, or that portion of same that may conflict with this act.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 285.

AN ACT TO REPEAL SECTION 9 OF CHAPTER 146 OF PRIVATE LAWS, REGULAR SESSION 1913, RELATIVE TO REPORT OF SHERIFF OR TAX COLLECTOR OF CHEROKEE COUNTY, OF ANDREWS SCHOOL DISTRICT FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine of Private Laws of regular session of one thousand nine hundred and thirteen be and they are hereby repealed. Section fixing penalties.

SEC. 2. That no penalty shall be imposed or collected by reason of any failure of the officer mentioned in either said sections failing to comply with the terms imposed by said sections or either of them. Penalties not imposed or collected.

SEC. 3. That nothing in this act shall be construed to relieve the officer named in said chapter one hundred and forty-six, Private Laws one thousand nine hundred and thirteen, from performing his duties as required by the general law governing such officer. Duties as required by general law.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 286.

AN ACT TO AMEND CHAPTER 144, PRIVATE LAWS OF NORTH CAROLINA, 1913, RELATIVE TO JURISDICTION OF THE MAYOR.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and forty-four, Private Laws one thousand nine hundred and thirteen, be amended as follows: in section eight, page three hundred ninety-four, strike out all after the word "town" in line four and before the word "which" in line five. Territory of jurisdiction.

Jurisdiction limited.

SEC. 2. In section nine strike out the words "and exclusive original" in line two. Also in section nine strike out all after the word "Wilkesboro" in line three and before the word "as" in line six.

Proviso: jurisdiction of justices and of supreme court.

SEC. 3. At the end of section nine strike out the period and insert in lieu thereof a colon, and add thereafter the words, "*Provided*, nothing in this section shall be construed to take from justices of the peace or the Superior Court any jurisdiction conferred upon them by the Revisal of one thousand nine hundred and five or acts amendatory thereof."

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

Ratified with the 8th day of March, A. D. 1915.

CHAPTER 287.

AN ACT TO AMEND CHAPTER 485, PRIVATE LAWS OF 1913, RELATING TO SCHOOL FACILITIES IN HERTFORD COUNTY.

Preamble.

Whereas chapter four hundred and twenty-four of the Private Laws of one thousand nine hundred and thirteen, section one, amends and fixes the boundaries of the town of Aulander, and section two of said act establishes a school district to be known as the Aulander Graded School District; and whereas chapter four hundred and eighty-five, Private Laws of one thousand nine hundred

Preamble.

and thirteen, attempts to change the boundaries of the said graded school district by taking in a larger territory, including a part of Hertford County; and whereas the said act purporting to increase the size of said district was ratified on the twenty-seventh day of February, one thousand nine hundred and thirteen, and the act known as chapter four hundred and twenty-four, Private Laws of one thousand nine hundred and thirteen, fixing the boundaries of said Aulander Graded School District, was ratified on the tenth

Preamble.

day of March, one thousand nine hundred and thirteen; and whereas an election was held under the provisions of chapter four hundred and eighty-five of said Private Laws of one thousand nine hundred and thirteen, and a quantity of citizens of Hertford County embraced and included in the provisions of said act were placed in the Aulander Graded School District by a vote of the town people and made subject to the other provisions of said act, all of which is contrary to the wishes of the citizens of Hertford County: Now, therefore,

Preamble.

all of which is contrary to the wishes of the citizens of Hertford County: Now, therefore,

all of which is contrary to the wishes of the citizens of Hertford County: Now, therefore,

all of which is contrary to the wishes of the citizens of Hertford County: Now, therefore,

all of which is contrary to the wishes of the citizens of Hertford County: Now, therefore,

The General Assembly of North Carolina do enact:

Territory excluded.

SECTION 1. That chapter four hundred and eighty-five, Private Laws of one thousand nine hundred and thirteen, be and the same

is amended so as to exclude and remove from the Aulander Graded School District all of that portion of Hertford County not embraced in the boundaries as named in chapter four hundred and twenty-four, Private Laws of one thousand nine hundred and thirteen.

SEC. 2. That all laws and clauses of laws, acts and supplemental acts in conflict with the provisions hereof be and are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 288.

AN ACT RELATING TO POOL OR BILLIARD ROOMS, ETC., IN WAKELON GRADED AND HIGH SCHOOL DISTRICT, WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to open, establish, or conduct any pool or billiard room, or to open, establish, or conduct any hall, room, or other place where pool or billiards is played, or where any game of chance at which money, property, or other thing of value is bet, whether the same be in stake or not, in Wakelon Graded and High School District (Little River Township), Wake County. Games and gambling.

SEC. 2. Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court. Misdemeanor.
Punishment.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 289.

AN ACT TO INCORPORATE THE SALISBURY-MORRIS PLAN COMPANY.

Whereas certain citizens of the city of Salisbury, State of North Carolina, desire to organize a loan and investment company to promote and encourage frugality and habits of thrift among its customers, particularly wage-earners, by extending credit and financial assistance to persons of integrity at reasonable rates of Preamble.

interest, by encouraging and providing means for the systematic investment of small funds, and thus establish an institution upon a sound and conservative basis which will be helpful to the workingman and at the same time reasonably remunerative to the capital invested: Now, therefore,

The General Assembly of North Carolina do enact:

Corporators.	SECTION 1. That J. D. Norwood, N. B. McCanless, A. H. Boyden, W. T. Rainey, W. T. Busby, or any three of them, their successors, associates, and assigns, are hereby created a body politic and corporate under the name of Salisbury-Morris Plan Company, and by that name shall have power to have succession, by its corporate name, for the period of sixty years; to sue and be sued in any court; to make and use a common seal, and alter the same at pleasure; to hold, purchase, and convey real and personal estate in or out of the State, and to mortgage the same and its franchises; the power to hold real and personal estate shall include the power to take the same by devise or bequest; to elect and appoint, in such manner as it shall determine to be proper, all necessary officers and agents, and fix their compensation and define their duties and obligations; to conduct business in this State, other States, the District of Columbia and the colonies of the United States, and have one or more offices in or out of this State; to make by-laws and regulations, consistent with the laws of the State, for its own government and for the due and orderly conduct of its affairs and the management of its property; to wind up and dissolve itself, or be wound up and dissolved in the manner provided by law; and generally to possess all the rights, powers, and privileges conferred upon business corporations by chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina and laws amendatory thereto.
Incorporation.	
Corporate name.	
Corporate powers.	
Term.	
Officers and agents.	
Offices.	
By-laws and regulations.	
Dissolution.	
Capital stock.	
Shares.	SEC. 2. The total authorized capital stock of this corporation is fifty thousand dollars (\$50,000), divided into five hundred (500) shares of the par value of one hundred dollars (\$100) each; but the corporation may organize and begin business when five thousand dollars (\$5,000) of the capital stock, composed of fifty (50) shares, shall have been subscribed for.
Beginning of business.	
Principal office.	SEC. 3. The principal office and place of business of this corporation shall be in the city of Salisbury, Rowan County, North Carolina, and the corporation may establish branch offices and places of business at such other points in North Carolina as the board of directors may from time to time agree upon, and a local board of directors and other officers and agents may be elected at such branch offices and places of business, and such directors, officers, and agents may take immediate control of such branch offices and places of business and manage the same in the manner provided by the by-laws of this corporation.
Branch offices.	
Local directors and officers.	
Control and management of branches.	

- SEC. 4. This corporation shall have the power to sell, offer for sale, and negotiate its own choses in action, and to sell, offer for sale, guarantee and negotiate the choses in action of other persons, firms, or corporations, as investments or otherwise. Dealings authorized.
- SEC. 5. The corporation shall have the power to receive money or property in payment for said choses in action, in installments or otherwise, from any person or persons, with or without an allowance of interest upon such installments; to enter into any lawful contract or undertaking with any person or persons for the withdrawal of such money or property, at any time, with any increase thereof, and make payment to any person or persons of any sum of money at any time, either fixed or uncertain; to make loans at the rate of interest allowed by law and to collect interest in advance, and to make such loans upon such security, real or personal, and upon such terms, conditions, and under such contracts, rules and regulations as the by-laws of the corporation may provide; and to provide such premiums and interest and such regulations for the interest on the payment of such loans or other indebtedness as its by-laws may fix and as may, by law, be permitted; and to charge a reasonable fee to meet the expense of investigating the loan: *Provided*, said fee shall not exceed one dollar (\$1) for each investigation. Payments.
Contracts for withdrawal.
Payments.
Loans discounted.
Security and terms.
Regulation of premiums and interest.
Fee for investigating.
Proviso: limit of fee.
- SEC. 6. The corporation shall have the power to act as agent, factor, or trustee to any person, firm, or corporation, upon such terms as to the agency as may be agreed upon, and it may hold and dispose of, as agent or fiscal agent, bonds, certificates of stock, investment certificates, or other evidences of debt; act as agent for any insurance company or any bonding company authorized to do business in this State, collect the premiums on policies of insurance, and commissions on bonds of bonding companies, and generally do any and all things necessary for the proper conduct of a general insurance, real estate, and bonding business. Power to act as agent or trustee.
Fiscal agent.
Insurance agency.
Insurance, real estate, and banking business.
- SEC. 7. The corporation shall have the power to carry on business of public accounting, and make examinations of the condition of the business of individuals, firms, partnerships, and corporations, and charge and collect fees for such accounting service, and perform generally the work of public accounting. Public accountants.
- SEC. 8. The corporation shall have the power to acquire by purchase, subscription, or otherwise, and to hold as investment or otherwise, any bonds or other securities or evidences of indebtedness or any shares of capital stock created or issued by it or by any other corporation or association, or of any State, district, territory, or county, and to purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of any bonds or other securities or evidence of indebtedness created or issued by it or by any other corporation or association, or State, district, territory, or county. Dealings in bonds and securities.

Investigations and reports of financial standing.

SEC. 9. The corporation shall have the power to make investigation of personal credits and submit reports upon the financial standing of persons, firms, partnerships, and corporations, and to make a reasonable charge for the service rendered in obtaining such information and reporting the result of such investigation, which said reports shall be rendered under such rules and conditions as may be provided for in the by-laws of the corporation.

Rules and regulations.

SEC. 10. The corporation shall have the power to make such rules, conditions, and regulations as may be necessary for the proper transaction of its business in order to carry out the purposes herein contained, and to adopt the proper by-laws to carry out such purposes.

By-laws.

Powers of directors.

SEC. 11. The board of directors of this corporation shall have the power to make, alter, and amend the by-laws of this corporation, subject, however, to repeal by the stockholders.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 290.

AN ACT TO INCORPORATE THE TOWN OF EURE IN GATES COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Subject to general law.

SECTION 1. That the town of Eure in Gates County be and the same is hereby incorporated by the name and style of the town of Eure, and shall be subject to all the provisions contained in the Revisal of one thousand nine hundred and five for incorporated towns, also subject to the general law in relation to municipal corporations.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning on the canal bridge at Ellis Swamp in the Gatesville road, thence up the said canal to the Atlantic Coast Line Railroad; thence across the Atlantic Coast Line Railroad in a westerly direction straight line to a white oak in front of the M. A. Felton home place; thence in a southerly direction, straight line, to an iron post at the northwest corner of Penelope Parker's field; thence in a southeast direction to another iron post and corner on the lands of Penelope Parker, James Mullen, deceased, and William Caddy at the Gatesville-Winton public road; thence in an easterly direction along the line between the lands of James Mullen, deceased, and William Caddy to the Atlantic Coast Line Railroad; thence across said railroad on Caroline Carter's land; thence in a northerly direction with Caroline Carter and the said Atlantic

Coast Line Railroad to another iron post and corner in said Caroline Carter's field; thence in an easterly direction, straight line to the starting point or canal bridge.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, and a constable. Town officers.

SEC. 4. That the first regular election for mayor, commissioners, and constable shall be held on Tuesday next after the first Monday in May, one thousand nine hundred and fifteen, and every two years thereafter; and it shall be the duty of the mayor hereinafter Town elections.

named, after giving ten days notice at three or more public places, by posters, in the said incorporation, prior to the said first Tuesday after the first Monday in May, one thousand nine hundred and fifteen, to appoint a registrar and two judges of the election to conduct the election herein provided for, under the same restrictions and regulations that other general municipal elections are held: Notice.

Provided, the elections held hereafter under the provisions of this charter shall be subject to the general law governing municipal elections in North Carolina: *Provided further*, that the following officers nominated and appointed under this act shall exercise the duties of said officers from the ratification hereof until said election shall have been held, to wit: C. E. Sawyer, mayor; O. R. Spivy, M. D. Harrell, and J. Paul Hale, commissioners; and P. P. Landing, constable. Election officers.

SEC. 5. That all the qualified voters in said corporation that have resided therein for four months previous to the day of election. Provido: law governing elections.

SEC. 6. It shall be the duty of the commissioners, mayor, and constable-elect to meet, take oath of office, and organize as soon after the ratification of this act as practicable. Provido: first officers.

SEC. 7. That the commissioners shall have power to levy and collect the taxes, not to exceed ninety cents on the poll and thirty cents on the one hundred dollars worth of real and personal property in said town. Qualified voters.

SEC. 8. When it shall be necessary for the preservation of the public peace, good order, and public decency, or the protection of life, liberty, person, or property of individuals, the town constable shall have power and it shall be the duty of such constable to arrest the body of offending parties who have violated the law, in the presence of said constable, without warrants, and take such person or persons before the mayor of said town as early as practicable, to be dealt with as the law directs; and for every resistance to such authority by such offenders or others, the party so resisting shall be punished as the ordinances of said town shall provide; and if necessary, the constable shall have power to call to his aid any bystanders to assist him in any legal arrest, and any one so summoned or called, who refuses or fails to assist in making such arrests, shall, upon conviction before the mayor, be punished as the ordinances of the said town shall prescribe. Officers to meet, qualify, and organize.

SEC. 9. That the commissioners shall have power to levy and collect the taxes, not to exceed ninety cents on the poll and thirty cents on the one hundred dollars worth of real and personal property in said town. Tax rate.

SEC. 10. When it shall be necessary for the preservation of the public peace, good order, and public decency, or the protection of life, liberty, person, or property of individuals, the town constable shall have power and it shall be the duty of such constable to arrest the body of offending parties who have violated the law, in the presence of said constable, without warrants, and take such person or persons before the mayor of said town as early as practicable, to be dealt with as the law directs; and for every resistance to such authority by such offenders or others, the party so resisting shall be punished as the ordinances of said town shall provide; and if necessary, the constable shall have power to call to his aid any bystanders to assist him in any legal arrest, and any one so summoned or called, who refuses or fails to assist in making such arrests, shall, upon conviction before the mayor, be punished as the ordinances of the said town shall prescribe. Arrests without warrants.

SEC. 11. That the commissioners shall have power to levy and collect the taxes, not to exceed ninety cents on the poll and thirty cents on the one hundred dollars worth of real and personal property in said town. Trial.

SEC. 12. That the commissioners shall have power to levy and collect the taxes, not to exceed ninety cents on the poll and thirty cents on the one hundred dollars worth of real and personal property in said town. Punishment for resistance.

SEC. 13. That the commissioners shall have power to levy and collect the taxes, not to exceed ninety cents on the poll and thirty cents on the one hundred dollars worth of real and personal property in said town. Power to summon aid. Punishment for refusal.

- Abatement of nuisances. SEC. 9. That the commissioners shall also have power to abate all nuisances and impose such fines and penalties as may be necessary to abate them. They shall also have power to prescribe any rules, regulations, and ordinances for the good government of the town, not inconsistent with the laws of the State or of the United States; and the constable of said town shall have the authority to arrest all persons violating said ordinances, under a warrant issued by the mayor of said town.
- Legislative powers. SEC. 10. That it shall be the duty of the commissioners, when organized, to appoint a secretary, whose duty it shall be to record all the proceedings of the commissioners; and also to appoint a treasurer, who shall enter into bonds approved by the commissioners; and it shall be their duty to require the constable to enter into bonds, payable to the State of North Carolina, to the use of the town of Eure, conditioned for the faithful performance of his duties, approved by the commissioners.
- Arrests. SEC. 11. That the commissioners shall have the power to apply the taxes collected under this act to improvement of the public streets and public roads and other public improvements within the corporate limits of said town, as they may deem necessary: *Provided*, that nothing in this act shall prohibit any road subject within said corporate limits from working out his corporation taxes at one dollar per day, as the commissioners may direct: *Provided further*, that the road law and road taxes of Gates County shall not apply to any part of Gates County within said corporate limits.
- Secretary. SEC. 12. That the officers in said town shall receive such compensation for their services as the mayor and commissioners of said town in their discretion shall authorize.
- Treasurer. SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Bonds of treasurer and constable. SEC. 14. That this act shall be in force from and after its ratification.
- Application of taxes. Ratified this the 8th day of March, A. D. 1915.
- Proviso: work in payment of taxes. _____
- Proviso: county road law and taxes.
- Pay of officers.

CHAPTER 291.

AN ACT TO REPEAL CHAPTER 11, PRIVATE LAWS, SPECIAL SESSION 1913, RELATING TO CITY OF WASHINGTON.

The General Assembly of North Carolina do enact:

Chief of police. SECTION 1. That chapter eleven, Private Laws, special session one thousand nine hundred and thirteen, be and the same is hereby repealed.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 292.

AN ACT TO AMEND CHAPTER 182 OF THE PRIVATE LAWS OF 1909, RELATIVE TO THE GRADED SCHOOL IN PIGEON TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and eighty-two of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out all between the words "not" and "on" in line seven, and inserting in lieu thereof the words "more than ten cents," and striking out all words between the word "cents" at the end of line ten and the word "on" in line eleven: *Provided*, that the county board of education of Haywood County may change tax rates as herein provided, in their discretion. Tax rate.
Proviso: change
discretionary.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 293.

AN ACT TO AMEND THE CHARTER OF THE GREENVILLE BANKING AND TRUST COMPANY OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-five (185) of the Private Laws of one thousand nine hundred and one (1901), entitled "An act to incorporate the Greenville Banking and Trust Company," be and the same is amended as follows:

SEC. 2. That section three (3) of chapter one hundred and eighty-five (185) of the Private Laws of one thousand nine hundred and one (1901) be amended by adding after the word "teller," where it first appears in said section, and before the word "and," the following: "and such other officers as the board of directors may deem necessary for the proper conduct of the said banking business"; and by striking out the word "thirteen" wherever it appears in said section and inserting in lieu thereof the word "seventeen." Other officers.
Directors.

SEC. 3. That after section eight (8) and before section nine (9) of chapter one hundred and eighty-five (185) of the Private Laws of one thousand nine hundred and one (1901), section eight and one-half (8½) shall be added, to read as follows: "That in all cases where an application may be made to any court having juris- Appointments as
fiduciary.

Appointment by deed or will.

diction to appoint a curator, guardian of an infant, committee of an idiot or insane person, administrator of any person dying testate or intestate, trustee or receiver, such court shall have power to appoint said company as such curator, guardian, committee, administrator, trustee, or receiver, upon the like application that any person might be so appointed; and it shall be lawful for any person by deed, will, or any other writing to appoint said company a trustee, executor, guardian, assignee, or receiver; and as such executor, guardian of an infant, committee of an idiot or insane person, administrator, trustee, executor, assignee, or receiver, said company may lawfully act, and as such shall be subject to all obligations and liabilities of natural persons acting in such or like capacities, and subject to be removed like natural persons."

Branches or agencies.

SEC. 4. That after section ten (10) and before section eleven (11) of chapter one hundred and eighty-five (185) of the Private Laws of one thousand nine hundred and one (1901), section ten and one-half (10½) shall be added, to read as follows: "That branches or agencies of said corporation or company may be established at such times and places as the board of directors of the said banking company may designate; and such branches or agencies may be removed at any time and shall be subject to such rules and regulations as may be prescribed by the board of directors of the said corporation."

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 294.

AN ACT TO INCORPORATE THE TOWN OF BENNETT, CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Corporate powers.

SECTION 1. That the town of Bennett, in the county of Chatham, and the inhabitants now living within the limits hereinafter prescribed, are hereby incorporated as a town under the name and style of the town of "Bennett," and as such may be sued, sue, be contracted with, contract, plead and be impleaded, acquire and hold property, both real and personal, for the use of said town, and as its commissioners may deem necessary or expedient, together with all the privileges, rights, powers, and immunities as set forth in chapter seventy-three of the Revisal of nineteen hundred and five, relative to the government of cities and towns, and the laws amendatory thereto, except as herein provided.

SEC. 2. That the boundaries and corporate limits of said town shall be as follows, to-wit: Beginning on the B. and W. Railway tracks on Maple Street, thence east along said track to the first branch east of W. A. Ward's residence; thence down said branch to the cedar spring on the west side of said branch; thence north-west to the southwest corner of the Bennett mill lot; thence same direction to the southwest corner of J. C. Kidd's lot; thence north with his line to the creek and new bridge roads crossing; thence north with said creek road to Buffalo Street exit; thence east with said street to I. H. Dunlap's line; thence north with his line to the corner of lot number five; thence east with his line to the creek road; thence south with said road to Lane Avenue; thence east with Lane Avenue to Maple Street; thence south with Maple Street to the beginning station. Corporate limits.

SEC. 3. The officers of said town shall consist of the mayor, five commissioners, a town constable, clerk, and 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 nineteen hundred and five of North Carolina. The following persons shall fill the offices of mayor and commissioners, constable, clerk, and treasurer, until the first Monday in May, nineteen hundred and seventeen, and until their successors are duly elected and qualified: Mayor, Dr. H. A. Denson; commissioners, J. A. Purvis, J. M. Deaton, W. A. Ward, M. C. Yow, and G. M. Phillips; constable, J. M. Scott; clerk, E. B. Cole; treasurer, D. R. Smith. Town officers. Duties of constable. Term of first officers. First officers named.

SEC. 4. That there shall be an election held for the various officers mentioned in this act on the first Monday in May, nineteen hundred and seventeen (1917), and every two years thereafter, under the regulations contained in chapter seventy-three of the Revisal of nineteen 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. Town elections.

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

SEC. 6. 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 fifteen cents on the hundred dollars worth of property and forty-five cents on the poll. Taxes. Proviso: constitutional equation. Limit of rate.

SEC. 7. That the said commissioners shall have power and authority to apply the taxes collected under the provisions of this Application of tax.

act to the improvement of the streets and sidewalks of the said town and to the payment of the necessary expenses of the government thereof.

Road duty.

SEC. 8. That all persons living within the corporate limits of said town who are subject to road duty shall be required to work the streets or roads or sidewalks of said town for the same number of days as required by the road law of Chatham County, or in lieu thereof pay three dollars (\$3) to the constable or other person authorized to summons said road hands, which shall be turned over to the treasurer as other moneys as collected, and the same may be used to employ other persons, or buy machinery, for the purpose of grading and repairing said roads, streets, sidewalks, and bridges within the corporate limits of said town, and the same to be paid each year, ending April first, or before: *Provided, however*, that such persons shall not be required to work the public roads outside the corporate limits of said town.

Commutation.

Use of commutation money.

Proviso: work outside of town.

Jurisdiction of mayor.

SEC. 9. 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 said town, and all other criminal offenses which are or may be hereafter given to justices of the peace.

Officers to qualify.

SEC. 10. That it shall be the duty of all officers appointed by this act to go before some person authorized by law to administer oaths, within thirty days after its ratification, and take the oath of office prescribed by law for such offices.

Power to remove officers and fill vacancies.

SEC. 11. That the town commissioners may remove any officers for failure to perform such duties as shall be required of them, and to have the power to appoint others to fill out their unexpired terms, or to fill any offices whenever there shall occur a vacancy, and to appoint a mayor *pro tempore* from any member of the commissioners when the mayor may be absent.

Mayor pro tem.

Appointment of constables.

SEC. 12. The mayor, together with the advice and consent of three commissioners, is hereby empowered and authorized to appoint any number of constables to aid and assist the regular constable to preserve the peace and good order on any and all special occasions when such assistance is necessary.

Officers to give bonds.

SEC. 13. The clerk, treasurer, and constable shall each give a bond in a sum to be fixed by the 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.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 295.

AN ACT TO AMEND CHAPTER 293, PRIVATE LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter two hundred and ninety-three of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended as follows: Insert after the word "church" in line four and before the word "any" in said line: "Provided, that nothing herein shall prevent farmers from selling cider and wine made from fruits grown on their own lands according to law: *Provided further*, that they do not sell or offer for sale ciders or wines on the days that said church is holding religious services; and *Provided further*, that said ciders and wines shall not be sold nearer than one mile of said church at any time."

Proviso: sales
excepted.

Proviso: days of
service.

Proviso: location.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 296.

AN ACT TO INCORPORATE OLIVIA HIGH SCHOOL DISTRICT OF HARNETT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Olivia High School District in Harnett County, formerly known as the Rock Branch District of said county, shall have boundaries as follows: Beginning at the old Calcut place east of the Atlantic Coast Line Railroad below Swan's Station, the beginning of Morris Chapel District, and runs as a line of the Morris Chapel District east to the corner of H. G. Cameron's land in said line; thence south with H. D. Cameron's line to the road leading from Olivia to Mag Graham's; thence with said road to the road leading from H. D. Cameron's to J. D. Thomas's, then as said road to J. D. Thomas's, then as said road to the highway, then with said highway to Cypress Creek, then up Cypress Creek to the head at the Moore County line, then as the Moore County line to the line of the Morris Chapel District on the east side of the Atlantic Coast Line Railroad, then as said line to the beginning.

Name.

Boundary.

SEC. 2. That for the purpose of this act there is created a board of trustees of Olivia High School District, which board shall consist of five members, divided into three classes. The first class shall consist of one member, whose term shall last six years from March first, one thousand nine hundred and fifteen; the second

Board of trustees.

Classes and terms.

- Trustees named. It is further enacted that W. J. Olive be and he is hereby named and appointed in this first class; Leo Gross and J. R. Thomas are hereby appointed in the second class; and W. A. Bicker and Charles Olmstead are hereby appointed in third class. And it is further enacted that upon the expiration of the term of office named and fixed, that the board of education of Harnett County shall elect successors in each class for a term of six years: *Provided*, that when any vacancy shall occur in said board, except by the expiration of the term of office, such vacancy or vacancies shall be filled by said board of trustees.
- Election of successors.
- Proviso: vacancies.
- Incorporation. SEC. 3. That the board of education herein created, and their successors, shall be a body corporate by the name and style of "The Board of Trustees of Olivia High School," and by that name shall be capable of receiving gifts, grants, and apportionments, purchasing and holding real estate and personal property, selling, mortgaging, and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to the said trustees shall be to them and their successors in office, and all deeds, mortgages, and other agreements affecting 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.
- Corporate name.
- Corporate powers.
- Conveyances.
- Execution of papers.
- Establishment and maintenance of schools.
- Funds controlled.
- Operation of act.
- Superintendent and teachers.
- Power of removal.
- School term.
- Trustees not officers.
- SEC. 4. That it shall be the duty of said board of trustees to establish and maintain schools in said district for the school subjects thereof; and to this end they shall have control of and appropriate all funds derived from the special tax heretofore voted by the people of said district, as well as the school fund appropriated by the county and State for said district, the funds to be derived under the provisions of this act as any other funds may be derived from any source for the purpose of maintaining schools in said district; but it is expressed and intended that this act shall in no wise operate to release or diminish the special tax heretofore levied in said district or interfere with the county and State boards of education, but is intended to facilitate the school work of the district.
- SEC. 5. That the said board of trustees shall have power to employ and fix compensation of the superintendent and teachers for said schools and to do all such other acts as may be necessary to carry on such schools, and they shall have power at any time to remove the said superintendent or any teacher and to employ some one in his or her stead; that the beginning and ending of the school term shall be fixed by the said board of trustees.
- SEC. 6. That the position of trustee of the said school shall not be deemed an office of trust or profit within the meaning of article fourteen, section seven, of the Constitution of North Carolina.

SEC. 7. The said board of trustees shall organize by electing one of their number as chairman and one as secretary, and they shall adopt a common seal with the description thereon substantially as follows: "Board of Trustees of Olivia High School, Olivia, North Carolina, one thousand nine hundred and fifteen"; and the said board of trustees may select one of their own number or some other suitable person or some bank or trust company as treasurer of the funds coming into their hands, and provide for such compensation and require such bond of indemnity as the said board may determine upon.

Organization of board.
Seal.

Treasurer.

Compensation and bond.

SEC. 8. That the present special local tax of thirty cents on the one hundred dollars worth of property and ninety cents on the poll in said district shall subsist, and the county commissioners of Harnett County are hereby authorized and directed to levy the same and the sheriff of said county shall collect the same from year to year for the benefit and for the maintenance of the schools in said district.

Present special tax to subsist.

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1915.

CHAPTER 297.

AN ACT TO AMEND THE CHARTER OF THE POLLOCKSVILLE BANKING AND TRUST COMPANY OF POLLOCKSVILLE, NORTH CAROLINA.

Whereas the Pollocksville Banking and Trust Company was incorporated by the Secretary of State on the nineteenth day of November, A. D. one thousand nine hundred and six; and whereas the certificate of incorporation was duly issued on said date to E. L. Haughton, H. A. Chadwick, T. S. Bender, J. B. Bender, E. B. Elliott, C. A. Bell, John Whitty and son, J. M. Taylor, Nancy F. McDaniel, H. S. Styron, N. J. Leary, and the Citizens Bank of New Bern, their successors and assigns, authorizing and fully empowering said parties to do the usual business of a commercial and savings bank, with all powers and rights and upon the terms and conditions, and subject to the liabilities prescribed in chapter two hundred and seventy-five, Public Laws of North Carolina, session one thousand nine hundred and three, and the acts amendatory thereto, with an authorized capital stock of twenty-five thousand dollars; and whereas said incorporators duly and regularly organized under said certificate of incorporation, and said bank is now engaged in the usual business of banking in accordance with the powers contained in said charter; and whereas the board of directors have adopted a resolution declaring that an extension of the corporate

Preamble.

Preamble.

powers and privileges is advisable; and by resolution considered and adopted at a meeting of said board on the fourth day of February, one thousand nine hundred and fifteen, have declared that said certificate of incorporation and the powers, rights, and privileges therein contained shall be changed and altered, and that the Pollocksville Banking and Trust Company shall have the rights, privileges, and powers as hereinafter specified: Now, therefore,

The General Assembly of North Carolina do enact:

Action ratified and confirmed.

SECTION 1. That the action of the Pollocksville Banking and Trust Company is in all respects hereby ratified and confirmed.

Incorporation.

SEC. 2. That the aforesaid Pollocksville Banking and Trust Company of Pollocksville, North Carolina, which has been organized under the laws of the State of North Carolina, with certificate of incorporation issued by the State, is hereby made, created, and confirmed as a corporation of the State of North Carolina, with full power to sue and be sued, and to adopt and have a common seal, under the corporate name and style of Pollocksville Banking and Trust Company, and by which name it shall have the rights, powers, and privileges incident to a corporation.

Corporate powers.

Corporate name.

Capital stock.

Shares.

Power of increase.

SEC. 3. That the capital stock of said corporation shall be fifteen thousand dollars, to be divided into three hundred shares of the par value of fifty dollars each, with the power in the stockholders to increase said capital stock at any time to an amount not exceeding fifty thousand dollars.

Principal office.

Directors.

Officers.

By-laws, rules, and regulations.

Corporate powers incident to bank.

SEC. 4. That the principal office and place of business of said corporation shall be in the city of Pollocksville, State of North Carolina; and the business of said corporation shall be managed by a board of directors of not less than five nor more than nine, who shall choose such officers as they may deem necessary for the conduct of the business hereinafter authorized, and adopt such needful by-laws, rules and regulations for the conduct of the business in accordance with the provisions of this act as they may deem wise and necessary; and said corporation shall have the power to make contracts, sue and be sued in the courts of this State, as fully as if it were a natural person; to buy, hold, and possess and convey real, personal, and mixed property, and to do all lawful acts and things and exercise all lawful powers and privileges which may be ordinarily incident to the conduct of a general banking business, with trust and savings bank as hereinafter expressly permitted.

General banking business.

SEC. 5. The said corporation shall have the right to do a general banking business; to receive deposits, make loans and discounts, to obtain and procure loans for any person, company, copartnership, or corporation; to invest its own moneys or the moneys of others; to lend and invest moneys in and upon the security of notes, mortgage, pledge, deed, or otherwise, on any lands, hereditaments, or personal property or interest therein of any description; to lend

money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable papers, or any crops or produce whatever, or any stock, bullion, bonds, merchandise, or any other personal property, and to sell and dispose of the same in any manner which said corporation may deem proper.

SEC. 6. That said corporation may own by purchase, pledge, or otherwise the capital stock of any other corporation, and may by its duly constituted agent cast the vote which the stock owned by it may entitle it to cast in the meetings of such other corporation; and it may engage as a dealer in stocks, shares, notes, bonds, debentures, or other securities of any government, State, municipal corporation, company, partnership, or business; may engage or place said shares, stock, debentures, notes, mortgages, or other security, with or without guaranty or collateral obligations by said company; may sell or dispose of any of the property, real or personal, or any interest acquired by it, to any person or other corporation for any portion of its bonds, securities, or obligations, as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription. Said corporation may also receive on deposit all sums of money which may be offered, in such sums and at such times and on such terms as the board of directors may agree to.

Stock of other corporations.

Dealing in stocks and bonds.

Deposits.

SEC. 7. Said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, the limit to be fixed by its board of directors, and to pay interest thereon at fixed rates, or by way of dividends, out of the net earnings, according to the terms to be agreed upon between the corporation and the depositors; and the board of directors are hereby fully authorized to adopt all proper rules and regulations for conducting and carrying into effect the savings bank features of this corporation.

Powers as savings bank.

SEC. 8. Said corporation shall have the right to receive lawful currency of the country, bills of exchange, gold and silver coin, and to receive deposits from any and all persons, firms, and associations and corporations, including minors, apprentices, and married women, or other persons, on such terms as may be prescribed by this charter and by the by-laws, or as may be agreed upon by the parties, and may open accounts with them in their own names, whether for investment or not; and when deposits shall be made in the name of any minor or married woman, the said corporation may deal with such minor or married woman with reference thereto as though he or she be *sui juris*, and upon payment made to such minor or married woman, his or her receipt, or his or her check drawn against such deposit, shall be valid and sufficient release and discharge to such corporation for such deposit and the interest thereon or any part thereof.

Deposits.

Minors, apprentices, and married women.

Discount.

SEC. 9. Said corporation shall have the right to pay out lawful currency of this country, bills of exchange, gold and silver coin, and may take and receive interest on the same at the time of making the loan or otherwise, free from all other control, contract, or liability whatever; and may take such real, personal, and mixed property as security for any loan, upon such terms and trusts and conditions for the payment thereof, or for money advanced or extended, as may be considered safe, expedient, and beneficial.

Securities.

Right to act as fiscal agent.

SEC. 10. Said corporation shall have the right to act as agent, factor, or trustee for any State, county, town, municipality, corporation, company, or individual on such terms as to agency and commission as may be agreed upon, in registering, selling, and countersigning, collecting, acquiring, holding, dealing in, and disposing of on account of any State, town, municipality, corporation, company, or person, bonds, certificates of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business, may charge such premiums, commission, or rate of compensation as may be agreed upon in and for any of the matters and things authorized in this chapter.

Compensation.

Action in fiduciary capacities.

SEC. 11. Said corporation shall have power to receive money in trust, to become executor, administrator, collector of any estate, or guardian, and to accept, execute any other trust that may be committed to it by the courts, corporation, company, persons or person; and it shall also 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.

Estates held in trust.

Appointment by courts.

SEC. 12. That in all cases where applications shall be made to any court of this State for the appointment of any receiver, trustee, administrator, collector, 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 Pollocksville Banking and Trust Company such receiver, trustee, administrator, collector, 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, costs, and expenses shall be allowed to said corporation for its services, care, and management in the premises, and said corporation as such receiver, trustee, administrator, collector, 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

Accounts as fiduciary.

Settlements.

Proviso: official oath.

prescribed by law to be so modified as to apply to corporations instead of individuals.

SEC. 13. Said corporation is hereby fully authorized and empowered to act as trustee, assignee for any insolvent person, firm, or corporation, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have the power and authority to carry on the business of a safety deposit and trust company, with all powers and privileges incident to said business.

Action as trustee, assignee, or court depository.

Safe deposit and trust company.

SEC. 14. That the principal office of said corporation shall be in Pollocksville, North Carolina, but it is fully empowered and authorized to establish branches of its business at any other point or points in the State of North Carolina which may be decided upon by the board of directors, and such branch or branches, when so established, shall be and become as fully empowered for the transaction of the business herein authorized as is the original corporation.

Principal office.
Branches.

SEC. 15. Said corporation is authorized to act as agent for any life, fire, or other insurance company licensed to do business in said State, and is authorized to have an insurance department for the transaction of life, fire, and other insurance ordinarily conducted by any other company, person, or individual in this State, under such laws, rules and regulations as may be prescribed for the conduct of such insurance business.

Action as insurance agent.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 298.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and sixty-four of the Private Laws of North Carolina, session one thousand nine hundred and fifteen, be and the same is hereby amended by adding thereto the following sections:

SEC. 7. That the board of commissioners shall have power to lay out and open streets within the corporate limits of the town whenever by them deemed necessary, and have power and authority 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 shall have full power and authority to condemn,

Powers as to streets.

Condemnation of land.

Compensation agreed upon.

Arbitration for settlement.

appropriate, or use any land or lands necessary for any of the purposes named in this section. The compensation therefor may be agreed upon between the board of commissioners of said town and the owner of the land or lands, and in case the owner of the land and the commissioners cannot agree as to the compensation therefor, then the amount of damages or compensation shall be referred to two persons. The commissioners of the town shall choose one and the landowner shall choose one; 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 cannot agree, they shall select an umpire, all of whom shall be freeholders and citizens of the town, and whose duty it shall be to examine the land condemned by the commissioners and ascertain the damages sustained and the benefits accruing to the owner in consequence of taking the land, and the award of the arbitrators or any two of them 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 as aforesaid shall be paid as other town liabilities by taxation: *Provided*, that either party, the town or the landowner, may appeal to the Superior Court of Duplin County within ten days after the filing of said award with the mayor of the town.

Right of appeal.

Further enumeration of powers.

SEC. 8. That the board of commissioners shall cause to be kept clean and in good repair the streets, sidewalks, and alleys; they may establish the width and ascertain the location of those already provided, and lay out and open others, and may reduce or increase the width of all of them; they may also establish and regulate the public grounds and protect the shade trees of the town.

Public grounds and shade trees.

Abatement of nuisances.

SEC. 9. The commissioners may require and compel the abatement and removal of nuisances in the town at the expense of the person causing the same, or the owner or tenant of the grounds whereon the same may be; and may regulate and allow to be established any slaughter-house or place, or the exercise within the town of any offensive or unhealthy trade, business, or employment.

Slaughter-houses.

Offensive trades.

Speed regulations.

SEC. 10. That the commissioners may prohibit by penalties the riding or driving of horses or other animals in a careless or dangerous manner, or at a greater speed than six miles per hour within the town limits, and also the firing of guns, pistols, gunpowder, firecrackers, or other explosive or dangerous material in the streets, public grounds, or elsewhere within the corporate limits of the town.

Firearms and explosives.

Public buildings.

Fire limits.

SEC. 11. That the commissioners may establish all public buildings necessary and proper for the town, and also may establish fire limits, and prevent the erection, construction, or establishment in any part of the town any building or structure built of wood or of any other material which would increase the hazard of fire.

SEC. 12. That in addition to the subjects of taxation for State License taxes. purposes, the commissioners shall have power to levy and collect a special or license tax, not to exceed twenty-five dollars, on the following subjects, to wit: All itinerant merchants, peddlers, or auctioneers who shall sell or offer to sell privately or at public ontery within the town limits, whether by ascending or descending bids; each express company, each telegraph office, and each railroad company having a depot within the city limits; each photograph artist and person taking likeness of the human face by whatsoever art; each broker, bank, or banker's office; each dealer in patent rights; each sewing machine agent; all commission merchants and commercial bankers; each distiller of fruit or grain; each livery stable; every resident or nonresident huckster or trader or agent of such who buys produce on the streets for sale in other markets; each gift enterprise and lottery; each dray, each hack, each omnibus; each hotel; each boarding-house; each barber shop; each advertising agent; each architect or person employed to superintend any building or buildings in construction; each bag factory, each baker and dealer in bread or other products of a bakery; each dealer in confectioneries and fruits; each baggage transfer company; each barrel and crate factory; each bicycle dealer or bicycle repair shop; each bill-poster; each bottler of non-alcoholic drinks; each brick yard; each broker in money, stocks, or bonds, other than bank or bankers; each broker in produce; each broom factory; each buyer and shipper of naval stores; each carriage, cart, wagon, or other vehicle repair shop other than bicycle; each manufactory of vehicles of any description; each furniture factory; each coal or coal and wood dealer; each contract builder; each cotton gin, cleaner, or press; each truck; each wagon; each cart; each gristmill; each dealer in hides and furs; each ice-house; each ice factory; each junk shop; each laundry; each marble and stone yard; each market; each mattress factory; each merry-go-round or flying ponies; blowing machines, lifting machines, or any other exhibition whatsoever of like character; each oil company, or wholesale dealer in lubricating and illuminating oils; each peddler and transient dealer; each piano and organ tuner and repairer; each rice mill; each sash, door, and molding factory; each sausage factory; each blacksmith shop; each tin shop; each shoe shop; each carpenter shop; each tailor shop; each gunsmith shop; each shuttle-block factory; each steam sawmill; each telephone company; each tobacco manufacturer; each tobacco warehouse; each undertaker; each cabinet shop; each upholsterer and paper-hanger; each warehouse company; each wood dealer; each lightning-rod agent; each auctioneer; on every agency for the sale of steam engines, boilers, and machinery not manufactured in the town of Calypso; every dealer in buggies, wagons, or other vehicles not manufactured in said town; each fire or life insur-

Enumeration of subjects.

ance agent; each and every dentist; each physician; each lawyer; optician, civil engineer, real estate agent or broker, aurist, oculist, and chiropodist; on every dealer in horses and mules sold, bartered, or exchanged; every cattle, horse, or mule drover or dealer; and every agency for the sale of snuff, tobacco, or other articles of merchandise not manufactured in this town; and all and each of them as the Legislature of North Carolina may authorize from time to time, and all other subjects taxed by the State.

SEC. 13. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1915.

CHAPTER 299.

AN ACT TO AMEND SECTION 1 OF CHAPTER 72 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

Boundary.

SECTION 1. That section one of chapter seventy-two of the Public Laws of one thousand nine hundred and three be amended in line twenty-nine by striking out all the words between the word "railroad" and the word "beginning," and insert in lieu thereof, "thence with the center of said railroad to the."

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 March, A. D. 1915.

CHAPTER 300.

AN ACT TO AMEND CHAPTER 186 OF THE PRIVATE LAWS OF 1899, AND CHAPTER 235 OF THE PRIVATE LAWS OF 1913, RELATIVE TO THE ELECTION AND INSTALLATION OF THE OFFICERS OF THE CITY OF SALISBURY AND THE POWERS AND DUTIES OF SAID OFFICERS.

The General Assembly of North Carolina do enact:

Verbal change.

SECTION 1. That section two of chapter one hundred and eighty-six of the Private Laws of eighteen hundred and ninety-nine be and the same is hereby amended by striking out the word "first" in line four of said section and inserting in lieu thereof the word "third."

Installation of officers.

SEC. 2. That section thirteen of chapter one hundred and eighty-six of the Private Laws of eighteen hundred and ninety-nine be

and the same is hereby amended by striking out the word "third" in line two of said section and inserting in lieu thereof the word "second," and by striking out the words "in May" in line three of said section.

SEC. 3. That section twenty-six, chapter one hundred and eighty-six of the Private Laws of eighteen hundred and ninety-nine be and the same is hereby amended by striking out the words "third Monday in May" and inserting in lieu thereof the words "on the same day of their installation and one year from the day of installation of said mayor and board of aldermen." That said section be further amended by striking out the words "until the third Monday in May" in line four. Time for meeting.

SEC. 4. That sections twenty-nine, thirty-two, and thirty-six of chapter one hundred and eighty-six of the Private Laws of eighteen hundred and ninety-nine be and the same are hereby amended by striking out the word "May" wherever the same may appear in said sections. Appointment of officers.

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 from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 301.

AN ACT TO INCORPORATE THE CITY OF THOMASVILLE AND TO REPEAL ITS PRESENT CHARTER AND ALL AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Thomasville shall be and continue, as they have been, a body politic and corporate, and henceforth the corporation shall continue to bear the name and style of "The City of Thomasville," and under such name and style is hereby vested with all the property and rights of property which now belong to the corporation, and by this name may acquire and hold, for the purpose of its government, welfare, and improvement, all such estate as may be devised, bequeathed, conveyed to or otherwise acquired by it, and the same may, from time to time, sell, dispose of, and invest as shall be deemed advisable by the proper authorities of the corporation. Incorporation.
Corporate name.
Rights and property vested.

SEC. 2. The corporate limits of the city of Thomasville shall be as follows, to wit: Beginning at a stone in the center of the crossing of Salem and Glen Anna streets, across the North Carolina Railroad, in the center of said railroad track, and running thence Corporate limits.

southwardly with Glen Anna Street nine hundred and sixty (960) feet to a stake in the center of said street as extended, and runs eastwardly and at right angles to the first line five thousand nine hundred and forty (5,940) feet to a stake, the southeastern corner of said town; thence northwardly parallel with Glen Anna Street seven thousand nine hundred and twenty (7,920) feet to a stake, the northeast corner of said town; thence westwardly parallel with the second line above mentioned eleven thousand eight hundred and eighty (11,880) feet to a stake, the northwest corner of said town; thence southwardly and parallel with the first or Glen Anna Street line seven thousand nine hundred and twenty (7,920) feet to a stake, the southwest corner of said town; thence eastwardly and parallel with the fourth line above mentioned five thousand nine hundred and forty (5,940) feet to a stake, the said new limits being contained within a parallelogram eleven thousand eight hundred and eighty (11,880) feet long and seven thousand nine hundred and twenty (7,920) feet wide, the outside limits of the said parallelogram being parallel to the boundary of the said town set forth in chapter thirty-two, Private Laws of one thousand eight hundred and ninety-seven.

Wards.

North ward.

South ward.

Precincts.

Proviso: precincts as under general law.

Town elections.

Mayor and aldermen.

Term of office.

Ballots.

Specifications for ballots.

Count of ballots.

Returns.

SEC. 3. That the territory comprised within the corporate limits of said city is hereby laid off into two wards, as follows: North Ward shall be comprised of all the territory of the said city lying on the north side of the North Carolina Railroad. The South Ward shall be comprised of all the territory of said city lying on the south side of the North Carolina Railroad. For the purposes of elections the city of Thomasville shall be divided into such precincts as the city council may create: *Provided*, the city council shall make the voting places and the boundaries of the said precincts conform as nearly as may be practicable to those designated and prescribed by the general law for election of State and county officers.

SEC. 4. The general municipal election shall take place on the first Monday in May of each year, when a mayor and five aldermen shall be elected by the qualified registered voters of the city of Thomasville, for the term of one year or until their successors are qualified.

SEC. 5. That for the purpose of conducting the general municipal election provided for herein the city clerk shall cause to be printed at each voting precinct a sufficient number of ballots for use at such election. Ballots shall be printed upon plain, substantial white paper, and shall be headed "Candidates for the Offices of Mayor and Aldermen for the City of Thomasville." At the close of each general municipal election, as provided for herein, the election officers at each precinct shall count the ballots and determine the result. They shall appoint one of their number to attend a meeting to be held at the city clerk's office at twelve o'clock of the

- next succeeding day to canvass the election and declare the result thereof. Said canvassing board shall certify the result of said election to the governing authority of the city of Thomasville. Canvass and declaration.
Certificate of result.
- SEC. 6. Except as otherwise provided for in this act, all primaries, general and special elections, shall be held and conducted in all things as are elections for mayor and aldermen under the general laws of the State. Primary elections.
- SEC. 7. Said aldermen and mayor, when elected and duly qualified, shall constitute a board to be known and designated as "The City Council." The city council.
- SEC. 8. The city council shall have full power and authority, except as otherwise provided for in this act, to exercise all of the powers conferred upon and delegated to the city of Thomasville; and when convened shall have power to make such ordinances, rules and regulations for the proper government of the city as it may deem necessary and provide for the proper enforcement thereof in such manner as it may think best. Powers exercised by council.
Legislative powers.
- SEC. 9. That the mayor and each alderman, before entering upon the duties of the office to which they have been elected, shall take before some officer authorized to administer oaths an oath that they will fairly and impartially perform the duties of their office. The mayor and aldermen shall hold their respective offices until their respective successors have been duly qualified. Oath of office.
- SEC. 10. The power and duties of the mayor shall be such as are conferred upon him by this act, together with such others as are conferred by the city council in pursuance of the provisions of this act, and no others. He shall preside at all meetings of the city council and shall have the right to vote upon all questions, but shall have no vote in case of a tie. He shall appoint all standing committees and special committees of the city council. He shall be recognized as the official head of the city and so considered by the public for all ceremonial purposes. He shall have power to administer oaths and take affidavits. Such functions not enumerated in this act as are conferred upon the mayor by the general laws of the State shall be exercised by the city manager, unless the city council designates some other person to exercise the same. During the disability or absence of the mayor the functions of this office shall devolve upon some member of the city council designated by that body at its first meeting after each general municipal election. The compensation of the mayor shall be designated by the city council in their discretion. Powers and duties of mayor.
President of council.
Right to vote.
Appointment of committees.
Official head of city.
Oaths and affidavits.
Duties devolved on city manager.
- SEC. 11. The members of the city council shall, on the day following their election after qualifying, convene for the transaction of business, and the city council shall then fix stated days of meetings, which shall be as often as once in every calendar month. All meetings of the city council shall be open to the public. Special meetings of the city council may also be held on the call of the Mayor pro tem.
Compensation of mayor.
Council to convene.
Stated meetings.
Meetings open to public.
Special meetings.

- Quorum. mayor or of a majority of the aldermen. A majority of the members of the city council shall constitute a quorum for the transaction of business.
- Pay of aldermen. Forfeit for failure to attend meeting. SEC. 12. The city council shall have power to vote each alderman a sum not exceeding one hundred dollars (\$100) per annum; and if any member of the city council shall fail to attend any regular meeting of the city council, or special meeting of which he shall have notice, unless prevented by such cause as shall be satisfactory to the city council, he shall forfeit and pay to the use of the city the sum of two dollars (\$2).
- Removal of mayor or aldermen. SEC. 13. The city council by vote of four-fifths of its members, in meeting assembled, shall have power to remove from office the mayor or any alderman for misfeasance, malfeasance, corruption, neglect of duty, or other misconduct in office; but the person to be proceeded against shall have at least ten days notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the grounds for his proposed removal. He shall have the right to be heard in person or by counsel in his defense. In case of the removal of the mayor or any alderman, the vacancy shall be filled by the city council or the remaining members thereof.
- Right of hearing.
- Vacancy. SEC. 14. That if any person chosen mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, the city council shall choose some qualified person mayor for the term or for the unexpired portion of the term, as the case may be, and on like occasion and in like manner the city council shall choose other aldermen to supply the place of such members as shall refuse to act, and fill all the vacancies which may occur; and such persons only shall be chosen as are declared to be eligible.
- City council to fill vacancy. SEC. 15. There shall be appointed by the city council an officer to be known as the city manager, who shall be the administrative head of the city government. Before entering upon the duties of this office the city manager shall take an oath that he will faithfully perform the duties of his office, and shall execute a bond in an incorporated bonding company or companies, as surety, in favor of the city of Thomasville, for the faithful performance of his duties. The amount of said bond shall be fixed by the city council. The term of the city manager shall be at the pleasure of the city council. The city manager need not be a resident of the city of Thomasville at the time of his election. Pending a vacancy in the office, or during the absence or disability of the city manager, the city council may designate some properly qualified person to perform and execute the duties of the office.
- City manager.
- Administrative head.
- Oath of office and official bond.
- Term.
- Need not be citizen.
- Temporary appointment.
- Personal interest in contracts.
- Duties in connection with council. SEC. 16. The city manager shall not be personally interested in any contract in which the city is a party for supplying the city materials of any kind. It shall be the duty of the city manager

to attend all meetings of the city council, and to recommend, from time to time, such measures as he shall deem necessary, or furnish it with necessary information respecting any of the departments under his control. He shall see that the laws and ordinances of the city are enforced. He shall have power and authority to revoke licenses pending action by the city council. Except as herein provided, the city manager shall have power to appoint and remove all heads of departments, and all subordinate officers and employees of the city. He shall, not inconsistent with the provisions of this act, exercise supervision and control over all departments and divisions created herein or that may hereafter be created by the city council. He shall have power to suspend or remove any officer or employee employed by him, subject to the right of such officer or employee to appeal to the city council, when such officer or employee shall have the right to be heard, either in person or by counsel. If such an appeal be made, it must be made in writing within ten days after notice of such suspension or removal, and the city council shall have the power to affirm, reverse, or modify the action of the city manager. The city manager shall properly report all suspensions and removals to the city council. He shall see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and, upon knowledge of any violations thereof, to call the same to the attention of the city council. He shall prepare an annual budget and keep the city council fully advised as to the financial condition and needs of the city. He shall be *ex officio* a member of the board of health of the city of Thomasville and county of Davidson, as created by the General Assembly of one thousand nine hundred and thirteen, but he shall receive no extra compensation for this service. He shall perform such other duties as may be prescribed by this act or be required by the city council.

SEC. 17. The city council shall appoint a clerk to be known as the city clerk, who shall hold office at the pleasure of the city council. He shall keep the records and minutes of the city council and perform such other duties as may be prescribed by this act or by the city council.

SEC. 18. The city council shall appoint an attorney who shall be known as the city attorney, who shall hold office at the pleasure of the city council. The city attorney shall be the legal adviser to and attorney and counsel for the city, including the board of health of the city of Thomasville and the county of Davidson relative to matters in and adjacent to the corporate limits. He shall act as counsel for all officers of the city in matters relating to their official duties. In addition to such duties, he shall perform such other duties as may be required of him by the city council.

Enforcement of laws and ordinances.
Revocation of licenses.
Appointment and removal of officers.

Supervision and control of departments.

Suspension or removal of officer.
Right of appeal.

Time for appeal.

Order by council.

Report of suspensions.

Supervision of franchises.

Annual budget.

Member of board of health.

Other duties.

City clerk.

Duties.

City attorney.

Duties.

Counsel for officers.

- City treasurer. SEC. 19. The city council shall appoint a city treasurer, who shall hold office at the pleasure of the city council: *Provided*, city treasurer may be a corporation. The office of city treasurer may be combined with that of city clerk, or with any other office not inconsistent therewith. The city treasurer shall be the custodian of all moneys of the city, and shall keep and preserve the same in such place or places as shall be determined by the city council. He shall pay out money only on warrants issued by the mayor and chairman of the committee expending same.
- Proviso: corporation may be treasurer.
Combination of offices.
Custodian of funds.
- Warrants.
- City tax collector. SEC. 20. The city council shall appoint a city tax collector, who shall hold office at the pleasure of the city council. The office of city tax collector may be combined with that of city clerk. It shall be the duty of the city tax collector to collect the general and special taxes provided for in this act, and such other special taxes as the collection of is not otherwise provided for herein, and he may require the chief of police to assist him in the collection of special taxes. The city tax collector shall at no time retain in his hands more than five hundred dollars (\$500) for a longer time than three days. Said tax collector is hereby vested with the same power and authority and subject to the same fines and penalties as the sheriff or tax collector of Davidson County is or may be by law. For his services the tax collector shall receive such compensation as the city council may see fit, not to exceed two per centum of the taxes collected.
- Office may be combined.
Collection of taxes.
- Assistance of chief of police.
- Powers and liabilities.
- Compensation.
- Forfeit for failure to settle.
- Action on bond.
- Fraudulent failure a misdemeanor.
- Punishment.
- Collection by sureties.
- SEC. 21. In case the tax collector shall fail, neglect, or refuse to account with the city treasurer or pay what may rightfully be found due by the city council on or before the fifteenth day of April of the next succeeding year, after the taxes are levied, he shall forfeit and pay to the State, for the use of the city of Thomasville, a penalty of five hundred dollars (\$500). It shall be the duty of the mayor, upon the neglect, failure, or refusal of such tax collector to account as aforesaid, to cause an action to be brought on the bond of the said tax collector against him and his sureties, to recover the amount owing by him and the penalty aforesaid. If the tax collector shall fraudulently and corruptly fail to account as aforesaid, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine in the discretion of the court or be imprisoned not less than three months nor more than twelve months.
- SEC. 22. If any tax collector shall die during the time appointed for collecting taxes, then his sureties may collect them, and for that purpose shall have all the powers and means for collecting the same from the taxpayers as the tax collector would have had, and shall be subject to all remedies for collection and settlement of taxes on their bonds or otherwise as might have been against the tax collector if he had lived.

SEC. 23. That for any breach of his official bond by the tax collector or any other 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 city of Thomasville 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 is recovered.

Action on official bonds.

SEC. 24. The police and fire department of the city of Thomasville shall be under the general control and supervision of the city manager. The police force shall be composed of a chief of police and such officers and patrolmen and other employees as the city manager may determine. The persons exercising police powers shall have all the power and authority now or which may hereafter be invested in sheriff and constable for the preservation of the peace of the city and for suppressing disturbances and arresting offenders. The fire force shall be composed of a chief and such other officers, firemen, and employees as the city manager may determine. The persons exercising the duties of firemen shall have power and are hereby authorized to make arrests during fires for interference with or obstructions of their operations.

Police and fire departments.

Police force.

Power and authority.

Fire force.

Police powers at fires.

SEC. 25. That the city council shall, except as otherwise provided for in this act, fix by ordinance the salary and compensation of all officers and employees. The city council in fixing the salary or compensation of any officer or employee shall determine whether such officer or employee shall give a bond and the amount thereof, which bond shall be procured from some incorporated surety company or companies authorized to do business in this State. The city council shall require the city tax collector and the city treasurer to give sufficient bonds. The city council, in its discretion, is authorized to order the payment of premiums on any such bonds as are now required.

Salaries.

Official bonds.

Premiums on bonds.

SEC. 26. In the appointment and election of all such officers as sinking fund trustees, members of the board of health of the city of Thomasville and county of Davidson, hospital trustees, members of the board of education, the power is hereby delegated to the city council.

Officers elected by council.

SEC. 27. The city council shall, by ordinance, divide the administrative work of the city into such departments as shall be required, and may discontinue, combine, and distribute the functions and duties of the departments in subdivisions thereof.

Departments.

SEC. 28. The fiscal year of the city shall begin on the first day of January. On or before the first day of November of each year the city manager shall submit to the city council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for

Fiscal year.

Manager to submit estimates.

Basis of estimates.

Information.

the main functional divisions of all departments, and shall give in parallel columns the following information :

- Estimate of expense by each department. *a.* A detailed estimate of the expense of conducting each department as submitted by the department.
- Previous expenditures. *b.* Expenditures for corresponding items for the last two fiscal years.
- Supplies and material on hand. *c.* Amount of supplies and materials on hand at the date of the preparation of the invoice.
- Increase or decrease of requests. *d.* Increase or decrease, or requests compared with the corresponding appropriation for the current year.
- Other information. *e.* Such other information as is required by the city council or that the city manager may deem advisable to submit.
- Recommendations of manager. *f.* The recommendation of the city manager as to the amounts to be appropriated, with reasons therefor, in such detail as the city council may direct.
- Copies for inspection. Sufficient copies of such estimates shall be prepared and submitted that there may be copies on file in the office of the city clerk for inspection by the public.
- Powers conferred. SEC. 29. Among the powers hereby conferred by the city council are the following :
- As to streets, parks, and public grounds. To open new streets, change, widen, grade, extend, improve, repair, 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. To acquire by purchase or condemnation, lay out, establish, and regulate streets, parks, and public playgrounds within or without the corporate limits of the city for the use of the inhabitants thereof.
- Shade trees. To protect the shade trees of the city.
- Condemnation of land. To condemn any land that may be required for the purpose of erecting any building or buildings for city hall, market house, fire companies, graded or public schools, and streets, and for any other public buildings, whether like those enumerated or not.
- Erection and maintenance of public buildings. To erect, repair, and alter all public buildings.
- Water supply. To provide a sufficient water supply, fix charges and rates therefor, and provide all necessary rules and regulations for the government and conduct of the business of such persons or corporations as are engaged in furnishing lights for the use of said city and the inhabitants thereof.
- Regulation of light company.
- Sewer system. To construct or contract for the construction of a system of sewerage for the city, and to protect and regulate the same by adequate ordinances; and if it shall be necessary in obtaining proper outlets for such a system to extend the same beyond the limits of the city, then in such case the city council shall have power to extend it, and both within and without the corporate limits to condemn property for the purpose of a right of way or

requirements for the system; the proceedings of such condemnation to be the same as is provided by the general laws of the State.	Condemnation of property.
To prevent cellars being opened or made under the sidewalks or streets of the city; the deposit of trash boxes or other rubbish or obstructions upon the sidewalks or streets.	Cellars and obstructions.
To regulate the speed of locomotives and trains, and to regulate and prevent fast driving within the city, and also the firing of firearms, fireworks, and all explosive or combustible or dangerous material in the streets, public grounds, and elsewhere within or near the city.	Speed regulations. Firearms and explosives.
To provide for the better protection of life, limb, person, and property at crossings of the streets of said city and the railroad tracks now located or which may be hereafter located in the city; to require railroad companies operating said tracks to erect gates or place flagmen to warn the public of the approach of trains or engines.	Protection at railroad crossings. Gates or flagmen.
To provide proper and effectual means and regulations to prevent and extinguish fires in said city, and for such purpose to direct the destruction of buildings, for which neither the city nor the city council or other persons shall be responsible in damages.	Fire protection. Destruction of buildings.
To divide the city into fire districts and prescribe the kind of buildings that may be erected therein.	Fire districts.
To sell or cause to be sold publicly or privately any property, real or personal, belonging to the city, and all of its right, title, and interest in and to all land used for street or other public purposes: <i>Provided</i> , that this shall not confer any right upon the city to dispose of any land owned or in possession of any railroad as its right of way, and direct the proper officers when necessary to make proper conveyance thereof.	Sale of city property. Proviso: right of way of railroads.
To make suitable regulations for the observance of Sunday in the city, and to provide for the proper enforcement of the same.	Observance of Sunday.
To prevent, suppress, and remove nuisances in the said city.	Abatement of nuisances.
To regulate the manner in which dogs shall be kept in said city.	Keeping of dogs.
To establish and maintain one or more public cemeteries of such size as it may deem necessary, within or without the corporate limits of said city, and provide for the care and maintenance of the same, and the proper regulation, control, and protection thereof.	Cemeteries.
To move or cause to be moved and reinterred any body or bodies which body or bodies have been interred in property the title to which is in the city, for the purpose of improving or providing more adequate facilities for the interment of bodies in said cemetery or cemeteries.	Removal of dead bodies.
To create and administer a special fund for the relief of policemen and firemen temporarily or permanently disabled in the discharge of their duties, and to create and administer and to receive donations and bequests in aid of said fund, and provide for its permanence and increase, and prescribe and regulate the conditions	Relief fund for firemen or policemen.

under which and the extent to which the same shall be used for the purpose of such relief.

Subdivisions.

To provide that no individual, corporation, association, or partnership shall open or lay out new streets, or sell lots abutting the same, without first having had a plat of said proposed street or streets made and submitted to the city council. Said city council may pass all necessary city ordinances to regulate and control the opening of streets and alleys in said city.

Theatrical performances.

To provide for regulating and restraining theatrical and other public performances within the city, and to enforce all such provisions.

Inspections.

To establish and regulate all necessary inspections within the city, whether of building or otherwise, and order and compel the removing of dangerous or defective buildings.

Levy and collection of taxes.

To levy and provide for the collection of all taxes authorized by law to be laid, levied, or collected by said city and enforce the collection of the same.

Fines and penalties for breach of ordinances.

To impose, collect, and appropriate fines and penalties and forfeitures for breach of the ordinances and regulations of the city.

Transfer charges.

To prescribe and regulate charges for the carriage of persons, baggage, and freight by omnibus, street car, automobile, taxicab, wagons, drays, or other vehicles used therein for the transportation for hire of persons and things.

Protection of transfer men and purveyors of provisions.

To protect hackmen, carriage drivers, chauffeurs, keepers of restaurants, boarding-houses, and hotels from being cheated, defrauded, or deprived of just compensation for services rendered or accommodation furnished, and if necessary for such purposes to make and enact ordinances prescribing fines and penalties.

Appropriations for advertising and for charities.

To appropriate annually, in the discretion of the city council, reasonable sums for advertising the city, and in aid of public libraries, public hospitals, and other charitable institutions.

Issue of bonds by order of voters.

To issue bonds of the city, except as hereinafter provided for, only after they have passed an ordinance by a majority vote of the entire city council 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 voters shall have voted in favor thereof.

Notice of election.

No election for this purpose shall be held until thirty days notice thereof shall have been given by the city council in some newspaper published in the city of Thomasville. At such election those who favor creating such debt shall vote "Approved" and those opposing it shall vote "Disapproved"; but the city council shall not borrow any sum of money but such issuance of bonds when the existing aggregate indebtedness of the city equals in amount one-tenth of the aggregate tax value of the property of the city, as shown by the tax books of the city for the preceding

Votes.

Limit of amount borrowed.

year; and in any public notice of a proposition to borrow money as submitted to the voters of the city, as above provided, shall be

Statement of debt in notice of election.

included a statement of the then existing aggregate indebtedness of said city, and of the aggregate tax value of the property of the said city as shown by said tax books.

SEC. 29. That all persons owning lots in the city of Thomasville which front on the streets and sidewalks that may be macadamized, graded, paved, and otherwise improved by the city council in accordance with the preceding section shall pay respectively one-half of the expenses of the grading, paving, or otherwise improving such sidewalks which shall be adjoining and immediately in front of said lots respectively; that the city council of said city shall levy a tax on each and every of said persons owning said lots which shall be equal to one-half of said amount of such expenses respectively, and the city tax collector shall collect said taxes in the manner and at the time provided by law for the collection of other city taxes, and the said money shall be applied to the payment of said expenses respectively, and to no other: *Provided*, that city council, in its discretion, may carry the one-half cost of said improvement and due to be paid by said property owners, said property owners paying to the city of Thomasville six per centum per annum interest on same and ten per cent per annum on the principal until fully paid.

Apportionment of expense of sidewalks.

Levy and collection of tax.

Specific appropriation.

Proviso: assessment paid in installments.

SEC. 30. No mayor, alderman, or city council shall have power to create any indebtedness for necessary purposes, or any other purpose whatever, when the outstanding floating indebtedness of the city of Thomasville shall exceed fifty per cent of the total current revenue of the city for the then fiscal year, 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. A failure to comply strictly with this section shall be a misdemeanor.

Limitation on creation of debt.

Misdemeanor.

SEC. 31. No action shall be instituted or maintained against the city of Thomasville upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to the city council, who shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein shall be construed to prevent any statute of limitations from commencing to run at the time said claim accrued or demand arose, or in any manner interfere with its running.

Presentation of claims before action.

Statute of limitations.

SEC. 32. That any person shall be allowed to inspect the journals and papers on file in the office of any department in the city in the presence of the city clerk or the city manager.

Inspection of city records.

SEC. 33. In order to raise funds for the current expenses of the city, and thereafter for the improvement of the same, and the payment of the interest on its bonded debt and the creation of a fund to meet the principal of that debt when due, the said city council shall at their first meeting in May, or as soon thereafter

Taxes authorized.

as practicable, in every year lay and provide for the collection of the following taxes:

Ad valorem tax.

1. On real and personal property within the limits of the said city and all other subjects taxable by the General Assembly of the State, as specified and valued under the provisions of law, an *ad valorem* tax not exceeding one dollar on every hundred dollars of such valuation as of the first of May of every year. That all cemeteries, property held for educational, scientific, literary, charitable, or religious purposes located within the corporate limits of the city of Thomasville shall be exempt from such taxation.

Exempted property.

Poll tax.

2. On all persons residing in said city on the first day of May in every year subject to poll tax under the law of the State, a poll tax not exceeding three dollars each.

Listing property and collection of tax.

SEC. 34. That the city council shall provide by ordinance or otherwise means not inconsistent with other provisions of this act for the collection of taxes in said city and for the listing of 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.

Basis of assessment.

License taxes.

SEC. 35. That in addition to subjects listed for taxation the city council is hereby authorized and empowered to impose taxes on trades, professions, franchises, privileges, licenses, and other subjects of taxation not inconsistent with the Constitution of the State of North Carolina. The city council shall have power to graduate any of the license taxes on trades, professions, franchises, privileges, licenses, or businesses by dividing the same into classes according to the size, patronage, or income: *Provided*, the said taxes must be uniform for all in a class. That any person carrying on or practicing any franchise, business, profession, or trade of any kind in said city, upon which a license tax has been levied by the said city council, without having first obtained a license therefor, shall be guilty of a misdemeanor.

Graduation.

Proviso: tax uniform as to class. Doing business without license a misdemeanor.

License of plumbers and electricians.

SEC. 36. The city council may regulate and license plumbers and those engaged in the electrical wiring of buildings for lights, 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 city council may determine, and with such sureties as it may approve, and said city council 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.

Examination and bond.

Revocation of license.

License before doing work.

SEC. 37. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from the city council.

License year.

SEC. 38. That the license year shall begin on the first day of June of each and every year.

SEC. 39. That no license issued by the city council shall be for more than one year, and the same shall not be transferable or assignable except by permission of the city council.

Limit of license.
Not transferable.

SEC. 40. That the citizens of the city of Thomasville and others having property or poll liable to be taxed on account of any of the subjects mentioned in this act, shall, during the time for listing their State and county taxes, render to such person or persons that may be designated by the city council, on oath, a list of their property and subjects for which they may be liable to be taxed, together with the value thereof as fixed in the list returned for the county taxation, and from said list as may be revised by the board of equalization the city clerk shall, within sixty days after the expiration of the time for taking such list, make out in a book kept or provided for that purpose an alphabetical list of all persons, companies, and owners of property who have so made their returns in the same manner as the tax lists are made out by law for State and county taxes, and if any person fails to render such list he shall pay double tax on any subject for which he is liable to be taxed.

Tax listing.

Tax book.

Double tax for failure.

SEC. 41. Whenever in its opinion it may be advisable in order to secure uniform valuation of property, subject to taxation under this act, the city council shall appoint three or more residents of the city to constitute a board of equalization, whose duties, compensation, and length of service shall be prescribed by said city council.

Board of equalization.

SEC. 42. That on or before the first day of August of each year the city council shall proceed to lay the taxes on subjects of taxation as are allowed by law, and shall, immediately after the approval of the same, cause to be made a copy of as much and such parts of said tax list as may be required for the use of the tax collector in collecting the taxes of the city; the said copy shall be delivered to the said tax collector on or before the first Monday in October in each year, and he shall receipt for same. The city council shall endorse on said copy an order to the said tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged in said copy respectively. The said tax collector shall proceed forthwith in the collection, and shall complete the same on or before the tenth day of March next ensuing, and shall pay the moneys as they are collected to the treasurer.

Levy of taxes.

Copy for tax collector.

Order for collection.

Effect of order.

Collection and settlement.

SEC. 43. 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 tax collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city of Thomasville or at three public places if the property be personalty, and

Collection by distress and sale.

twenty days if the property be realty. Whenever any taxes in said city shall be due and unpaid, the tax collector therefor shall proceed to collect same as follows:

Sale of personal property.

1. If any person charged have personal property in the county of Davidson of value as great as the tax charged against him, or against his property, the said tax collector shall seize and sell the same as a sheriff is required to sell property under execution.

Sale of real estate.

2. If a person charged have no personal property to be found in said county of Davidson of value as great as the tax charged against him, or against his property, said tax collector shall levy upon the lands of the delinquent in the said county of Davidson, or any part of such lands, and after due advertisement sell the same for payment of said taxes. Such advertisement shall be

Advertisement.

made in some newspaper published in said county of Davidson for at least twenty days immediately preceding the sale and posting a notice of such sale at the courthouse door of said county, at least twenty days before such sale, which shall contain a concise description of the real estate to be sold, the name of the person who appears upon the tax list as owner thereof, the amount of taxes for which said sale is to be made, and the day and place of such

Division of land.

sale. The said tax collector shall divide the 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 cannot be conveniently divided, the tax collector 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 of Thomasville, and if not redeemed as hereinafter provided, shall belong to the city of Thomasville in fee.

Land struck off to city.

Time for redemption.

SEC. 44. The owner of any real estate, or interest therein, sold as aforesaid, his heirs or executors, administrators or assigns, may redeem the same within one year after the sale, upon the same terms and conditions, and subject to the same proviso, and in the same manner, as prescribed by the law for the redemption of real estate sold for State and county taxes, except that all the duties and functions and powers in such law to be discharged and exercised by the sheriff or tax collector shall be discharged and exercised by the tax collector of the city of Thomasville.

Certificate to purchaser.

SEC. 45. On any such sale of real estate said tax collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for State and county taxes, which may be assigned or transferred by the purchaser, whether an individual of said county or not, as such last mentioned certificates are allowed by law to be assigned or transferred; and if the real estate sold as aforesaid shall not be redeemed as hereinafter provided, said tax collector or his successor in office, under the direction of the city council, at any time

within one year after the expiration of one year from the date of the sale, on request of the holder of said certificate and production of the same, shall execute to the purchaser, his heirs and assigns, a deed in fee simple for the conveyance of the real estate described in said certificate; and if such certificate shall have been lost, said city council, on being satisfied thereof on due proof, shall direct the city tax collector to execute such conveyance, and said tax collector shall so execute the same. Any such deed shall be similar in form to the deed directed by law to be executed to a purchaser of real estate sold for State and county taxes, who is entitled to a conveyance of the same, and shall be subject to the same rules, provisions, presumptions, and conclusions as such last mentioned deed, and effective to the same extent as the last mentioned deed.

Deed on failure to redeem.

SEC. 46. No such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the original owner of said real estate, provided such real estate be in other respects sufficiently described in the notice of sale to insure identification.

Validity of sale.

SEC. 47. All taxes of said city shall be listed, levied, assessed, and collected, except as in this act otherwise provided, in the same manner and under the same rules and regulations, and subject to the same penalties, as are provided by law or shall hereafter be provided by law for the listing, levying, assessing, and collecting State and county taxes in this State.

Provisions of general law.

SEC. 48. When any lien or charges for repairs or improvements of the sidewalks of the city, or for the inspection, removal, or destruction of buildings, and for the suppression and removal of nuisances, or other lien or charges of whatever nature or kind, authorized by this act, shall be due and unpaid the city, the tax collector thereof shall proceed to collect the same by the same process and in the same manner as he is authorized to collect taxes due upon property subject to such lien or charges as hereinbefore provided for.

Enforcement of liens.

SEC. 49. That in the absence of any contract or contracts with said city with relation to the lands used or occupied by it for the purpose of streets, sidewalks, alleys, or other public works of said city, signed by the owner thereof or his agent, it shall be presumed that the said land has been granted to said city by the owner or owners thereof, and said city shall have good right and title thereto, and shall have, hold, and enjoy the same. Unless the owner or owners of said land, or those claiming under them, shall at the time of the occupation of the said land as aforesaid apply for an assessment of said land as provided for in this act within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any assessment or compensation thereof: *Provided*, nothing herein contained shall affect any *feme covert*s or infants until two years after the removal of their respective disabilities.

Ownership of streets.

Application for assessment.

Recovery barred.

Proviso: feme covert and infants.

Failure to sur-
render office a
misdemeanor.

Punishment.

SEC. 50. The mayor, city council, tax collector, and all other officers of the city who shall on demand fail to turn over to their successors in office the property, records, books, moneys, scales, or effects of the city, shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than two years and fined not exceeding five hundred dollars (\$500), in the discretion of the court.

Existing laws.

SEC. 51. All ordinances, resolutions, rules and regulations in force at the time of the taking effect of this act, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Entitlement of act.

SEC. 52. That from and after the ratification of this act by the General Assembly of North Carolina the same shall henceforth be known as the "Charter of the City of Thomasville," and all laws now constituting the charter of the city, towit, chapter two hundred and seventy-eight, Private Laws of North Carolina, one thousand nine hundred and three, and all laws inconsistent with this act, are hereby repealed.

Former charter
repealed.

SEC. 53. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 302.

AN ACT TO AUTHORIZE AN ELECTION BY THE TOWN OF BENSON ON THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF INVESTING IN THE CONSTRUCTION OF THE CENTRAL CAROLINA RAILROAD.

The General Assembly of North Carolina do enact:

Petition for elec-
tion.

SECTION 1. That upon presentation of a written petition to the board of town commissioners of the town of Benson, Johnston County, signed by one-third of the resident taxpayers of said town, requesting that an election be called for said town on the question of issuing bonds in an amount not exceeding twenty-five thousand dollars, with interest-bearing coupons, to invest in the construction of the Central Carolina Railroad from, at, or near Lillington, North Carolina, in an easterly direction through said town, and thence on through Johnston, Wayne, Sampson, and other counties toward the coast; said petition being filed with the board of town commissioners and the same recorded on the minutes of said board, it shall be the duty of said board of town commissioners of the town of Benson to call an election to be held within sixty (60) days after the presentation of said petition, at the usual voting or polling place in said town, and present to the qualified voters of said town

Question to be
voted on.

Commissioners to
call election.

the question of issuing bonds of said town of Benson for the purpose of investing the same in the construction of the Central Carolina Railroad, the said bonds to be used upon the terms and conditions hereinafter set forth. The said board of town commissioners shall, at least thirty (30) days preceding the election, give public notice of the same, stating the purpose of the election. The notice of said election shall be published in some newspaper published in the county of Johnston having a general circulation within the town of Benson, and also by posting copies of said notice in three or more public places within said town.

SEC. 2. That the board of town commissioners shall, upon the filing of the petition provided for in section one of this act, order a new registration of the voters of said town: that the registration and challenge of voters shall be conducted in the same manner and under the same law governing the election of mayor and town commissioners, except as herein otherwise provided. That said board of town commissioners shall appoint the registrar and judges of election, and all other election officers; that the registrar and judges of election shall, at the close of the polls, count the votes, certify the result, and, on or before the second day after the election, canvass and return the same, to be entered on the minutes of the board of town commissioners, and no other recording and declaration of the result of said election shall be necessary.

SEC. 3. That at the said election the ballots tendered and cast by the qualified voters shall have written or printed on them the words "For Bond Issue" or "Against Bond Issue," and all qualified voters favoring the issuing of the bonds upon the terms and conditions herein stated shall vote "For Bond Issue," and all qualified voters not favoring the issuing of said bonds shall vote "Against Bond Issue."

SEC. 4. In the event that a majority of the qualified voters of said town shall at the said election vote for bond issue, the said board of town commissioners shall have prepared bonds, in such denominations as said board may direct, the total amount not to exceed twenty-five thousand dollars; said bonds to have interest-bearing coupons attached, at a rate to be determined by said board: *Provided*, the same shall not be less than four nor more than six per centum per annum, payable semiannually during the time the said bonds shall run, and the principal of said bonds shall be payable at the end of twenty years from the date of their issue; said bonds and coupons shall be payable at such place as may be designated by said board of town commissioners. Both the bonds and the coupons shall be numbered consecutively, and shall be signed by the mayor of the town of Benson and countersigned by the town clerk, and the said bonds shall have impressed upon them the official seal of the town of Benson. Said bonds shall be styled "Investment Bonds," and both the bonds and coupons shall express upon

Notice of election.

New registration.

Registration and challenges.

Election officers.

Count of votes and certificate of result.

Returns and record.

Ballots.

Bond issue.

Denominations.

Amount.

Proviso: interest.

Maturity.

Authentication.

Entitlement.

Recitals.

their face that they are issued for and on account of the town of Benson and that they are payable out of the taxable property and polls of said town.

Exchange for railroad bonds.

SEC. 5. That the board of town commissioners are authorized and empowered, and shall issue and deliver to the Central Carolina Railroad Company the bonds herein provided for, upon the receipt of a like amount of said railroad company's first-mortgage bonds to run lateral with and mature at the same date as the said town bonds, and bear the same rate of interest, payable at the same time and place as the interest of said town bonds.

Construction of railroad before delivery of bonds.

SEC. 6. That before the town commissioners aforesaid shall issue any bonds herein provided for, after the same have been voted for as hereinbefore provided, the Central Carolina Railroad Company shall begin the construction of its line of railroad from some point on either the Raleigh, Charlotte and Southern Railroad or the Atlantic and Western Railroad at or near Lillington, North Carolina, and the said company shall have built and completed at least five miles of its railroad in the manner hereinafter described, as a continuous, connected portion of its main line toward the town of Benson, and when the said Central Carolina Railroad Company has approached the limits of the town of Benson with its railroad constructed as hereinafter provided, then the said board of town commissioners shall, if the bonds have been previously voted for as provided in this act, issue the bonds of said town as hereinbefore described, and deliver one-fourth thereof to the Central Carolina Railroad Company on conditions set out in section five of this act; and thereafter the said board of town commissioners shall issue and deliver the remainder of the bonds authorized by this act as the actual construction of said railroad into and through the corporate limits of the town of Benson shall proceed and as the board of commissioners and said Central Carolina Railroad Company shall agree: *Provided, however,* that no bonds shall be issued or delivered to said Central Carolina Railroad Company or its successors or assigns until and unless a like amount of said railroad company's first-mortgage bonds have been delivered to said board of town commissioners under the conditions set forth in section five of this act.

Proportionate delivery.

Proviso: exchange of bonds.

Appointment of trustee.

SEC. 7. The board of town commissioners may enter into an agreement with the Central Carolina Railroad Company by which they and the said railroad company may appoint a mutual trustee, whose duty it shall be to hold in trust all the bonds issued by such town of Benson, and shall hold an equal amount of the said Central Carolina Railroad Company first-mortgage bonds, to be delivered as provided for in this act, upon the request of the board of town commissioners and said Central Carolina Railroad Company: *Provided,* that said trustee shall be a reputable trust company of not less than one hundred thousand dollars capital.

Proviso: qualifications.

SEC. 8. That before the Central Carolina Railroad Company can demand from the board of town commissioners aforesaid or their trustee the delivery of any of the bonds provided for in this act, it must have built the number of miles of road hereinbefore provided, and be actually approaching the town of Benson or building its road within the corporate limits, of substantial construction, using not less than eighty-eight tons of good condition steel or iron rails per mile, applied with sufficient bolts, spikes, and splice bars, securely fastened and constructed, and using not less than twenty-five hundred cross-ties of good material of approximate standard dimensions per mile, with practical grades and curves, and substantial trestles and bridges, and equipped with one locomotive and one passenger car for every ten miles of road constructed, with sufficient siding for the conducting of the business of the company.

Details of work and equipment requisite.

SEC. 9. That the railroad first-mortgage bonds hereinbefore referred to shall be held in trust by the board of town commissioners for the benefit of said town of Benson in exchange for the town bonds aforesaid with the Central Carolina Railroad Company, and all interest accruing from the said first-mortgage bonds shall be applied in the same manner as the taxes hereafter provided for in the payment of the interest and principal of said bonds so issued.

Railroad bonds held for benefit of town.

Application of interest.

SEC. 10. That it shall be the duty of the board of town commissioners of the town of Benson to levy annually on all taxable property and polls in said town a separate tax sufficient in amount to pay the interest on said bonds and to establish a sinking fund to pay the principal of said bonds, the proceeds of which shall be applied, first, to the payment of interest on said town bonds, and, secondly, to create a sinking fund for the redemption of said bonds; said taxes to be collected in the same manner as now provided by law for the collection of other town taxes. That such taxes shall be held in trust by the board of town commissioners for the benefit of said town, and none of said taxes shall be applied to any other purpose than that herein provided for; but said sinking fund may, in the discretion of the board of town commissioners, be invested in municipal, county, or State bonds: *Provided*, that the bonds issued under the provisions of this act may, in the discretion of the board of town commissioners, be refunded and retired by said commissioners, and such refunding bonds, if issued by them, shall be styled "Benson Refunding Bonds," and when issued shall be held and disposed of in the same manner and subject to the same provisions governing the "Investment Bonds" authorized by this act.

Special tax.

Specific appropriation.

Diversion forbidden.

Investment of sinking fund.

proviso: power to refund bonds.

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

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

Ratified this 8th day of March, A. D. 1915.

CHAPTER 303.

AN ACT TO CREATE A SPECIAL SCHOOL-TAX DISTRICT OUT OF A PORTION OF THE TERRITORY IN THE COUNTY OF BUNCOMBE AND A PORTION OF THE TERRITORY IN THE COUNTY OF MADISON, THE TERRITORY IN THE TWO BEING CONTIGUOUS.

The General Assembly of North Carolina do enact:

School district created.

SECTION 1. That a special school-tax district be and the same is hereby created out of and embracing contiguous territory in the counties of Buncombe and Madison, in the State of North Carolina; the boundary of that portion of said school-tax district located in the county of Madison being as follows: Beginning at the intersection of Mrs. E. F. Roberts' line with Ivy Creek and the county line between the counties of Buncombe and Madison, at the southwest corner of said Mrs. E. F. Roberts' line, and runs with the said west line of said Mrs. E. F. Roberts' to Gabriel's Creek; and up with the meanders of said creek and including the lands of Ben Du Bruehl and James E. Ammons; thence easterly to the line of Thomas Allen, but not to include Thomas Allen's land; thence easterly a direct line to the lands of Mrs. N. W. McElroy, running so as to include the lands of C. L. Sams and Romulus Gibbs; thence easterly to the county line between Buncombe and Madison, including the lands of Jesse Whitt; and with the said county line to the beginning. The boundary of that portion of said school-tax district

Boundary in Madison county.

Boundary in Buncombe county.

located in the county of Buncombe being as follows: Beginning on the same point as the territory located in Madison County, at the intersection of Mrs. E. F. Roberts' line with Ivy Creek and the county line between the counties of Buncombe and Madison, at the southwest corner of said Mrs. E. F. Roberts' line, and runs east with J. M. Sams' line to N. D. Allman's line, and with his line to J. H. Sams' south line, and with said J. H. Sams' line to the road, and with Sams' east line to H. Banks' east line, and from H. Banks' line to Atkin Branch, and up and with said branch to the Mars Hill road, and with said road north to the Saw Pit Gap; thence east with the top of the ridge to George Hopson's east line; and thence to the county line between the counties of Buncombe and Madison, running so as to include Bob Buckner's lands; then to the beginning.

School tax.

SEC. 2. That there shall be levied and collected in said special school-tax district, under the same rules, regulations, and conditions as are now provided for in the general school law for the levy and collection of taxes in special-tax districts, the sum of thirty cents on each one hundred dollars of the assessed valuation of property and ninety cents on each poll in said district mentioned and described in section one of this act.

SEC. 3. That the said special tax payable in Buncombe County shall be collected by the tax collector of Buncombe County and paid to the treasurer of the county school fund of Buncombe County, and the said taxes payable in Madison County shall be collected by the sheriff, who is the *ex officio* tax collector, and by him paid to the treasurer of the school fund of Madison County, and all funds collected in said special school-tax district shall be divided and appropriated to the maintenance of a public school in said district in the same manner as if said special school-tax district had been erected by popular vote, as under the general law provided.

Collection and settlement.

Apportionment.

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

Ratified this 5th day of March, A. D. 1915.

CHAPTER 304.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARY AND TO PROVIDE FOR LIGHTS FOR SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and ten of the Private Laws of one thousand eight hundred and ninety-nine be and the same is hereby repealed and the following enacted in substitution therefor:

"SEC. 2. The corporate limits of said town shall be as follows, to-wit: Beginning at an iron stake which is 40 chains north 0° 30' east from the point of intersection of the center lines of Chatham Street and Academy Street as said streets are now located in said town, which said point of intersection of said streets is now marked by an iron stake; and running thence north 89° 30' west 40 chains to an iron stake in A. H. Ivey's field; thence south 0° 30' west 80 chains to an iron stake in the woods of W. B. Knight; thence south 89° 30' east 80 chains to an iron stake in the lands of J. M. Templeton, Jr., and A. J. Templeton; thence north 0° 30' east 80 chains to an iron stake in Sion Holleman's land; thence north 89° 30' west 40 chains to the point of beginning; according to the survey made by W. C. Black, civil engineer, dated February fifteenth, one thousand nine hundred and fifteen."

Corporate limits.

SEC. 2. That section six of chapter two hundred and ten of the Private Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended by striking out of line three thereof the words "one dollar" and inserting in lieu thereof the words "two dollars," and by striking out of line three thereof the words "thirty-three and one-third" and inserting in lieu thereof the words "sixty-six and two-thirds."

Tax rate.

Light and power plant.

SEC. 3. That the said town of Cary shall have the right and power to build, equip, maintain, and operate a plant for the manufacture, distribution, and sale of electric power to furnish lights and power for industrial and all other purposes, and to contract for and sell the said power, and in all respects to maintain and operate such plant and services. Said town shall also have the right and power to purchase from any person, firm, or corporation such electric power and to conduct the same to the said town or provide for the same to be so conducted, and to distribute and sell and deliver said power; and the said town shall have full right and power to erect, build, construct, maintain, and operate all necessary and appropriate poles, towers, wires, and other fixtures, apparatus, and structures necessary, proper, or convenient for any or all of the purposes hereinbefore mentioned in this section or any part thereof.

Right to purchase current.

Apparatus and structures.

Purchase of lands or easements.

SEC. 3½. That the town of Cary is hereby authorized and empowered to acquire by purchase or otherwise lands or rights of way and easements wherever the same may be desired within the county of Wake, and to locate, construct, equip, maintain, and operate such electric power plant, and the transmission lines and other appurtenances necessary or convenient to be used in connection therewith for the purpose of supplying said town and persons and corporation in and about said town, and within the county of Wake, with electricity; and to enlarge and extend such lighting plant at pleasure; and to establish, maintain, and operate shops and employ workmen, and to furnish the materials, supplies, and fixtures for public or private use in connection therewith, and install and repair the same; to make all and every necessary ordinance and regulation needful for carrying out the purposes of this act and to protect the works herein authorized; to sell such power as it may have in excess of its requirements at any time, and to fix reasonable charges for the services herein provided for.

Power to enlarge plant.
Shops and workmen.
Materials, supplies, and fixtures.

Sale of power.

Rates.

Power to condemn land.

SEC. 4. That whenever any land, right of way, or easement of any character shall be needed for any purpose connected with the successful establishment, operation, or extension of the said electric power plant herein provided for, and the same cannot be acquired by purchase at a satisfactory price to said town, the said board of commissioners may condemn the same in the manner provided in the charter of the town for condemnation of lands for street purposes, whether said land, right of way, or easement be within or without the town limits.

Management and supervision.

SEC. 5. That the board of commissioners of said town shall have the power to provide from time to time for such management, control, and supervision of the public works herein provided for, and to employ such agents, attorneys, officers, clerks, and servants as may be found needful, and to prescribe their duties and compensation.

Agents, attorneys, and employees.

<p>SEC. 6. That in order to provide the necessary funds for the purposes hereinbefore mentioned in this act the board of commissioners of the town of Cary are hereby authorized and empowered to issue bonds of said town of Cary from time to time as the same may be needed to an amount not exceeding in the aggregate principal twenty thousand dollars, the bonds to be of such denomination, form, and tenor, executed and transferable in such manner, payable at such time or times and at such place or places as the said commissioners may determine. The said bonds shall bear interest at a rate not exceeding six per centum per annum, for which semi-annual interest coupons shall be attached to the bonds, payable at such times and places as may be stated on the face thereof.</p>	<p>Bond issue authorized.</p> <p>Amount.</p> <p>Denomination.</p> <p>Interest.</p>
<p>SEC. 7. That none of the bonds authorized by this act shall be sold for less than their par value, nor shall the same nor the proceeds thereof be used for any other purposes than those provided herein. The purchasers of said bonds shall not be required to see to the application of the proceeds of the sale thereof.</p>	<p>Sale below par forbidden.</p> <p>Specific appropriation of proceeds.</p> <p>No duty on purchasers.</p>
<p>SEC. 8. That for the purpose of paying the principal and interest of the said bonds as the same shall respectively mature the board of commissioners of the said town shall annually, at the time of levying their town taxes, levy a special tax on all persons and subjects of taxation on which the said board shall levy taxes for other purposes, which, with the net proceeds arising from the operation of the enterprise so authorized, shall raise a sum sufficient to pay the interest on said bonds as the same shall become due and provide for the payment of the principal thereof at maturity.</p>	<p>Special tax.</p>
<p>SEC. 9. That before any of the bonds herein authorized shall be issued the same shall first be authorized by a majority vote of the qualified voters of the town of Cary at an election to be called by the board of commissioners, who shall give thirty days notice thereof in some newspaper published in the county of Wake and also by posted notices in four or more public places in the town. The commissioners shall appoint a registrar and two judges of election, and the election shall be held and conducted in the manner prescribed for the election of the mayor and commissioners of that town. The commissioners may order a new registration of the voters if they shall deem the same needful, which order shall be stated in the notice of election; and only those persons shall be deemed qualified voters of said town for the purposes of this act who shall be registered in the registration list used for the said election. The notice of the said election shall also state the amount of bonds proposed to be issued. In said election these qualified voters who approve the issuance of such bonds and the levy of a special tax to pay the same shall deposit in the ballot box a written or printed ballot, or partly written and partly printed ballot, bearing the words "For Light Bonds"; and those opposed thereto shall deposit a like ballot bearing the words "Against Light Bonds."</p>	<p>Election on bond issue.</p> <p>Notice of election.</p> <p>Election officers.</p> <p>New registration.</p> <p>Ballots.</p>

- Declaration of result. The registrar and judges of election shall meet at the mayor's office in said town at ten o'clock on the morning of the day following the
- Return and record. said election and declare the result thereof. They shall make report thereof to the board of commissioners of the said town at their next regular meeting, and the said board of commissioners shall cause the said report to be entered upon their minutes. The said registrar and judges of election shall within forty-eight hours after the closing of the polls file with the clerk of the Superior Court of Wake County a copy of their said return or report, and with this report they shall file the registration book and poll book used in said election, and they shall certify in writing to the correctness of both of said books; and the said clerk shall file said return or report and said registration book and said poll book as a part of the records of his office and record the said return in the records of elections kept in his office. The said registrar and poll-holders shall within forty-eight hours after the closing of said polls file with the clerk of the board of commissioners of said town a copy of said report, which said copy shall be preserved by the said clerk, as shall also the report made by said registrar and judges of election to the said town commissioners, among the permanent public records of said town. The said board of commissioners of the said town shall at their said meeting make public declaration of the result of said election. The power herein conferred shall not be exhausted by one exercise thereof, but the question of issuing bonds and levying a special tax for the payment thereof, for said purpose, may be submitted from time to time as the board of commissioners of said town at said time may deem best, at least one year elapsing between said elections, until the qualified voters of said town shall approve such issue of bonds to the limit herein provided. Said commissioners shall call such election when petitioned so to do by twelve freeholders resident in said town.
- Copy to clerk of court.
- Registration and poll books.
- Copy of return to town clerk.
- Public declaration of result.
- Further elections.
- Petition for election.
- Collection of tax. SEC. 10. In the event of the levy of the special taxes provided by this act, the said taxes shall be collected and accounted for as other taxes are in the town of Cary, and the officer collecting the same or who at any time may be in charge thereof shall be subject to the same liability for the collection of and accounting for such taxes as he would be in the case of other taxes, and he shall pay the same to the treasurer of the said town; and the said town commissioners may increase or fix the bonds of any such officer who collects the said moneys or in whose charge they are placed in such amount or amounts as they may from time to time deem proper.
- Settlements.
- Official bonds.
- Expense of election. SEC. 11. That the expenses of any election or elections held under the provisions of this act shall be paid by the treasurer of said town out of its general funds upon the order of said board.
- Failure in duty misdemeanor. SEC. 12. Any commissioner or other officer of said town, or any registrar, judge of election, or other officer provided for by this act who shall in anywise fail to discharge the duties imposed upon

him by this act shall be guilty of a misdemeanor and punished by ^{Punishment.} fine or imprisonment, or both, in the discretion of the court.

SEC. 13. That all laws and clauses of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

SEC. 14. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 305.

AN ACT TO AMEND CHAPTER 275 OF THE PRIVATE LAWS OF 1907, WITH REFERENCE TO THE WASHINGTON TRUST COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventy-five of the Private Laws of North Carolina, session one thousand nine hundred and seven, be amended as follows: By adding after section twenty-four of said act the following:

"SEC. 25. That the incorporators named in the original act, or their assigns and associates, shall have until the first day of January, one thousand nine hundred and seventeen, to organize under the original act above referred to, and any organization made within said time shall be as valid in law as if made prior to this date." ^{Time for organization.}

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

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 306.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and two of the Private Laws of nineteen hundred and thirteen (1913), entitled "An act to consolidate, revise, and amend the charter of the town of Oxford," be amended by striking out the word "four" in line one of section twenty-three and inserting in lieu thereof the word "six"; and that section twenty-six of said chapter three hundred and two be amended by adding at the end of said section twenty-six the following words: "and said mayor of the town of Oxford shall, con- ^{Salary.} ^{Jurisdiction of mayor.}

currently with the Superior Court of Granville County, North Carolina, have jurisdiction to try and finally determine all criminal offenses wherein the offense alleged or charged is that of assault or assault and battery, either with or without a deadly weapon, carrying concealed weapon, gambling, or any violation of any State law pertaining to the sale, manufacture, the possession, receiving, or the handling of spirituous, vinous, or malt liquors occurring within the limits of the town of Oxford or within one mile thereof, of which the Superior Court of Granville County now or hereafter may have jurisdiction under the laws of the State of North Carolina.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 307.

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

Preamble.

Whereas chapter one hundred and sixteen of the Private Laws of one thousand nine hundred and thirteen authorized the board of aldermen of the city of Washington to call an election and submit to the voters of said city the question of issuing bonds for the purpose of buying or building a water-works plant, and constructing a sewer system, and building an extension to the electric light plant,

Preamble.

and installing a fire-alarm system; and whereas said board of aldermen did call said election and submit to the voters of said city the aforesaid question, and were authorized by a majority of the voters of said city to issue bonds in the sum of one hundred and

Preamble.

fifty thousand dollars for the purposes aforesaid; and whereas chapter twenty-two of the Private Laws of the extra session, one thousand nine hundred and thirteen, authorized said city of Washington to issue sixty thousand dollars of bonds in addition to the one hundred and fifty thousand dollars authorized by chapter one

Preamble.

hundred and sixteen of the Private Laws of one thousand nine hundred and thirteen; whereas said board of aldermen have found that they cannot complete the proper system of sewerage and install a fire-alarm system for said sums heretofore authorized, but in addition thereto will require a further sum of thirty-five thousand dollars for said purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Purposes.

SECTION 1. That for the purposes above described, to wit, the completion of the sewer system and the installation of a fire-alarm system for said city, the board of aldermen of the city of Washington are fully authorized and empowered to issue coupon bonds under

Bond issue authorized.

the corporate and official seal of the city of Washington in an Amount.
amount not to exceed thirty-five thousand dollars in the principal
(which said amount shall be in addition to the one hundred and
fifty thousand dollars provided for by chapter one hundred and six-
teen, Private Laws of one thousand nine hundred and thirteen, and
the sixty thousand dollars provided for by chapter twenty-two of
the Private Laws of one thousand nine hundred and thirteen, spe- Interest.
cial session), which said bonds shall bear interest from the date
of issue at the rate of five per cent per annum, to be due and pay-
able semiannually on the first day of January and July in each
year; and the interest on said bonds shall be payable in the current
funds of the United States Government, in such place or places as
the board of aldermen of said city may direct; all such bonds shall
be issued in denominations of one hundred dollars and multiples
thereof, no one bond to be for less than the sum of one hundred
dollars or for more than one thousand dollars. Said bonds to be
dated at such time as said board may direct. All said bonds shall
be numbered and shall be signed by the mayor of the city and
countersigned by the clerk of the board of aldermen, and shall
have the corporate seal of said city attached, and the coupons shall
be signed by the mayor of said city, although a lithographed copy
of the mayor's signature shall be a sufficient signing of said cou-
pons. A record shall be kept of said bonds, showing the numbers
and denominations thereof, and to whom sold, and the date of the
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 said board of aldermen may direct; and
none of said bonds shall be sold for less than the par value there-
of, and the proceeds arising from the sale thereof shall be applied
to the purpose herein declared. Upon sale of said bonds or any part
thereof said board of aldermen may, in its discretion, require of
the city treasurer a special bond in such sum as the board may direct,
not exceeding, however, the amount of bonds issued, conditioned
for the faithful accounting and payment of, according to this act,
the proceeds of the sale of said bonds; and the said board may
require from its treasurer an increased bond if they see fit, to pro-
tect the revenue received to pay the interest on said bonds.

SEC. 2. The principal of all of said bonds sold under the pro-
visions hereof shall be due and payable on the first day of January,
one thousand nine hundred and sixty-three. Maturity of bonds.

SEC. 3. To provide for the payment of said bonds and the interest
on same as it may accrue and become due, said board of aldermen
shall levy an annual and special tax on the polls, personal and real
property, and other subjects of taxation in said city, sufficient to
pay the interest semiannually on said bonds, and to create a sink-
ing fund into which shall annually be paid a sum sufficient to pay
off said bonds at maturity. All said special taxes shall be collected
from the polls, personal and real property, and other subjects of
Collection.

Payable in current funds.

Denominations.

Authentication.

Record of bonds.

Sale.

Sale below par forbidden.

Special bond of treasurer.

Special tax.

Specific appropriation. taxation of said city, in the same manner as other taxes of said city are levied and collected. Said special taxes 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 a sufficient sum to pay off said bonds at maturity, and to no other purpose; and it shall be a misdemeanor punishable by fine or imprisonment, in the discretion of the court, for any officer of the city or other person to misapply or divert the said special taxes from the purposes required by this act.

Diversion a misdemeanor. SEC. 4. That said bonds shall not be issued nor the taxes herein authorized levied until authorized by a majority of the qualified voters of the city of Washington at an election to be held in said city. The said board of aldermen of said city are authorized to call said election at such time as it shall deem best, and may, if it deems wise, order a new registration of the voters of said election; and if it does order a new registration, notice of same shall be given twenty days before the books are opened for registration by posting a notice thereof in some newspaper in said city, and the registration books shall be opened thirty days before the election and shall stay open for a period of twenty days. Said election shall be advertised by said board of aldermen for thirty days prior to the day for election in one or more newspapers in said city, and such advertisement shall specify the amount of bonds for which electors shall vote, and the purposes for which same are to be issued; and the said election shall be held in accordance with the provisions of the charter of said city for holding elections for mayor and members of the board of aldermen as far as the same may be applicable thereto, and all the provisions of the charter of said city relating to elections and qualifications of voters shall be supplied, unless manifestly repugnant to the clear intent of this act, and the return of the results of said election shall be made and certified by said election official to the board of aldermen of said city, and the results thereof shall be canvassed by said board of aldermen and the results duly declared. At such election those who are in favor of issuing said bonds and levying the taxes therein provided for shall vote ballots on which is written or printed the words "For Sewerage and Fire-alarm System," and those opposing the issuing of said bonds shall vote ballots upon which shall be written or printed the words "Against Sewerage and Fire-alarm System." If at said election a majority of the qualified voters shall cast their ballots for sewerage and fire-alarm system, said board of aldermen shall proceed at once to issue said bonds in the amount called for in the notice of election.

Election on bond issue.

Call for election. Registration.

Advertisement of election.

Law governing elections.

Returns.

Canvass of returns. Ballots.

Effect of election.

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 from and after its ratification.

Ratified this 8th day of March, A. D. 1915.

CHAPTER 308.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE ELIZABETH CITY GRADED SCHOOLS TO ISSUE BONDS.

Whereas a graded school district was established in and for Elizabeth City, North Carolina, in the year of our Lord one thousand nine hundred and seven; and whereas it was necessary at that time to issue bonds for the purpose of erecting buildings and equipping said schools; and whereas, in addition to the issuance of bonds by the said graded schools, it was necessary for the said graded schools to borrow the sum of nine thousand dollars, which was loaned to the said graded schools by Mrs. B. F. White of Elizabeth City, North Carolina; and whereas a first mortgage was executed to the said Mrs. White upon the property belonging to the said graded schools of Elizabeth City, subject to the bonds which had theretofore been issued; and whereas, after the erection of the main building on Road Street had been completed, it was necessary to acquire additional property, which said additional property cost the sum of three thousand dollars; and whereas the said graded schools pledged their faith and credit for the payment of the said three thousand dollars so used in the acquisition of the said property; and whereas there is now outstanding and remaining unpaid of the said three thousand dollars the sum of two thousand five hundred dollars, which is due the Savings Bank and Trust Company of Elizabeth City, North Carolina; and whereas the said graded school plant is at present not sufficient for the increased demands for the education of the children of Elizabeth City; and whereas new equipment is required and new additions are necessary: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the Elizabeth City Graded Schools in and for the Elizabeth City Graded School District be and they are hereby authorized, empowered, and directed to issue bonds of said Elizabeth City Graded School District, to be styled "Elizabeth City Graded School Permanent Improvement Bonds," to an amount not to exceed fifteen thousand dollars, of such denomination and of such proportion as the said board of graded school trustees may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semi-annually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said board of graded school trustees; said bonds to be signed by the chairman and secretary of the said board of graded school trustees,

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Bond issue authorized.

Amount.

Denominations.

Interest.

Authentication.

Maturity.	and to be of such form and tenor and transferable in such manner and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the said board of graded school trustees may determine. None of said bonds shall be disposed of for a less price than their par value, and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best by the said board of graded school trustees: <i>Provided</i> , that with the proceeds arising from the issuance of said bonds the board of trustees shall pay off and discharge the note now held by the Savings Bank and trust Company and the mortgage indebtedness due Mrs. B. F. White, which said mortgage indebtedness to Mrs. White and which said indebtedness to the Savings Bank and Trust Company is referred to in the preamble hereof, and the residue of said amount arising from the sale of said bonds shall be expended for the necessary equipment and enlargement of said graded schools of Elizabeth City by the said board of trustees and their successors in office: <i>Provided further</i> , that no purchaser of said bonds shall be responsible in any wise for the expenditures of the moneys arising from the sale of said bonds.
Sale below par forbidden.	
Proviso: debts to be paid.	
Use of residue.	
Proviso: no duty on purchasers.	
Bond issue submitted to vote.	SEC. 2. That the provisions of section one of this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on a day to be designated by the board of aldermen of the town of Elizabeth City, within sixty days after the ratification of this act. That said election shall be held under the general law prescribed for and governing the holding of municipal elections in North Carolina. That thirty days notice of such election, containing a copy of the provisions of section one of this act, or a synopsis of the same, shall be published in one or more newspapers published in the town of Elizabeth City, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections. Those qualified voters approving issue of bonds provided for in section one and the levy and collection of the particular taxes provided for in section four 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." If a majority of such votes shall be "For Schools" it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid board of graded school trustees authority to issue such bonds, and to the board of aldermen of said town authority to levy such particular tax, and said board of trustees and said board of aldermen shall have such authority; but if a majority of such qualified voters shall fail to vote "For Schools," then said board of trustees and
Time for election.	
Law governing election.	
Notice of election.	
Ballots.	
Effect of election.	

said board of aldermen shall not have such authority: *Provided*, Proviso: record of election. that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Elizabeth City, and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified: *Provided, also*, that in the event a majority of the qualified voters in said election shall fail to vote "For Schools," then said board of aldermen may call another election under the same rules and regulations prescribed in this act for the holding of the first election; and if at said second election a majority of the qualified voters shall be "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting to the aforesaid board of graded school trustees authority to issue such bonds, and to the board of aldermen of said town authority to levy such particular tax, and said board of trustees and said board of aldermen shall have such authority; but if a majority of such qualified voters shall fail to vote for schools, then said board of trustees and said board of aldermen shall not have such authority. Proviso: subsequent election.

SEC. 3. A record shall be kept by the said board of graded school trustees in a book for the purpose of showing all bonds sold, to whom sold, the amount and date of same, the maturity of each bond and its number; also in the same book shall be kept a like record of bonds redeemed, and bonds shall be destroyed after the same are redeemed. Record of bonds.

SEC. 4. That for the purpose of paying for said bonds and the interest thereon the board of aldermen of the town of Elizabeth City shall annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning with the first day of June, one thousand nine hundred and fifteen, levy and lay a particular tax on all subjects of taxation within the limits of the said graded school district on which said board of aldermen may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the board of trustees, in no case, however, to exceed forty cents on the one hundred dollars valuation of real and personal property and not more than one and twenty one-hundredths dollars on each taxable poll. Particular tax.

SEC. 5. That the said taxes shall be collected by the tax collector of the town of Elizabeth City at the time and in the manner that municipal taxes are collected, and said tax collector shall pay the same over to the treasurer of said board of trustees, and the treasurer of the said board of trustees shall pay out said taxes and other funds which may come into his hands for the use of said graded school in the same manner as is now provided Limit of rate.

Collection and settlement.

Payments from fund.

Proviso: tax collector allowed no extra pay.

Secretary of State to furnish copy of act.

for the disbursement of the said school funds: *Provided*, that the tax collector shall be allowed no compensation for the collection of such taxes other than his regular salary received as such tax collector.

SEC. 6. That the Secretary of State shall furnish two certified copies of this act to the secretary of the said board of trustees.

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 8th day of March, A. D. 1915.

CHAPTER 309.

AN ACT TO CHANGE THE BOUNDARY LINE OF SCHOOL DISTRICT No. 2, GREENWOOD TOWNSHIP, LEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ---, section ---, Public Laws of one thousand nine hundred and three, be amended so that the boundary line between Public School District Number One and Public School District Number Two, in Greenwood Township, shall be as follows: Beginning at the point where the east line of the right of way of the Atlantic Coast Line Railroad crosses upper Little River; thence a direct southeast direction to the Lee-Harnett line; thence with said county line in a southwesterly direction to the said Atlantic Coast Line Railroad.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 310.

AN ACT TO AMEND THE CHARTER OF THE WELDON AND ROANOKE RAPIDS ELECTRIC RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ninety-nine of the Private Laws of North Carolina, session nineteen hundred and seven, entitled "An act to incorporate the Weldon and Roanoke Rapids Electric Railway Company," as amended by chapter two hundred and sixty-eight of the Private Laws of North Carolina, session nineteen hundred and eleven, be and the same is hereby

Line established.

amended by inserting after the word "securities," in line six of section two thereof, the following: "or any other property or property rights whatsoever." Payment of sub-
scriptions.

SEC. 2. That said chapter two hundred and ninety-nine, as amended by said chapter two hundred and sixty-eight, be and the same is hereby amended by inserting after the word "subscribers," in line seven of section two thereof, the following clause: "and the valuation which may be placed by the board of directors of said company on said labor, land, materials, stocks, bonds, or other securities, or any other property or property rights whatsoever as above specified, as a basis for the issuance of its stock by the said company, shall be conclusive in the absence of actual fraud." Valuation con-
clusive.

SEC. 3. That said chapter two hundred and ninety-nine, as amended by said chapter two hundred and sixty-eight, be and the same is hereby amended by inserting after the word "railway," in line three of section five thereof, the following clause: "to be operated by steam, electricity, or any other motive power." Motive power.

SEC. 4. That said chapter two hundred and ninety-nine, as amended by said chapter two hundred and sixty-eight, be and the same is hereby amended by inserting the word "counties" after the word "all" in the sixth line of section five thereof. Right of way
through counties.

SEC. 5. That said chapter two hundred and ninety-nine, as amended by said chapter two hundred and sixty-eight, be and the same is hereby amended by striking out the words "seventy-five" in line seven of section five thereof, and inserting in lieu thereof the words "one hundred and fifty." Territory enlarged.

SEC. 6. That said chapter two hundred and ninety-nine, as amended by said chapter two hundred and sixty-eight, be and the same is hereby amended by striking out the clause in section five thereof beginning with the word "and" in line eight thereof and ending with the word "determine" in line twelve thereof, and inserting in lieu of said clause the following clause: "and between such points within the radius aforesaid as the said company may from time to time determine." Termini.

SEC. 7. That said chapter two hundred and ninety-nine, as amended by said chapter two hundred and sixty-eight, be and the same is hereby amended by striking out the first sentence in section six thereof and inserting the following sentence in lieu thereof: "The said company shall have power to take by purchase, lease, or otherwise the franchise and property of any other railroad, turnpike, or other corporations, and pay for the same in cash or in the stock or bonds of said company, or in any other property which the said company is herein authorized to hold." Power to purchase
or lease other lines.

SEC. 8. That said chapter two hundred and ninety-nine, as amended by said chapter two hundred and sixty-eight, be and the same is hereby amended by inserting after the word "Carolina" in line two of section fourteen thereof the following clause: "or at Principal office.

such other place in said State within the radius aforesaid as the board of directors may designate."

SEC. 9. That said chapter two hundred and ninety-nine, as amended by said chapter two hundred and sixty-eight, be and the same is hereby amended by inserting immediately after section fourteen thereof the following section :

Time for beginning and completion.

"SEC. 14½. That said company shall have eleven years from the date of the ratification of this act in which to begin the construction of its road and eighteen years from said date in which to complete the same."

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 311.

AN ACT TO ALLOW THE TOWN OF OLD FORT, McDOWELL COUNTY, TO CHANGE ITS SOURCE OF WATER SUPPLY.

The General Assembly of North Carolina do enact:

Diversion of water authorized.

SECTION 1. That the White Coal Power Company, a corporation organized under the laws of North Carolina, and being under a contract to furnish an adequate supply of water for the town of Old Fort, McDowell County, is hereby empowered to divert the necessary amount of water by dam, pipe line, flume, conduit, or other suitable manner, a portion of the water from the west fork of Curtis Creek in McDowell County, North Carolina, a distance of about two miles, through Star Gap in a dividing ridge between Curtis Creek and Jarretts Creek, for the purpose of furnishing an adequate supply of water for the town of Old Fort for municipal, industrial, and domestic purposes.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 312.

AN ACT AMENDATORY OF THE ACT ESTABLISHING THE GUILFORD GRADED SCHOOL IN GUILFORD COUNTY IN 1901.

The General Assembly of North Carolina do enact:

Additional territory.

SECTION 1. That the following described additional territory be and is hereby annexed to the district which in one thousand nine hundred and one was constituted the Guilford Graded School Dis-

trict, with amendments subsequently made thereto and heretofore known as District Number Five in Friendship Township in Guilford County, namely: Beginning at a point in the graded school line at northwest corner of Ed. Hodgins' land and in L. L. Hobbs' line and running west 42 poles, thence south 178 poles with present graded school line, thence east 40 poles, thence north to the beginning, 182 poles. Boundary.

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 fifteen, at which the qualified voters in said added parcel of territory shall vote, those in favor of adding the territory tickets on which are printed or written the words "For Annexation" and those opposed tickets on which are printed or written the words "Against Annexation." Election for ratification.
Date.
Tickets.

SEC. 3. If a majority of the qualified voters in the said added territory shall vote for annexation, then the additional territory hereinbefore 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 and establishing said school. Effect of election.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1915.

CHAPTER 313.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF SAND HILLS FARM-LIFE SCHOOL AND THE PROMOTION OF AGRICULTURE AND HOME-MAKING.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be established and maintained in that part of the counties of Moore, Richmond, and Montgomery embraced within a circle having a radius of thirteen miles, with Pinehurst, in the county of Moore, as a center of said circle, a school to be known as the "Sand Hills Farm-life School" for the training and preparation of boys and girls for farm life and home-making. School to be established and maintained.
Territory.
Official title.

SEC. 2. The aim of said school shall be to prepare boys for agricultural pursuits and farm life and to prepare girls for home-making and housekeeping on the farm. The course of study in said school shall be subject to the approval of the State Superintendent of Public Instruction and an advisory board on farm-life Aim of school.
Course of study.

Proviso: practical work on farm and in housekeeping.

schools, appointed by him: *Provided, however*, that the course of study shall include practical work on the farm by the boys and practical work in all subjects relating to housekeeping and home-making by the girls.

Control and management.

SEC. 3. Said school shall be under the control and management of a board of trustees, consisting of three members from Moore County, one member from Richmond County, and one member from Montgomery County; that Mrs. J. R. Page, Mrs. H. F. Seawell, and Mr. J. R. McQueen of the county of Moore, Mr. R. A. Derby of the county of Richmond, and Mr. M. A. Bennett of the county of Montgomery, are hereby appointed trustees of said school for the term of two years and until their successors are appointed and qualified as hereinafter provided. That upon the expiration of the term of office of the board of trustees hereinbefore named, and every six years thereafter, the county boards of education of the said counties of Moore, Richmond, and Montgomery shall appoint trustees for said school, whose term of office shall be six years and until their successors are appointed and qualified; the county board of education of the county of Moore having the right to appoint three of said trustees, the county board of education of the county of Richmond one of said trustees, and the county board of education of the county of Montgomery one of said trustees. That the county superintendent of public instruction of the county in which said school shall be located shall be *ex officio* a member of said board and secretary thereof. All vacancies occurring by death, resignation, or otherwise in said board shall be filled for the unexpired term by the county board of education of the county originally appointing the trustee or trustees whose office has been made vacant.

Trustees named.

Term.

Appointment of successors.

Ex officio member and secretary.

Vacancies.

Trustees to qualify and organize.

SEC. 4. That within thirty days after the ratification of this act the members of the board of trustees appointed herein shall meet at some convenient point within said territory and organize.

Location of school.

SEC. 5. That said board of trustees shall locate said school at such available place within said territory as to them may appear most desirable and suitable for the purpose.

Equipment to be provided.
School building.

SEC. 6. That said district, or territory, shall provide the following equipment for said school: a school building with recitation rooms and laboratories and apparatus necessary for efficient instruction in the prescribed subjects of study; suitable provision for board in private homes near said school, or in lieu thereof dormitory buildings with suitable accommodations for not less than twenty-five boys and twenty-five girls; a barn and dairy buildings, with necessary equipment; a farm of not less than twenty-five acres of good arable land. All of said buildings shall be located on said farm and shall be constructed in accordance with plans approved by the State Superintendent of Public Instruction, and the entire equipment shall be subject to his approval and accept-

Board or dormitories.

Dairy buildings and equipment.
Farm.

Buildings located on farm.
Plans and equipment subject to approval.

ance after inspection: *Provided, however,* that upon recommendation of the board of trustees and the presentation of satisfactory reasons therefor, the State Superintendent of Public Instruction may grant permission to said board of trustees to accept any suitable and properly equipped school building already constructed, though it may not be located on said farm, provided it be located within reasonable and convenient distance thereof, and may also grant permission to reduce the required acreage for the farm to not less than ten acres; and when equipment and funds for the maintenance of said school for the term of three years shall, in the opinion of said board of trustees, have been provided, then said trustees shall open said school and admit pupils.

Proviso: acceptance of building heretofore constructed.

Reduction of acreage.

Equipment and funds provided.

SEC. 7. There shall be established and maintained in connection with said "Sand Hills Farm-life School" such a high school course of study as is prescribed under the public high school law of the State for the first grade public high schools; and for the maintenance of said high school department of said "Sand Hills Farm-life School" there shall be the same county and State apportionments as are now made and required for a first grade public high school under the provisions of the public high school law of the State. If an additional apportionment for said high school department of said school cannot be made out of the State appropriation for public high schools, then the State and county appropriations for one or more of the existing high schools in said district shall be transferred to the maintenance and support of said high school department of said "Sand Hills Farm-life School." If said "Sand Hills Farm-life School" shall be located at the same place with some existing public high school in said district, established and maintained under the public high school law of the State, then said public high school shall be merged into and become the high school department of said "Sand Hills Farm-life School" as an organic part thereof; and the appropriations for the maintenance thereof shall be the same as the appropriations now required for a first grade public high school under the provisions of the public high school law of the State. The requirements for teachers in said high school department of the "Sand Hills Farm-life School" shall be the same as are now required for high school teachers under the said high school law. Said high school department and course of study, however, and the entire management of the same, shall be under the direction and control of the board of trustees and the principal of the "Sand Hills Farm-life School," and shall be conducted as an organic part of said school.

High school course.

County and State apportionments.

Transfer of appropriations.

Merger of schools.

Appropriations.

Requirements for teachers.

Direction of high-school department.

SEC. 8. No person shall be employed as principal in charge of "Sand Hills Farm-life School" who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the North Carolina

Requirements for principal.

Certificate of special training and practical experience.

College of Agriculture and Mechanic Arts, stating that he has furnished satisfactory evidence to them of his qualifications by special training and practical experience for said positions; and no person shall be employed in the department of said "Sand Hills Farm-life School" for the special training of girls for home-making and house-keeping on the farm who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the State Normal and Industrial College, stating that such person has furnished to them satisfactory evidence of qualifications by special training and practical experience for said position.

SEC. 9. It shall be a part of the duty of the faculty of "Sand Hills Farm-life School" to conduct agricultural farm-life extension and demonstration work in said district, in coöperation, as far as possible, with such work carried on in said district by the State Department of Agriculture, the North Carolina College of Agriculture and Mechanic Arts, and the United States Department of Agriculture; to hold district meetings in various parts of said district from time to time for farmers and farmers' wives; to coöperate with the county superintendents of public instruction of the counties of Moore, Richmond, and Montgomery, and with the commissioners of agriculture of said counties, where such officer exists, in stimulating, directing, and supervising practical farm-life work in the public high schools and the elementary schools of said district, and in providing instruction, through the teachers' associations and through special short courses of study at said Sand Hills Farm-life School for the public school teachers of said district. There shall be provided in the course of study of said Sand Hills Farm-life School short courses in farm-life studies, to which shall be admitted adult farmers, men and women, and there shall be held at said Sand Hills Farm-life School, annually, one or more meetings for the farmers and their wives for instruction and demonstration work.

SEC. 10. The board of trustees of the Sand Hills Farm-life School is hereby authorized and empowered to admit students from other parts of the counties of Moore, Richmond, and Montgomery, and from other counties of the State, to said school upon payment of such rate of tuition as said board of trustees may fix; but all students who are residents of said district shall be admitted to said school without charge for tuition; and said board of trustees shall fix all other charges in said school at actual cost.

SEC. 11. That said board of trustees shall appoint a bank or trust company of said district as treasurer, which bank or trust company shall receive and disburse all funds therefor, keeping and rendering monthly to the board of trustees of said school an account of such receipts and disbursements: *Provided*, that such bank or trust company acting as treasurer of said board shall re-

Qualifications for teachers in house-keeping.

Certificate of special training and practical experience.

Extension and demonstration work.

District meetings.

Work in county schools.

Instruction of teachers.

Short courses for adults.

Meetings for instruction and demonstration work.

Nonresident pupils.

Tuition.

Residents not charged for tuition.

Other charges.

Bank or trust company as treasurer.

Proviso: no compensation allowed.

ceive no compensation for its services as such treasurer. Funds of said school shall be paid out only upon the proper warrants, or vouchers, of said board of trustees, or upon warrants, or vouchers, issued by the authority of said board of trustees.

Vouchers for funds.

SEC. 12. The board of trustees of the said Sand Hills Farm-life School and their successors in office shall be and are hereby constituted a body corporate by the name and style of "The Board of Trustees of the Sand Hills Farm-life School" and by that name may sue and be sued, contract and be contracted with, purchase, hold, and sell real estate and personal property, receive donations by gift or otherwise, and exercise such other rights and privileges as are conferred by law upon corporate bodies. The title to all the lands and other property of said Sand Hills Farm-life School shall vest in said board of trustees.

Incorporation.

Corporate name.

Corporate powers.

Titles vested in trustees.

SEC. 13. Upon satisfactory evidence furnished to the State Board of Education that all the provisions of this act for the establishment, maintenance, and equipment of said Sand Hills Farm-life School have been complied with in said district, the said State Board of Education shall order the State Superintendent of Public Instruction to issue a requisition upon the State Auditor for a sum equal to that otherwise provided for the annual maintenance of said school, not to exceed the sum of two thousand five hundred dollars annually for the maintenance of said school, and the State Auditor shall issue his warrant in favor of the treasurer of said Sand Hills Farm-life School for said amount, which shall be paid out of the State Treasury and the money placed by said treasurer to the credit of the Sand Hills Farm-life School of said district; and sufficient moneys to pay said warrants are hereby appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated.

Appropriation from State.

SEC. 14. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 314.

AN ACT TO AMEND CHAPTER 469 OF THE PRIVATE LAWS OF 1913, SO AS TO MAKE THE BOARD OF TRUSTEES OF WACO GRADED SCHOOL ELECTIVE BY THE QUALIFIED VOTERS OF THE DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and sixty-nine of the Private Laws of one thousand nine hundred and thirteen, relating to Waco Graded School District in Cleveland County, be and the same is hereby amended by striking out the words "who shall be

Election of trustees.	appointed by the board of education of Cleveland County," occurring in section three, and inserting in lieu thereof the following:
Date.	"The members of said board of trustees shall be elected by popular vote of the qualified voters of the graded school district for a term of two years. The said election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and biennially thereafter, under the rules and regulations prescribed by the general public laws of the State for election of town officers.
Canvass and return of votes.	At the close of the ballot the ballots shall be canvassed and the result declared and return thereof made to the board of aldermen of the town of Waco, Cleveland County, and no other return shall be necessary.
Election officers.	At least thirty days before the election the board of aldermen of the town of Waco, Cleveland County, shall appoint a registrar and two judges of election therefor, and when deemed
Notice of election.	advisable may order an entire new registration of voters. The election shall be advertised by posters at three or more public
Trustees appointed.	places in the district. For the purpose of this act the present acting members of the board of trustees of Waco Graded School are hereby appointed trustees.
Terms of office.	Those members whose present terms of office expire at the date nearest the biennial election herein provided for shall hold their terms of office until said election or until their successors are elected and qualified as provided by this act.
Vacancies.	All vacancies on the board except expirations of term shall be filled by the board of education of Cleveland County until the next election, when a successor shall be elected for the unexpired term."

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

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 315.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LONGVIEW.

Preamble. Whereas the corporate limits of the town of Longview take in a large portion of the lands of S. D. Campbell and run near his dwelling; and whereas the said S. D. Campbell desires to have his entire property attached to and be included within the corporate limits of said town of Longview: Therefore,

The General Assembly of North Carolina do enact:

Extension of limits. SECTION 1. That the entire property of S. D. Campbell be attached to the town of Longview, and to that end the corporate limits be extended north along north Main Street to a street called North Avenue, S. D. Campbell's northwest corner, thence south 87°

east along the margin of North Avenue eight hundred and fifty-eight feet to Campbell's northeast corner; thence south 3° west with Campbell's line to the present corporate limits of said town of Longview.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 316.

AN ACT TO INCORPORATE THE "ADVENT CHRISTIAN CONFERENCE OF EASTERN NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That the religious society, now existing, known as the "Advent Christian Conference of Eastern North Carolina," be and the same is hereby incorporated and made a body corporate, with all the rights, powers, and privileges given or permitted religious societies under and by virtue of the laws of the State of North Carolina.

SEC. 2. That the names of the incorporators are:

W. Y. Moore.....	Benson, N. C.	Incorporators.
S. J. Messengill.....	Four Oaks, N. C.	
W. C. Barbour.....	Four Oaks, N. C.	
B. H. Moore.....	Smithfield, N. C.	
James Potter	Blounts Creek, N. C.	
S. J. Williams.....	Richards, N. C.	
T. J. Hughes.....	Mount Olive, N. C.	
George C. Lane.....	Mount Olive, N. C.	
T. J. Moore.....	Stantonsburg, N. C.	
J. I. Thigpen.....	Pink Hill, N. C.	
Hardy Bell	Princeton, N. C.	
G. W. Shepard.....	Wilmington, N. C.	
J. P. King.....	Wilmington, N. C.	
W. H. Davis.....	Wilmington, N. C.	
W. E. Streeter.....	Wilmington, N. C.	
J. B. Williams.....	Wilmington, N. C.	
J. W. S. Harvey.....	Wilmington, N. C.	
C. T. Green.....	Wilmington, N. C.	
J. M. King.....	Wilmington, N. C.	
W. C. Barber.....	Four Oaks, N. C.	
J. Q. Baker.....	Four Oaks, N. C.	
J. E. Jernigan.....	Camden, S. C.	

and such others as now are or may hereafter become members of said Conference.

Officers. SEC. 3. That the officers of said corporation shall be a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be elected at its next regular meeting, who shall hold office for one year or until their successors are elected.

Term.

Powers of corporation.

SEC. 4. That said corporation shall have power to buy, sell, and mortgage real estate and personal property, and to build churches, schools, hospitals, and other religious, educational, and charitable institutions, and to keep, maintain, and to dispose of the same; to take donations of every kind and description; but there shall not be any capital stock, dividends, or profits to any of its members.

No capital nor dividends.

By-laws and resolutions.

SEC. 5. That the corporation and its members shall be governed by such by-laws and resolutions as shall be made at any regular annual or called meeting of the Conference, not inconsistent with the laws of the State of North Carolina.

Meetings.

SEC. 6. That the annual or called meetings may be held at any time and place in the State of North Carolina as may be prescribed by by-laws or its president, or at any regular or called meeting.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 317.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF MARION TO PROHIBIT CARNIVALS AND OTHER SHOWS FROM PERFORMING IN SAID TOWN.

The General Assembly of North Carolina do enact:

Prohibition authorized.

SECTION 1. That the board of aldermen of the town of Marion be and is hereby authorized and empowered to prohibit any carnival, circus, minstrel troupe, traveling theatrical company, and all other kinds of shows, whether performing in a tent or otherwise, from giving any exhibition within the corporate limits of said town or within one mile thereof.

Territory.

Exhibiting without license unlawful.

SEC. 2. That it shall be unlawful for any carnival, circus, minstrel troupe, traveling theatrical company, or any other show to attempt or offer to give any performance within the said town or within one mile thereof without first paying the license tax to the treasurer of the said town and obtaining a license therefor; and any person or persons violating the provisions of this act shall, upon conviction, be fined not less than twenty-five dollars nor more than fifty dollars, and the mayor of said town shall have exclusive original jurisdiction to hear and determine the same.

Punishment.

Jurisdiction of mayor.

License tax.

SEC. 3. That the board of aldermen of the said town shall have the right to levy such tax upon such shows as may be permitted to

give exhibitions within the corporate limits of the said town, or within one mile therefrom, as is provided in the charter of said town.

SEC. 4. That this act shall not apply to any carnival, theatrical troupe, or other show which the McDowell County Fair Association shall engage during the annual county fairs held by the said association in the town of Marion. Shows during county fair.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 318.

AN ACT TO AUTHORIZE THE COUNCILMEN OF THE TOWN OF EDENTON TO ISSUE BONDS FOR THE EDENTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purposes and benefits of this act, and for no other purpose, the provisions of all laws governing the assessment of all real and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Edenton shall be and are hereby extended to that portion of the Edenton Graded School District lying without the corporate limits of said town as fully as if the same lay within said corporate limits; and that for the purpose of levying and collecting taxes for purposes of this act, and in all elections which shall be held under this act, that portion of said school district lying without said corporate limits shall be and is hereby made and created a ward of said town. The place of voting in said district to be designated by the board of councilmen of the town of Edenton. Jurisdiction extended. Ward of town for certain purposes. Polling place.

SEC. 2. That upon written request of the board of trustees of the Edenton Graded Schools, the board of councilmen of the town of Edenton shall immediately order an election within said Edenton Graded School District, in accordance with the law governing general elections as nearly as may be: *Provided, however*, that a new registration shall be ordered for said election; and that not less than thirty days notice of said election shall be given at the courthouse door in Edenton and three other public places in said Edenton Graded School District, and a notice of said election shall also be published for four successive weeks immediately preceding said election in the *Albemarle Observer*, a weekly newspaper published in Chowan County. The registrars and poll-holders shall canvass the votes cast, declare the result, and duly certify the returns to the board of councilmen of the town of Edenton, which returns shall be recorded in the records of said councilmen. At Request for election. Order of election. Proviso: new registration. Notice of election. Canvass and return of votes. Record of returns. Question submitted.

- Ballots. said election there shall be submitted to the qualified voters of the Edenton Graded School District the question of levying a special tax on all taxable property and polls of said Edenton Graded School District for the construction and equipment of graded school buildings therein. At such election those favoring the levying and collecting of such a tax for said purpose shall vote a ballot on which shall be written or printed "For Graded School Bonds," and those opposed shall vote a ballot on which shall be written or printed "Against Graded School Bonds." If a majority of the qualified voters shall vote "For Graded School Bonds," then all the provisions of this act shall be in full force and effect, and the board of councilmen of the town of Edenton shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the town and district are levied and collected, a tax on all property and polls of the said Edenton Graded School District sufficient to pay the interest on the bonds and to provide a sinking fund for the payment of said bonds when due. The amount levied by said councilmen for said purpose shall never exceed thirty cents on the hundred dollars worth of property and ninety cents on the poll. The bond of the tax collector of said town shall be responsible for said tax to the same extent as it is liable for other taxes collected by him.
- Levy and collection of tax. SEC. 3. The board of councilmen of the town of Edenton are hereby authorized and empowered, after a majority of the qualified voters of Edenton Graded School District shall have approved and authorized the same as herein provided, to issue bonds in the name of the Edenton Graded School District in such denominations, form, and amount as the board of councilmen of the town of Edenton may determine, payable at such time and place as said board of councilmen may prescribe: *Provided*, that the amount of said boards shall not be more than twenty-five thousand dollars; the time of payment shall not exceed twenty-five years. The rate of interest which said bonds shall bear shall not exceed six per cent per annum, payable annually or semiannually. Said bonds shall not be sold, hypothecated, or otherwise disposed of for less than their par value. Said bonds shall be signed by the mayor of the town of Edenton and attested by the town clerk and sealed with the corporate seal of said town. The amount realized from the sale of said bonds shall be used exclusively for construction and equipment of buildings for the said Edenton Graded Schools and for acquiring the title to that portion of the said "Town Commons" heretofore disposed of, or any other site suitable for school purposes in said district.
- Limit of rate. SEC. 4. That all the proceeds derived from the sale of said bonds shall be paid over to the town treasurer to the credit of the board of trustees of the Edenton Graded Schools and disbursed by him without compensation, upon order of the board of trustees of the Edenton Graded School District.
- Tax collector liable on bonds.
- Bond issue authorized.
- Denominations.
- Proviso: amount.
- Maturity.
- Interest.
- Sale below par forbidden.
- Authentication.
- Specific appropriation of proceeds.
- Proceeds to town treasurer.
- Orders for disbursements.

SEC. 5. The board of councilmen of the town of Edenton are hereby authorized to lease for a period of ninety-nine years, donate or sell to the board of trustees of the Edenton Graded School District, thirty-five acres or so much thereof as is necessary of the "Town Commons" located in said town of Edenton, upon which to erect and maintain graded school buildings.

Lease, donation,
or sale of town
commons.

SEC. 6. The board of trustees of the Edenton Graded School District are hereby given the power of eminent domain, and may condemn any land and buildings thereon necessary for school purposes, if said land and buildings cannot be purchased.

Power of eminent
domain.

SEC. 7. In the event that this property should ever cease to be used for school purposes, then it shall revert to the town of Edenton.

Reversion on
nonuse.

SEC. 8. Nothing in this act shall be construed to be in conflict or to repeal any provisions of chapter four hundred and seventy-nine, Public Laws of North Carolina of one thousand nine hundred and thirteen: *Provided*, the bonds issued under the provisions of said chapter are held to be valid by the Supreme Court of North Carolina in an action now pending before said court.

Act not affected.

Proviso; bonds
held valid.

SEC. 9. This act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 319.

AN ACT TO RATIFY AND LEGALIZE ALL PROCEEDINGS OF THE CITY OF KINSTON RELATING TO THE ISSUANCE OF \$100,000 PUBLIC IMPROVEMENT BONDS, AND ALSO TO VALIDATE SAID BONDS AND PROVIDE FOR THEIR PAYMENT BY TAX.

Whereas, pursuant to the authority conferred by chapter two hundred and two of the Private Laws of nineteen hundred thirteen, a majority of the qualified voters of the city of Kinston, at a special election held in said city on June twenty-third, one thousand nine hundred and fourteen, voted in favor of the issuance of bonds of said city in the aggregate principal amount of one hundred thousand dollars for certain necessary expenses of said city, to wit, expenses for paving and generally improving the streets of said city, enlarging and extending its water-works and sewerage system, enlarging and equipping its electric light plant, installing an electric fire-alarm system, and erecting municipal buildings; and the city council of said city thereafter provided for the issuance of one hundred thousand dollars public improvement bonds for said purposes, said bonds being one hundred in number, numbered from

Preamble.

one to one hundred, inclusive, of the denomination of one thousand dollars each, dated July first, nineteen hundred and fourteen, payable July first, nineteen hundred and forty-four, bearing interest at the rate of five per centum per annum, payable semiannually, and has sold and delivered said bonds: Now, therefore,

The General Assembly of North Carolina do enact:

Proceedings and election validated.

SECTION 1. All proceedings of the city of Kinston for the issuance of said one hundred thousand dollars public improvement bonds for the purposes aforesaid, including said election held June twenty-third, nineteen hundred and fourteen, are hereby ratified and legalized, and said bonds are valid and binding obligations of said city of Kinston.

Bonds valid and binding.

Special tax.

SEC. 2. There shall be raised annually by tax upon all the taxable property in said city, in the same manner as other taxes are levied and collected, a sum sufficient to pay the interest on said bonds as the same accrues, and there may be also levied and collected in the same manner a sum to be paid into a sinking fund which will, together with the accumulations thereof, provide a fund sufficient to pay the principal of said bonds at maturity; or the retirement of said bonds may be otherwise provided for. The issuance of said bonds under this act and the levying and collection of taxes for the payment of the interest on said bonds, and also for the payment of the principal should the principal be so paid, shall not be subject to any limitation imposed by other laws upon the amount of the indebtedness of said city, or upon the amount or rate of taxes levied and collected therein.

Limitations not applicable.

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

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 320.

AN ACT TO AMEND CHAPTER 469, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1913, SO AS TO ESTABLISH THE BOUNDARY OF THE WACO GRADED SCHOOL DISTRICT IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and sixty-nine, Private Laws of North Carolina, session one thousand nine hundred and thirteen, be and the same is hereby amended by adding at the end of section one of said act a new section to be designated "section one and one-half," as follows, to-wit:

SEC. 1½. That said Waco Graded School District shall embrace Territory.
 and consist of that territory now lying within the corporate limits
 of the town of Waco in Cleveland County and the territory contigu- Town of Waco.
 ous thereto and embraced in White School District, Number Thirty,
 and included within the following bounds, to wit: Beginning at a Boundary.
 a point nearly east of Waco where the Seaboard Air Line Railway
 crosses the Cleveland and Gaston County line, and running thence
 nearly north with the line of said Cleveland and Gaston counties
 to the extreme north part of the old Goode place on said county
 line; running thence nearly west so as to include the lands of John
 Dellinger, L. G. Harrelson, Faro Wacaster, and others, to M. P.
 Harrelson's corner on the old Goode lands; thence nearly west,
 running so as to include the lands of M. P. Harrelson, D. M. Car-
 penter, Mrs. Margaret Stroup, A. W. Stroup, J. W. Stroup, and
 others, to the Rag Road (but excluding lands of W. I. Sperling and
 Cleve Beam); running thence with Rag road to J. A. Yarboro's
 lands; thence with the lines of said J. A. Yarboro so as to include
 same, and from same running nearly south and crossing the Rag
 road near Seaboard Air Line Railway section-house and including
 the Sweatt lands owned by Moses Ross, J. R. Yarboro, and the
 lands of J. R. Poston, Frank Dellinger, B. A. Putnam, J. A. Whit-
 worth, J. W. Whitworth, and J. B. Rhyne, to Muddy Fork Creek;
 thence with Muddy Fork Creek and lands of Henry Patterson and
 Lee Patterson to J. C. Parker's line: thence with J. C. Parker's
 line so as to include said lands and returning with lines of Lee
 and Henry Patterson to Muddy Fork Creek; thence up Muddy Fork
 Creek to forks of same; thence up the right-hand fork of said
 creek to the Cleveland and Gaston County line; thence with said
 county line to the beginning: *Provided*, that the boundary line
 herein described may be established by the county board of educa- Proviso: discretion
 tion, Cleveland County, in their discretion. of board of edu-
 cation.

SEC. 2. That this act shall be in force from and after its ratifi-
 cation.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 321.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the city of Goldsboro Corporate limits.
 shall be as follows: Beginning at a stone post at a large pine
 tree, south seventy-one degrees east eighteen hundred and seventy-
 two feet from the southeast corner of the present corporate limits

of the city of Goldsboro, and runs thence north twenty-three degrees east forty-five hundred feet to a stone post on the southern edge of Ash Street extended, two thousand feet eastwardly from the eastern edge of the intersection of Ash and Herman streets; thence north fourteen degrees and thirty minutes east thirty-four hundred and eighteen feet to the center line of the Atlantic and North Carolina Railroad; thence north fourteen degrees and thirty minutes east three hundred and ten feet to a stone post, forty-six hundred feet from the eastern edge of the intersection of Atlantic Avenue and William Street; thence north fifty-eight degrees west ten hundred and fifty-one feet to a stone post on the western edge of the public road leading from Goldsboro to Snow Hill; thence north seventy-three degrees and fifteen minutes west, six hundred feet from and parallel with the center line of the Atlantic and North Carolina Railroad twenty-eight hundred and eighty-five feet to a stone post on the eastern bank of Marsh Branch or Big Ditch; thence northwardly with the bank of said Marsh Branch or Big Ditch to a stone post on the northern edge of Stronach Street as shown on plat of East Goldsboro; thence westwardly with the northern edge of said Stronach Street six hundred and twenty-four feet to a stone post on the eastern edge of William Street extended; thence northwardly with the eastern edge of William Street extended sixteen hundred feet to a stone post; thence north sixty-nine degrees and thirty minutes west with the northern edge of Claudia Avenue as shown on plat of North Goldsboro seven hundred and seventy-six feet to the center line of the old main line of the Atlantic Coast Line Railroad; thence north sixty-nine degrees and thirty minutes west three hundred feet to a stone post; thence southwardly three hundred feet from and parallel with the center line of the old main line of the Atlantic Coast Line Railroad twelve hundred and forty-one feet to a stone post; thence north sixty-seven degrees west eleven hundred and twenty-eight feet to the eastern edge of George Street extended; thence north sixty-seven degrees west and with the northern edge of the public road four hundred and thirteen feet to the center line of the belt line of the Atlantic Coast Line Railroad; thence north sixty-seven degrees west and with the northern edge of said public road fifty feet to a stone post; thence southwardly and parallel with the center line of the belt line of said Atlantic Coast Line Railroad to a stone post on the northern edge of Holly Street extended; thence westwardly with the northern edge of Holly Street extended ten hundred and eighty-four feet to a stone post on the western edge of Whitfield Avenue as shown on plat of the F. K. Borden property; thence south twenty-two degrees west and with the western edge of Whitfield Avenue thirty-two hundred and eighty-four feet to a stone post, fifty feet westwardly from the center line of the Southern Railway; thence south fifty-four degrees

and thirty minutes west and parallel with the center line of said Southern Railway seven hundred and fifty-seven feet to a stone post at a large oak tree on the northern edge of Pine Street extended; thence south twenty-three degrees and thirty minutes west sixteen hundred and ninety-two feet to a stone post on the southern edge of a public road; thence south forty-three degrees east twenty-seven hundred and eighty feet to a stone post, two hundred feet westward from the western edge of George Street extended and nineteen hundred and fifty-four feet from the southern edge of Elm Street; thence south twenty-four degrees west and parallel with George Street extended ten hundred and seventy-four feet to the center line of the belt line of the Atlantic Coast Line Railroad; thence southwardly with the center line of the belt line of the Atlantic Coast Line Railroad three hundred and eighty-six feet to the center of George Street extended; thence south seventy-nine degrees east forty-five hundred and twelve feet to a stone post on the western edge of Slocumb Street extended; thence in a straight line twenty-eight hundred and seventy feet to the beginning.

SEC. 2. That said city be and the same is hereby divided into Wards. four wards, denominated the first, second, third, and fourth wards, and respectively bounded and described as follows:

First Ward.—Beginning at a point in the center of East Center First ward. and West Center streets, where the center of Chestnut Street intersects the same, and runs thence northwardly with the center of said East Center and West Center streets to the corporate limits of said city, as hereinbefore established in this act, then with and along the various courses of the northwestern corporate limits of said city to a point opposite to the center of said Chestnut Street, thence easterly to and with the center of said street to the beginning.

Second Ward.—Beginning at the beginning point of the First Second ward. Ward and runs thence northwardly with the line of the First Ward to the corporate limits of said city, as hereinbefore established in this act, then with and along the various courses of the northeastern corporate limits of said city to a point opposite to the center of said Chestnut Street, on the east, then westerly to and with the center of said street to the beginning.

Third Ward.—Beginning at the center of the intersection of Wil- Third ward. liam Street and Chestnut Street and runs thence southerly with the center of William Street and an extension thereof to the corporate limits of said city, as hereinbefore established in this act; then with and along the various courses of the southwestern corporate limits of said city to a point opposite to the center of said Chestnut Street extended; then easterly to and with the center of said street to the beginning.

Fourth Ward.—Beginning at the beginning point of the Third Fourth ward. Ward, and runs thence southerly with the center of William Street

and the line of the Third Ward to the corporate limits of said city, as hereinbefore established in this act; then with and along the various courses of the southeastern corporate limits of said city to a point opposite to the center of Chestnut Street extended on the east; then westerly to and with the center of said street to the beginning.

Repealing
clause.

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

When act effective.

SEC. 4. That this act shall be in force and effect from and after the twenty-fifth day of April, one thousand nine hundred and fifteen.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 322.

AN ACT TO AUTHORIZE THE TOWN OF WEAVERVILLE IN BUNCOMBE COUNTY TO ISSUE BONDS.

Preamble.

Whereas the town of Weaverville has heretofore installed a water and sewerage system and has purchased a watershed and taken a conveyance therefor, but the purchase money for said watershed has not yet been paid, said purchase money amounting to sixty-five hundred dollars; and whereas said town is further desirous of improving its streets and constructing sidewalks therein: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Bond issue
authorized.
Amount.

Use of proceeds.

Authentication.

Denominations.

Interest.

Special tax.

Collection.

Bond issue subject
to election.

SECTION 1. That said town is hereby authorized to issue its bonds in a sum not exceeding fifteen thousand dollars, sixty-five hundred dollars of which shall be used for the payment of the purchase money for said watershed, the balance to be used and expended to improve the streets and sidewalks of said town. That said bonds shall be coupon bonds issued in the name of said town, signed by its mayor and attested by the clerk and under the corporate seal, and of such denominations and for such time as the board of aldermen may determine, and to bear interest at a rate not exceeding six per cent, payable semiannually, with interest coupons attached, in the usual form.

SEC. 2. That said town shall annually levy and collect a tax upon all such subjects of taxation which are now or hereafter may be subject to taxation under the charter of said town or the general laws of North Carolina, sufficient to pay the interest on said bonds and the principal at maturity, which said taxes shall be collected in the same manner as other taxes.

SEC. 3. That said bonds shall not be issued unless and until the same shall have been approved by a majority of the qualified voters

of the town at an election to be held at the next election to be held in said town for mayor and aldermen, at which said election those voting in favor of said bonds shall cast their ballots in a box to be provided for the purpose, on which ballots shall be written or printed the words "For Bonds"; and those voting against said issue of bonds shall cast their ballots on which shall be written or printed the words "Against Bonds." Said ballots shall be counted by the registrar and judges of election in the same manner as the ballots for mayor and aldermen and the result declared, and said election, the counting of the ballots, and the declaration of the result thereof, shall be held and done as provided by law for such elections of mayor and board of aldermen in said town.

Ballot box.

Ballots.

Count of votes and declaration of result.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 323.

AN ACT TO AMEND CHAPTER 192 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1889, AND CHAPTER 231 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1893, AND CHAPTER 112 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1911.

The General Assembly of North Carolina do enact:

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, and chapter one hundred and twelve of the Private Laws of North Carolina of one thousand nine hundred and eleven, be and the same are hereby amended so that the corporate limits and boundaries of the town of Windsor, Bertie County, North Carolina, be and the same are hereby extended, marked, and designated as follows: Beginning at the culvert at the edge of Cashie River below the old log landing of the Wellington and Powellville Railroad Company and running a straight line to a cedar tree standing on the southeast corner of Cashie Neck road and Gray's lane; thence across the road to the dividing line between W. T. Heckstall and Frank Watson on the southwest side of the Cashie Neck road; thence down said line to Curry Branch; thence up said branch to the Curry Bridge on the Indian Woods road; thence the line of the ditch back of Fletcher Speller's to the Woodville road; thence a straight line in a northerly course to a red oak standing in front of the late George Rice's residence on the west

Laws amended.

Corporate limits.

side of the Colerain road; thence across said road to the dividing line of J. H. White, the old Shepperd line, E. S. Dail line, and A. S. Rascoe line; thence along said White, Shepperd, Dail, and Rascoe lines to the Cashie River; thence along down said river to the new county bridge; thence across by the bridge to the river; thence down said river to the place of 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 8th day of March, A. D. 1915.

CHAPTER 324.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF JAMESVILLE, IN MARTIN COUNTY, BEING AN ACT AMENDING CHAPTER 149 OF THE PRIVATE LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and forty-nine of the Private Laws of one thousand nine hundred and three be and the same is hereby amended by striking out all of said section after the word "following" in line four of said section and inserting in lieu thereof the following: "Beginning on Roanoke River at a point one hundred yards north of Stallings' mill, and running a straight line in a southwest direction to the north side of U. S. Hassell's field at a point where the large ditch just on the west side of said Hassell's yard passes under the fence; thence running south along the said ditch just west of said Hassell's yard to the Jamesville and Williamston road; and thence continuing in a southerly direction along a ditch in the late George M. Burras's field to the Atlantic Coast Line Railroad; and thence, continuing on across the said railroad, four hundred and fifty yards; thence an easterly direction and parallel with said railroad to Maple Branch; thence, continuing the same direction, to the old Jamesville and Washington Railroad to a point four hundred and fifty yards south of the Atlantic Coast Line Railroad; and continuing on a straight line seventy yards; thence a line parallel with the said old Jamesville and Washington Railroad in a northerly direction to the Roanoke River; thence up the Roanoke River to the beginning.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 325.

AN ACT TO AMEND ARTICLE XVII, SECTION 1, OF "AN ACT TO CONSOLIDATE AND AMEND THE CHARTER OF THE CITY OF BURLINGTON," RATIFIED BY THE GENERAL ASSEMBLY ON THE 5TH DAY OF MARCH, 1915. IN REGARD TO HOLDING ELECTIONS IN THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of article seventeen of "An act to consolidate and amend the charter of the city of Burlington," ratified March the fifth, one thousand nine hundred and fifteen, be amended by striking out in line one the following: "on the third day of April, one thousand nine hundred and fifteen." and substituting therefor, "on the twentieth day of April, one thousand nine hundred and fifteen." Date.

SEC. 2. That all acts and parts of acts in conflict herewith are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 326.

AN ACT REQUIRING DEAD BODIES OF ANIMALS TO BE BURIED.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm, or corporation to deposit or cause the deposit of, through its agent or employee, any body of a dead animal in any place unless the same shall be buried to a depth of at least two feet below the surface of the ground. Burial required.

SEC. 2. Any person, firm, or corporation found guilty of the violation of this act shall be fined not exceeding the sum of fifty dollars or imprisoned not exceeding thirty days. Punishment.

SEC. 3. That this act shall apply only to Reidsville Township in Rockingham County. Application of act.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 327.

AN ACT TO CHANGE ROCK HILL HIGH SCHOOL DISTRICT BOUNDARIES IN JONATHAN CREEK TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Rock Hill High School District boundaries in Jonathan Creek Township, Haywood County, or a certain portion of said boundaries, are changed to read as follows: "Beginning in the Coleman Gap line of old school boundary, and running the divide between Iron Duff and Jonathan Creek townships to the top of Hugh Nelson Knob; thence down a ridge, the dividing line between J. R. Boyd and John Harrell, to General Davis's corner; thence with Davis's back line so as to include General Davis's place in Rock Hill School District boundary."

Boundary.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 328.

AN ACT TO ALLOW POLICE PATROL WAGON FOR THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen, or other governing authority of the city of Durham, in their discretion, are hereby authorized and empowered to purchase, provide, keep, and maintain and operate a police patrol wagon or wagons, drawn by horse or horses, or propelled by motor, to be used for the purpose of carrying to the station-house or guardhouse, or to the county jail of Durham County, persons charged with crime and under arrest for violation of the ordinances of the city of Durham or the laws of the State.

Purchase and maintenance authorized.

Use.

Fee for conveyance taxed as costs.

SEC. 2. That when a defendant has been so transported as provided in section one of this act, and has been convicted or has pleaded guilty, that there may be charged and taxed in the bill of cost, for conveying said defendant to the city station-house or guardhouse or to the county jail in the public patrol wagon, a fee of not exceeding fifty cents, to be taxed as a necessary expense, collected as other cost, and said fee so taxed and collected shall be paid by the clerk of the court taxing and collecting the same to the

treasurer of the city of Durham, to be applied under the direction of the board of aldermen or other governing authority of said city for necessary expense of said patrol wagon. Application of fee.

SEC. 3. That this act shall apply only to the county of Durham. Application of act.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 329.

AN ACT TO AMEND CHAPTER 189 OF THE PRIVATE LAWS OF 1889, CHAPTER 177, PRIVATE LAWS OF 1905, AND CHAPTER 376 OF THE PUBLIC-LOCAL LAWS OF 1913, RELATIVE TO THE CHARTER OF THE TOWN OF CLYDE IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That sections seven and eight of the aforesaid chapter one hundred and eighty-nine, Private Laws of one thousand eight hundred and eighty-nine, be and the same are hereby repealed. Punishments under ordinance and prohibition.

SEC. 2. That section sixteen of chapter one hundred and seventy-seven, Private Laws of one thousand nine hundred and five, be amended by striking out all of said section after the period following the word "nuisance" at the end of line number five. Failure to abate nuisance.

SEC. 3. That section seventeen of chapter one hundred and seventy-seven of Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding at the end of said section, after the period following the word "law," the following: "And all lawful police officers shall have authority to make arrests without a warrant for any and all violations of law, and for any and all violations of the town ordinances committed in their presence or view." Arrests without warrant.

SEC. 4. That section eighteen of chapter one hundred and seventy-seven, Private Laws of one thousand nine hundred and five, be and the same is hereby repealed and the following inserted in lieu thereof: "That said board of aldermen shall have power and authority to pass ordinances and make all necessary regulations and take all other proper measures to preserve the peace and good order of said town. They shall also have power and authority to execute and enforce all laws and ordinances for that purpose and to impose fines for the violation of law. They are hereby authorized and empowered to sue for, collect, and appropriate to the exclusive use of the said town all penalties and forfeitures recovered in such suits for the breach of all violations of any town ordi- Ordinances for peace and good order.
Fines.
Recovery of penalties and forfeits.

Town clerk.

nances and regulations of said town; to appoint a town clerk for the said town, and to prescribe his duties and compensation."

Suits for forfeits.

SEC. 5. That section fifteen of chapter three hundred and seventy-six of the Public-Local Laws of one thousand nine hundred and thirteen be repealed and the following inserted in lieu thereof: "That all penalties and forfeitures for violations of ordinances and regulations of the town of Clyde as hereinabove in this act provided, recovered by suit in the name of the town of Clyde, shall belong to, and upon collection shall be paid by said police court to, the treasurer of the town of Clyde for the sole use and benefit of the said town, and all judgments for the same shall belong to the town of Clyde, and may be collected in the same manner as other judgments for the collection of moneys; said judgment may be docketed in the Superior Court of Haywood County in the same manner as is by law provided for docketing judgments, and when so docketed shall be constituted a lien in the same manner and to the same extent as other judgments when so docketed."

Payment to use of town.

Judgment docketed.

SEC. 6. That all laws and parts of laws in conflict with this act or any provisions of this act be and the same are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 330.

AN ACT TO ALLOW THE COMMISSIONERS OF THE TOWN OF CLINTON TO ISSUE BONDS TO COMPLETE THE SEWERAGE SYSTEM.

Preamble.

Whereas the town of Clinton, under legislative authority already had and obtained, has begun the installation of water-works and a sewerage system; and whereas the proceeds from the sale of bonds authorized have proved insufficient to complete said water-works and sewerage system; and whereas it is now desirable to fund the indebtedness already incurred in completing said water-works and also provide a fund sufficient to install the system of sewers in the town of Clinton: Now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount.

SECTION 1. That the commissioners of the town of Clinton be and they are hereby authorized to issue bonds in an amount not exceeding thirty thousand dollars, par value, for the purposes mentioned in the preamble of this act.

Denominations.

SEC. 2. That the bonds authorized by this act shall be negotiable coupon bonds and in denominations of not less than five hundred dollars nor more than one thousand dollars, bearing interest from

Interest.

- date of bonds at a rate of not to exceed six per cent per annum, payable semiannually 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 of the town of Clinton and named therein, not to be less than five years nor more than thirty years from date thereof: *Provided, however,* that the said commissioners of the town of Clinton 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 and countersigned by the clerk of said town of Clinton and the corporate seal of said town affixed thereto; and the coupons thereto attached shall bear facsimile signature of the mayor 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 town, and such other data in relation to the same as the commissioners of said town 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.
- Sec. 3. That the said bonds shall be sold at public auction or at private sale, as the commissioners of said town may determine, for not less than their par value and accrued interest; and the proceeds of said bonds, including any premium received upon the sale thereof, shall be only applied to the floating indebtedness of the said town of Clinton contracted for completing the water-works and for installing a sewerage system in said town; and the purchaser of said bonds shall not be bound to see to the application of the purchase money thereof to said purpose.
- Sec. 4. That the treasurer of said town 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 that contemplated in the next preceding section.
- Sec. 5. That the resolution of the commissioners of said town 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 commissioners, which meeting may be either a regular or special meeting, by a majority vote of all the commissioners present at said meeting. No other 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 legal, valid, and binding obligations of the said town.

Maturity.

Proviso: classification.

Authentication.

Record of bonds.

Payment in gold coin.

Sale of bonds.

Sale below par forbidden. Specific appropriation.

No duty on purchaser.

Proceeds kept separate.

Diversion of fund forbidden.

Resolution ordering bond issue.

Special tax.

SEC. 6. That the commissioners of the town of Clinton may levy and collect, in addition to all other taxes in said town, a tax upon all taxable property and polls of said town 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 town 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 time as other taxes upon the property and polls of said town.

Levy of tax.

Tax ad valorem.
Constitutional
equation.Proceedings
authorized.

SEC. 7. That any and all proceedings of the said commissioners of the said town in advertising for proposals to purchase said issue of bonds, and in accepting the highest bid therefor, be and they are hereby duly authorized.

SEC. 8. That this act shall be in force from and after its ratification; and all laws or parts of laws inconsistent or in conflict with the same are hereby repealed, so far as the same are inconsistent or in conflict therewith.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 331.

AN ACT TO EMPOWER THE BOARD OF ALDERMEN OR OTHER GOVERNING AUTHORITY OF THE CITY OF DURHAM TO CALL AN ELECTION FOR THE PURPOSE OF VOTING BONDS FOR STREET AND SIDEWALK IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bond issue
authorized.
Amount.
Denominations.
Interest.

SECTION 1. That the city of Durham be and it is hereby authorized 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 dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per centum per annum and payable semiannually until the said bonds are paid; that the said bonds shall be payable to bearer at a time to be fixed by the board of aldermen or other governing authority of said city and named therein, not to be less than five nor more than thirty years from the date thereof: *Provided, however,* that the said board of aldermen or other governing authority of the city of Durham may divide said bonds into classes as they may determine best, and have them mature at different convenient dates

Maturity.
Proviso: classifi-
cation.

<p>between the limits aforesaid. The 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 or other governing authority of said city, and have the corporate seal of said city affixed thereto; and the coupons thereto attached shall bear the facsimile signature of the mayor of the said city engraved or lithographed thereon; that a record shall be kept</p>	Authentication.
<p>of the said bonds showing the numbers and denominations thereof and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of the 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 or other governing authority may direct to be kept, and the bonds</p>	Record.
<p>hereby authorized to be issued shall not be sold for less than their face value, and when sold the proceeds from the sale of said bonds shall be used for the construction of streets and sidewalks and for the repair of the same; and not more than one hundred and fifty thousand dollars shall be spent in the fire district, and the balance shall be spent in the residential section or outside the fire district; and for sidewalks there shall be expended at least twenty-five thousand dollars out of the fund herein provided; and in no year shall there be expended more than one hundred thousand dollars for street improvement out of the funds herein provided.</p>	Sale below par forbidden.
<p>SEC. 2. That the mayor of said 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 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 may be otherwise provided by the laws relating to the treasurer of said city of Durham; and it shall be the duty of the board of aldermen or other governing authority of said 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.</p>	Appointment.
<p>SEC. 3. That said bonds shall be known as "Street and Sidewalk Bonds," and the moneys received from the sale of any of the said bonds above provided for shall be used for no other purpose than that for which they were authorized to be used.</p>	Sidewalks.
<p>SEC. 4. That the provisions of this act shall be submitted to the qualified voters of 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 the said board of aldermen or other governing authority of said city within two years from the ratification of this act; that the said board of aldermen or other governing authority of said city shall cause the notice of said election and purpose of the same</p>	Limit of annual expenditure.
<p>SEC. 5. That the provisions of this act shall be submitted to the qualified voters of 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 the said board of aldermen or other governing authority of said city within two years from the ratification of this act; that the said board of aldermen or other governing authority of said city shall cause the notice of said election and purpose of the same</p>	Payment to be made before delivery.
<p>SEC. 6. That the provisions of this act shall be submitted to the qualified voters of 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 the said board of aldermen or other governing authority of said city within two years from the ratification of this act; that the said board of aldermen or other governing authority of said city shall cause the notice of said election and purpose of the same</p>	Treasurer to receive proceeds.
<p>SEC. 7. That the provisions of this act shall be submitted to the qualified voters of 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 the said board of aldermen or other governing authority of said city within two years from the ratification of this act; that the said board of aldermen or other governing authority of said city shall cause the notice of said election and purpose of the same</p>	Liability on bonds.
<p>SEC. 8. That the provisions of this act shall be submitted to the qualified voters of 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 the said board of aldermen or other governing authority of said city within two years from the ratification of this act; that the said board of aldermen or other governing authority of said city shall cause the notice of said election and purpose of the same</p>	Official bonds.
<p>SEC. 9. That the provisions of this act shall be submitted to the qualified voters of 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 the said board of aldermen or other governing authority of said city within two years from the ratification of this act; that the said board of aldermen or other governing authority of said city shall cause the notice of said election and purpose of the same</p>	Entitlement of bonds. Specific appropriation.
<p>SEC. 10. That the provisions of this act shall be submitted to the qualified voters of 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 the said board of aldermen or other governing authority of said city within two years from the ratification of this act; that the said board of aldermen or other governing authority of said city shall cause the notice of said election and purpose of the same</p>	Election on ratification of act.
<p>SEC. 11. That the provisions of this act shall be submitted to the qualified voters of 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 the said board of aldermen or other governing authority of said city within two years from the ratification of this act; that the said board of aldermen or other governing authority of said city shall cause the notice of said election and purpose of the same</p>	Notice of election.

Election officers.	to be published in some newspaper for thirty days before said election shall be held under the supervision of inspectors and pollholders or judges of election appointed by said board of aldermen or other governing authority of said city, 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 or other governing authority of said city and result declared. At the said election those who are in favor of issuing said bonds shall vote "For Street and Sidewalk Bonds" and those who are opposed shall vote "No Street and Sidewalk Bonds" on a written or printed ballot, and the number of ballots cast for and against the said bonds 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 or other governing authority of said city, and the same when canvassed and declared as aforesaid shall be certified under the hands of the mayor of said city and the said clerk of the said board of aldermen or other governing authority and the corporate seal of the said city of Durham to the Secretary of State, which 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 said city of Durham shall not vote "For Street and Sidewalk Bonds," then this act shall be thereafter of no force and effect; but if at said election the ballots cast "For Street and Sidewalk Bonds" shall be a majority of the ballots cast by the qualified voters of said city of Durham, the said board of aldermen or other governing authority of said city shall proceed to issue and sell said bonds or so many thereof as may be necessary for the purposes aforesaid. That the board of aldermen or other governing authority of the city of Durham may order and cause to be had a new registration for said election.
Returns.	
Canvass of returns.	
Ballots.	
Ballots.	
Count and return.	
Certificate to secretary of state.	
Effect of election.	
New registration.	
Special taxes.	<p>SEC. 5. That the board of aldermen or other governing authority of the city of Durham is hereby authorized to levy and collect each year, in addition to all other taxes levied and collected in said city, an <i>ad valorem</i> tax upon all the taxable property in said city sufficient to pay the interest on said coupon bonds authorized by this act, as the same becomes due; and also, at or before the time when the principal of said bonds becomes due, a further uniform <i>ad valorem</i> tax upon all taxable property in said city sufficient to provide the sinking fund for and to pay off and discharge the same at maturity; such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected on property in said city; and the money paid into the city treasury received from the taxes levied under this act shall be appropriated for payment of said bonds and coupons, and for no other purpose whatsoever: <i>Provided</i>, all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall</p>
Levy and collection.	
Specific appropriation.	
Proviso: surplus to general fund.	

have been redeemed may then be transferred by order of the governing authority of the city of Durham to the general fund of the city of Durham. It shall be the duty of the said 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 or other governing authority of the city of Durham the numbers and amounts of the coupons so canceled.

Cancellation and report of coupons.

SEC. 6. That the board of aldermen or other governing authority 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 such revenue as may be 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 or other governing authority 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 said trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund, in safe securities or upon real estate situated in the city of Durham: *Provided, however*, that no such investment or loan be made without the consent and approval of the board of aldermen or other governing authority.

Trustee for sinking fund.

Duty of trustee.

Investment of sinking fund.

Proviso: approval of investment.

SEC. 7. That all laws or parts of laws inconsistent herewith be and the same are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 332.

AN ACT TO AMEND CHAPTER 204 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1903, RELATIVE TO HOLDING ELECTIONS IN THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight of chapter two hundred and four, Private Laws of one thousand nine hundred and three, be stricken out and that the following be substituted therefor: "The election for mayor and the board of aldermen of the city of Burlington shall be held on the Tuesday after the first Monday in June, one thousand nine hundred and fifteen, and biennially thereafter."

Date of election.

SEC. 2. That the mayor and board of aldermen holding office at the time of the ratification of this act shall continue in office until their successors are elected and qualified.

Present officers.

SEC. 3. That nothing herein contained shall be construed as repealing any part of an act to consolidate and amend the charter of

Construction of act.

the city of Burlington, ratified by the General Assembly on the fifth day of March, one thousand nine hundred and fifteen.

SEC. 4. That all acts and parts of acts in conflict herewith are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 333.

AN ACT TO CHANGE THE BOUNDARY LINE OF SPRING SCHOOL DISTRICT IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and sixty-three of the Public Laws of nineteen hundred and three be changed by striking out in section one all that part from the phrase "as follows" in line three to the word "near" in line seven, and inserting instead the following: "Beginning on the west side of Haw River on the line between G. W. Stockard and J. C. Thompson, running west, including the farm of G. W. Stockard, to Mary's Creek."

New line.

SEC. 2. That all laws and parts 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 8th day of March, A. D. 1915.

CHAPTER 334.

AN ACT TO AMEND CHAPTER 256 OF THE PRIVATE LAWS OF 1909, RELATING TO MARSHVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter two hundred and fifty-six of the Private Laws of one thousand nine hundred and nine be and the same is hereby repealed, and in lieu thereof the following is inserted:

"SEC. 5. That at its regular meeting for that purpose on the second Monday in July, one thousand nine hundred and fifteen, the county board of education of Union County, North Carolina, shall appoint five school committeemen for said school, who shall perform the duties imposed on the trustees provided for in this act. Said committeemen shall be subject to the same rules and regula-

Appointment of school committee.

Committeemen subject to general law.

tions, shall hold the same terms of office, and shall have their successors chosen as is provided in the general public school laws of this State.”

SEC. 2. That section seven of chapter two hundred and fifty-six of the Private Laws of one thousand nine hundred and nine be and the same is hereby repealed, and in lieu thereof the following is inserted:

“SEC. 7. It shall be the duty of said committeemen to maintain a public school for the children of school age in said district, to employ and fix the compensation of teachers for said school, and exercise all powers that may be lawful for the successful operation of said school. They may elect a principal and teachers for said school, who shall be regulated by the general public school law, and shall make reports as required by the laws regulating public schools and high schools.”

School to be maintained. Employment and pay of teachers.

Principal and teachers.

Reports.

SEC. 3. That nothing in this act shall in any wise affect the validity of bonds heretofore issued under chapter two hundred and fifty-six, Private Laws of one thousand nine hundred and nine.

Validity of bonds not affected.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 335.

AN ACT TO AUTHORIZE THE TOWN OF LAGRANGE TO ISSUE BONDS FOR PUBLIC IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the town council of the town of LaGrange is hereby authorized to issue coupon bonds of the said town in an amount not exceeding seventy-five thousand dollars, in such denominations as may be fixed by the town council, in order to provide funds with which to pave and generally improve the streets of said town, with which to install, enlarge, and extend the waterworks and sewerage system of said town, with which to install and equip an electric light plant for said town, with which to erect municipal buildings for the said town, and with which to generally improve in other and additional ways as to the town council may seem proper.

Bond issue authorized. Amount. Denominations. Purposes.

SEC. 2. That the town council may divide said bonds into classes and have them mature at different and convenient dates to be fixed by the town council; but none of said bonds shall mature later than the first day of January, one thousand nine hundred and fifty-five.

Classification of bonds. Limit of term.

- Authentication. The said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the town of LaGrange and countersigned by the clerk of said town, and shall have the corporate seal of said town affixed thereto; and the coupons thereto attached shall bear the lithographic facsimiles of the signatures of the said mayor and the said clerk.
- Sale below par forbidden.
Interest.
Record of bonds. SEC. 3. That the bonds hereby authorized to be issued shall not be sold below par and shall bear the lowest rate of interest obtainable, not exceeding five per centum per annum; that records shall be kept of said bonds, showing the numbers and denominations thereof, to whom sold, the dates of issuing thereof, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of said bonds and the date of paying the proceeds into the town treasury, and such other dates and data in relation to the same as the town council may direct to be kept.
- Proceeds held as special fund. SEC. 4. That the moneys derived from the sale of the said bonds shall be paid to and received by the treasurer of the town of LaGrange and shall be held by him as a special fund of said town until expended for the purposes and as mentioned in section one of this act. No part of the said money shall be disbursed except as ordered by the town council, and the treasurer of said town shall give and maintain a bond for the faithful accounting for all of said money which may be paid into his hands, which bond shall be approved by the town council, and if approved shall be paid for from the funds realized from the sale of said bonds.
- Orders for disbursements.
Bond of treasurer. SEC. 5. That the mayor and town council shall have the right, power, and authority to assess not exceeding two-thirds of the cost of the grading, paving, and otherwise improving the sidewalks of said town, including the necessary and proper curbing for the same, on real estate abutting on said streets and on the side of the street on which the sidewalk shall be so improved, and each lot shall be charged with its ratable proportion of said assessment according to its frontage.
- Premium on bond. SEC. 6. That the mayor and town council shall have the right, power, and authority to assess not exceeding one-third of the cost of the grading, paving, macadamizing, constructing side drains, cross drains, and all other necessary drains and crosses, or of 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 said assessment according to its frontage.
- Assessment for sidewalks. SEC. 7. That the amount of the assessment of such street improvement and for sidewalks as authorized by this act, on each piece of real estate or lot, shall be a lien on such real estate or lot, and the amount of said lien and of said assessment against all property abutting on any street or streets so improved, as aforesaid, shall become due as follows, to wit: in three equal installments, payable three, six, and nine months from the date of assessment.
- Assessments for street improvements. Lien of assessments. Assessment payable in installments.

SEC. 8. That the right, power, and authority for assessing property as in this act provided for street improvements shall extend to and include all of the streets of the town of LaGrange; and in addition to the rights, powers, and authority herein expressly given, in order to more effectually carry out said powers and authority, the said town of LaGrange is hereby vested with all of the powers and authority delegated to it by its charter and by all existing laws. The procedure in assessing the real estate as herein provided and carrying the powers and authority hereinbefore mentioned into effect shall be in accordance with chapter three hundred and thirty-eight of the Private Laws of one thousand nine hundred and five of North Carolina.

Extent of power.

Powers under charter and existing laws.

Procedure for assessment.

SEC. 9. That the bonds as hereinbefore mentioned, or any of them, shall not be issued until their issuance shall be approved and the town council shall be authorized to issue them by a vote of the majority of the qualified voters of the town of LaGrange at an election to be held at such time as the town council shall appoint, of which a notice shall be given for thirty days by public advertising in some newspaper published in the town of LaGrange, if there be one; otherwise by posting said notice at three places in said town. At such election the electors favoring the issuance of said bonds, and favoring the levy and collection of taxes sufficient to pay the interest on said bonds, and to create a sufficient sinking fund to retire the said bonds at maturity, should the town council elect to so retire them, shall vote a ballot on which shall be written or printed the words "For Bonds," and the electors opposing the issuance of said bonds and the levy and collection of said taxes shall vote a ballot on which shall be written or printed the words "Against Bonds."

Bond issue subject to election.

Notice of election.

Ballots.

SEC. 10. That the registration books for said election shall be opened and closed as provided in section two thousand nine hundred and fifty-two of the Revisal of one thousand nine hundred and five of North Carolina, and the said election shall be held under the same rules and regulations, not inconsistent with the provisions of this act, as are prescribed for town and city elections by chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, and the voting place at said election for all of the electors of the town of LaGrange shall be at the usual voting place in said town; and at the time that the town council shall call the election herein provided for they shall do and perform any and all things necessary and proper for holding said election.

Registration.

Law governing election.

Polling places.

SEC. 11. That if said bonds shall be issued as herein provided for, there shall be annually levied and collected, in the same manner as other town taxes are levied and collected, a tax sufficient to pay the interest or coupons on said bonds, and there may be also levied and collected in the same manner a tax sufficient to create a sinking fund sufficient for the retirement of said bonds at maturity, or the

Special taxes.

Constitutional
equation.

Investment of
sinking fund.

Trustee.

Trustee allowed
compensation.
Approval of
investment.

retirement of said bonds may be otherwise provided for. The proportion of said taxes as between property and polls shall be as required by the Constitution of North Carolina. If the sinking fund shall be created as herein provided for, the town council may provide for the handling and investment thereof in any manner and upon any security to be approved by them; and in the event a trustee shall be by the town council appointed for the purpose of handling or investing said funds, should the funds be created as herein provided, said trustee shall be allowed such compensation as the town council may order, but in any event the investment of said funds or any loan made from said funds shall be approved by the town council.

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 and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 336.

AN ACT TO INCORPORATE SOUTHERN NORMAL COLLEGE.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That William W. Hastings, John E. Kent, Lorne A. Summers, Carl H. Goodwin of Battle Creek, Michigan; Fred B. Barnes of South Bend, Indiana; Wilfred E. Cann of Elizabeth, New Jersey; Elmer Berry of Springfield, Massachusetts; and Henry B. Stevens of Asheville, North Carolina, and their associates and successors, be and they are hereby created a body politic and corporate under the name and style of Southern Normal College, in the county of Madison in the town of Hot Springs, State of North Carolina, for the education and training of white teachers, who shall be prepared to give instruction in the graded schools, high schools, colleges, and universities of the several States of the United States; and to educate and train nurses, teachers of domestic science, and directors of physical education and of playgrounds; and as such they and their successors shall have all the corporate powers, rights, and immunities of trustees of similar colleges in North Carolina or elsewhere. The trustees may plead and be impleaded, sue and be sued, and acquire and hold such real and personal property as may be necessary and suitable to maintain said college.

Incorporation.

Corporate name.

Object of incorporation.

Corporate powers.

Rights and
powers.

Special lines of
instruction.

SEC. 2. That the said trustees shall be entitled to all the rights and privileges conferred upon colleges of like character, and especially the right and power to establish a normal school of physical education, a nurses' school, and a school of domestic science, as departments of this college.

SEC. 3. That all vacancies occurring in said board of trustees, from whatever cause, shall be filled by appointment of the remaining members thereof.

Vacancies in board.

SEC. 4. That the trustees shall have power to appoint a president and such professors, instructors, and tutors for said college as they shall deem proper. Said president, instructors, and tutors shall constitute the faculty of said college, and by and with the consent of the trustees shall have power to confer all such degrees as are usually conferred in colleges and universities, and in addition thereto the degree of bachelor of hygiene (B. Hyg.), master of hygiene (M. Hyg.), bachelor of physical education (B. P. E.), and master of physical education (M. P. E.).

President, professors, instructors, and tutors.

Faculty.

Degrees.

Special degrees.

SEC. 5. The principal office shall be in the town of Hot Springs, North Carolina, but auxiliary schools and preparatory departments may be carried on at such places as the trustees may choose.

Principal office.

Auxiliary and preparatory schools.

SEC. 6. The corporators herein named, or any five of them, may call a meeting at such times as they may agree upon, in the town of Hot Springs, North Carolina, for the purpose of completing the organization of said Southern Normal College.

Meeting for organization.

SEC. 7. That the said trustees shall have power to adopt such by-laws, rules and regulations for the government of said college as they may deem proper, not inconsistent with the laws of North Carolina. Not less than five trustees shall constitute a quorum for the transaction of business.

By-laws, rules, and regulations.

Quorum.

SEC. 8. That the grounds and other property which may be acquired by said college in North Carolina shall not be exempted from taxation, but shall pay taxes as any other citizen or private corporation.

No exemption from taxation.

SEC. 9. That the said trustees shall not be individually liable for the debts or torts of the said Southern Normal College.

Trustees not individually liable.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 337.

AN ACT TO ANNEX SUGAR CREEK DISTRICT TO DEMOCRAT SPECIAL-TAX DISTRICT IN IVY TOWNSHIP IN THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

SECTION 1. That Sugar Creek District be and the same is hereby annexed to Democrat Tax District in Ivy Township in the county of Buncombe and the State of North Carolina, and embracing contiguous territory to Democrat Special-tax District, with the

Annexation.

- Boundary. following metes and bounds: Beginning at the intersection of the Democrat and Barnardsville District lines, and with the mountain that divides Paint Fork and Sugar Creek to the top of the Frosty Mountain, and with the meanders of said mountain to the Gentry Mountain; thence to the Democrat District line, and with said district line to the beginning; including the upper portion of Sugar Creek, and known as Sugar Creek District, Ivy Township.
- Special school tax. SEC. 2. That there shall be levied and collected in said Sugar Creek District, annexed to Democrat Special-tax District in Ivy Township in the county of Buncombe, a special school tax under the same rules and regulations and conditions as are now provided for in the general school law for the levy and collection of taxes in special-tax districts; the sum of thirty cents on the hundred dollars valuation of property and ninety cents on the poll in said annexed district mentioned in section one of this act; and all funds collected by the tax collector of Buncombe County in said annexed special-tax district shall be appropriated to the maintenance of a public school in said Democrat Special-tax District, in the same manner as if said special school tax had been voted by popular vote as under the general law provided.
- Rate.
- Maintenance of school.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 338.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BLACK MOUNTAIN, BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

- SECTION 1. That section three of chapter three hundred and sixty-five of the Private Laws of North Carolina, session of one thousand nine hundred and thirteen, entitled "An act to revise the charter of the town of Black Mountain," be amended by striking out the word "three" after the word "and" and before the word "aldermen" in the third line of said section, and by inserting in lieu thereof the word "five."
- Number of aldermen.
- Ad valorem tax. SEC. 2. That subsection one of section twenty-seven of said act be amended by striking out the words "one dollar" in the last line of said subsection and by inserting in lieu thereof the words "one dollar and fifty cents."
- License tax. SEC. 3. That subsection nine of section twenty-seven of said act be amended by striking out the word "five" after the word "exceed" and before the word "dollars" in the last line of said subsection, and by inserting in lieu thereof the words "one hundred."

SEC. 4. That sections twenty-nine, thirty, thirty-one, thirty-two, and thirty-three of said act be and the same are hereby repealed.

Powers of aldermen as to streets and street improvement.
Powers as to streets and assessments for improvements.

SEC. 5. That sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, of chapter ninety-five of the Private Laws of North Carolina, session of one thousand nine hundred and nine, entitled "An act to amend the statutes that constitute the charter of the town of Black Mountain, Buncombe County, North Carolina," shall be and remain in full force and effect as a part of the charter of the said town, and the same are hereby reenacted.

SEC. 6. For the purposes of municipal taxation all real and personal property subject to taxation under levy to be made by the board of aldermen of the town of Black Mountain shall be listed and assessed by tax assessors appointed, and the valuation thereof shall be equalized by a board of equalization constituted, as hereinafter set out, and in the manner following:

Property listed and assessed.

Valuations equalized.

First. The board of aldermen of the town of Black Mountain shall, at the first regular meeting of such board held in the month of April, one thousand nine hundred and fifteen, and every fourth year thereafter, appoint three discreet freeholders, each of whom shall have been a resident freeholder in said town for a period of not less than twelve months, who shall constitute the board of tax assessors for said town, and shall in like manner as is now or may hereafter be provided by the general or public laws of North Carolina for listing and assessing real and personal property by county assessors and township and assistant assessors, for all purposes of municipal taxation by said town of Black Mountain, list and assess, at its true value in money, the real and personal property in said town, without reference to the valuation placed thereon by the county assessors and township or assistant assessors; and such municipal board of tax assessors, in listing and assessing such property for the purposes of municipal taxation as aforesaid, shall possess and exercise every power now or hereafter conferred upon county assessors and township or assistant assessors, in listing and assessing property for the purposes of State and county taxation.

Appointment of tax assessors.

Assessors to list and value property.

Powers of assessors.

Second. The board of aldermen of the town of Black Mountain, together with such one of the tax assessors as shall have been selected as chairman, shall constitute the board of equalization for the same, and shall, in like manner as is now or may be hereafter provided by law for the equalization of the valuation placed upon real and personal property by county assessors and township or assistant assessors, equalize the valuation placed upon the real and personal property in said town by such municipal tax assessors; and such municipal board of equalization, in the equalization of the valuation of such real and personal property as aforesaid, shall possess and exercise every power now or hereafter conferred by law upon county boards of equalization in the equalization of the

Board of equalization.

Powers of board.

valuation placed upon property by the county assessors and township or assistant assessors for the purposes of State and county taxation.

Tax assessor.

Third. The board of aldermen of the town of Black Mountain shall, at the first regular meeting of such board held in April of each year, except in those years in which there shall be a general assessment of property, appoint one discreet freeholder who shall have been a resident freeholder of said town for not less than twelve months, who shall be known as tax assessor, and who shall list and assess all the real and personal property in said town for the purposes of municipal taxation by said town, and, in like manner as is now or may hereafter be provided by law for listing property by township or assistant assessors, list the land in said town at the valuation previously assessed on the same, and also all personal property therein; and such municipal tax assessor, in listing such property for the purposes of municipal taxation as aforesaid, shall possess and exercise every power as is now or may hereafter be conferred by law upon township or assistant assessors in listing and assessing property for the purposes of State and county taxation.

Listing and assessment of personal property.

Powers of assessors.

Revision and correction of lists.

Fourth. The board of aldermen of the town of Black Mountain shall in every year in which there shall be no general assessment of property, and in like manner as is now or may hereafter be provided by law for the revision and correction of the county tax lists and the valuation returned to them by the township assessors appointed to list property for the purposes of State and county taxation, revise and correct the municipal tax lists returned to such board of aldermen by the municipal tax assessors appointed to list the property in said town for the purposes of municipal taxation; and said board of aldermen in the revision and correction of the municipal tax lists as aforesaid, and in the performance of every other act necessary or expedient to be done in carrying out the intent of this section to confer upon said board of aldermen of said town all necessary powers in the listing and assessment of property for the purposes of municipal taxation, shall possess and exercise in like manner all kindred powers as are now or may hereafter be conferred by law upon boards of county commissioners.

Powers of board.

Expense of listing and assessment.

Fifth. That all expenses incident to the listing and assessment of property for the purposes of municipal taxation as aforesaid shall be borne by the said town of Black Mountain.

SEC. 7. That all acts or parts of acts in conflict with this act are repealed.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 339.

AN ACT TO GRANT A NEW CHARTER TO THE TOWN OF
LAGRANGE, LENOIR COUNTY, NORTH CAROLINA, RE-
PEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT
HEREWITH.

The General Assembly of North Carolina do enact:

SECTION 1. *Corporate Name.*—That all the inhabitants of the Corporation.
town of LaGrange, Lenoir County, North Carolina, as the bounda-
ries and limits of said town are herein established, or may here-
after be established, shall continue to be a body politic, incorpo-
rated under and to be known by the name and style of the "Town Corporate name.
of LaGrange," with such powers, rights, and duties as are herein
provided.

SEC. 2. *Boundaries.*—That the boundaries and limits of said cor- Corporate limits.
poration shall be as follows: Beginning at center of the Atlantic
and North Carolina Railroad Company's track, now used by the
Norfolk Southern Railroad Company, lessee, where Forbes Street
crosses said railroad track, and runs as follows: S. 25½ W. 8
chains to a stake, then S. 13 W. 12 chains to a stake on the south
side of Boundary Street; then S. 36 E. 26.8 chains to a cedar tree;
then S. 31 E. 32.8 chains to a stake; then S. 86 E. 13 chains to a
stake; then N. 62 E. 30.28 chains to a stake; then N. 38½ E. 15.59
chains to center of the Atlantic and North Carolina Railroad Com-
pany's track, now used by the Norfolk Southern Railroad Com-
pany, lessee, west of the culvert; then N. 28½ E. 20 chains to a
stake; then N. 42 W. 34.60 chains to a stake in Caswell Street;
then N. 60½ W. 26 chains to a stake; then west 29.54 chains to
Forbes Street; then S. 29 W. 15.10 chains to the beginning.

SEC. 3. *Platting of Property.*—That should any property lying Plats to conform
within the town limits as established by this act be hereafter platted to street.
into blocks and lots, then and in that event the owners of said
property shall plat and lay off the same to conform to the streets
and lots abutting on same, and shall file with the town engineer Map.
a correct map of same: *Provided,* that in no case shall the town Proviso: streets
of LaGrange be required to pay for any of said streets at whatever property of town.
date opened, but when opened by reason of the platting of said
property, at whatever date platted, they shall become by such act
the property of the town of LaGrange for use as public highways
and shall be cared for as such.

SEC. 4. *Corporate Powers.*—The town of LaGrange, made a body Corporation powers.
politic and corporate by this act, shall have perpetual succession.
may use a common seal, may sue and be sued, and may contract
and be contracted with, may 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 or personal property owned by it; perform and render all public services when 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 town council 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 and enjoyed by said town and those herein granted and conferred. When any land or right of way shall be required for the purpose of opening new streets, or for extending or adding to any street already open, or for widening the same, or for the purpose of adding to the present town cemetery or extending the same, or for making a new town cemetery, or for any other public use allowed by this charter, and the parties owning the same, either for want of capacity in said parties to agree, on account of nonage, or any other reason, fail to agree as to the compensation for the same, and the same cannot be purchased from the owner or owners by agreement, the said town of LaGrange is hereby given the right, if it shall so desire, to condemn the said land for said purpose or purposes, by suit in Lenoir County Superior Court, in which suit, in the complaint, the purposes for which said land is desired to be condemned shall be set forth, may proceed to condemn the same and have the compensation therefor to be paid to the owners assessed by a jury, and when said city shall have paid said compensation into court, or to said owners thereof, title thereto shall be full and complete for the purposes for which the same is sought to be condemned, and said suit shall be conducted as any other suit in said court; but if the summons is duly served on all the parties interested, either by publication or personal service, and said service completed, and the complaint filed ten days before the beginning of said term, then and in that event said action shall be returnable and triable at the return term named in the summons therein, and said case shall take precedence over all other cases on said docket, and either party may appeal from the judgment as in any other case. In addition to the right to condemn by suit, as above given, the said town shall have the right, at its election, to condemn any land that it may desire for any of the purposes mentioned in this charter, by passing an ordinance duly condemning the same, and laying the same out; and if the parties owning said land, or any of them, and the town council cannot agree upon a compensation therefor, then they may select three freeholders resident in said town, one to be selected by the town council, one to be chosen by the property owner or owners, and the two so chosen shall choose the third person, and said three persons when so chosen shall pro-

Power to condemn land.

Suit for condemnation.

Action triable at return term.

Precedence of trial.

Right of appeal.

Condemnation by ordinance.

Assessment by arbitration.

ceed to assess the compensation therefor to be paid by the said town, on the condemnation thereof, and they shall report their award to the said town council, and to the owner or owners of said property, and if any party be dissatisfied with such award, then in that case either party may appeal to the Superior Court of Lenoir County, but such appeal shall not hinder or delay the town council in putting said land to the use desired, and that such appeal when so docketed shall stand for trial on the first day of the next civil term of court, and shall take precedence over all other cases. The methods of condemnation herein given shall not conflict with each other, and the town is given full right to pursue any method it may desire, and the institution of a suit for the condemnation hereunder for any purpose allowed by this charter shall be an election to pursue such method. Whenever the method of condemnation by assessing the damages therefor by arbitration shall be pursued, when the award shall be reported to the town council, and the compensation allowed in said award, or, on appeal from the same, by judgment of any court, shall be paid, then the title to the land shall pass to and be vested in the town of LaGrange for the purposes for which it is condemned, as fully as if a judgment had been obtained therefor by suit in the Superior Court in the first instance.

Right of appeal.

Precedence of trial on appeal.
Method elective.

Title vested.

Sec. 5. *Powers of Ordinance.*—The town of LaGrange shall have the power to enact and 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 life, health, and property of all inhabitants of said town, and to enact and enforce any and all ordinances upon such subjects: *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 for particular powers shall never be construed as a limitation upon the general powers herein granted, it being intended by this act to grant and bestow upon the inhabitants of LaGrange and the town of LaGrange 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 of LaGrange, when printed and published and bearing on the title page thereof the words "Ordained and published by the town council of the town of LaGrange," or words of like import, shall be the *prima facie* evidence of their authenticity, and shall be admitted and received in all courts and places without further proof.

Legislative powers.

Proviso: ordinances to conform to law.

Proviso: general powers not limited by specific grant.

Printed ordinances received in evidence.

Sec. 6. *Real Estate, etc., Owned by Town.*—All real estate owned in fee simple or held by lease, sufferance, easement, or

Property and rights vested in town.

otherwise, all public buildings, market houses, schoolhouses, fire engine stations, public squares, parks, streets, alleys, and all property of whatever kind, character, and description which has been granted, donated, purchased, or otherwise acquired by the town of LaGrange 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 LaGrange for public uses or in trust for the public, shall vest in and remain in and inure to the said corporation, the town of LaGrange, under this act, and all suits and pending actions to which the town of LaGrange heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act, but shall continue unabated.

Liabilities and pending actions not abated.

Powers as to streets, parks, and public places.

SEC. 7. *Street Powers.*—The town of LaGrange 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, parks, public grounds and places, and to vacate and close same, put drains and sewers therein, provide for and regulate the lighting thereof, and 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 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 enforce any and all regulations in respect thereof in the judgment of the town council requisite, proper, or expedient to promote and insure the health, safety, and convenience of the inhabitants and public of said town.

Enforcement of sidewalk improvements.

SEC. 8. *Sidewalks.*—The town of LaGrange 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 sidewalks and manner in which they shall be laid. Should any person or corporation owning property in the said town of LaGrange fail or refuse to construct sidewalks in front of or abutting on their property in accordance with the ordinance passed by the town of LaGrange, in addition to the penalty provided for herein the town of LaGrange shall have the right to have said sidewalk 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 for the amount of the cost and expense in constructing such sidewalk, and said town shall also have a

Construction by town.

Judgment for town.

Lien for cost.

first lien on such abutting property: *Provided*, the town shall first establish the proper grading and place the curbstone at the expense of the said town.

Proviso: grading and curbing.

SEC. 9. *To Regulate Rates of Public Utilities.*—The town shall have the power by ordinance to fix and regulate the price of water, gas, and electric lights; of public carriers and hacks for the transportation of passengers, freight, or baggage; but this shall not affect any contract made by the town of LaGrange as same may now be in force.

Regulation of rates for utilities.

SEC. 10. *Sewer and Water-works.*—The town of LaGrange may buy, construct, establish, maintain, operate, and regulate a system of sewerage and water-works, make, regulate, and establish public wells, pumps, and cisterns, hydrants, reservoirs, and standpipes in the streets or elsewhere within the 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 water-works, and to pass ordinances for the condemnation of property for the purpose of establishing, enlarging, or maintaining a system of water-works, whether within or without the limits of said town; conforming the mode and manner of same to the rules now prescribed for cities and towns by the general laws of the State or in accordance with the procedure herein specified for the condemnation of property for the construction of water-works and of sewers or sewerage system; to adopt rules and regulations for the management of the water-works and sewerage system, and make and establish schedules of water and sewer rates and toll, and prescribe the mode and manner of the construction of the surface pipe, alley, lateral, and house connection with the water main and sewer pipes.

Sewerage and water-works.

Rates and tolls.

SEC. 11. *Connect with Sewers.*—The town of LaGrange 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 town may construct, own, or control, or that it may acquire by purchase or otherwise, to connect with such sewerage or system of sewerage, water-closets, sinks, or drains located upon their respective property or premises, so that their contents may be emptied into such sewer or system of sewerage, whether said system is constructed by said town or is acquired by it by purchase or otherwise: *Provided*, that whenever any tenant or occupant shall be required under any ordinance of the town to make sewer connection or to do any other thing which the town council has the power to compel the performance of, such tenant or occupant shall have a lien upon the property occupied for reimbursement if the primary obligation to do the same was on the landlord. Said lien to be enforced by competent proceeding in any court of competent jurisdic-

Requirement of sewer connections.

Proviso: rights of tenants making connections.

Set-off against rents.

tion, and the tenant or occupant may, when so entitled under the general principles of set-off, use such claim against his liability for rent.

Condemnation of buildings and structures as nuisances.

SEC. 12. *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 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 council, shall reconstruct 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 the 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.

Regulation of construction.

Right to own public utilities.

SEC. 13. *Ownership and Regulation of Public Utilities.*—The right is hereby granted to the town of LaGrange to own or to acquire by purchase its public utilities, such as gas, water-works, electric lights or underground conduit system for electric light, power, and other wires used for the purpose of transmitting any electric service: *Provided*, that no purchase or expenditure shall be made under this section unless the same shall first have been submitted to the vote of the qualified taxpaying voters at an election to be held exclusively for that purpose, and the right is hereby granted to the town of LaGrange to regulate all public utilities in said town and to require an efficiency of public service, and to require all persons or corporations to discharge the duties and undertaking for the purposes for which the respective franchises were made.

Proviso: purchase to be submitted to vote.

Regulation of utilities.

Fire department.

SEC. 14. The town of LaGrange shall have the power to provide the 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 calamities of fires, may prescribe fire limits and may regulate or prohibit the erection of buildings, placing or repairing of wooden buildings within such limits of said town of LaGrange as may be by ordinance 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 wood building 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

Fire limits.

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 direct same to be repaired, removed, or abated in such manner as council may prescribe, and may declare all wooden buildings in fire limits which they deem dangerous to contiguous buildings, or which may cause or promote fires, to be nuisances, and cause same to be removed at the expense of the owner, and may further prescribe limits within which only a fire-proof roofing may be used, and may impose a penalty for the violation of such rules and regulations.

SEC. 15. *Markets and Abattoirs*.—Said town shall have the power to establish, lease, buy, erect, maintain, own, regulate, and operate market and market places and abattoirs, and to build, own, and maintain buildings therefor and to rent and lease the same.

Markets and
abattoirs.

SEC. 16. *Health*.—The town of LaGrange shall have the power to regulate burial-grounds, crematories, and cemeteries, and to prohibit burial within the town 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 reinterment of bodies in the same manner as in condemnation of streets (section four), and use such condemned ground formerly used for cemeteries for such other purposes as may best subserve the interest of the town. The town of LaGrange shall have the power to acquire the land and ground inside or outside the town limits by purchase, gift, or otherwise, to be devoted to and used for the purpose of a private and public cemetery, and to pass such suitable regulations concerning the burial of the dead in such cemetery, and make such charges for the burial of the dead therein, as may be deemed proper by the town council; and the said town shall also have the power to appropriate private property lying within or without the town limits, to be used for and devoted to cemetery purposes as herein stated, by condemnation proceedings brought for such purposes, and in such cases the proceedings had to condemn such land shall be governed and controlled by the town council as provided for in section four of this act:

Burial-grounds,
crematories, and
cemeteries.

Removal of dead
bodies.

Condemnation of
land.

Land for ceme-
teries.

Burial regulations.

(2) To regulate the burial of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalty on physicians and undertakers, sextons, and others for any default in the premises.

Vital statistics.

Destruction of
infected property.

(3) The town council shall also 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 destruction or removal of the 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.

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

Regulation of
drains, sinks, and
privies.

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

Introduction of
unwholesome or
filthy substance.

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

Inspection and
license of dairies.

(7) To provide for the inspection of dairies inside and outside of the town limits, and doing business within the town, and to charge and provide license fees for inspection; to establish and maintain a standard of sanitary conditions governing dairies, inside and outside the town, doing business within the town; to establish and maintain a standard of quality of all dairy products sold in the town, and to provide penalties for violation thereof.

Standards of
sanitation and
quality.

(8) To regulate, license, or prohibit butchers and prevent their slaughtering animals within the town limits, and revoke their license for malconduct in trade, and to regulate, license, or 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.

Butchers and
hucksters.

Slaughter-houses.

Scavenger work.

The town of LaGrange shall have the right and power by ordinance to provide that the tenants or owners of any property shall pay to the town reasonable charges for the removal of night-soil or other refuse matter from the closets or premises thereof, and to prohibit any one except some one in the employ of the town, or by the town authorized to do so, from removing or carrying away the contents of any privy, vault, or water-closet, or any receptacle of human excrement; and the town shall have the right to have inspected the premises of all persons, at any hour during the day-

Inspections.

time, in the interest of public health; and for the purpose of making said inspections 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 inspections. Whenever notice is given by any officer or employee of the town inspecting any premises that said premises need cleaning, the said night-soil or other refuse matter shall be removed and the owner or tenant of said premises shall pay to the town the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and the said persons shall be fined, upon conviction in the mayor's court, in any sum not less than one dollar nor more than fifty dollars.

Entry for inspections.

Sanitation of premises.

SEC. 17. *Police Powers.*—The town of LaGrange shall have the power, by ordinance duly passed, to establish and maintain the town police department, to prescribe the duties of policemen and to regulate their conduct.

Police department.

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

Public amusements.

(3) To make all needful and proper regulations concerning keepers of taverns and other public houses, draymen, horse drivers, and 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 to prevent noises and confusion in and about the depots at the arrival and departure of railroad trains, and to provide how and where hacks and other carriers shall stand or take their position upon the streets adjacent or near said depots, and where they shall stand when not receiving or discharging passengers.

Hotels and transfers.

Depot regulations.

(4) To provide and fix by ordinance public stands where hacks, drays, baggage wagons, or other public carriers shall stand on the streets of said town for the purpose of soliciting business, and to prescribe that they shall not stand, except when discharging or receiving passengers or freight, at any points other than those designated in the ordinance as public stands.

Hack stands.

(5) To provide for the inspection of milch cows, whether kept within the town limits or without the town limits, from which milk is sold within the town limits, and to provide for the inspection of milk offered for sale and to prescribe the fees to be charged therefor.

Inspection of cows and milk.

(6) To establish and regulate public grounds, and to regulate, restrain, and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese, chickens, and pigeons, and to authorize the distraining, impounding, and sale of same for the costs of proceedings and penalty incurred, and to order their destruction when

Public grounds.

Animals running at large.

they cannot be sold, and to impose penalties upon the owner thereof for the violation of any ordinance regulating or prohibiting sale.

Dogs running at large.

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

Games and fireworks.

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

Noise ordinances.

(9) To restrain and prohibit the ringing of bells or blowing of horns, bugles, or 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, and regulate same.

Beggars.

(10) To prohibit beggars, mendicants, or persons of infirm or maimed bodies or suffering with disease of any kind from soliciting alms, help, or assistance upon the streets or sidewalks of said town, and to prescribe a penalty by fine for nonobservance thereof.

Engines and locomotives.

(11) To prohibit and regulate the unnecessary ringing of bells and blowing of whistles of railroad engines or locomotives within the town, and to regulate the speed thereof.

Driving animals.

(12) To regulate and control the driving of cattle, horses, and other animals into and through the town.

Disorderly conduct.

(13) To prevent all trespasses and breaches of peace and good order, assault and battery, fighting and quarreling, use of abusive, profane, and insulting language, and all disorderly conduct, and to punish all persons thus offending.

Loud and immoral theatrical representations.

(14) 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 or suppression of all such establishments.

Speed regulations.

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

Fastening horses.

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

Pawnbrokers and shows and amusements.

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

- (18) 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. Definition and abatement of nuisances.
- (19) To prohibit and punish by fine the willful introduction into the town by railroads or other carriers of paupers or persons infected with contagious diseases. Introduction of infected persons.
- (20) To regulate parapet walls, to prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove-pipes, boilers, and other heating apparatus, and cause same to be removed or made safe. Flues and heating apparatus.
- (21) To regulate the use of automobiles, motor cars, motorcycles, or any motor vehicles, 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. Motor vehicles.
- (22) To control and regulate the location and use of all kinds of steam engines and steam boilers in the city, and running of same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort. Engines and boilers.
- (23) To inspect the construction of all buildings in the town and to prescribe and enforce proper regulations in regard thereto, and to regulate and locate or prohibit the erection of all poles in the town and cause same to be changed, whether telegraph, telephone, electric light, or otherwise. Inspection and regulation of building.
Erection of poles.
- (24) The town shall have the power to enforce the by-laws and ordinances of the town by fine not to exceed fifty dollars: *Provided*, that no ordinance or by-law shall provide lesser penalty than is prescribed for like offense by the laws of the State. Limit of fines.
Proviso: penalty under State laws.
- SEC. 18. *Public Libraries.*—The town of LaGrange shall have the power to provide for, establish, and maintain a free public library within the town, and to cooperate with any person, firm, or corporation, under such terms as the town council may prescribe, for the establishment of such free public library, and to that end they shall have the power to appropriate annually out of the general revenues of the town, as a fund for the support and maintenance of such public free library, not to exceed fifty one-hundredths of a mill (.00050) of the assessed taxable value of the town for the current year: *Provided*, nothing in this section shall prohibit the town council from levying a special tax sufficient to maintain such public free library by submitting the question to a vote of the qualified voters of the town. Public libraries.
Coöperation.
Appropriation.
Proviso: special tax by election.
- SEC. 19. *Franchises.*—The right of control, easement, use, ownership of, and title to the streets, highways, public thoroughfares, and property of the town of LaGrange, its avenues, parks, bridges, and all other public places and property are hereby declared to be inalienable except by ordinance duly passed by a majority of all the members of the town council, and no grant of any franchise or Rights indefeasible but by ordinances.
Limit of grant but by consent of voters.

- lease or right to use the same, either on, along, through, or across, under or over the same, by any private corporation, association, or individual, shall be granted by the town council unless submitted to the vote of legally qualified voters of said town, for a longer period than thirty years: *Provided, however*, that whenever application is made for any grant or franchise, lease, right, or privilege in or to the streets or public thoroughfares of the town of LaGrange by any person or corporation, if they so request, the town council shall submit the same at an election called for that purpose, the expense of which shall be borne by the applicant for said franchise, and if at said election a majority of the votes cast by the legally qualified voters shall be in favor of making said grant as applied for, said grant may be made for such term of years as is specified in the ordinance submitting same to said election: *Provided*, that no grant shall be made or authorized for a longer period than fifty years.
- Proviso: election on grant of franchise.
- Expense of election.
- Majority of votes cast to govern.
- Proviso: limit.
- Election and motion of council.
- Expense of election.
- Terms and condition of grant.
- Ordinances codified, indexed, and printed.
- Sale. Future franchises.
- Contracts for service.
- Contracts for supplies.
- Purchases on competing prices.
- (2) The town council may also, upon its own motion, submit all applications or ordinances requesting the granting of franchises or special privileges in or to the streets, public thoroughfares and highways of the town of LaGrange, to an election, at which the voters of LaGrange shall vote upon the proposition therein submitted, the expense of which election shall be paid by the applicant or applicants therefor. No such franchise shall ever be granted until it has been read in full at three regular meetings of the council. The council may, however, in their discretion, in the ordinance granting any franchise, contract with said corporation as to the terms and conditions under which said franchise is granted.
- (3) It shall be the duty of the town council, as soon as practicable after taking office, to have true copies of all franchises, permits, ordinances, orders, resolutions, or any other proceedings by which rights, privileges, or franchises are granted to any company, corporation, or individual owning or operating any gas, oil, street railway, steam railway, interurban, electric light and power, telephone, or any other public utility, to have the same codified, indexed, and printed and offered for sale at cost prices; and all future franchises shall likewise be printed and offered for sale at the cost price.
- SEC. 20. *Contracts for Service*.—No contract shall ever be made which binds the town to pay for personal service to be rendered for any stated period of time, but all contracts involving personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the town, nor shall the town of LaGrange, or any one acting for it, make any contract for supplies for current use for any department of the municipality for a longer period of time than twelve months, and so far as practicable all supplies pur-

chased for the use of any or all of the departments of said town shall be made or let upon competing prices therefor.

(2) No contract shall be given until after an appropriation has been made therefor, nor in excess of the amount appropriated; and all contracts, whenever practicable, shall be upon specification, and no contract shall be binding upon the town unless it has been signed by the mayor and countersigned by the town clerk and the expense thereof charged to the proper appropriation; and whenever the contract charged for any appropriation equals the amount of said appropriation no further contract shall be signed by said town clerk.

(3) All contracts of whatever character pertaining to public improvements or the maintenance of public property of said town involving an outlay of as much as two hundred dollars (\$200) shall be based upon specifications to be prepared and submitted to and approved by the mayor and the town council, and after approval by the mayor and town council advertisement for the proposed work or matters embraced in said proposed contract shall be made inviting competitive bids for the work proposed to be done, which said advertisement shall be put in a daily newspaper published in the county of Lenoir not less than ten times. All bids submitted shall be sealed, shall be opened by the mayor in the presence of a majority of the aldermen, and shall remain on file in the town clerk's office, to be opened for public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder. The council shall determine the most advantageous bid for the town, and shall enter into a contract with the parties submitting the lowest bid, but shall always in every advertisement of public work or contract involving as much as two hundred dollars (\$200) reserve the right to reject any and all bids. Pending the advertisement of work or contract proposed, specifications therefor shall be on file in the office of the town clerk, subject to the inspection of all parties desiring to bid: *Provided*, nothing in this section shall be construed to prohibit said council from having work done by day labor or material purchased under such rules and regulations as said council may by ordinance prescribe.

SEC. 21. *Elective Officers*.—All powers conferred on the town of LaGrange shall, unless otherwise provided for in this charter, be exercised by a mayor and six aldermen, all of whom shall be elected from the town at large by the qualified voters of the town at large. They shall each devote as much of their time to the service of the town as shall be necessary for the prompt and efficient administration of the public affairs of said town. The mayor shall be *ex officio* president of the said town council, and shall have and exercise all powers of a member thereof; and the members of said council shall hold office for two years from and after the

Appropriation precedent to contract.
Execution of contract.

Specifications for contracts.

Advertisement for bids.

Bids open for inspection.

Award of contract.

Right to reject bids.

Specifications filed.

Proviso: work by day labor and purchase of material.

Election of mayor and aldermen.

Time devoted to work.

President and member of council.

Term of office.

date of their election and until their successors shall have been duly elected and qualified.

Town council successors to mayor and aldermen.

Powers and rights to cease and revest.

(2) The mayor and other members of the town council elected under this act, and their successors in office, shall be held and deemed in law and in fact successors to the present mayor and the board of aldermen of the said town of LaGrange; and upon the qualification of the mayor and other members of the town council all powers, rights, and duties of the present mayor and board of aldermen of said town shall cease; and from and after the passage thereof the said town council shall have and exercise all rights, powers, and duties of the mayor and board of aldermen of cities and towns as may be conferred by the laws and Constitution of the State of North Carolina, and shall have and exercise all the rights, powers, and duties conferred upon them or either of them by the terms of this act.

Temporary exercise of powers.

(3) The present mayor and board of aldermen and other town officers as composed under the existing charter of the town of LaGrange shall continue to serve until the next town election held as hereinafter provided in this act, and until the qualification of all the officers elected at said election, and shall temporarily exercise the powers and be subject to the limitations in this charter contained.

Present mayor to order election.

Date.

Mayor and aldermen elected.

Call by aldermen on failure of mayor.

Notice of election.

Term of office.

Future elections.

(4) 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 LaGrange, by giving thirty days notice thereof, which election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and fifteen, at which election the mayor and six aldermen shall be elected as provided for in paragraphs one and two of this section. If for any reason the mayor fails to make said call for said election within twenty days after the first day of March, one thousand nine hundred and fifteen, then it shall be the duty of the present board of aldermen, by a majority of the 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 six aldermen so elected at said election shall hold their respective offices until the Tuesday after the first Monday in May, one thousand nine hundred and seventeen, or until their successors are elected and qualified.

(5) On Tuesday after the first Monday in May, one thousand nine hundred and fifteen, and in each second year thereafter, the town council shall cause to be held in the town of LaGrange an election for mayor and six aldermen as provided for in paragraphs one and two 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 or until their successors are elected and qualify.

- (6) That there shall be established and arranged one voting place with a distinct set of election officers, ballot boxes, and registration books: *Provided*, that each qualified voter in the town of LaGrange shall be permitted to vote for mayor and six aldermen from the town of LaGrange. Polling place.
Proviso: voters.
- (7) The town council shall make all necessary regulations concerning election, manner and method of holding same. Such regulations, however, shall be in keeping with the provisions of this act, and shall be in keeping with and consistent with the provisions of the State law applicable to elections in municipalities in so far as same may be practicable; and the town council shall provide for the examination and counting of the returns of the elections, declaration of results thereof, and issuance of proper certificates to successful candidates. The mayor and each of said aldermen, within ten days after the official announcement of his election, shall qualify as required by this charter and the Constitution and laws of the State; and failing to do so, his office shall become vacant. Regulation of election.
Count and canvass of vote.
Time for qualification.
- (8) Each member of the town council, in addition to the other qualifications prescribed by law, shall be at the date of his election a qualified voter in the town of LaGrange, and shall not be in arrears in the payment of taxes and other liabilities due the town, and shall have been for three years immediately preceding such election a citizen of the town of LaGrange. Qualifications for councilmen.
- (9) The mayor shall be a member of the town council, with all powers and duties appertaining thereto. He 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 the conditions of all franchises granted by the town are faithfully complied with and that all contracts made with the town are faithfully executed. That the court of the mayor of said town of LaGrange is hereby constituted an inferior court, and as such shall in all criminal cases committed within the corporate limits of the town of LaGrange have all the powers, jurisdiction, and authority of a justice of the peace, and also to hear and determine all causes of action which may arise upon the ordinances and regulations of the town of LaGrange; to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, ordinances, rules and regulations made or passed by the town council of the town. The mayor's court shall be further a special court within the corporate limits of the town to arrest and try all persons who may be charged with a misdemeanor for violating any by-law, ordinance, rule or regulation of the town; and if the accused be found guilty, he shall be fined, at the discretion of the court or mayor, not exceeding the amount specified in the by-law, ordinance, rule or regulation so violated, or at the discretion of the mayor or court trying the same such offender may be impris- Mayor member of council.
Chief executive officer.
Special duty as to franchises and contracts.
Court of mayor.
Jurisdiction.
Jurisdiction as special court.
Punishment.

- Work by convicts. oned not more than thirty (30) days in the town lockup or in the common jail of the county of Lenoir; and that in all cases where a defendant may be adjudged to be imprisoned by the said court or mayor it shall be competent for the said court or mayor to adjudge also that the said defendant work during the period of his confinement on the public streets or other public works of the said town, or the mayor shall have the power and authority to hire the defendant, on conviction, to the county commissioners of Lenoir County to work on the public roads of the said county.
- Service of process. 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, and no preliminary affidavit shall be necessary to give the mayor final jurisdiction over offenses against the by-laws, ordinances, rules and regulations of said town. 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 single justice of the peace, and may be executed and enforced against the parties in the courts of Lenoir 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 of the county of Lenoir.
- Minutes. Force of judgments.
- Mayor pro tem. (10) In case of the death, absence, resignation, or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur, the mayor *pro tem.* shall act as mayor, and shall possess all the rights and powers of mayor, and perform all the duties and receive his salary, under the official title, however, as mayor *pro tem.* until the election is ordered by the town council 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 town council and held within thirty days thereafter, and due notice by publication be given for at least thirty days, as may be required by law: *Provided*, that in the event such vacancy should occur within ninety days of the next regular election to be held for members of the town council, said election of mayor shall be held at the next regular election.
- Election to fill vacancy.
- Proviso: vacancy within ninety days of election.
- Removal of mayor for cause. (11) In case of misconduct, inability, or willful neglect of the performance of the duties of his office, the mayor may be removed from office by the town council by a majority of the votes of all the aldermen elected; but he 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, if he so elects; the hearing in case of the impeachment of mayor shall be public and a full and complete statement of the reason of such removal, if he be removed, together with the findings of fact as made by the council, shall be filed by the town council in the public archives of the town, and shall be and become a matter of public record.
- Right to hearing.
- Hearing public.
- Record.

(12) It shall be the duty of the mayor from time to time to make such recommendations to the town council as he may deem to be for the welfare of the town, and at the regular meeting in July of each year, or as soon thereafter as practicable, submit to the town council the annual budget or estimate of the receipts and expenses of the town for the fiscal year, each item in which may be increased, reduced, or admitted by the council by a majority of the members of the council present at such meeting. The mayor shall also make such recommendations to the town council concerning the increase or decrease of departmental estimates as in his judgment may best serve the interest of the town. He shall also submit an estimate for a special contingent fund for the current year. The current year shall begin on the first day of May of each year, and close the last day of April next ensuing thereafter.

Recommendations to council.

Annual budget.

Increase or decrease of department estimates.

Estimate for contingent fund.

Current year.

(13) No member of the town council shall hold any other public office in said town or hold any office or employment compensation for which is paid out of the town moneys, nor be elected or appointed to any office created by or the compensation of which was increased or fixed by the town council while he was a member thereof, until after the expiration of at least one year after he has ceased to be a member of the town council: *Provided*, that a member of the town council may hold the office of town treasurer and of town secretary. Nor shall any member of the town council or any other officer of the town of LaGrange be pecuniarily interested, directly or indirectly, in any contract let by the town or board of school trustees of the LaGrange Graded Schools of any work done by the town or board of school trustees of the LaGrange Graded School District, nor in any matter where the rights or liabilities of the town of LaGrange are or may be involved. In the event any such officer of the town of LaGrange shall become interested, directly or indirectly, in any contract or work, purchase or sale, made by the town of LaGrange, then said work, purchase, or sale shall become null and void, and shall be discontinued, and new arrangements shall be entered into as in case of the incompetency of the contract or work, purchase, or sale. Any member of the town council or any officer or employee of the town intentionally becoming interested, directly or indirectly, as aforesaid, in any contract, work, purchase, or sale by or with the agency aforesaid shall forfeit all right or claim to the title or emoluments of any office which he may hold in said town and shall be expelled therefrom by the mayor or town council, or if they shall fail to remove said officer, employee, or member of town council guilty as aforesaid, he shall nevertheless be subject to removal upon the action of any five citizens taken to Superior Court of Lenoir County in such proceeding as is appropriate and proper, and shall in addition be guilty of a misdemeanor or felony, as the case may be, as is or may be provided in the penal statutes of the State of North Carolina.

Councilmen ineligible to other offices.

Proviso: councilman may be treasurer or secretary.

Pecuniary interest in contracts.

Contracts void.

Forfeit of and expulsion from office.

Removal by court.

Misdemeanor or felony.

Quorum.	(14) A majority of the members of the council shall constitute
Meetings public.	a quorum to do business, and shall sit with open doors, and shall
Journal published.	keep a journal of its own proceedings, which shall be published
Action by council.	and constitute one of the archives of the town. The council shall
Limitation on ordinances.	act only by ordinance, resolution or motion, excepting 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 the appropriation. The
Ayes and nays taken and recorded.	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, on final passage, the affirmative vote of the majority of all the members of the town council. No ordinance or resolution shall be passed finally on the date of its introduction, except in the case of public emergencies, and then only when requested by the mayor in writing: <i>Provided</i> , that no ordinance or resolution making a grant of any franchise or special privilege shall ever be passed as an emergency measure.
Majority of council on final passage.	
Emergency measures.	
Proviso: grants of franchises or privileges.	
Assignments to special duties.	(15) The mayor, at the first meeting of the town council after election of its members, or as soon thereafter as may be practicable, may appoint among its members one alderman who shall be known as "Commissioner of Finance and Revenue," who shall also be mayor <i>pro tem</i> , and who shall have under his special charge the enforcement of all the laws for the assessment of taxes of every kind and the collection of all revenues belonging to said town, from whatever source same may be derived, and who shall also examine into and keep informed as to the finances of said town. One alderman who shall be known as "Police and Fire Commissioner," who shall have under his special charge the enforcement of all police regulations of said town, and the general enforcement of all police regulations of said town, and the general supervision of all of the fire department thereof. One alderman to be known as the "Commissioner of Streets," who shall have under his special charge the supervision of the streets and alleys of the town and be charged with the duty of keeping the streets and alleys in a clean and sanitary condition, and with the enforcement of all rules and regulations necessary to these ends; and who shall have under his special charge improvements except as herein otherwise provided, and shall see that all contracts therefor are faithfully complied with. One alderman to be known as the "Cemetery Commissioner," who shall have under his special charge the supervision of the cemeteries and be charged with the keeping of same in a clean and sanitary condition, and with the enforcement of all rules and regulations necessary to these ends; and who shall also have under his special charge the supervision of all cemetery improvements or extensions, and who shall see that all contracts therefor are faithfully complied with. The town of LaGrange may provide cemeteries near the corporate limits and regulate the same. One alder-
Commissioners of finance and revenue.	
Mayor pro tem.	
Police and fire commissioner.	
Commissioner of streets.	
Cemetery commissioner.	

man to be known as the "Electric Light, Water-works, and Sewerage Commissioner," who shall have under his special charge the construction, maintenance, and operation of the water-works, sewerage system, and departments of said town, and the general supervision of lighting the streets, electric light plant, gas plant, and any other mode of lighting the town, and all electric wiring, insulation of wires, erecting of poles, laying of gas pipes, and shall see to the enforcement of all regulations with respect to said department and with respect to all the revenues pertaining thereto. One alderman to be known as the "Sanitary Commissioner," who shall have under his special charge the enforcement of all police regulations of said town pertaining to health and sanitation and the general supervision of the sanitary department. Said commissioners shall perform all the executive duties of their respective departments to which they may be assigned as above provided, but said council, as a whole, shall have supervision of and be responsible for the administration of each of said departments. The salary of the mayor and that of each member of the town council shall be fixed at the first regular meeting of the incoming council after their election under this act, and shall be named as the annual salary of the mayor and each member of the town council for the two years next ensuing. The salary of the mayor shall be payable monthly and that of the members of the town council as may be fixed by ordinance. At the first regular meeting of the town council after the election in May of each second year, as herein provided, the salary of the mayor and of the members of the town council shall be fixed as above stated. That the mayor shall collect the same fees as justices of the peace on all process or precepts issued by him, which shall belong to the town of LaGrange. The police or constable shall collect the same fees for executing process as the sheriff or constables of the county, which shall belong to the town of LaGrange.

(16) The town council shall require a statement to be published monthly in a newspaper of Lenoir County or by posting same at two public places in the town of LaGrange, showing a full, clear, and complete statement of all taxes and other revenues collected and expended during the preceding months, indicating the respective source from which money was derived and disposition made thereof, and showing all disbursements during said period.

(17) Before entering upon the duties of their office the mayor and each member of the town council shall take the oath prescribed by the Constitution of the State, and take oath also that he is not under direct or indirect obligation to appoint or elect any person to any office, position, or employment under said government.

(18) The town council 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 the State, touching

Electric lights, water-works and sewerage commissioner.

Sanitary commissioner.

Executive duties.

Supervision of council.

Salaries.

Payment.

Fees of mayor to use of town.

Fees of police to use of town.

Statements published monthly.

Oaths of office.

Laws and ordinances.

every object, matter, and subject within the purview of the local government instituted in this act.

Rules and regulations for departments.

(19) The town council shall have control and supervision over all the 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 for and becoming the organization, management, and operation of all departments of the town and whatever agencies may be created by the administration of its affairs. They shall have the power to create such offices as they may deem necessary for a prudent and successful administration of the affairs of the town and to fix 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 persons occupying same. All offices created by the town council shall be filled by a majority of the vote of all the members of the said council. In the event any such office shall not be filled promptly by the council 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 council. Each member of the council shall have the right to propose and name employees in the departments under his immediate supervision, but a majority of the council shall have the power to reject any such proposal and to discharge any officer or employee of the town. All salaries and wages to be paid employees of the town, except as otherwise provided herein, shall be fixed and paid by town council acting as a whole, and shall not become effective until at least four members of the council shall vote therefor.

Offices and salaries.

Proviso: term of office.

Abolition.

Vote required for election.

Temporary appointments.

Employees.

Vote required on salaries and wages.

Regular meetings.

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

Quorum.

Vote required to pass ordinance.

Action on department of absent alderman.

Special meetings.

Meetings public.

Appropriations for departments.

(21) It shall be the duty of the town council at the first meeting in July, or so soon thereafter as practicable, to appropriate such

- sums of money respectively to each of the various departments of the town government as it may deem necessary for the maintenance and operation thereof during the current year. In addition to the departmental appropriations herein provided for, the council shall also make such appropriations for contingent purposes as may be deemed necessary.
- (22) The heads of the departments created by the town council shall make a written report to the mayor not later than the fifteenth day of April, each and every year, showing the operation of such department of the preceding year. These reports shall be transmitted to the mayor and shall accompany and be made a part of the mayor's report to the town council, which report shall not be made later than the fifteenth day of May in each year.
- (23) In making up the budget allowance for any current year the town council shall first make provision for the payment of the interest, the creation, setting aside, and preservation of the legal sinking fund upon any and all of the outstanding indebtedness of the town, and making provision for maintenance of the public school system as provided for by the laws now existing with reference to said schools, and shall then make such appropriations as the revenue of the town may justify to be appropriated for the public use as to the town council may seem best: *Provided, however,* that in no case shall the entire appropriation so made, comprehending interest and sinking fund on the bonded debt and appropriations for all other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenues of the town derived from *ad valorem* taxes upon the basis of the total valuation of the property listed for taxation for the preceding year and of such other contingent revenues of the town as will probably accrue. It shall be deemed a malfeasance for the town council to make an appropriation in the budget the sum total of which shall exceed the estimated available or probable revenues of any current fiscal year.
- (24) The town council 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 prescribe powers and duties of all officers elected to any office under this act whose duties are not herein especially mentioned, and to fix their compensation when not herein fixed. They shall also require bonds to be given to said town by any or all officers for the faithful performance of their duties, and shall require new bond from any officer whenever in the judgment of the said council the existing bond is insufficient; and whenever said new bond is required, he shall perform no official act until said bond be given and approved. The town council shall provide for the filling of vacancies in all offices not herein provided for, and in all cases of vacancies that same shall be filled only for the unexpired term.

Appropriations for contingencies.

Dates for annual reports.

Mayor's report.

Time for mayor's report.

Appropriations for interest, sinking fund, and schools.

Appropriations for public use.

Proviso: appropriations limited to available resources.

Basis of estimate of resources.

Excessive appropriations malfeasance.

Council to require, define, and prescribe duties.

Compensation of officers.

Bonds of officers.

Vacancies.

- Time for tax levy. (25) The town council at its first meeting in July of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but such taxes or assessments allowed by this charter may be levied, assessed, and collected at such time as the council may prescribe. The town council 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 all ordinances deemed necessary for the levying, laying, imposing, and assessing and collecting of any taxes provided for in this charter. Unless otherwise provided for by this act and by ordinances passed thereunder, all property in such town liable to taxes shall be assessed in accordance with the provisions of the general laws of the State, in so far as applicable.
- Collection of taxes.
- Assessments.
- Management and control of finances. Appropriations. (26) The town council shall have management and control of the finances of the town except as otherwise herein provided. They shall have the power to appropriate money and to provide for the payment of debts and expenses of the town and provide by ordinance special funds for such purposes under the provisions of this charter, and to make the same disbursable only for said purpose, and to impose proper penalties for enforcing the same. To provide by ordinance for the payment of any bonds which may from time to time be issued. The said council shall also have the power to fund, to refund by ordinance, the whole or any part of the debt of the town or any future debt by acquiring and canceling the evidences 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 acquire the sinking fund belonging to any series of bonds so refunded, and may pay or retire any bond by using the sinking fund thereof.
- Special funds.
- Payment of bonds.
- Funding and refunding debt.
- Interest.
- Payments from sinking fund.
- Outside employment of town officers. (27) Neither the mayor nor any member of the council nor any elected or appointed employee of the town shall be directly or indirectly in the employ of any person, company, or corporation holding or seeking to hold any franchise of the town of LaGrange, or shall receive, directly or indirectly, any wage, commission, fee, gift, favor, or pay from any such franchise holder, and an intentional violation of this section shall *ipso facto* render vacant the position held by the person so violating it, and shall be punished as bribery. No member of the council or board of school trustees or any other officer of the town shall be, directly or indirectly, interested in any work, business, or contract the expense, price, or consideration of which is paid out of the town treasury or by assessment levied by ordinance or resolution of the town council, nor be the surety of any person having any contract, work, or business with the town for the purpose of which security may be required; nor be the
- Violation of work vacancy.
- Punished as bribery.
- Interest in work or contract of town.
- Nor surety of contractors with town.

surety on the official bond of any officer of the town. Contracts in violation shall be void, and no member of the board of school trustees shall be at any time during his term of office directly or indirectly interested or in the employ of any school book publisher or furniture company or concern.

Contracts void.
Interest and employment of school trustees.

(28) The town council shall by ordinance adopt such rules and regulations for its government and order of business as its members may deem best. It shall be the judge of the qualification and election of its members, including the mayor, and shall have authority to recount the votes for either of its members and to correct the result which may have been theretofore declared, and in the event notice of a contest of such election shall be given within thirty days after such election shall have been held. It shall also be the judge of the election and qualification of all other town officers subject to the provisions of this act applying thereto. It may punish members or other persons during its sittings by fine for disorderly conduct.

Rules of order.
Qualification and election of members.
Recount of votes.

(29) If a vacancy shall occur in the town council (excepting mayor), the council shall elect a person to fill the unexpired term of such officer, who shall be entitled to receive the regular salary for said services for the time he shall perform them, and shall serve in said capacity until said office shall be filled in accordance with this act.

Election and qualification of other officers.
Power to preserve order.

Vacancies.

SEC. 22. *Other Officers and Their Duties.*—At the first meeting of the town council after their qualification, or as soon thereafter as possible, the town council shall elect by a majority vote the following officers, to wit: a town clerk, assessor, treasurer, chief of police, chief of the fire department, and, if deemed necessary by the council, a health physician, and from time to time such other officers as the council may deem proper and necessary.

Officers elected by council.

(2) It shall be the duty of the town clerk to attend every meeting of the council and keep the minutes and record of all 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 council. He shall give bond for the faithful performance of his duty in such sum as may be approved by the mayor and commissioner of finance and revenue. It shall be the duty of the town clerk to keep the books of account of the town of LaGrange, and to make such financial reports and statements as are provided by the terms of this act. His books of accounts shall exhibit accurate and detailed statements of all moneys received and expended for account of the town by all officials and other persons, and shall show in detail the property owned by the town and the income derived therefrom. He shall also keep separate accounts of each and every appropriation made by the town council, showing the date thereof and the purpose for which the same was made, and shall show for what each payment of any public money is made and to whom same is

Duty of town clerk.

Salary.
Bond.

Accounts.
Financial reports and statements.

Details of accounts.

Separate accounts.

Account with each department.	<p>paid. He shall keep a separate account with each department of the town government, and also such other accounts as may be necessary to show a complete financial statement of the town, and he shall be prepared at every regular meeting of the town council to give such information concerning the finances of the town as the council may require. All warrants or orders for the payment of any public funds or moneys for any purpose shall be signed by the town clerk and the mayor. No warrant not signed by the town clerk shall be authority for the payment of any public fund whatever, but the town clerk shall in no instance, unless the money is in the treasury, and the fund against which it is drawn, sign any warrant or order for the payment of any sum or amount for any purpose: <i>Provided, however</i>, that nothing herein contained shall prevent the issue and sale of warrants to anticipate a current revenue for any one year, which said warrants shall bear such rate of interest, not exceeding six per cent, as the town council may by ordinance prescribe. He shall not sign any contract nor make or execute any warrant or order for the payment of any sum of money unless the same be legal and all prerequisites and requirements shall have been complied with, nor until after an appropriation has been duly and legally made therefor. He shall, when deemed necessary, require all accounts surrendered to him for payment to be certified to by affidavit, and he is hereby authorized to administer oaths, with authority to compel and require persons to answer such questions as may be propounded by him touching the correctness of any accounts or claims against the town. He shall require all persons who shall have received any money belonging to the town and not having accounted therefor to settle their accounts, and it is hereby made his duty from time to time to require all persons receiving money or having the disposition or management of any property of the town, of which an account is kept in his office, to render statement thereof to him: <i>Provided</i>, that no warrant or order shall ever be issued in favor of any person or corporation or to the assignee or agent of any person indebted in any manner for taxes or otherwise to the town, unless such debt so due and owing to the town be paid. No disbursing officer of the town nor any one having money in his possession for the account of the town shall pay the same to any person or persons other than to the regularly designated officer or custodian of the public funds of the town, except upon draft or warrant signed by the mayor and the town clerk of the town of LaGrange, and the town clerk shall not sign any such draft or warrant until he has audited and examined the claim and found the same justly and legally due and payable, and that the payment has been legally authorized and an appropriation therefor duly made, and that the appropriation has not been exhausted.</p>
Information to council.	
Warrants on public funds.	
Overdrafts.	
Proviso: warrants anticipating revenue.	
Interest.	
Prerequisites to contracts or warrants.	
Verification of accounts.	
Enforcement of accounting and settling.	
Proviso: warrant not issued to persons in arrears.	
Payments not made but on warrants.	
Audit of claims before issue of warrant.	

- (3) The treasurer shall give such bond as the town council may require, approved by the mayor and the commissioner of finance and revenue, said bond conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the town, and make all payments for the same only by warrants drawn by the town clerk and signed by the mayor. All moneys belonging to the town and received by any officer or agent thereof, either from collection of fines or any other source whatsoever, shall be by him deposited with the town clerk, who shall deposit the same with the treasurer. For all moneys received the treasurer shall give receipts in all cases. All persons charged with the collection of any money under this act or ordinances passed in pursuance thereof shall promptly pay the same over to the town clerk under such penalty as may be prescribed by ordinance. The treasurer shall render a full and correct statement of his receipts and payments to the town council at their first regular meeting in each month and at such other times as any members of the council may require, upon three days notice. The said treasurer shall make deposits of such sums of money as shall be received by him from all sources of revenue whatsoever to his credit as treasurer of said town in one or more banks situated in said town, to be selected by the council. The said town council in the selection of any such depository bank shall take into consideration the reputation and solvency thereof and sufficiency of the security offered by such bank. All interest paid by any banks upon any balance so deposited shall be collected by the town clerk and deposited with the treasurer of said town, and shall be by him reported in his next statement following such collection, and shall be treated as part of the general fund of such town, subject to use for any legitimate municipal purpose. The said treasurer shall do and perform such other acts as the town council may require of him, and for all such services shall receive such salary as may be fixed by the council.
- (4) The police officers shall give bond in such sum as the town council may prescribe for the faithful discharge of the duties of their offices, and for the faithful accounting of all money that may come into their hands from fines, penalties, and otherwise by virtue of their offices. It shall be their duty to report any violation of laws or ordinances in the town, and they shall promptly and faithfully execute all writs and processes issued from the mayor's court. They shall have the power with the sheriff of the county to execute the writ of search warrant. They shall be active in quelling riots, disorder, and disturbances of the peace within the limits of the 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 said court of any person charged with an offense within the jurisdiction of said

Bond of treasurer.

Duties.

Deposits through clerk.

Receipts.

Payment to clerk.

Monthly statements.

Deposits by treasurer.

Selection of depository.

Interest on deposits.

Other duties.

Salary.

Bonds of police officers.

Duties of policemen.

Powers.

Arrest and bail.

Persons subject to arrest.	court, and it shall be their duty to arrest all persons who shall obstruct or interfere with them in the execution of the duties of their office, or who shall be guilty of disorderly conduct or any other disturbance whatever, to prevent breach of peace or preserve quiet and good order. They shall have authority to close any ball-room, drinking house, or any other place or building or public resort, and in the prevention and suppressing of crime and the arrest of offenders within the town they shall have, possess, and execute like power, authority, and jurisdiction of the sheriff of Lenoir County. They shall perform such other duties and possess such other powers, rights, and authority, in addition to those herein provided, as the town council may require and confer upon them not inconsistent with the Constitution and laws of the State of North Carolina and the provisions of this act. The salaries of all police officers shall be fixed by the town council, and in addition to the salaries so fixed each policeman shall collect the same fees of all processes and the precepts executed or returned by them which may be allowed to the sheriff of the county in like processes and precepts, which fees shall belong to and be paid into the town treasury.
Disorderly places.	
Additional powers and duties.	
Salaries.	
Fees collected to use of town.	
Chief of fire department.	(5) The chief of the fire department shall be charged with the duty of superintending and directing and extinguishment of fires, preservation and safe keeping of all fire engines, hose, and other apparatus used in connection therewith. He shall have the power, and it is hereby made his duty, to keep away from the vicinity of any fire all idle, disorderly, and suspicious persons, and to compel all officers of the town and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger and in preventing goods from being stolen, and generally to carry out and enforce such regulations for the prevention and extinguishment of fires as may be by said town council deemed expedient.
Duty at fires.	
Superintendent of water-works, sewerage, and electric lights.	(6) The superintendent of water-works, sewerage, and electric lights, when chosen, shall have charge of the town water-works, sewerage, and electric light system, and all property connected therewith. He shall inspect all parts of said water-works, sewerage, and electric light systems, and see that they are maintained in good condition for use, and are being properly cared for, and that all employees of the water-works, sewerage, and electric light department are attending to their respective duties. He shall keep in good repair pumps, hydrants, pole line, and all machinery or other water-works, sewerage, and electric light fixtures and property, and be under the direction and orders of the council. He shall also employ all such laborers as may be necessary in said departments. He shall inspect all water and sewerage plumbing and all electric construction work, and shall have supervision over the same. He shall have authority to enter all premises and in-
Inspection and supervision.	
Laborers.	
Inspection of plumbing and electric work. Entry on premises for inspections.	

spect such connections and enforce all regulations of the council concerning same, and shall perform all such other duties as the town council may prescribe by ordinance or resolution. The salary of the superintendent of water-works, sewerage, and electric lights shall be fixed by the town council, payable monthly.

(7) The town clerk shall on or before the fifteenth day of April in each year prepare and submit to the town council 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 an actual statement of the financial receipts of the town from all sources and the expenditures of the town for all purposes, together with a detailed statement of the debt of said town, and the purpose for which said debt was incurred. In addition to the annual statement herein required, and of the reports which may be demanded by the council at any time, it is especially made the duty of the town clerk to be able to show at any time, and certainly upon or immediately after the first of each month, a comprehensive and accurate statement of the financial affairs of the town of LaGrange, and if any officer of any department or any employee of the town shall fail to make such stated or stipulated report as and at the time required, whether by the mayor or the town council, it shall be the duty of the town clerk to report such delinquency or failure to the mayor.

SEC. 23. *Taxation.*—That in order to raise a fund for defraying the expenses incident to the proper government of the town of LaGrange the commissioners may annually levy and collect the following taxes, viz.: Upon all real estate and personal property within the corporate limits of the town; upon all money on hand, solvent credits, and upon all polls and other subjects of taxation taxed by the General Assembly for public purposes.

(2) That the annual tax on the property enumerated in the preceding section shall not exceed one dollar on the one hundred dollars assessed valuation thereof, nor shall the poll tax annually exceed three dollars.

(3) That in addition to subjects of taxation for State purposes the commissioners shall have the power to levy and collect a special license tax not exceeding fifty dollars (\$50) on the following subjects, to wit: All itinerant merchants, traders, peddlers, dealers in medicine, or any one who shall occupy space in the streets or on near the sidewalks, on back lots or in alleys, or who sell or offer to sell at public outcry or privately within the town limits, whether by ascending or descending bids; each photographer; each dealer in patent rights; each livery stable; every resident or nonresident huckster or trader who buys produce on the streets for sale or in the markets; each gift enterprise or lottery; each dray; each barber shop; each bottler of nonalcoholic drinks; each advertising

Salary.

Annual financial report.

Details of report.

Additional information.

Town clerk to report delinquencies.

Taxation.

Subjects of taxation.

Tax rate.

License taxes.

agent or agency; each bicycle dealer or bicycle repair shop; each buyer of cotton; each buyer or dealer in leaf tobacco; each tobacco warehouse; each junk dealer; each market; each merry-go-round or flying horses; each blowing, lifting, or punching machine or any other exhibition of like character whatsoever; each peddler or transient dealer; each lightning-rod agent; each palmist, optician, oculist, chiropodist, etc., and on all other subjects taxed by the State.

Privilege taxes.

(4) That the commissioners of the town of LaGrange shall be and are hereby empowered to levy and collect annually a privilege or license tax on all trades, professions, agencies, business operations, exhibitions, and manufactories in said town of LaGrange.

Lien of taxes.

(5) That all taxes levied by the board of commissioners shall be a lien upon the personal property of the taxpayers from the date of levy thereon, and upon the real property from and after the first day of July of the year in which tax is levied. That after the first of January in each year the tax collector shall have power to levy upon and sell upon a ten days notice the personal property of any delinquent taxpayer; and to sell the real estate of any delinquent taxpayer after a notice of thirty days, provided said tax collector may at any time levy upon and sell said personal property upon filing affidavit that he has reason to believe that such taxpayer is about to leave the town of LaGrange, and that there is danger of loss of taxes due by him, and obtaining an order from the mayor directing him forthwith to levy upon and sell the personal property of such taxpayer. The notice provided for in this paragraph shall be posted at some public place in said town and published in some newspaper of the county; and that whenever property, real or personal, is sold for nonpayment of taxes as herein provided, the town of LaGrange may become the purchaser, provided there is no bidder for the property so sold, for the amount of taxes and costs due upon same; that the tax collector shall keep a record of all sales made by him, and upon the sale of any real property as herein authorized shall deliver to the purchaser, stating the name or names of the delinquent taxpayer or taxpayers, the amount of taxes and costs, and describing the real estate so sold; and if within twelve months the owner or owners of said real estate shall not redeem the same by paying the purchaser the amount of said taxes and costs, with ten per centum added thereto, the tax collector shall execute and deliver to the purchaser a deed for the real estate, which deed shall conform as near as may be to the deeds executed by the sheriffs upon sales of real estate for taxes, and said deed shall have the same force and there shall be the same fees and costs charged as upon sales by sheriffs for taxes.

Collection by distress.

Notice of sales for taxes.

Purchase by town.

Record of sales.

Certificate to purchaser.

Time for redemption.

Deed on failure to redeem.

Taxes collected instantly.

(6) That in addition to the subjects of special taxation enumerated herein, the commissioners may levy a tax on the following subjects, the amount of which tax when fixed shall be collected by

the tax collector instantly; and if same be not paid on demand the offender shall be subject to a fine of not more than fifty dollars (\$50), and the tax recovered by levying upon 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:

a. Upon every bowling alley, billiard table, pool table, shooting gallery, skating rink, or any other game allowed by law, and every restaurant established, used or kept in town, a tax not exceeding fifty dollars (\$50) a year. Tables for games and restaurants.

b. Upon every exhibition of a circus within the corporate limits of the town, a tax not exceeding twenty-five dollars (\$25) for each separate exhibition. Exhibition of circus.

c. Upon every company of stage or theatrical performers, every sleight-of-hand performer, rope or wire dancer or performer, every exhibition of artificial or natural curiosities, every single person or company of dancers, Ethiopian minstrels, or performers on musical instruments who shall sing, dance, perform, or play on musical instruments, a tax not exceeding ten dollars (\$10) a day shall be imposed. Theatrical and other exhibitions.

(7) That the chief of police shall be the town tax collector, to whom all taxes, special, poll, and *ad valorem*, shall be paid. He shall forthwith proceed to collect the taxes levied upon such subjects of taxation as the board of commissioners may direct within

five (5) days after the list shall have been placed within his hands, and shall complete the same on or before the first day of April next succeeding, and shall pay all moneys collected to the town 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 vested in a sheriff or collector of State taxes. He shall rent out the market stalls and prosecute all persons who do business without having paid the tax imposed, or who shall sell

without a license. Also, at every monthly meeting of the town council, he shall produce a report showing the sums received by him upon each subject of taxation, and such report shall be placed

in the hands of or copied by the commissioner of records, and all books or documents used by the town tax collector by virtue of his office shall be and are hereby declared to be the property of the town, and shall be at all times subject to the inspection of the mayor or town council. He shall give such bond as the town council may require. Monthly reports.

(8) That for the purpose of levying and collection of taxes for school purposes for the public school system in the town of La-Grange, as the said school district is now or may hereafter be comprised, the same law as is now in force shall be and remain in force under this act. Books and documents.

Sec. 24. *Board of Appraisement.*—The town council, at their meeting prior to the month of August, may at their discretion Bond.

Levy and collection of school taxes. Board of appraisement.

Priv.—61

appoint a board of appraisement or equalization for said town, with power to administer oaths, composed of two members of said council and the assessor and collector of taxes, whose duty it shall be to meet and carefully examine said tax lists and property and equitably adjust and equalize the taxable values thereon, 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 proper form and just manner; said corrected or amended list, however, to be used as a basis for municipal taxation, and the original or uncorrected list to be used for taxation for county and State purposes, without change except provided for by the State revenue law, until the next general assessment of property for taxation for the State of North Carolina. To the end that a just assessment of all property in said town for municipal taxation may be had said board of appraisement hereinbefore in this section provided for shall be allowed a period of ninety days within which to conclude its labors and make report of same to the town council, but said board shall continue for a period of one year as a standing committee to which all matters relative to taxes shall be referred, and are hereby invested with full power and authority to summon and examine, on oath, any taxpayer in said town in regard to any property of said taxpayer which is or may be liable to municipal taxation, to subpoena and examine witnesses as may be thought proper, and to send for persons and papers: *Provided, however,* before the assessment of any taxpayer in said town shall be raised, notice of five days shall be mailed to such taxpayer, notifying him to appear before said board and show cause why such valuation should not be increased as proposed, but the failure on the part of any property owner whose property may be increased in the value of the board of appraisement to receive written notice of the proposed increase shall in no wise invalidate or affect the action of said board in increasing the valuation of said property, but it shall be presumed that the notice was sent as provided for herein. The members of said board shall not receive any further compensation for their services as members of said board of appraisement nor as members of said standing committee on taxes.

(2) The town council shall preserve said tax list among its records and shall immediately after its approval of the same cause to be made a copy of so much and such parts thereof as may be required for the use of the assessor and collector in collecting the taxes of said town. Said copy, or said copy amended, modified, or changed as hereinbefore provided, shall be delivered to the assessor and collector on or before the first Monday in September of each year, and he shall receipt for the same. The mayor shall indorse on said copy an order to said assessor and collector of taxes to collect the taxes therein mentioned, and such order shall

Basis of municipal taxation.

Time allowed for appraisement.

Board continued as standing committee.

Jurisdiction.

Proviso: notice before increase.

Preservation of list.
Copy for collector.

Delivery to collector.

Order for collection.

Force of order.

have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively.

(3) Whenever it shall appear to the town council that property, real and personal, has escaped taxation in the town for town purposes, on account of the failure of the owner of the property to list said property for taxation or for any other reason, it shall be the duty of the council to notify the said persons or corporation whose property has thus escaped taxation to appear before it at a time and place mentioned in the notice and show cause, if any there be, why the said owner should not be charged with the tax on said property for the year or years during which it escaped taxation. At the time and place mentioned in the notice the town council shall hear and determine the matter, and if they find that the said property was liable for taxation and was not listed, they shall direct the town clerk of said town to enter upon the tax books against the owner of the said property, who should have listed it, the taxes due for the years it escaped taxation, and the tax thus levied shall be charged up to the assessor and collector of taxes and shall be collected as other taxes against the owner who failed to list his property or whose property was not listed for any cause.

Delinquent property.

Notice to owner.

Hearing.

Entry on tax books.

Collection.

(4) That from the decision of the town council the owner may take an appeal to the next term of the Superior Court of Lenoir County, and the collection of such taxes shall be stayed pending such appeal, if the owner shall give bond in at least double the amount of the taxes assessed against him, conditioned that he will pay to the town of LaGrange all such judgments as may be had against him in the Superior Court upon appeal, which bond shall in no case be less than fifty dollars.

Right of appeal.

Bond on appeal.

(5) The sale of personal property for delinquent taxes shall convey with it an absolute title and the owner shall have no right to redeem the same.

Sale of personal property absolute.

(6) All levies of *ad valorem* taxes heretofore made by the town of LaGrange, and all assessments heretofore made and assessment rolls heretofore placed in the hands of the assessor and collector of taxes for collection are hereby validated and the same shall be legal and binding regardless of any irregularity that may exist in the manner of making such levies and the making and returning of such assessment rolls.

Levies and assessments validated.

(7) In addition to the other modes of collection in this act provided, all taxes due the town, whether general or special, and all assessments for street improvement or otherwise, may be collected by a civil action in the nature of an action of debt, and 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 equal right to become the purchaser at

Action for taxes.

Assessment rolls prima facie evidence.
Town may purchase.

- all sales of property for taxes or assessments due it, under judgment or otherwise. It shall be the duty of the mayor to attend to such sale, to make purchases, if they be necessary. If in any suit by the town of LaGrange for the collection of any delinquent tax it shall appear that the description of any property in the town assessment rolls shall be insufficient to identify such property, the town shall have the right to set up in its pleadings a good description of the property intended to be assessed and to prove the same, and to have its judgment foreclosing its lien upon the same and personal judgment against the owner for such taxes, the same as if the property was fully described upon the assessment rolls. No levy shall be made on any property belonging to the town nor shall any levy be made upon the property of any individual for any debt due by the town, but all such debts shall be paid only by taxation upon subjects properly taxable by said town.
- Mayor to attend sales. Identification of property. (8) All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax, and subject to be corrected or altered by them, and shall be open for inspection by the public, and upon demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for inspection or correction; and any assessor and collector of taxes who shall fail or refuse to surrender his list upon such demand shall be guilty of a misdemeanor.
- Debts due by town. (9) The personal property of all persons owing taxes to the town of LaGrange is hereby made liable for all said taxes, whether the same be due upon personal property, or both.
- Control of tax lists. SEC. 25. *Miscellaneous.*—(1) 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.
- Subject to correction. Open for inspection. (2) In all judicial proceedings it shall be sufficient to plead any ordinance of the said town by caption or by the number of section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances published in book form by authority of the town council of the town of LaGrange shall be admitted in evidence in all courts, and shall have the same force and effect as would the original ordinance.
- Liability of personal property. (3) All ordinances of the town of LaGrange not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the town council.
- General laws. (4) No office provided for in this act not already existing shall be held to be created until the same is established by an ordinance of the town council.
- Ordinance pleaded by caption. (5) This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been pleaded or read in evidence.
- Printed ordinances admitted as evidence. (5) This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been pleaded or read in evidence.
- Ordinances in force. (5) This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been pleaded or read in evidence.
- Office created by ordinance. (5) This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been pleaded or read in evidence.
- Public act. (5) This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been pleaded or read in evidence.

- (6) The property, real or personal, belonging to the town of LaGrange shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the town in the hands of any person be liable to garnishment, nor shall the town or any of its officers or agents be required to answer any writ of garnishment served upon or issued against it, and a failure to do so shall not entail any liability upon the town, but if the mayor of the town elects to do so, he may answer in a writ of garnishment for the town, in his discretion. Property of town not amenable to process.
- (7) In the event that any part, article, section or subdivision of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the act, but the same shall continue in full force and effect notwithstanding such holding. Unconstitutionality of part of act.
- (8) Any officer of the town of LaGrange who shall on demand fail to turn over to his successor in office the property, books, money, seals, or effects of said town 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. Failure to turn over office misdemeanor.
Punishment.
- (9) The town council 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 clerk or by two members of the council, with the corporate seal of the town attached: *Provided, however,* that this section shall not apply to the plats in the cemetery except as to the manner of executing deed. From and after the ratification of this act the same shall be henceforth the charter of the town of LaGrange, and all laws now constituting the charter of said town and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds and granting of franchises, and all laws of public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, as far only as they may affect the town: *Provided, however,* that such 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; neither shall any rights, estate, duty, or obligation possessed by or due to the town by its present name from any corporation or persons whatever be lost, affected, enforced, and enjoyed in the same for the use of the said town by the name of the town of LaGrange. Sale of city property.
Execution of deed.
Proviso: plats in cemetery.
Charter of city.
Effect on former laws.
Proviso: extent of repeal.
- Sec. 26. All laws and clauses of laws in conflict herewith are hereby repealed.

When act effective. SEC. 27. This act shall be in force from and after its ratification, and it shall be necessary to print this act among the laws, but in lieu of printing it shall be sufficient for the Secretary of State to send a certified copy of this act to the town of LaGrange without cost to said town.

Printing.

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 340.

AN ACT TO AMEND CHAPTER 51 OF THE PRIVATE LAWS OF 1913, RELATIVE TO EXTENDING THE TIME TO BEGIN WORK ON THE PROPOSED RAILROAD MENTIONED IN SAID CHAPTER.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter fifty-one of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding after the word "company" in line two the following: "to construct a line of railroad from the town of Franklin in the county of Macon, North Carolina, to the point of intersection with the Western North Carolina Railway in Swain County," and by striking out the word "March" in line seven of section two and inserting in lieu thereof the word "July," and by striking out the word "eight" in line fifteen and inserting in lieu thereof the word "six," and by adding after the word "corporation" in the last line of said section the following: "to the extent hereinbefore provided," and by adding at the end of said section two the following, viz.: "said suit shall be brought at the joint request of the board of commissioners of Macon and Swain counties."

Route.

Time for beginning work.

Extent of forfeit.

Request for action.

Forfeit declared in suit.

Act of this session effective.

SEC. 2. That the forfeiture provided for by said chapter fifty-one of the Private Acts of one thousand nine hundred and thirteen, or by said act as hereby amended, shall not be effective until and unless such forfeiture shall be declared in a suit brought for said purpose by the Attorney-General.

SEC. 3. That nothing herein shall be construed to amend or repeal the provisions of an act entitled "An act to amend chapter fifty-one of the Private Laws of one thousand nine hundred and thirteen, relating to the Carolina and Tennessee Southern Railway Company," ratified on February twenty-second, one thousand nine hundred and fifteen.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1915.

CHAPTER 341.

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER
OF THE CITY OF ELIZABETH CITY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the city of Elizabeth City 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 Elizabeth City, and have perpetual succession; and under such name and style shall have all 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 such estates as may be devised, bequeathed, sold, or in any manner conveyed to it, and from time to time may, 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 the power to contract and to be contracted with, to sue and to be sued, and shall have all powers, rights, and privileges and franchises and immunities necessary or belonging or usually appertaining to municipal corporations.

Corporation.

Corporate name.

Property, rights,
and liabilities
revested.

Corporate powers.

CORPORATE LIMITS.

SEC. 2. The corporate limits of the city of Elizabeth City shall be bounded as follows: Beginning at a point on Pasquotank River at the southern mouth of Knobb's Creek; thence up the center of said creek to a point immediately opposite the east side of Fourth Street; thence southwardly up Fourth Street to the center of the track of the Norfolk Southern Railroad; thence westwardly and southwestwardly down the center of the track of the Norfolk Southern Railroad to a point opposite the southwestern end of the shed of the passenger station of the Norfolk Southern Railroad; thence due south to the street opened by C. W. Stevens, and known as West End Main Street; thence eastwardly down said West End Main Street to a point fifty feet from the street running by the baseball park, and connecting Main Street with Church Street extended, or West End Avenue; thence southwardly and parallel with this street and fifty feet therefrom to Church Street, or West End Avenue; thence eastwardly up Church Street to what is known as "Pritchard Town road"; thence southwardly down "Pritchard Town road" to the center of the first street south of said Church Street extended and paralleling same, as per plat of West End Improvement Company; thence eastwardly down the center of the said street to Selden Street; thence southwardly along Selden Street, and the southerly projection of the same, to

Corporate limits.

Ehringhaus Street; thence a straight line in a southerly course to Body road, to the north line of the Alex. Wadsworth farm; thence eastwardly along the north line to the Wadsworth farm to Pear Tree road; thence eastwardly along Pear Tree road and Euclid Avenue to the corner of C Street; thence eastwardly along the south side of C Street to Southern Avenue; thence eastwardly in a line with Park Avenue and three hundred feet south thereof to a point opposite the southern projection of a branch near the residence of T. S. Owens, 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 three hundred feet from Riverside Avenue; thence eastwardly and paralleling Riverside Avenue and three hundred feet therefrom to Raleigh Street; thence northwardly down Raleigh Street to Pasquotank River; thence a straight line to the southernmost point of Goat Island; thence along the southern, western, and northern shore of Goat Island, the various courses of said shore, to a point on the north side of Goat Island three hundred yards west of Stinking Gut; thence a straight course to the beginning.

NUMBER OF WARDS—FIRST WARD BOUNDARIES.

Wards. SEC. 3. That said city shall be divided into four wards, to be known respectively as the first, second, third, and fourth wards.

First ward. The First Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road streets; thence eastwardly down the center of East Main Street and a projection thereof, a straight line to the eastern boundary of said city; thence northwardly and westwardly following the boundary of said city to its intersection with North Road Street; thence southwardly down the center of North Road Street to the place of beginning.

SECOND WARD BOUNDARIES.

Second ward. The Second Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road streets, thence westwardly down the center of West Main Street to the center of the Norfolk Southern Railroad crossing; thence northwardly and eastwardly down the center of said railroad track to the line of the First Ward as above described; thence southwardly down the line of the First Ward to the place of beginning.

THIRD WARD BOUNDARIES.

Third ward. The Third Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road streets; thence binding the southern line of the Second Ward, as above described, to the boundary of said city; thence southwardly and eastwardly

with the various courses of said boundary to the center of South Road Street; thence down the center of South Road Street to the place of beginning.

FOURTH WARD BOUNDARIES.

The Fourth Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road streets; thence southwardly along the eastern line of the Third Ward, as above described, to the boundary of said city; thence along the boundary of said city to its intersection with the southern line of the First Ward above described; thence westwardly along the line of the First Ward to the place of beginning.

MUNICIPAL ELECTIONS.

SEC. 4. That an election shall be held for the city of Elizabeth City on Tuesday after the second Monday in May, one thousand nine hundred and fifteen, and biennially thereafter, at each of which elections there shall be elected by the qualified voters of the city eight aldermen: *Provided, however*, that two of said aldermen shall be elected in each of the four wards of the said city by the qualified voters of the city residing in said wards: *Provided*, that each of said aldermen shall, at the time of his election, be a qualified voter in the ward in which he is elected; and *Provided further*, that said aldermen shall hold office for two years and until their successors shall have been elected and qualified, and they 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 city, at least thirty days preceding the same.

SEC. 6. That each ward in said city 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, however*, there shall be at least one polling place in each election precinct.

SEC. 7. That 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 registrar of voters of such precinct; and the said board shall cause the chief of police of said city to make publication of the names of the persons so selected as registrars and of the persons appointed as judges of election as hereinafter provided, and of the polling places and of the time of the election and of the size of the ballots, at the city hall and at three other public places in each election precinct, immediately after calling said election, and to serve a notice of their appointment upon the registrars and judges of election. If any registrar or judge of election shall die,

Fourth ward.

Town elections.

Aldermen elected.

Proviso: election by wards.

Proviso: residence of aldermen.

Proviso: term of office.

Beginning of term.

Call and notice of election.

Election precincts.

Polling places.

Proviso: one in each precinct.

Registrar.

Publication.

Service of notice.

Vacancy.

become incompetent, or refuse to perform his duties, said board of aldermen may appoint another in his place.

Oath of office.

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 city 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.

Revision.

Notice of new registration.

SEC. 10. In the event a new registration is ordered the board of aldermen shall cause the chief of police of said city to give ten days notice thereof, by posters, at three public places in each election precinct.

Registration books.

Revision.

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 books shall show an accurate list of the electors previously registered in each precinct and still residing therein, without requiring such electors to be registered anew: *Provided, however,* that this section shall not apply when a new registration is ordered as herein provided.

Proviso: new registration.

Term 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 as 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.

Registration on Saturdays.

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 or judges of election that he has become qualified to vote since the registration books were closed for registration, he shall be allowed to register and vote.

Vacancies filled.

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 other times shall be filled by the board of aldermen. The persons appointed under the provisions of this section shall possess all the qualifications provided in this act for registrars and judges of election, and shall be sworn before acting.

SEC. 15. On 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 such electors shall be allowed to object to the name of any person appearing on said books: *Provided, however,* nothing in this section shall prohibit any elector from challenging or objecting, on the day of election, to any person offering to vote.

SEC. 16. When a person is challenged the registrar shall enter upon his book, opposite the name of the person objected to, the word "Challenged," and the registrar shall appoint a time and place, on Monday immediately preceding election day, when he, together with the judges of election, shall hear and decide the objection, giving personal notice to the person so objected to: and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy of said notice 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 qualified, the registrar shall erase his name from the books. They shall hear and determine the cause of challenge under the rules and regulations prescribed for the election of members of the General Assembly. Whenever any person offering to vote is challenged or objected to on the day of election, the registrar and judges of election shall immediately proceed to hear and determine the objection under the aforesaid rules and regulations.

SEC. 17. Immediately after each election the registrar shall deposit the registration books for the respective precincts with the auditor of the city, who shall carefully preserve them.

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 city, who, before entering upon the discharge of their duties, shall take an oath before some person authorized by law to administer oaths to conduct the election fairly and impartially, according to the Constitution and laws of the State.

SEC. 19. The judges of election shall open the polls and superintend the same until the close of the election; they shall keep two poll books, in each of which shall be entered the name of every person who shall vote in their respective precincts, and at the close

Challenge day.

Proviso; challenges on election day.

Challenges entered.

Hearing.

Notice of challenge.

Chief of police to serve notices.

Names erased.

Hearing on challenges.

Hearing on election day.

Deposit of books.

Judges of election.

Judges to qualify.

Conduct of election.

Poll books.

of the election they shall certify the same over their proper signatures and deposit them with the auditor of the city, who shall carefully preserve them.

Hours of voting. 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.

Voters. 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 city, 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 election precinct to another in said city shall not operate to deprive any person of the right to vote in the precinct 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 whence he has removed.

Proviso: removal. SEC. 22. All ballots shall be printed or written, or partly printed and partly written, upon white paper, and shall be without device, mutilation, or ornamentation; the size of the ballots to be fixed by the board of aldermen at the same meeting at which the election is called.

Ballots. SEC. 23. The chief of police and auditor of said city shall provide for each election precinct in said city a ballot box which shall be labeled "Ballot Box for Aldermen," and in said ballot box each voter may deposit one ballot containing the name of the person for whom he desires to vote for aldermen of that ward. The registrar and judges of election, before the voting begins, shall carefully examine the 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.

Ballot box. SEC. 24. When the election shall be finished the registrars and judges of election shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear thereon; 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.

Examination of boxes.

Deposit of boxes.

Count of votes.

Ballots not counted.

Count completed without adjournment.

Ballots in wrong box.

SEC. 25. 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 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 city canvassers for such election, and the majority of them shall constitute a quorum.

Canvassing board.
Returns.

Quorum of board.

SEC. 26. The board of city canvassers shall meet on the next day after the election at twelve o'clock m. at the city hall, and the members of the board shall take the oath prescribed in the general election law for members of the board of county canvassers.

Meeting of canvassers.
To be sworn.

SEC. 27. 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 chairman of the board of aldermen and one to the city clerk, who shall record the same on the minute-book of the city. The board of canvassers shall have power to judicially pass upon all facts relative to the election, and judicially determine and declare the result of the same; the two who shall receive in the First Ward the greatest number of votes shall be declared aldermen from that ward; the two who shall receive the greatest number of votes in the Second Ward shall be declared to be the aldermen of the Second Ward; the two who shall receive in the Third Ward the greatest number of votes shall be declared aldermen from that ward; and the two who shall receive the greatest number of votes in the Fourth Ward shall be declared the aldermen from the Fourth Ward: *Provided, however,* that nothing contained in this section shall be construed 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.

Canvass of votes.

Abstracts.

Record of canvass.
Judicial powers.

Persons declared elected.

Proviso: residence of aldermen.

Powers to secure evidence.

SEC. 28. In all respects other than herein provided, all elections held in said city shall be conducted as prescribed for elections of members of the General Assembly.

General law.

SEC. 29. If any person shall, with intent to commit 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 upon conviction shall

Repeating an infamous crime.

Punishment.

- Fraudulent entry. be 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 or voter or any clerk or copyist who shall make an entry or copy with intent to commit fraud shall be liable to the same penalty.
- False oath perjury. SEC. 30. If any person shall falsely and corruptly take the oath
Punishment. prescribed for voters aforesaid, he shall be guilty of perjury, and be fined not less than five hundred dollars and not more than one thousand dollars, and imprisoned at hard labor in the penitentiary not less than two years nor more than five years.
- Interference a misdemeanor. SEC. 31. If any person shall by force or violence break up or
Punishment. 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 courts shall adjudge, not exceeding one hundred dollars. If any
Interruption of registrar or judges a misdemeanor. 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 in a disorderly or boisterous manner in the presence of said officers, while so engaged in the discharge of their official duties, 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.
- Punishment.
- Forfeit for treating. SEC. 32. If any person shall treat with either meat or drink on any day of election or on any day previous thereto, with intent to influence the election, he shall forfeit and pay two hundred dollars, one-half to the use of the city and the other to the use of the person who shall sue for the same.
- Intimidating voters a misdemeanor. SEC. 33. 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.
- Bribery an infamous crime. SEC. 34. 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 upon conviction be 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.
- Punishment.
- Power to administer oaths. SEC. 35. The registrar and judges of election are hereby empowered to administer all oaths and affirmations necessary to the conduct of the elections.

SEC. 36. If any person shall cause or procure his name to be registered in more than one election precinct, or 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 precinct 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 imprisoned at hard labor for a term not exceeding two years, or both, in the discretion of the court.

Fraudulent registration and impersonating voters infamous crimes.

Punishment.

SEC. 37. 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 questions shall not be used against him in any criminal prosecution; but if any person so convicted shall vote at the election without first 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.

Person challenged to answer questions.

Infamous crime.

Punishment.

SEC. 38. That the judges of election shall in no case receive the vote of any person unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim the right to vote, they shall have power to examine such person and any other person or persons under oath or affirmation touching such right; and if any judge of election shall receive or assent to receive the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not be qualified and entitled to vote, such judge of election so receiving or assenting to receive such vote shall be declared to have received the same knowing it to be illegal.

Examination of right to vote.

Receipt of vote without swearing voter.

SEC. 39. That the registrar and judges of election in each precinct 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 judge 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 the 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 to and executed by the sheriff or constable; or if the sheriff or constable shall not be present, or shall

Inferior courts.

Power to punish for contempt.

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.

Gifts or sale of liquor misdemeanor.

SEC. 40. If any person shall give away or sell intoxicating liquors, except for medical purposes and upon the prescription of a practicing physician, at any place within the city of Elizabeth City at any time within twelve hours next preceding or succeeding any public election under this act, or during the holiday thereof, he shall be guilty of a misdemeanor, and fined not less than one hundred dollars or more than one thousand dollars.

Punishment.

Neglect of duty misdemeanor.

SEC. 41. 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 to do any act required to be done by him under the provisions of this act, he shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.

Punishment.

Other city elections.

SEC. 42. That the provisions hereinbefore made for holding the election of aldermen shall apply to the holding of other city elections.

THE BOARD OF ALDERMEN.

Aldermen to qualify and convene.

SEC. 43. On the first Monday in June, one thousand nine hundred and fifteen, the aldermen-elect, after having taken and subscribed before some person lawfully entitled to administer oaths an oath or affirmation to support the Constitution of the United States and the Constitution of North Carolina, and to faithfully perform the duties of their office (which oath or affirmation shall be entered upon the minutes of the corporation, subscribed as aforesaid and attested by the officer administering the same), shall take their seats and continue in office until their successors shall have been elected and qualified. They shall organize and elect for their term one of their members chairman, who shall preside at board meetings and perform the duties of mayor in his absence or sickness. The board shall fill vacancies caused by death, resignation, or failure to elect, or otherwise, in any and all the offices, elective or appointive, which may occur during its term of office: *Provided, however*, that any vacancy occurring in the board of aldermen shall be filled by electing such person to fill such vacancy as a majority of the qualified voters of the said ward wherein such vacancy occurs shall recommend.

Organization.

Vacancies.

Proviso: qualification for aldermen.

Regular meetings.

Special meetings.

Notice.

SEC. 44. A regular meeting of the board of aldermen shall be held on the first Monday night in each and every month during its term of office at such hour as it may designate, and special meetings of the board may also be held on the call of the mayor, or of a majority of the aldermen; and of every such meeting, when called by the mayor, all the aldermen of the city shall be notified, and when called by a majority of the aldermen, such as shall not

join in the call shall be notified. After said board shall have been organized as hereinbefore provided it shall proceed to the appointment of a mayor, a health officer, a city attorney, and an officer to be known as city manager, and as soon thereafter as possible the said board, upon the recommendation of the said city manager, shall appoint a city auditor, a city tax collector, a street commissioner, a chief of the fire department, a harbor master, a chief of police, a building inspector, and all such other officers, deputies, and assistants as said board may deem necessary for the proper government of the city, which officers so appointed, unless otherwise herein provided, shall hold their offices respectively during the term of the board appointing them and until their successors shall have been appointed and qualified; subject, however, to be removed at any time as hereinafter set forth, and others appointed in their stead, for misbehavior or neglect in office or for any other cause. The said board may fix the compensation of each of the officers appointed by it at such sum as it may deem proper, unless otherwise provided in this charter. Before acting as such each of the appointed officers shall take an oath before some person authorized by law to administer oaths to faithfully discharge the duties required of him by this charter and by the board of aldermen; and each shall execute a bond, payable to the city of Elizabeth City, to faithfully discharge such duties, in such amount as the board may require, with security to be approved by the board: *Provided, however,* that any bond herein required may be secured by any bonding company or surety company authorized to do business in North Carolina. The bonds herein required of the tax collector, auditor, and city manager shall be renewed each year. The board may require the chief of police to perform the duties of harbor master and building inspector without additional compensation. All persons now filling the offices to which appointments are to be made as hereinbefore provided shall hold their said offices until their successors to be appointed hereunder shall have been appointed and qualified.

SEC. 45. That it shall be unlawful for any officer or employee of said city, elective or appointive, directly or indirectly to become a contractor for work done for the city, or to become directly personally interested in or receive profit from any purchase of supplies for any department of said city; and any such persons so offending shall be guilty of a misdemeanor and removed from office.

SEC. 46. That all officers of the city of Elizabeth City shall faithfully collect all fees of every kind belonging to or appertaining to their respective offices, and any person in the employ of the city of Elizabeth City who shall willfully fail or refuse to collect any fees, assessments, taxes, or other funds due the city of Elizabeth City shall be guilty of a felony, and upon conviction shall be discharged from said office and punished as is now provided by law in cases

Officers to be elected.

Officers to be appointed on recommendation of manager.

Terms of office.

Removal.

Compensation.

Officers to be sworn.

Official bonds.

Proviso: bonds in surety companies.

Bonds renewed.

Chief of police as harbor master and inspector.

Officers to hold over.

Interest in city contracts.

Misdemeanor. Removal from office.

Officers to collect fees.

Failure to collect funds felony.

Discharge from office. Punishment.

- Books to be kept. of embezzlement by public officers. That all such officers shall open and keep such books in their respective departments as may be prescribed by the auditor of said city, and which books shall be open at all times to the inspection of the public upon demand, and said books shall be faithfully and securely kept, so as to prevent and guard against the loss or destruction thereof. Such books shall show in itemized form the name of the persons paying any sum of money, the date when paid, the purpose for which paid, and the amount thereof, and said books shall be kept according to the rules and regulations that may be prescribed by the city manager or the city auditor under the supervision and direction of the city manager.
- Open to inspection.
- Details of books.
- Monthly reports. SEC. 47. All officers of the city of Elizabeth City shall be required, at the end of each calendar month, to make a true and accurate account, in the form of a report, and which report or account shall be transmitted by each of said officers, under oath, to the auditor of said city, and a copy of which shall be presented to the board of aldermen at their regular meeting on the first Monday in each month. Upon receipt of such statement, it shall be the duty of the auditor to cause such statement to be checked and compared with the books of original entry, and if upon checking and comparing, it shall be ascertained that the statement by any officer does not conform to and correspond with the books of original entry, or if it be ascertained that the statement, so submitted, is not a true and correct statement of the transactions of his office for the preceding month, then it shall be the duty of the auditor of the said city to ascertain and determine the true and correct amount, which should be paid by such officer for moneys collected or work done by him in his official capacity during the preceding month, and by virtue of his office, and if he shall fail to do so, then the matter shall be reported to the city attorney, and it shall be his duty to institute action against such officer on his official bond in the proper court, and to prosecute such action to final judgment, and to collect the amount due by such officer and pay over the same to the city treasurer. Any officer of said city who may be required by the auditor, or the city manager, to make such monthly report, and who shall fail or refuse to make such report, or who shall willfully submit a false report or incorrect statement, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned within the discretion of the court.
- Verification by auditor.
- Determination of amount.
- Action by city attorney.
- Failure to report or false report a misdemeanor.
- Punishment.
- Officers to discharge duties. SEC. 48. The officers who may be employed by the said city shall faithfully and truly perform all of the duties of their several offices which are now or which may hereafter be imposed upon them by law, and they shall receive no other compensation or allowance of any kind whatsoever for any extra services rendered to the city, county, State, or governmental agency, and they shall be liable for all the pains and penalties now or hereafter provided to perform
- Allowances for extra service forbidden.
- Pains and penalties.

the duties of their said offices; and it shall be unlawful for the board of aldermen, the city manager, or other employing agency of the city to employ any person to do any work for the city who is related by blood or marriage to the mayor, city manager, or any member of the board of aldermen in a degree that would exclude him, on objection, from serving on a jury, and any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction fined in the discretion of the court.

Employment of relatives.

Misdemeanor. Punishment.

POWER TO MAKE ORDINANCES.

SEC. 49. The board of aldermen shall have power to make, enact, and pass such ordinances, by-laws, rules and regulations as are consistent with the laws of the land and necessary for the proper government of the city, with power and authority to provide for the execution of the same by imposition, as punishment for the violation thereof, of fines and imprisonment or by the imposition of penalties and forfeitures; that the fine or imprisonment prescribed for the punishment of a violation of an ordinance shall not exceed a fine of fifty dollars or imprisonment on the roads not exceeding thirty days, or both, in the discretion of the trial justice; that the penalty prescribed for the violation of an ordinance shall not exceed a fine or forfeiture of two hundred dollars, which last penalty shall be civil in its nature, to be recovered in a civil action before any justice of the peace of Pasquotank County.

Ordinances, by-laws, rules, and regulations.

Execution.

Limit of punishments.

Limit of penalties.

SEC. 50. The board of aldermen shall have control of all the finances and of the property, real and personal, belonging to the city, and among the powers granted to it shall have power and authority, by ordinance duly enacted:

Control of city finance and property.

Powers granted.

(1) To provide for the payment of any existing indebtedness and of any obligation that may from time to time be made by the city, and to appropriate funds for that purpose.

To provide for payment of debt.

(2) To establish, construct, and keep in repair streets, sidewalks, bridges, culverts, drains, and conduits in the city; to regulate the construction and use of the same, and to abate or punish any obstruction or encroachment thereon.

To establish and keep up streets and similar works.

(3) To prevent excavations on any streets or sidewalks, unless made by permission of the board and under the direction of the city manager and street commissioner; to prescribe and exact fees for such privileges, and to require deposits as guarantees for the proper restoration of such street or sidewalk.

To regulate 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 the said city by contract or otherwise, and to erect, own, and operate machinery, fixtures, appliances, and appurtenances of every nature whatever necessary for said purpose.

To provide lights.

(5) To regulate the speed of all railroad trains, street cars, and locomotives within the town, and their stops at street crossings; to

To regulate speed and stops of trains, cars, and locomotives.

To regulate street car and railway traffic.

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 operating, whenever deemed necessary; to prescribe the kind of light to be used, and to levy special taxes or assessments upon them for street improvement in the same manner as against abutting property owners.

To require gates and watchmen.

(6) To require all railroad companies to maintain gates or watchmen at the street crossings when deemed necessary.

To regulate 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 railroad 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.

To regulate use of engines.

(8) To control and regulate the uses of steam engines in the city, and to adopt such rules and regulations in relation thereto as may seem best for public safety and comfort.

To regulate motor vehicles.

(9) To regulate the use and speed of and require to be numbered all automobiles, motor cars, motorcycles, bicycles, and other vehicles; to issue permits for the use of such vehicles to such persons as the auditor of said city may deem proper: *Provided*, that no person under the age of eighteen years shall be allowed a permit to run or operate an automobile, a motor car or motorcycle.

Proviso: age of chauffeurs.

To regulate food and drink inspections.

(10) To provide for and regulate the inspection and quality of everything to eat and drink offered for sale in the city.

To regulate dairies and maintain standards.

(11) To provide for the inspection of all dairies inside and outside of the city limits, doing business within the city, and charge and provide license fees; to regulate and maintain a standard for the quality of milk sold in the city and to provide for penalties for the violation thereof.

To regulate slaughter of animals.

(12) To regulate, license, or prohibit the business of slaughtering animals in the city limits and within one mile thereof; to revoke such license for misconduct in business; to regulate or prohibit slaughter-houses which furnish meats to the markets within the city.

To enforce sanitation.

(13) To require any owner or occupant of any dairy, grocery, and blacksmith shop, stables, or slaughter-house to cleanse, repair, or abate the same, as may be necessary for the health, comfort, or convenience of the inhabitants.

To establish and regulate markets.

(14) To establish markets, market houses, and market places, and to provide for the government and regulation thereof.

(15) To establish and regulate public grounds, and to regulate, restrain, and prohibit the running at large in the city of horses, cattle, sheep, swine, goats, dogs, and other animals and chickens and other fowls, and to authorize the impounding and sale of the same for the cost of the proceedings and penalty incurred, and to order the destruction of such as cannot be sold, and impose penalties on the owners or keepers thereof for the violation of any ordinance; and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto if the provisions of the ordinance have been complied with.

To establish and regulate public grounds.
To regulate, restrain, or prohibit animals running at large.

(16) To pass ordinances for the due observance of Sunday and for the maintenance of order in the vicinity of churches and schools.

Observance of Sunday.

(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 a department, and make such appropriation as it may deem advisable for the maintenance of military companies and companies of naval reserves organized in the city according to law, and to make such appropriations as it may deem necessary to properly advertise the city and the advantages thereof.

To establish and own fire department.

To appropriate to military companies and naval reserves.
To advertise city.

(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 the said limits, and to require all buildings within said limits to be constructed with fireproof materials; and 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 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.

(19) To provide for an inspection of the construction of any and all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles within the city, and to cause the same to be removed or changed, whether telegraph, telephone, electric light, or otherwise.

Building regulations.

Erection of poles.

(20) To authorize one or more officers, agents, or employees of the city to enter in and upon all buildings and premises within the city to inspect and discover whether the same are dangerous on account of fire or in an unclean or unhealthy state; to cause all defects to be remedied and filth and trash to be removed, and to establish such regulations for the prevention and extinguishment of fires and preservation of health as it may deem expedient.

Entry on premises for inspections.

Health and fire ordinances.

(21) To require the construction of suitable fire-escapes on or in auditoriums, schoolhouses, hotels, lodging-houses, office build-

Fire-escapes.

ings, factories, and other buildings, whether now built or hereafter to be built.

Flues and heating apparatus. (22) To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stovepipes, boilers, furnaces, and other heating apparatus, and to cause the same to be removed and made safe; and to prevent the nuisances on account of dense smoke from such furnaces.

Smoke ordinances. (23) To regulate the size, number, and manner of construction of doors, windows, exits, and stairways of theaters, tenement-houses, audience rooms, public halls, and all buildings used for the gathering of large numbers of people, and to require that all doors to halls where public gatherings are held, to theaters, and to other places of amusement, whether now built or hereafter to be built, to open outward so that there may be convenient, safe, and speedy exit in case of fire, and sufficient light and air for the preservation of health.

Exits of public halls. (24) To define what shall be nuisances in the city, and to abate them by summary proceedings, and to punish the authors thereof by penalties, fines, or imprisonment.

Lighting and ventilation. (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.

To define, abate, and punish nuisances. (26) To require the owners of private drains, cesspools, sinks, and privies to fill, cleanse, alter, relay, repair, and fix and improve the same, and to impose penalties upon persons failing to do these things. If there be no person in the city upon whom such order can be served, the city 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.

Crematories and sanitation. (27) To establish and maintain one or more cemeteries, and to regulate the burying of the dead, the registration of births and deaths, to direct the keeping and returning of bills of mortality, and to impose penalties on physicians, undertakers, sextons, or others for any default in the premises.

Drains, cesspools, sinks, and privies. (28) To establish, own, and operate systems of sewerage and works for sewage disposal, systems for supplying water and light, or either of them, to the city and its inhabitants, and to extend and build the same beyond the corporate limits when deemed necessary.

Cemeteries. (29) To provide for taking an enumeration of the inhabitants of the city, and it shall be the duty of the Governor of the State, whenever the board shall by resolution so request, to appoint a commissioner, who shall supervise such enumeration, and whose compensation, together with all expenses of such enumeration, shall be paid in such manner as the board of aldermen may provide.

Burial regulations.
Vital statistics.
Sewerage, water, and lights.
Census.
Appointment by governor.

(30) To pass ordinances regulating all electrical wiring, plumbing, and gas fitting in the city, and to require all persons desiring to carry on the trades of electrical wiring, plumbing, and gas fitting, or either of them, to pass such examination and possess such qualifications as may seem proper to said board.

Regulation of wiring, plumbing, and gas fitting.

(31) To compel any electric company, gas company, telephone company, water company, sewerage company, or street railway company to run its poles, wires, pipes, mains, and tracks down any street and to extend same down and along said streets to such extent as may be deemed necessary by said board, notwithstanding any provisions in any contract between the city and any of the said companies may provide to the contrary: *Provided*, the revenue from such extension shall equal six per cent per annum on the cost of such extension.

Extension of public utilities.

Proviso: revenue from extension.

(32) To declare forfeited and terminated 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.

Forfeit of franchises.

(33) To provide for the removal of night-soil within the city limits; to make reasonable assessments against either tenants, property or property owners, for the purpose of effecting such removal, and such assessment shall be paid and collected as the regular municipal taxes are paid and collected, and such assessment shall be a lien upon the property of such tenants or property owners: *Provided*, such assessment shall not exceed two dollars per year per house and lot.

Scavenger work.

Proviso: limit of assessment.

SEC. 51. That all penalties incurred by any minor for the breach of the provisions of this act or any ordinance passed in pursuance hereof shall be recovered from the parent, guardian, or master (if the minor be an apprentice) of such minor.

Penalties of minors.

SEC. 52. The board of aldermen may take such means as it deems effectual to prevent the entrance into the town or the spread of 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 diseases; may establish and regulate hospitals within the city or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay endangers health, to be removed to the hospital; may remove from the city 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.

Hospitals.

Infected property.

Expense of removal and treatment.

SEC. 53. 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 city incur that expense.

Powers as to streets.

SEC. 54. The board of aldermen shall have power to lay out and open any new streets within the corporate limits of the city whenever by it deemed necessary, and shall have power at any time to widen, change, extend, or discontinue any street or streets or any part thereof within the corporate limits of the city, and shall have power to establish such public parks and playgrounds as in its judgment may be proper or necessary, within the corporate limits of Elizabeth City or within one mile of the city limits, and shall have power to enlarge or otherwise improve any public park or square or playground or other land whatsoever now owned or controlled or hereafter acquired by said city. In the event the said city cannot otherwise acquire lands sufficient and suitable for any of the purposes of this section the board of aldermen 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 owner or owners of the land and the board of aldermen cannot agree upon a price, the said board of aldermen shall appoint five freeholders, residents of Elizabeth City, who shall assess the land to be condemned and make report to the board of aldermen. If the board of aldermen accepts 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 city 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 to the Superior Court of Pasquotank County within thirty days from the date the amount assessed is tendered to him from the said assessment and the acceptance of the said report.

Parks and playgrounds.

Power to condemn lands.

Assessment.

Title vested.

Right of appeal.

Sidewalk improvements.

SEC. 55. The board of aldermen shall have the power to require any owner of real estate in said city, 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 the 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 city manager to said owner, or if the owner is a nonresident, to his agent, or if such nonresident have no agent in Pasquotank County, or if personal service cannot be made upon the owner or agent, then after publication by the city manager once a week for two

successive weeks of a notice in some newspaper published in Elizabeth City, notifying the owner to furnish such labor and material for said pavement or repairing, the board of aldermen may cause the same to be furnished and shall assess against the owner one-half of the 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 his said property and enter the same upon the tax list of said city for the current year; and the said assessment so entered on said tax list shall constitute a lien on said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the city 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 city from the owner thereof as aforesaid; if the owner does furnish the labor and material herein required, the city shall reimburse him to the extent of one-half of the cost thereof.

Sec. 56. 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 city, 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 real estate 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 city manager to said owner, or if he be a nonresident, to his agent, or if such nonresident have no agent in Pasquotank County, or if personal notice cannot be served upon the owner or his agent, then after publication of a notice by the city manager once a week for two successive weeks in some newspaper published in said city, 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 and entered upon the tax list of said city for the current year; and the said assessment so entered on said tax list shall constitute a lien upon said property, and the same may be collected either in the same manner that the other taxes are collected or by an action instituted in the name of the city of Elizabeth City against the said owner in the Superior Court of Pasquotank County in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said city from the owner thereof as aforesaid: *Provided, however,* that the said board may allow any person to pay such amount in equal annual installments, not exceeding five, each installment bearing interest at five per cent until paid: *Provided further,* that all street intersections shall be paved by the city.

Assessment for improvement.

Lien of assessment.
Collection.

Reimbursement.

Assessment districts.

Apportionment of paving.

Assessment for paving.

Lien of assessment.

Collection.

Proviso: assessment payable in installments.

Proviso: street intersections.

Contracts authorized.

SEC. 57. To enable the board of aldermen of the city 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 said paving of said streets and the purchase of such curbing, and for such purpose the said board of aldermen is authorized to issue bonds in the name of the city, signed by the mayor and countersigned by the auditor, from time to time, in such denominations and in such amounts as it may deem necessary, drawing interest at the rate of five per cent per annum from the date of issue, payable semiannually: *Provided*, said bonds shall be sold at not less than par, and shall become due and payable at such time and place as the board of aldermen may designate: *Provided further*, that the said board of aldermen may levy such tax or taxes as may be necessary to pay the semiannual interest on said bonds and the principal thereof at maturity.

Issue and authentication of bonds.

Denominations and amount.
Interest.

Proviso: sale below par forbidden.

Maturity.

Proviso: special taxes.

Notice to persons or corporations holding franchise.

SEC. 58. All persons, firms, or corporations that now have or may hereafter obtain franchises or permits to use the streets of the city for laying tracks, pipes, or conduits, and for other purposes requiring the excavation of streets, sidewalks, and public alleys, shall be notified by the board of aldermen when any street is to be permanently improved, and given a reasonable opportunity, not exceeding ninety days, in which to lay said tracks, pipes, or conduits, or do such work as they may be authorized to do under their said franchise; and in case any such person, firm, or corporation shall fail to lay said railways, pipes, or conduits or do said work before such permanent improvements are made, they shall not be permitted to do so thereafter except under the condition that they shall deposit with the city manager an amount equal to double the cost of restoring said street where the excavation is made to its former condition, as a guarantee of the proper restoration thereof by them within sixty days, which said amount so deposited shall be returned by the city manager when the proper repair to said street shall have been made and approved by him: *Provided*, that all persons, firms, or corporations desiring to excavate any of the streets, sidewalks, or public alleys of said city that are now permanently improved shall be required to make a like deposit, subject to the same rules and conditions as heretofore prescribed in this section: *Provided further*, that any such person, firm, or corporation failing to comply with the provisions of this section, or failing to restore said street, sidewalk, or public alley to its former condition, shall be guilty of a misdemeanor, and upon conviction shall be fined and imprisoned, in the discretion of the court.

Conditions of permits for excavations.

Return upon approval of work.

Proviso: streets heretofore improved.

Proviso: misdemeanor.

Punishment.

Market house, auditorium, and fire-houses.

Consolidation of buildings.

SEC. 59. The said board of aldermen is authorized and empowered to establish, build, erect, equip, furnish, and maintain a market house or market houses, a city hall, an auditorium, and one or more buildings for the housing of the fire department. Any two

or more of the aforesaid buildings may be consolidated or built under one roof, with the exception of the market house or market houses, which shall be built separate from the other buildings, and the said board is authorized and empowered to condemn such land as may be necessary for the proper construction of any of the aforesaid buildings: *Provided*, that the procedure in such condemnation proceedings shall be the same as is hereinbefore provided for the condemnation of lands for streets. For the purpose of raising funds sufficient for the establishment, construction, erection, equipment, furnishing, and maintenance of any one or more or all of the buildings mentioned in this section, which buildings are hereby declared to be public necessities, the said board of aldermen is authorized to issue bonds in the name of the city of Elizabeth City, signed by the mayor and countersigned by the auditor, from time to time, of such denominations and in such amounts as it may deem necessary, drawing interest at the rate of five per cent per annum from the date of issue, payable semiannually: *Provided*, said bonds shall be sold at not less than par, and shall become due and payable at such time and place as the board of aldermen may designate; and in the event said bonds are not paid at that time, they may be refunded: *Provided further*, that all revenue received from the market house shall form a sinking fund for the retirement of the bonds issued for the construction or maintenance of the market house or market houses, and the interest thereon as same becomes due: *Provided further*, that the said board of aldermen may levy such tax or taxes as may be necessary to pay the semiannual interest on said bonds and the principal thereof at maturity.

Power to condemn land.

Proviso: procedure for condemnation.

Issue of bonds authorized.

Public necessity declared.

Authentication.

Denominations and amounts. Interest.

Proviso: sale below par forbidden. Maturity.

Power to refund.

Proviso: revenue from market house a sinking fund.

Proviso: tax for bonds.

Vital statistics.

SEC. 60. The board of aldermen of said city may provide for the collection of vital statistics of the city by its department of health, and shall enact such laws and furnish such books as may be necessary to carry same into effect.

SEC. 61. Each member of the board of aldermen shall receive a salary of three dollars for every regular meeting and two dollars for every special meeting of the board that he attends.

Salary of aldermen.

THE MAYOR.

SEC. 62. The mayor shall preside at all meetings of the board of aldermen, and shall be the official head of the city for the service of civil process. He shall sign all contracts and franchises and other paper-writings authorized and passed by the board of aldermen.

President of board and official head of city.

Execution of contracts.

SEC. 63. He shall also have veto power as follows: Every ordinance or contract or franchise which shall have passed the board of aldermen shall, before it becomes a law binding upon the city, be called to the attention of the mayor. If he shall approve said ordinance, contract, or franchise, his approval shall be entered

Veto power.

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, contract, or franchise, it shall then become a law and binding upon the city. In all cases the names of the persons voting for or against such ordinance, contract, or franchise shall be entered upon the minutes of the board. If no objection shall be filed by the mayor in writing against such ordinance, contract, or franchise within ten days after it shall have passed and shall have been called to his attention, then the same shall be a law binding upon the board.

Salary. SEC. 64. His salary shall be fixed by the board of aldermen at a sum not to exceed one hundred dollars per annum.

Manager pro tem. SEC. 65. If for any cause whatever the city manager shall for five days or over be unable to attend to his duties, or if for any cause the office of city manager shall become vacant, the said mayor shall, during such times, exercise and perform the duties of city manager, and during such times shall receive the salary of the city manager.

THE CITY MANAGER.

Chief executive officer.
Sole occupation. SEC. 66. The city manager shall be the chief executive officer. shall give his entire time to the duties of his office, subject to the supervision of the board of aldermen, and shall perform all duties pertaining to such office, and shall not be engaged, during his term of office, in any other business or occupation; and his term of office shall be at the pleasure of the board of aldermen.

Term of office. Supervision of departments. SEC. 67. The said city manager shall have general supervision and oversight over the health department, the police department, the fire department, and all other departments and offices of the city government, and shall have supervision over and control of all of the employees of the various departments of the city government, and shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance, or by resolutions of the board of aldermen.

Supervision and control over employees.
Preparation and publication of statements and reports. Purchasing agent. SEC. 68. The said manager shall act as purchasing agent for the city of Elizabeth City and for the various departments of the city government; and upon requisition made by any of such departments and duly approved by him, he shall purchase all such supplies and other things as may be required for the proper and orderly conduct of the city government or any subdivision or department thereof; and upon such purchase all bills or accounts therefor shall be submitted to the said manager and he shall indorse the same with his approval or disapproval, and if he disapproves any such claim he shall attach thereto a statement of his reasons therefor, and no claims for any supplies or other things purchased for the public use shall be paid until the same has been

Indorsement of accounts.

Reasons for disapproval.

Claims not paid until passed upon.

<p>submitted to and passed upon by said manager: <i>Provided</i>, that competitive sealed bids shall be required and received by him for all purchases over five dollars, said sealed bids to be opened in the presence of the city auditor: <i>Provided further</i>, that notwithstanding the disapproval of the city manager of any bill, the board of aldermen may in their discretion pay any such bill or account if they be satisfied that the same be just and proper.</p>	<p>Proviso: competitive bids. °</p>
<p>SEC. 69. The city manager shall procure from all firms or corporations operating public-service utilities in the city and cause to be placed on file such reports as by law or ordinance or order of the board of aldermen are required to be made by said public-service corporations 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 report to the board of aldermen 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 aldermen to be made, and shall make such recommendations with reference thereto as he may deem proper.</p>	<p>Proviso: payment of disapproved bills.</p> <p>Reports of purveyors of public utilities.</p> <p>Copies of general reports.</p> <p>Reports and recommendations to board of aldermen.</p>
<p>SEC. 70. The said city manager shall recommend to the board of aldermen from time to time such measures as he shall deem necessary or expedient for it to adopt, and shall furnish it with any necessary information respecting any of the departments under his control, and for the purpose of carrying out the duties of his office he shall have access at all times to all books, vouchers, and papers of any officer or employee of the city, and shall have power to examine, under oath, any person connected therewith.</p>	<p>Recommendations to board.</p> <p>Information as to departments.</p> <p>Access to books and papers.</p> <p>Examinations under oath.</p>
<p>SEC. 71. The street department of the city of Elizabeth City shall be composed of the city manager and such other employees as the board of aldermen may deem necessary to execute the duties of the department. The city manager shall have authority and charge over all the public works of said city, the construction, grading, cleansing, sprinkling, and repair of the streets and public places, and it shall be his duty to keep the streets, parks, playgrounds, and cemeteries and public places in the city or belonging to the city in good condition; he shall have authority and charge over the erection of buildings for the city and the making and construction of all other improvements, including paving, curbing, sidewalks, bridges, viaducts, and the repairs thereto; he shall approve all estimates of the cost of public works and recommend to the board of aldermen the acceptance of the work done, or improvements made, when completed according to 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 aldermen; and under ordinances of the board of aldermen he shall have control, management, and direction of all public grounds, bridges, viaducts, and public buildings of the city; he shall have supervision of the</p>	<p>Street department.</p> <p>City manager to have charge of works. Enumeration of powers and duties.</p> <p>Buildings and improvements.</p> <p>Approval of estimates.</p> <p>Acceptance of work.</p> <p>Further enumeration of powers and duties.</p>

Supervision of public utilities.	enforcement of the provisions of the law and ordinances relating to streets, public squares and places, and cemeteries, and control of the placing of billboards and street waste receptacles; he shall have supervision over the public utilities and all persons, firms, or corporations rendering service in the city under any franchise, contract, or grant made by the city or State; he shall have control of the location of street car tracks, telephone and telegraph wires and poles, pipes, mains, and conduits, and other things placed by persons or public-service corporations in, along, under, and over the streets, and shall report to the board of aldermen any failure of such persons or corporations 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. 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 railroad lines, and through and over cemeteries, ways, public parks, and other public places.
Reports to aldermen.	In the event the city shall acquire and own its own water-works system, sewerage system, and lighting system, said city manager shall have charge of the watersheds from which the city takes its supply of water, the pumping stations, pipe lines, filtering apparatus, sewer lines and lighting apparatus, buildings and grounds and all other things connected with or incident to the proper supply of water, sewerage, and light for said city. It shall be his duty to act for the city, subject to the control of the board of aldermen, in securing all rights of way and easements connected with and necessary to the supply of water, sewerage, and light for the city.
Enforcement of traffic regulations.	SEC. 72. The city manager shall be the executive head of the police department of said city, and together with such other employees as the board of aldermen may deem necessary to execute the duties thereof shall constitute said department; he shall have charge of the police force, subject to the supervision and control of the board of aldermen, and 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 directions shall be binding upon all such officers and employees, subject only to the control of the board of aldermen; 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 this department; he shall have supervision and control, subject to the supervision of the board of aldermen, of the fire department, of all firemen, officers, and employees therein or connected therewith; he shall have power to temporarily suspend the chief of the fire department, and his orders to said department and all employees therein shall be binding upon said depart-
Charge of watersheds and water-works.	
Sewer lines and light plant.	
Securing rights of way and easements.	
Police department.	
Charge of police force.	
Power to suspend chief. Enumeration of powers.	
Supervision and control of fire department.	
Power to suspend chief. Orders binding.	

ment; he shall have charge of the electrical inspector, plumbing inspector, and building inspector; he shall have supervision and control over the market house, city hall, auditorium, and other municipal buildings, and the employees connected therewith, and of all apparatus and property used therein; he shall, subject to the supervision of the board of aldermen, have control and be charged with the duty of enforcing the laws, ordinances, and orders relating to the public health and sanitation, and the control of all health officers and employees of the city connected with and under this department, and it shall be the duty of the board of aldermen 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 and under this department, over public dumping grounds and dumps and the city scavenger; he shall be charged, through this 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 supervision of the board of aldermen, that may be necessary and expedient for the promotion of the health and the suppression of disease. He shall be charged with the duty of seeing that all persons, firms, and corporations charged with the duty of supplying lights, or sewerage, and other public utilities, perform the obligations imposed upon them by law, ordinance, or other order of the board of aldermen or that may be ordered by the board, not herein expressly conferred upon some other department. His salary shall be fixed by the board of aldermen, not to exceed, however, the sum of twenty-four hundred dollars per annum.

Sec. 73. The city manager shall also have supervision and control over all other departments of the city which are now or may hereafter, from time to time, be established.

Sec. 74. The officers and other employees of the street department, police department, fire department, and other departments of the city, except as herein otherwise provided, shall be elected by the board of aldermen from a list to be furnished by the city manager, and shall hold office during the term of the board appointing them, and until their successors have been appointed and qualified, subject to the right of the city manager to suspend, discharge, or remove, as hereinafter set forth, and if the board of aldermen is unable or refuses to elect from the list so furnished, it shall call on the city manager from time to time, for other lists, which it shall be his duty to furnish.

Charge of inspections.
Supervision of public buildings.

Control of health department.

Health ordinances.

Sanitation and scavenger work.

Quarantine.

Further enumeration of powers and duties in sanitation.

Supervision of public utilities.

Salary.

Supervision of other departments.

Election of officers and employees of departments.

Term of office.

City manager may suspend or remove officers.

Right of appeal.

Hearing and judgment.

Proviso: no claim against city.

SEC. 75. That for any reason, satisfactory to himself, the city manager is hereby empowered to suspend, remove, or discharge any subordinate officer or employee in any department: *Provided*, that any officer or employee elected by the board of aldermen shall have the right at any time within five days from the time of such ruling to appeal from the same to the board of aldermen, who shall hear the said appeal at their first regular meeting after such appeal is taken, and may affirm or reverse the city manager; if the ruling of the manager 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 aldermen or for any other cause whatsoever.

THE AUDITOR.

Sole occupation.

Office hours.

Additional duties.

Office and office supplies.

Salary.

Clerical assistance.

Investigation and account of city finances.

Accounts of officers.

Report and record.

Itemized statement published annually.

Items of statement.

Publication as pamphlet.

SEC. 76. The city auditor shall give his entire time and attention to the discharge of the duties imposed upon him by this act and by law, and shall not be engaged, during his term of office, in any other business or occupation; and his office shall be kept open daily, as the offices of other public officers of said city. The board of aldermen, or the city manager, shall have the right to prescribe office hours and to fix any and all duties to be performed by the said auditor, in addition to those herein prescribed. The board of aldermen shall furnish the said auditor with a suitable room, to be used as an office, together with necessary furniture, fixtures, supplies, stationery, etc.

SEC. 77. The auditor of the city of Elizabeth City shall receive such salary as may be fixed by the board of aldermen, not to exceed eighteen hundred dollars per annum, and the board of aldermen shall provide him with sufficient clerical assistance for the prompt and efficient discharge of his duties as auditor and all duties imposed upon him by law and under this act.

SEC. 78. It shall be the duty of the said auditor to inquire into and investigate and file a detailed and itemized account of the conditions of the city finances, the accounts of all public officers, and to make a true report thereof, and record the same in a book to be kept for that purpose and to be known and designated as the "Record of the Auditor of the City of Elizabeth City." He shall, within ten days after the first Monday in June of each year, publish a statement of the financial condition of the city, showing by itemized statement the permanent and floating debt of the city, when contracted, for what contracted, and when due; and shall also publish a statement of the receipts and disbursements of all the public funds of the city, showing the total amount received and disbursed for each particular purpose during the preceding twelve months; said report shall be published in pamphlet form by the board of aldermen for general distribution to such persons as may desire the same.

- SEC. 79. It shall be the duty of the said auditor to act as accountant for the city of Elizabeth City, to supervise, scrutinize, and examine all books, accounts, receipts, and vouchers and all other public records of the city, to the end that it may be seen whether the various public offices are being kept in the condition provided by law; and if it shall appear to said auditor that any provision of the law is being violated, it shall be his duty to report such violation to the city attorney, whose duty it shall be to bring such civil or criminal action as may be necessary to secure the proper administration of such public offices.
- SEC. 80. It shall be the duty of the auditor to audit and approve for final settlement the accounts of all public officers of the city of Elizabeth City and to cancel all vouchers included in such settlement by a proper cancellation stamp, to be adopted by said auditor for that purpose. All vouchers so canceled shall be listed, sealed, and deposited in some vault or safe that shall be provided by the board of aldermen for the safe keeping of such vouchers.
- SEC. 81. It shall be the duty of the auditor to perform all the duties imposed upon him by virtue of this act, and he shall investigate the condition of the offices of all public officers of said city, and report to the board of aldermen of said city, and to the city attorney, all misappropriations of any public funds, violations of law, or malfeasance in office by any public officer. He shall also perform all the duties heretofore performed by the finance committee of said city.
- SEC. 82. The auditor shall have the right to prescribe from time to time the rules and regulations for keeping all the public accounts of the city, and the power to prescribe for each of the public officers the form of books to be kept by him in the performance and discharge of his official duties, and the books showing the receipts and disbursements of all funds that may come into his hands by virtue of his office: *Provided*, that all such work shall be done under the supervision of the city manager and the board of aldermen, and the said auditor at all times shall be under the direction of the city manager and the board of aldermen. It shall be the duty of the board of aldermen to furnish to the various officers of said city the necessary books prescribed for such officer by said auditor.
- SEC. 83. If any public officer of the city of Elizabeth City, or any person who shall hold any moneys due the city of Elizabeth City or any of the city or public moneys, shall fail to account for same as provided by law, the auditor shall give such officer, firm, or corporation ten days notice in writing of the time and place at which he will attend to make settlement, and every officer, firm, person, or corporation receiving such notice and failing to make settlement as required by this act shall forfeit and pay the sum of two hundred dollars, to be sued for by said auditor of said city,

Accountant for city.

Examination of books, accounts, and records.

Report of violations of law.

Action by city attorney.

Audit of accounts of officers.

Cancellation of vouchers.

Safe keeping.

Investigation of office.

Reports to aldermen and city attorney.

Duties of finance committee.

Methods of accounting.

Form of books.

Proviso: supervision of work.

Books furnished by city.

Notices to officers to make settlement.

Forfeit for failure.

Misdemeanor. and shall also be guilty of a misdemeanor, and upon conviction
Punishment. fined or imprisoned, in the discretion of the court.

Powers in securing evidence. Failure to produce evidence a misdemeanor. SEC. 84. The said auditor shall have power and authority to send for persons and papers, and to administer oaths; and any person failing to obey any summons or to promptly produce any papers or books or other data relating to or supposed to relate to any matters appertaining to the duties of said auditor or to the public affairs of the city, or who shall refuse to appear and give evidence of all such matters and things as he shall know of, and concerning any matters the investigation whereof is hereby made the duty of said auditor, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court, and shall also be liable to forfeit and pay the sum and penalty of two hundred dollars, to be recovered in any court of competent jurisdiction in the name of the said auditor, for the benefit of the city.

Punishment. Forfeit. SEC. 85. It shall be the duty of the auditor to meet with the board of aldermen at their meeting held the first Monday in each month, and at such other times as the board of aldermen may require, for the purpose of giving said board of aldermen such information as they may require and assisting them in the discharge of their duties under the law, and for the purpose of giving them information as to the merits of claims against the city, supplies purchased or to be purchased for the use of the city, information relative to claims for rebate of taxes, or any such other information as said board of aldermen may require; the said board of aldermen, when in need of any information on any subject, shall have the right to call upon the auditor of said city therefor, or to require him to make an investigation and to report to said board upon any matter coming before said board in the discharge of their official duties, and in general the said board of aldermen shall have power to require the auditor of said city to perform such other and further services, not specifically set forth in this act, as said board of aldermen may deem necessary for the public interest.

Attendance on board of aldermen. Board to call for information. Or require investigation. Other services. Clerk of court of trial justice. Record of fines, forfeitures, and punishments. SEC. 86. The auditor shall act as clerk of the court of the trial justices of Pasquotank County and shall keep in a book to be provided by the board of aldermen for that purpose a record of all fines, forfeitures, and other punishments imposed or inflicted by said court; all costs and fines imposed by said court shall be collected by the chief of police or other police officer of said city or the sheriff of Pasquotank County, which officer shall pay said costs and fines to said auditor, who shall disburse the same as follows: all costs due the officers of Pasquotank County shall be paid to such officers until the first Monday in December, one thousand nine hundred and sixteen, and thereafter to the treasurer of Pasquotank County; all costs due the officers of the city of Eliza-

Collection of costs and fines.

Payment to auditor. Disbursements.

both City shall be paid into the treasury of said city for the general fund of said city; all fines shall be paid to the treasurer of Pasquotank County for the general school fund of said county; all other moneys coming into the hands of the auditor from any source whatever shall be promptly paid to the treasurer of Elizabeth City.

SEC. 87. The auditor shall also act as clerk to the board of aldermen of Elizabeth City and shall keep correct minutes of all proceedings of all the meetings of said board in a regular minute-book to be provided by said board, and wherever the word "clerk" is used in this act, or any other act relative to the city of Elizabeth City, it shall mean the auditor, who shall perform all the duties therein imposed upon the clerk.

SEC. 88. The said city auditor may, upon the order of the board of aldermen passed at a regular meeting, borrow an amount not to exceed twenty-five per cent of the annual taxes to meet the necessary current expenses of the city before the taxes are due, and may, under the direction and authority of the said board of aldermen, issue city vouchers to be paid out of the taxes collected for the current year; said vouchers shall be signed by the mayor and countersigned by the said city auditor, and the said board of aldermen must fix in this order the amount or amounts to be borrowed by the said auditor.

CITY TREASURER.

SEC. 89. The office of city treasurer of the city of Elizabeth City is hereby abolished, and in lieu of the duties of such office the board of aldermen, at their regular meeting on the first Monday in June, one thousand nine hundred and fifteen, shall select some bank or trust company as financial agent, which said bank or trust company shall perform the duties of said city treasurer with respect to handling funds deposited with it during each year, and wherever the term "city treasurer" shall be used in this act, or any other act relative to the city of Elizabeth City, it shall apply and mean such bank or trust company as may be intrusted with the city funds: *Provided*, that such bank or trust company shall receive no compensation for such services other than the advantage or benefit that may accrue from the deposits made with it in the regular course of business. Such bank or trust company shall be selected for the period of two years, unless some good grounds as to the financial condition of such bank shall, in the opinion of the board of aldermen, warrant them to designate some other bank. That such bank or trust company so selected shall receive and faithfully keep all moneys which it shall receive on behalf of the city and shall keep an accurate account of all moneys deposited with it and disbursed by it, and shall keep a separate

Clerk to board of aldermen.
Minutes of proceedings.

Power to borrow money.
Limit of amount.

Vouchers.

Amount of loan fixed.

Office abolished.

Bank as financial agent.

Proviso: no compensation allowed.

Term of selection.

Bank to keep all moneys.

Accounts.

Separate accounts.

- account of the general fund, the school fund, the fire fund, the water fund, and all other funds that may be designated by the said board of aldermen or the city manager of the city of Elizabeth City, to each of which funds shall be credited the amount collected by taxes or otherwise for that fund and which funds shall be paid out by the bank or trust company upon the proper warrant signed by the auditor and countersigned by the mayor, and in his absence by the city manager for the city of Elizabeth City, in like manner as if the same was on deposit by a regular depositing customer on funds subject to check. Should the board of aldermen of the city of Elizabeth City be unable to make an advantageous arrangement with any such bank or trust company, they shall immediately proceed to let the duties of city treasurer out to the lowest responsible bidder who will file good and solvent bond, to be approved by the board of aldermen of the city of Elizabeth City, to perform the duties of such city treasurer as herein or otherwise provided by law. Such person so selected shall be some competent and reliable and qualified elector of the city of Elizabeth City, who shall take the usual oath and file the usual bond for the faithful performance and discharge of the duties of his office: *Provided*, that no one bank or trust company of the city shall hold the funds of the city for more than one term of two years until each of the banks or trust companies of the city shall have been allowed the opportunity of serving as said depository or treasurer for the city.
- Warrants on funds. SEC. 90. The said bank or trust company or person shall pay to its or his successor all moneys in its or his possession or hands belonging to the city of Elizabeth City, and faithfully perform all duties imposed upon it or him by the board of aldermen or the law of the city. The said bank or trust company shall give bond payable to the city of Elizabeth City in a sum to be fixed by the board of aldermen and with sureties to be approved by the said board.
- Office let to lowest bidder. SEC. 91. The said bank or trust company or person selected as hereinbefore provided shall render a monthly account to the auditor, showing all moneys received by it or him and from what resources, and all moneys disbursed by it or him and for what purposes, which account shall be preserved by the said auditor.
- Qualification of contractor.
- Oath and bond.
- Proviso: alternation of banks.
- Settlements of bank with successor.
- Bank to give bond.
- Monthly accounts.

THE POLICE DEPARTMENT.

- Police department. SEC. 92. The city manager, the chief of police, and such other police officers and employees as the board of aldermen of said city from time to time may elect, shall constitute the police department of said city.
- Enumeration of duties of chief. SEC. 93. 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 city manager and he shall be subject to such regulations and shall perform such duties as the board of aldermen or the city manager 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 and to the auditor of the city, 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 auditor of the city at least once a week all the moneys that may have been collected by him to and for the use of the city.

Power to summon posse.

Huckster and dog taxes.
Monthly reports.

Weekly settlements.

SEC. 94. The compensation of the chief of police shall be fixed by the board of aldermen, and all fees collected by him for services rendered in any court shall be turned over to the auditor of the city by him.

Compensation.

DUTIES AND POWERS OF THE POLICE.

SEC. 95. 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, public places, and highways; to arrest all street mendicants and beggars; to provide proper police attendance at fires; to assist, advise, and protect strangers, and travelers in public streets and at railroad stations; to carefully observe and inspect all places of public amusement, all places of business having license to carry on such business and to repress and restrain all unlawful and disorderly conduct or practices therein; to enforce and prevent the violation of all laws and ordinances in force in said city, 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 city property and buildings, streets and sidewalks, and to summon as many persons as may be necessary to assist them in the performance of the above duties; to report to the chief of police any repairs needed, and to perform such other duties as may be required of them by the board of aldermen or the city manager or the chief of police,

Duties and powers of policemen.

- Removal. or the trial justice; and they shall be liable to removal, as elsewhere provided in this act.
- Entry for prevention of crime. SEC. 96. The police shall have power to enter the inclosure and house of any person without warrant, when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of such person so offending, and, if necessary, to summon a posse to aid them; and all persons so summoned shall have like authority to enter and arrest.
- Power to summon posse. SEC. 97. That upon demand by a member of the police department, the sheriff or jailer of the county of Pasquotank is hereby required, without mittimus, to receive into the jail of the county as prisoner any person taken by the police force, and to keep such person safely until he shall be lawfully dealt with, and for such services the jailer shall be entitled to such fees as in other like cases.
- Jailer to receive prisoners.
- Fees of jailer.

THE CITY ATTORNEY.

- Enumeration of duties. SEC. 98. It shall be the duty of the city 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 city in all civil and criminal actions to which the city shall be a party; to examine and pass upon all contracts entered into by the city before the same are executed, and to pass upon all franchises to be granted by the city; to advise any of the departments or officers of the city when requested so to do, and to prosecute any violation of the town ordinances before the trial justice. He shall receive a salary of three hundred dollars per annum in full for all services rendered. He shall be subject to removal as provided for elsewhere in this act.
- Salary.
- Subject to removal.

THE STREET COMMISSIONER.

- Powers as policemen. Enumeration of duties. SEC. 99. 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 city boundary, under the direction of the city manager; 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 by the city manager to be torn down and removed; he shall be subject to removal as elsewhere provided for in this act.

FIRE DEPARTMENT.

- Supervision of fire department. SEC. 100. The chief of the fire department, under the control of the city manager, 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,
- Monthly reports.

- 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 city 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 deem it necessary to check the progress of any fire he may lay hose across any street, railroad or railway, or through any building, and he may cause any house or houses to be pulled down or blown up, and shall not be liable to any person for any damages 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 city manager shall be vested with the powers herein conferred on the chief.
- SEC. 101. He shall see that all fire apparatus belonging to the city is kept in first-class condition for immediate service at all times, and he shall perform any additional duties imposed upon him by the board of aldermen or the laws of the State; and he shall see that all hydrants are inspected at least four times a year.
- SEC. 102. His compensation shall not exceed two hundred dollars per annum for all services rendered, and he shall be subject to removal as provided elsewhere in this act.

Reports of dangerous buildings.

Powers at fires.

Exercise of powers in absence of chief.

Care of apparatus.

Additional duties.

Inspection of hydrants.

Compensation.

Subject to removal.

FIRE LIMITS OF THE CITY OF ELIZABETH CITY.

- SEC. 103. The fire limits of the city of Elizabeth City shall be as follows: Beginning at the east end of Burgess Street on Pasquotank River; running westwardly up Burgess Street to Water Street; thence southwardly 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 Fearing Street to Poindexter Street; thence eastwardly down the center 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 the beginning.

Boundary of fire limits.

THE HEALTH OFFICER.

- SEC. 104. It shall be the duty of the health officer, under the control of the city manager, to keep a record of the vital statistics of the city, to inspect the city prison and to attend professionally the city prisoners and such poor persons as in his judgment are deserving or likely to become a charge upon the city. He shall

Record of vital statistics.

Inspection of prison.

Attendance of prisoners and poor persons.

Other duties. perform such other duties as may be prescribed from time to time by the board of aldermen or the city manager. His salary shall not exceed three hundred dollars per annum in full for all services rendered.

Salary.

THE HARBOR MASTER.

Enforcement of rules and regulations.

SEC. 105. It shall be the duty of the harbor master, under the control and supervision of the city manager, 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 city and to cause the same to be removed upon the demand of the owner of the wharf.

Powers.

THE BUILDING INSPECTOR.

Duties under general law.

SEC. 106. It shall be the duty of the building inspector, under the control and supervision of the city manager, 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 all amendments thereto, and such other duties as may be required of him by the board of aldermen or the city manager.

Other duties.

TAXES.

SEC. 107. 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 said city: (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 by this charter or other act of the General Assembly.

Taxes.

General tax.

Tax for fire department.

Taxes for other purposes.

STREET LABOR TAX.

Tax in lieu of road duty.

SEC. 108. 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 the city 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

Proviso: failure to pay a misdemeanor.

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. Punishment.

MACHINERY FOR COLLECTION OF TAXES.

SEC. 109. It shall be the duty of the auditor of the city of Elizabeth City to supervise the listing of taxes and the assessment of the same by the list taker or list takers of the said city; and the auditor shall recommend some suitable person or persons to act as list taker or list takers at least twenty days before the time prescribed by the general law of the State for the appointment of list takers and assessors: *Provided, however,* the board of aldermen may, in their discretion, disregard such recommendation and select some other person or persons themselves. Auditor to supervise listing and assessment.
Recommendation for list takers.
Proviso: selection by aldermen.

SEC. 110. It shall be the duty of the aldermen to diligently inquire into and investigate the listing of all property in said city, and cause all property subject to taxation to be properly listed, and to that end it shall be the duty of the auditor to investigate by comparing his books with the books made out by the register of deeds of Pasquotank County and by diligent inquiry from other sources and report to the board of aldermen and to the board of county commissioners of Pasquotank County the names of all persons within the corporate limits of Elizabeth City, or such persons as may own property therein, who shall fail to list their property for taxation, together with a description and value of the property so unlisted; and it shall also be the duty of the said auditor to investigate and report to the board of aldermen the names of all persons subject to a poll or street tax who have failed to list such taxes, and thereupon it shall be the duty of the said auditor to cause such property and poll or street tax to be placed upon the tax books as provided by the general law of the State. Said persons so failing to list shall forfeit and pay, in addition to the regular tax levied, 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 city tax list compare with the tax list given in to the county by the citizens of the city of Elizabeth City upon all subjects embraced in both lists; and 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 shall willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof before the trial justice of Pasquotank County, or Aldermen to investigate listing.
Auditor to compare city and county tax books.
Report of delinquents.
Reports of failure to list for poll or street tax.
Forfeit for failure to list.
Revision of tax lists.
Failure to list misdemeanor.
Punishment.

any justice of the peace, shall be fined not more than ten dollars, said fine to be collected in the same manner as other fines are collected; and it shall be the duty of the city attorney to prosecute offenders against this section.

City attorney to prosecute.

Investigation as to valuation.

SEC. 111. It shall be the duty of the auditor to diligently inquire into and investigate the listing of all property in said city subject to taxation, to the end that all such property shall be listed at its true value and in accordance with law; and to that end it shall be the duty of the said auditor to investigate and report to the board of aldermen the names of all persons whose property is not listed at a fair valuation as provided by law, together with a description of the property not so listed, at such valuation. The auditor shall have power, in the discharge of his duties in this section, to send for persons and papers and to administer oaths, and any person failing to obey any summons or to produce any papers or books relating to or supposed to relate to any matter pertaining to the duties of said auditor, or who shall refuse to appear and give evidence of all such matters and things as he shall know of, and concerning any matters the investigation whereof is herein made the duty of the auditor, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court, and also shall pay a penalty of two hundred dollars, to be recovered in any court of competent jurisdiction in the name of the auditor, for the benefit of the school fund of the Elizabeth City Graded School District.

Powers in securing evidence.

Failure to produce evidence misdemeanor.

Punishment.

Penalty.

Advertisement for tax listing.

SEC. 112. The auditor shall on the first Monday in April in each and every year make advertisement in each ward of the city of Elizabeth City, notifying all persons residing in the corporation who own or have control of taxable property in the city of Elizabeth City or within the Elizabeth City Graded School District, on the first day of May, to return on or before the last day of June to the list takers appointed by him an abstract of all their taxable property in the city of Elizabeth City or within the Elizabeth City Graded School District; said abstract shall state the name, age, color, and sex of the persons listing and the number of lots or parts of lots and all other property owned by him subject to city taxes, now taxable or that hereafter may be taxable by the laws of the State or the ordinances of the city of Elizabeth City, and the abstract so returned shall be sworn to before the list takers in like manner as other abstracts are sworn to, and said original abstracts shall be returned to the auditor of said city by the list takers.

Details of abstract.

Verification.

Auditor to make out list.

Details.

SEC. 113. It shall be the duty of the auditor to make out the tax list of the city of Elizabeth City in alphabetical order, and he shall make out two copies of the tax list, and show in different columns the sum due by each taxpayer to the several funds levied by the city of Elizabeth City, and also in separate columns the amount of

the graded school tax levied for the Elizabeth City Graded School District, and also the amount of any special taxes levied by the city as are now or may hereafter be provided by law. One of the said copies shall remain in the office of the auditor, and the other shall be delivered to the tax collector on or before the first Monday in September of each year, and he shall receipt for same. The said auditor shall make out a tax receipt book showing assessment, tax rate, and amount of tax due, with stubs attached, and which shall be delivered to the city tax collector. It shall be the duty of the auditor to perform all things required of him by the board of aldermen or the city manager relating to the matter of taxes; he shall make out, by transcribing from the original sheets, after he shall have properly computed the same, the two copies of the tax list above referred to. He shall exercise a general supervision of the tax books, with a view to prevent double listing of the property and similar errors. It shall be his duty to coöperate in any manner with the county auditor of Pasquotank County and the board of county commissioners thereof, to the end that he may assist in the proper assessment and valuation of the taxable property and the collection of the taxes of said county. All applications for rebate in taxes paid, due to erroneous listing or otherwise, shall be made to said auditor, and it shall be his duty to investigate all such applications for rebate, and at every monthly meeting of the board of aldermen it shall be his duty to present to said board a statement showing all applications for rebate, together with the facts in connection with each application, and to indicate whether each particular application for rebate should be allowed or disallowed, and thereupon it shall be the duty of the board of aldermen to take such action upon such application for rebate as may be just and proper.

SEC. 114. That as soon as the auditor shall have finished the tax list as provided herein, and the same shall have been revised or accepted by the board of aldermen, the auditor shall furnish the city treasurer with a statement of the amount due each separate fund according to the tax levied in each and every year. The board shall proceed to levy the taxes on such subjects of taxation and place the tax list in the hands of the tax collector for collection, who shall collect all taxes levied on the poll and upon real and personal property, and who shall have the same power to enforce and collect taxes as the sheriff of Pasquotank County.

SEC. 115. The said tax collector shall collect all taxes except the huckster and dog tax and license taxes. 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

Copy delivered to tax collector.

Tax receipt book.

Duties of auditor.

Supervision of books.

Coöperation with county.

Applications for rebates.

Action by aldermen.

Statements to treasurer.

Levy of tax.

Collection.

Powers of tax collector.

Huckster and dog tax and license taxes. Monthly settlements.

- Fine for failure to settle.
Bond.
- Compensation.
- Credits allowed.
- Collection by distress and sale.
- Levy on personal property.
- Sale of land.
- Advertisement.
- Division of land.
- Sale.
- Land struck off to city.
- Report of sales.
- board of aldermen is settled; on failure to settle at said time he shall be fined for each failure the sum of twenty dollars. He shall give bond, payable to the city of Elizabeth City, with surety as hereinbefore provided, to be approved by the board, in a sum fixed by them. His compensation shall be three per cent on the amount collected in full and for all services rendered, and each different fund shall pay its proportionate part of said compensation, and said collector may deduct his commissions from his monthly settlement; and if the city tax collector shall have been unable to collect any part of said taxes by reason of the insolvency of any person 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.
- SEC. 116. 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 city, if the property be personalty, and of thirty days if the property be realty.
- SEC. 117. And the said collector shall have the right to levy upon and sell any personal property situated outside the limits of the city within the county of Pasquotank belonging to a delinquent taxpayer of the city in order to enforce the payment of taxes due the city by said delinquent.
- SEC. 118. 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 the lot 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.
- SEC. 119. And the collector shall divide the said land into as many parts as may be convenient (for such purpose he is authorized to employ a surveyor), and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereto. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses of the sale for the land, the same shall be struck off to the city, and if not redeemed as hereinafter provided shall belong to said city in fee.
- SEC. 120. 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 price of each, which shall be entered on the book of proceedings of the

board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury subject to the demand of the owner.

SEC. 121. 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.

Time for redemption.

SEC. 122. That if the real estate sold as aforesaid shall not be redeemed within one year 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 auditor, attested by the corporate seal; and the recital in such conveyance, or in any conveyance of land sold for taxes due the city, 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 or done.

Conveyance on failure to redeem.

SEC. 123. 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 disability, the sale shall be made as provided in the Revisal of one thousand nine hundred and five.

Persons under disability.

SEC. 124. All taxes imposed, levied, and collected by or for the city of Elizabeth City shall be due and payable on the first Monday in October of each year and at the office of the city tax collector. On all taxes due and unpaid on the first day of December of each year there shall be and is hereby levied and imposed a penalty of two per cent, and the tax collector of said city is hereby directed to collect this penalty of two per cent in addition to the regular taxes, in the same manner as all other taxes are paid: *Provided*, that on all taxes due and unpaid on the first day of January of each year there shall be and is hereby levied and imposed an additional penalty of three per cent, and the tax collector of the city of Elizabeth City is required to collect this additional penalty of three per cent in the same manner in which all other taxes are collected, and his official bond shall be responsible for any failure to collect penalties herein provided for on such delinquent taxes: *Provided further*, the board of aldermen of said city may, in their discretion, extend the time for the final settlement by the collector of such taxes until the first Monday in June of each year; and *Provided further*, that all penalties thus collected from delinquent taxpayers shall be paid to the city as other taxes.

Taxes due and payable.

Penalty for delay in payment.

Proviso: additional penalty.

Collection required.

Collector liable on bond.

Proviso: extension of time.

Proviso: penalties payable to city.

LICENSE TAXES.

SEC. 125. The board of aldermen may levy a license tax equal to the State tax upon all subjects licensed by the General Assembly for general public purposes, and in addition to the subjects and

License taxes.

things licensed 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 grinder. (1) On each organ grinder, a tax of ten dollars per annum.
- Billposters. (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 of twenty-five dollars per annum, or two dollars per day and fifty cents for each helper. (This shall not apply to residents of the city advertising their own merchandise, wares, etc., for their own benefit.)
- Peddlers from house to house. (3) On each agent selling pictures, maps, books, or other merchandise from house to house, or from person to person, a tax of twenty-five dollars per annum.
- Itinerant specialists. (4) On each itinerant optician, oculist, or medical specialist, a tax of fifty dollars per annum.
- Tooth extractors. (5) On each traveling specialist who follows the business of extracting teeth, a tax of twenty-five dollars per annum.
- Express companies. (6) On each express company, a tax not exceeding the amount permitted by the general revenue law of the State to be levied by municipalities.
- Horse or mule auction. (7) On each public auction of horses or mules, a tax of ten dollars per day.
- Automobiles for hire. (8) On each automobile carrying passengers for hire, a tax of ten dollars per annum.
- Auctioneers. (9) On each auctioneer, a tax of ten dollars per annum.
- Omnibus and two-horse hacks. (10) On each omnibus, two-horse carriage or hack running to the depot or elsewhere for hire, a tax of ten dollars per annum.
- One-horse hacks. (11) On every one-horse carriage or hack running to the depot or elsewhere for hire, a tax of eight dollars per annum.
- One-horse drays. (12) On each one-horse public dray, cart, or wagon, a tax of eight dollars per annum.
- Motor trucks and two-horse drays. (13) On each motor truck, two-horse public dray or wagon, a tax of fifteen dollars per annum.
- Light and power companies. (14) On each electric company selling or offering to sell electricity for lighting, heating, or power, a tax of two hundred dollars per annum.
- Dealers in fish and oysters. (15) On each retail dealer in fish and oysters, or either, a tax of ten dollars per annum.
- Gas companies. (16) On each gas company, a tax of two hundred dollars per annum.
- Gas fitters and plumbers. (17) On each gas fitter or plumber, a tax of ten dollars per annum.
- Gift enterprises. (18) On each gift enterprise, or person, firm, or corporation who sells prize candies, photographs, pictures, jewelry, or any other

article with which a prize is offered as an inducement to buy, a tax of fifty dollars per annum.

- (19) On each show house where prizes are offered as an inducement to purchase tickets, a tax of twenty-five dollars on each exhibition. Shows giving prizes.
- (20) On each dealer in hides, furs, or bones, a tax of twenty dollars per annum. Junk shops.
- (21) On each ice-cream dealer, a tax of five dollars per annum. Ice-cream dealers.
- (22) On each job printing office, a tax of ten dollars per annum. Job printing offices.
- (23) On each itinerant who deals in or puts up lightning rods, a tax of fifty dollars per annum, or fraction of a year. Lightning-rod agents.
- (24) On each itinerant feather renovator who deals in renovating feathers, a tax of fifty dollars per month or fraction thereof. Feather renovators.
- (25) On each fruit stand to sell lemonade, ice-cream, water-melons, fruit, or sandwiches, on public occasions, and on each person peddling said articles or any of them, a tax of five dollars for the first day and one dollar for each day thereafter. Fruit stands and peddlers.
- (26) On each person, firm, or corporation who conducts so-called loan offices, or who carries on a business of loaning money on personal property, watches, jewelry, or household and kitchen furniture by pledge or otherwise, a license tax of twenty-five dollars per annum. Loan offices.
- (27) On each person, firm, or corporation having an agency, station, or warehouse in the city for the distribution and sale of illuminating oil, lubricating oil, benzine, naphtha, or gasoline, a tax not to exceed the amount permitted by the general revenue law of the State. Oil agents.
- (28) On each traveling exhibitor of photographs, kinetographs, moving pictures or other like exhibitions, a tax of ten dollars per week. Picture shows.
- (29) On each taker of likenesses, by whatever art, a tax of ten dollars per annum. Photographers.
- (30) On each civil engineer or surveyor, real estate agent or broker, a tax of fifteen dollars per annum. Surveyors and real estate agents.
- (31) On each itinerant vender of specifics or itinerants making prescriptions, or applications, administering medicine or drugs for disease, a tax of fifty dollars per week. Medicine peddlers.
- (32) On each manufacturer of soda water, or bottler, a tax of fifteen dollars per annum. Manufacturer or botler of soda water.
- (33) On each soda or mineral water fountain, a tax of five dollars per annum. Soda fountains.
- (34) On each undertaker, a tax of twenty-five dollars per annum. Undertakers.
- (35) On each person, firm, or corporation who sells or issues to any merchants or manufacturers any trading stamps or other device to be redeemed by the person trading, giving away, or selling the same, a tax of one hundred dollars per annum. Trading stamp companies.

- Tables for games in connection with drink stands. (36) On each billiard or pool table, bowling alley, ten-pin alley or alley of like kind, kept for public use, if in connection with a place where drinks of any kind are sold or are allowed to be drunk, whether kept under the same roof or otherwise, a tax of fifty dollars per annum; on each other billiard or pool table, bowling alley, or ten-pin alley, or alley or like kind, kept for public use, a tax of twenty-five dollars per annum.
- Tables without such connection.
- Lectures. (37) On each lecturer for reward, unless the reward be wholly devoted to some literary or charitable purpose, a tax of five dollars per lecture.
- Curiosity shows. (38) On each museum, wax works, or curiosity of any kind, exhibited for reward, a tax of twenty-five dollars per annum.
- Itinerant physician. (39) On each itinerant physician, dentist, or other physical specialist, or chiropodist, a tax of one hundred dollars per annum.
- Carnival companies. (40) On each carnival company, or combination of traveling circuses and shows of like character, moving pictures and vaudeville shows, museums and menageries, merry-go-rounds and ferris wheels, and other like amusement enterprises conducted for profit, under the same general management and filling week-stand engagements or giving week-stand exhibitions, whether under canvas or not, a tax not to exceed the amount permitted by the general revenue law of the State: *Provided*, that no such carnival company or combination shall be relieved from the payment hereinbefore provided for, or of any part thereof, by reason of the donation or appropriation of the whole or any part of the proceeds arising from the carrying on of the same to any cause whatsoever.
- Tax not released on division of receipts.
- Theater or opera houses. (41) On each room, hall, or boat used as a theater or opera house where exhibitions or performances are given for profit, a tax of fifty dollars per annum.
- Traveling theatrical companies. (42) On each traveling theatrical company giving exhibitions or performances in any hall, tent, or other place not licensed as in the preceding section, whether on account of municipal ownership or for any other reason, a tax not to exceed the amount permitted by the general revenue law; and the owner of the hall, tent, or other place shall be liable for the tax.
- Circuses and other tent shows. (43) On every exhibition of a circus, menagerie, wild west show, dog and pony show, and every other show not licensed in the preceding subsections, a tax as follows for each day or part of a day:
- | | |
|---|----------|
| Shows requiring transportation of 12 car trains | |
| and less ----- | \$ 17.50 |
| 13 to 25 car trains----- | 37.50 |
| 25 to 40 car trains----- | 50.00 |
| 40 to 50 car trains----- | 75.00 |
| 50 to 60 car trains----- | 100.00 |
| Over 60 car trains----- | 125.00 |
- Side-shows. On each side-show with shows requiring less than 30 cars for transportation----- 5.00

On all other side-shows-----\$ 25.00

On every exhibition of a circus or show enumerated
in this section where the highest price charged
for general admission and reserved seat com-
bined exceeds fifty cents, a tax of----- 300.00

(44) On every other show given under canvas, in which animals are exhibited, or trapeze or juggling performances are given, or any other performances other than those already enumerated, a tax of fifty dollars for each day or part of a day. Other tent shows.

(45) On each person, firm, or corporation acting as agent of another and engaged in collecting rents for compensation, a tax of ten dollars per annum. Renting agents.

(46) On each person, firm, or corporation engaged in and conducting the business of selling coal at wholesale or retail, a tax of ten dollars per annum. Coal dealers.

(47) On each 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 of twenty-five dollars per annum. Collecting agencies.

(48) On each person, firm, or corporation engaged in the business of buying and selling or repairing bicycles or motorcycles, or buying and selling bicycle and motorcycle supplies, whether such business is conducted in connection with some other business or not, a tax of ten dollars per annum. Bicycle or motorcycle repairers or dealers.

(49) On each 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 of twenty dollars per annum. Ship-brokers.

(50) On each person, firm, or corporation who keeps horses or mules to hire or let, with or without vehicle, a tax of twenty-five dollars per annum. Livery stables.

(51) On each person, firm, or corporation who buys or sells horses or mules as a business or for profit, a tax of twenty-five dollars per annum. Horse and mule dealers.

(52) All persons, firms, or corporations operating under the license mentioned in subsection fifty who buy horses or mules for sale or exchange shall be classed as horse dealers, and in addition to the taxes mentioned in subsection fifty shall be required to also pay the tax mentioned in this subsection. Livery stables classed as dealers.

(53) On each commission merchant, broker, or dealer buying or selling goods, wares, or merchandise on commission, a tax of fifteen dollars per annum. Commission merchants or brokers.

(54) Any person who shall carry from place to place any goods, wares, or merchandise, and offer to sell or barter the same, or who actually barter or sells the same, shall be deemed to be a peddler, and shall pay a license tax as follows: Each peddler on foot, a Peddlers.

license tax of twenty-five dollars per annum. Each peddler with horse, mule, or ox, with or without vehicle, or with vehicle propelled by other power, a license tax of fifty dollars per annum. On every other peddler of medicine or drugs, whether on foot, horse, mule, or ox, without or with vehicle, or with vehicle propelled by other power, a tax of one hundred dollars per annum: on every itinerant salesman who shall expose for sale, either on the street or in a house rented for that purpose, goods, wares, or merchandise, a tax of five dollars per day until such tax shall amount to one hundred dollars, whereupon license shall be issued to said itinerant salesman for one year from the date when he first commenced business. This section shall not apply to those who offer for sale periodicals, printed music, fuel, ice, fish, vegetables, fruits, or other articles of the farm or dairy.

Itinerant salesmen
renting houses.

Exceptions.

Gypsies and
fortune-tellers.

(55) On each company of gypsies, palmist, or strolling bands or persons living in wagons or tents or otherwise, who trade horses or mules, or pretend to tell fortunes for pay, a tax of fifty dollars per annum; and on each other person pretending to tell fortunes for reward, a tax of twenty-five dollars per week.

Hotels and board-
ing-houses.

(56) On each hotel or boarding-house charging not more than one dollar per day, a license tax not to exceed the amount allowed by the general revenue laws of the State; on each hotel or boarding-house charging more than one dollar per day, a license tax not to exceed the amount allowed by the general revenue laws of the State.

Slot machines.

(57) On each slot machine wherein is kept any article to be purchased by depositing therein any coin or thing of value, a tax of five dollars per annum.

Other slot
machines.

(58) On each machine wherein there may be seen pictures or any music may be heard by depositing in the machine anything of value, and on each weighing machine, and on each machine for the use of making stencils operated by slot, wherein money or other thing of value is to be deposited, a tax of five dollars per annum.

Other amusements.

(59) 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 of twenty-five dollars per annum.

Dealers in weapons.

(60) On each merchant, storekeeper, or dealer who shall keep in stock, sell or offer for sale any pistol, cartridge, bowie-knife, dirk, dagger, slingshot, loaded cane, or brass, iron, or metallic knuckles, a tax of ten dollars per annum.

Dealers in musical
instruments.

(61) On each person, firm, or corporation having an office for the sale of pianos, organs, phonographs, victrolas, graphophones, or either of them, or selling any of said instruments from any receiving point, a tax of twenty dollars per annum.

Sewing machine
agents.

(62) On each sewing machine agent or agency having an office or selling from any receiving point, a tax of twenty dollars per annum.

- (63) On every dealer or merchant selling cigarettes, a tax of five dollars per annum. Cigarette sellers.
- (64) On every telegraph company, a tax of twenty-five dollars per annum. Telegraph company.
- (65) On every telephone company, a license tax of fifteen dollars per annum. Telephone company.
- (66) On all pawnbrokers, a license tax of fifteen dollars per annum. Pawnbrokers.
- (67) On each Chinese or steam laundry, a tax of ten dollars per annum. Laundries.
- (68) On any agent for an out-of-town laundry, a tax of twenty-five dollars per annum. Laundry agents.
- (69) On each skating rink, a tax of twenty-five dollars per annum. Skating rinks.
- (70) On each butcher and each dealer in fresh meats, a tax of one hundred dollars per annum. Butchers and meat dealers.
- (71) On each water company, a tax of one hundred dollars per annum. Water companies.
- (72) On each sewerage company, a tax of fifty dollars per annum. Sewer companies.
- (73) On each male dog, a tax of one dollar per annum, and on each female dog a tax of two dollars per annum: *Provided*, that when any such tax is paid the dog or bitch upon which said tax is paid shall become a subject of larceny, and any person guilty of stealing such dog shall, upon conviction, be punished as in other cases of larceny. Dogs.
Proviso: dogs subjects of larceny.
- (74) 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 of five dollars per annum. Baggage porters.
- (75) On each street railway company, a tax of two hundred dollars per annum. Street railway companies.
- (76) On each restaurant or eating saloon, a tax of twenty-five dollars per annum. Restaurants and eating saloons.
- (77) On each electrician, a tax of ten dollars per annum. Electrician.
- (78) On each plumber or pipe-fitter, a tax of ten dollars per annum. Plumbers and pipe-fitters.
- (79) On each person, firm, or corporation using a push-cart for the purpose of carrying fish, confectioneries, fruits, cakes, or any kind of goods, wares, or merchandise for sale on any of the streets of the city, a tax of ten dollars per annum. Push-cart dealers.
- (80) On each pressing club, or other place for the cleaning or dyeing of clothes, a tax of ten dollars per annum, and each pressing club shall furnish each of its agents or employees who collect clothes with a device showing the name of the club for which he is working and the number of such employee or agent. Pressing clubs.
Badges furnished agents.
- (81) On every stallion or jack serving mares within the corporate limits of the city, a tax of twenty-five dollars per annum. Stallions and jacks.

- Piano tuner. (82) On each piano or organ repairer or tuner, a tax of ten dollars per annum.
- Dairies. (83) On each person, firm, or corporation operating a dairy, selling milk within the city, a tax of two dollars on each cow owned by said person, firm, or corporation, to be based upon the maximum number of cows owned at the time of applying for such license, and a like amount upon each cow and heifer obtained during the fiscal year: *Provided, however*, that each person, firm, or corporation owning more than two cows and selling milk within the city shall be construed and held to be a dairy and liable for the tax imposed by this section.
- Proviso: definition of dairy.
- Tax on cows. (84) On each person owning one cow and keeping it within the corporate limits of the city, a tax of two dollars per annum.
- Banks, mills, and factories. (85) On each bank or savings bank and trust company, on each sawmill, planing mill, gristmill, flour mill, rice mill, cotton gin, hosiery mill, cotton mill, ice factory, machine shop, marine railway, a tax of ten dollars per annum.
- Professions. (86) On each lawyer, doctor, dentist, oculist, optometrist, chiroprodist, osteopath, pharmacist, or other specialist, under whatever name called, a tax of five dollars per annum.
- Miscellaneous occupations. (87) On each barber shop, building contractor, architect, horse-shoer, harness-maker or repairer, shoemaker or repairer, or general repair shop, wheelwright, wagon or cart maker or repairer, a tax of five dollars per annum.
- Wholesale fish dealers. (88) On each wholesale fish dealer, a tax of twenty-five dollars per annum.
- Dealers in automobiles and repair shops. (89) On each dealer in automobiles or automobile supplies, or automobile repair shop or place where automobiles or auto gas engines may be repaired, a tax of twenty dollars per annum.
- Merchants. (90) On each person, firm, or corporation buying or selling or otherwise dealing in goods, wares, or merchandise of any kind whatsoever, whether wholesale or retail, a tax of five dollars per annum.
- Wood-yards. (91) On each wood-yard or dealer in wood, a tax of ten dollars per annum.
- Miscellaneous subjects. (92) On all other subjects taxed by the laws of the State, unless specifically exempted from municipal taxation, such amount as the board of aldermen may see fit, not to exceed the amount levied or permitted by the general laws of the State.
- License not transferable. SEC. 126. No license enumerated in section one hundred and twenty-four of this act, when issued, shall be transferable.
- Tax not refunded. SEC. 127. No license tax enumerated in section one hundred and twenty-four of this act, when issued, shall, for any cause, be refunded to the payer of that license tax.
- Territory subject to license tax. SEC. 128. The board of aldermen shall have power to levy any and all of the above mentioned license taxes upon any person, firm, or corporation carrying on any of the trades, professions, etc., set

out in section one hundred and twenty-four within one mile of the corporate limits of the city.

SEC. 129. That all licenses or permits provided for in section one hundred and twenty-four of this act, and each subsection thereunder, shall be applied for and the tax or license specified paid to the city auditor (who shall collect all market rents and all license taxes except the huckster and dog tax, which shall be collected by the chief of police) before the person, firm, or corporation engages in the business to which such license is applicable. It shall be unlawful for any person to carry on or practice any trade, business, or profession without having in his actual possession at the time of commencing to carry on or practice said trade, business, or profession said license or a duly authenticated duplicate thereof. Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days, and the said tax may be recovered by suit by the city auditor, in the name of the city; and the said auditor must furnish from week to week, as the same are issued, to the chief of police, an alphabetical list of all persons to whom licenses or permits have been issued, and for what trade, business, or profession said license or permit was issued.

License taxes paid to auditor.

Market rents.

Doing business without license unlawful.

Misdemeanor.

Punishment.

Lists furnished chief of police.

SEC. 130. That each annual license issued under section one hundred and eight of this act shall be dated September first of each year, and shall expire on the thirty-first day of August next succeeding its issuance.

Date and term of license.

SEC. 131. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed: *Provided, however,* that the members of the present board of aldermen, mayor, chief of police, city clerk, treasurer, and all the appointive officers, except such as may be removed for cause or otherwise, shall continue to serve until their present term expires or their successors are qualified.

Repealing clause.

Proviso: officers to fill out terms.

SEC. 132. That this act shall be in effect from and after the first day of May, one thousand nine hundred and fifteen.

When act effective.

Ratified this 5th day of March, A. D. 1915.

CHAPTER 342.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF OXFORD TO ISSUE BONDS FOR THE IMPROVEMENT OF THE STREETS AND SIDEWALKS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide for the repairing, working, and improving of the streets and sidewalks of the town of Oxford,

Purpose of bond issue.

Authority.	<p>the board of commissioners of said town are hereby authorized and empowered to issue coupon bonds, bearing interest, payable either annually or semiannually, at a rate not exceeding six per cent (6%) per annum, to an amount not exceeding one hundred thousand dollars, in denominations of not less than one hundred nor more than two thousand dollars, payable not more than thirty years from the date of issue; said bonds shall be signed by the mayor of said town and 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, and shall be made payable, both principal and interest, at such place or places as the board of commissioners of Oxford may determine; said bonds shall be sold at either public or private sale, as said board of commissioners may determine, with or without notice, and the proceeds of said bonds shall be applied for the purposes herein set out, and no other; but the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money: <i>Provided</i>, that the provisions of this act in relation to the issuance of said bonds shall not become operative until approved by a majority of the qualified voters of said town in the manner hereinafter set out.</p>
Interest.	
Amount.	
Denominations.	
Maturity.	
Authentication.	
Sale of bonds.	
Specific appropriation.	
Proviso: act not operative until approved by voters.	
Proceeds kept separate. Specific appropriation. Monthly statements.	
Commission to be appointed.	<p>SEC. 3. That for the purpose of carrying out the work of repairing, working, paving, and improving the streets and sidewalks of the town of Oxford, as contemplated in this act, the board of commissioners of Oxford shall appoint a commission of not more than three competent business men, who shall be citizens of Oxford, and it shall be the duty of this commission to take charge of said work; to designate the streets upon which the said work of repairing, working, and improving shall be done; to employ a competent engineer, and to take full charge of the general work of street improvements herein contemplated.</p>
Duty of commission.	<p>SEC. 4. That all bonds and income therefrom, as herein provided for, shall be and are hereby exempt from taxation by the town of Oxford or the Oxford Graded School District for any and all purposes, when held and owned by a citizen or resident of said town.</p>
Employment of engineer.	<p>SEC. 5. That at any time after the ratification of this act, and after thirty days notice, the board of commissioners of Oxford are hereby authorized and empowered to call an election to be held at the usual voting place and to appoint the registrar and poll-holders therefor, said election to be held and the returns thereof made and</p>
Exemption from taxation.	
Call of election.	
Election officers.	
Law governing elections.	

canvassed and the result declared as now provided by law for municipal elections; and at said election those who favor the adoption of the provisions of this act shall vote ballots with the words "For Street Bonds" written or printed thereon, and those opposed thereto shall vote ballots with the words "Against Street 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 Street Bonds" written or printed thereon, then the provisions of this act shall become operative and effective.

Ballots.

Effect of election.

SEC. 6. That the board of commissioners of Oxford are hereby authorized and empowered, if it sees fit so to do, to order a new registration for said election, and in all other respects said election shall be held in accordance with the provisions of law relating to elections in towns and cities.

New registration.

SEC. 7. That if the provisions of this act shall become operative as herein provided, the board of commissioners or their successors in office be and they are hereby authorized and empowered to levy and collect on all taxable property and polls in said town of Oxford a special tax of sufficient amount to pay the interest on each issue of said bonds as they shall become due, and the principal of each issue thereof at maturity; said special taxes shall be levied and collected at the same time as other taxes are levied and collected for the use of said town.

Special tax.

Levy and collection.

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

Ratified this the 5th day of March, A. D. 1915.

CHAPTER 343.

AN ACT TO PROVIDE FOR COMPULSORY ATTENDANCE IN MURPHY GRADED SCHOOL DISTRICT, No. 1, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of each and every person residing in Murphy School District, Number One, having under his or her control any child or children, of sufficient mental and physical ability, between the ages of eight and fifteen years, to cause such child or children to attend some literary school continuously for at least five consecutive months in every school year: *Provided*, that the trustees of said school district, by and with the advice and consent of the superintendent of said district, shall have the right to excuse from attendance for good cause to them appearing; and the superintendent, principal, or teacher in charge of Murphy Graded School District, Number One, may excuse any child for a

Attendance compulsory.

Ages.

Term.

Proviso: excuse by trustees.

Excuses by principals or teachers.

temporary absence because of unusual storm, or bad weather, sickness or death in the child's family, unforeseen or unavoidable accidents, or for any other cause sufficient to justify such temporary absence: *Provided further*, that the board of trustees of Murphy School District, Number One, may in their discretion lower the age limit of fifteen years herein provided for, but not to any age less than twelve years.

Proviso: alteration of age limit.

Continuous attendance.

SEC. 2. That it shall be the duty of each and every child of sufficient mental and physical ability residing in Murphy School District, Number One, to attend some school continuously for at least five consecutive months during each school year, unless excused by the trustees as herein provided.

Appointment of truant officer. Compensation.

SEC. 3. That the board of trustees of said district shall have the authority to employ a truant officer, fix his compensation, and make and prescribe rules and regulations for his guidance, and define his duties: *Provided*, that the town marshal of the town of Murphy may act and perform the duties of truant officer by and with the assent of the mayor and aldermen of said town. The board of trustees, together with the superintendent of said District Number One, shall have the authority to make any and all rules and regulations regarding grading, discipline, and department of pupils in said school.

Proviso: town marshal may act.

School regulations.

Misdemeanor. Punishment.

SEC. 4. That any person violating the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one dollar for the first offense and not less than five dollars for each subsequent offense, and not exceeding ten dollars for each offense.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 344.

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

The General Assembly of North Carolina do enact:

City manager. Administrative head of city. Treasurer, clerk, and collector.

SECTION 1. That there may be chosen by the board of aldermen of the town of Shelby an officer to be known as city manager, who shall be the administrative head of the city government, and may serve as town treasurer, town clerk, and tax collector, or any of the same.

Oath of office and bond.

SEC. 2. Before entering upon the duties of his office the city manager shall take and subscribe an oath that he will faithfully perform the duties of his office, and shall execute a bond, to be

approved by the board of aldermen, which bond shall be in favor of the town of Shelby and in an amount to be fixed by the board of aldermen.

SEC. 3. The term of the city manager shall be at the pleasure of the board of aldermen. Term.

SEC. 4. It shall be the duty of the city manager to attend all meetings of and to recommend to the board of aldermen from time to time such measures as he shall deem necessary or expedient for it to adopt, and to furnish it with any necessary information respecting any of the departments under his control. Attendance at meetings and recommendations to board. Information.

SEC. 5. He shall transmit to the heads of the various departments written notice of all acts of the board of aldermen relating to the duties of their departments, and he shall make designation of officers to perform duties ordered to be performed by the board of aldermen. Notice to departments. Assignment of duties.

SEC. 6. He shall sign all contracts, licenses, and other public documents on behalf of the town, as the board of aldermen may authorize and require. Execution of papers.

SEC. 7. He shall have access at all times to the books, vouchers, and papers of any officer or employee of the town, and shall have power to examine under oath any person connected therewith. Access to books and papers. Power to examine under oath.

SEC. 8. He shall have power to revoke licenses pending the action of the board of aldermen. Power to revoke licenses.

SEC. 9. He shall have authority and charge over all public works, the erection of buildings for the town, the making and construction of all improvements, paving, curbing, sidewalks, streets, buildings, bridges, viaducts, and the repair thereof; he shall approve all estimates of public works and recommend to the board of aldermen the acceptance or rejection of the work done or improvements made; he shall have control and management of the electric light plant and water-works system of the town of Shelby and all other public utilities, including the watersheds from which the town takes its supply of water, pumping stations, pipe lines, filtering apparatus, and such things as are connected therewith; he shall be purchasing agent of the town of Shelby, but shall not be personally interested in any contract to which the town is a party. But all powers enumerated shall be subject to the supervision and control of the board of aldermen, and all bills and purchases subject to the approval of same. Enumeration of powers. Supervision and control of aldermen.

SEC. 10. He shall have power to suspend, fine, and dismiss any member of the police, fire, water-works, and sewerage system, electric light department, street department, or other public utility department, in the interest of efficiency or discipline. But any officer appointed or elected by the board of aldermen to a position in said departments, who has been suspended, fined, or dismissed, may appeal to the board of aldermen at any of its regular meetings, and it shall review his case and affirm, modify, or reverse the Powers as to officers. Right of appeal.

- order of the manager and make any restitution within the law which it may deem advisable. The city manager shall promptly report all suspensions, fines, and dismissals to the board of aldermen.
- Manager to report acts.**
- Election of officers.** SEC. 11. The officers of the fire, light, water-works, street, and other departments shall be elected for a term of one year, from a list submitted to the board of aldermen by the city manager, and if the board of aldermen is unable or refuses to elect from the list so furnished, it shall call on the city manager from time to time for other lists, and it shall be his duty to furnish same.
- Board of aldermen.** SEC. 12. The legislative and general regulative powers of the town of Shelby shall be invested in the board of aldermen, consisting of the mayor and four aldermen.
- Vacancy as to mayor.** SEC. 13. In case of the disability or absence of the mayor, or vacancy in said office for any cause, the functions of said office shall devolve upon some member of the board of aldermen designated by that body at its first meeting in May of each and every year; and if a vacancy shall occur in the board of aldermen, the remaining members shall elect a person to fill the vacancy until the next general or special municipal election. Each alderman shall reside in his respective ward.
- Vacancy in aldermen.**
- Residence of aldermen.**
- Regular meetings.** SEC. 14. The board of aldermen shall hold a regular meeting on the first and third Tuesdays of each month, at some regular hour to be fixed by said board of aldermen from time to time, and publicly announced by it, and it may hold such adjourned and called meetings as may be necessary or convenient.
- Adjourned and called meetings.**
- Procedure for passage of ordinances.** SEC. 15. No resolution, by-law, or ordinance appropriating any money for any purpose, providing for any public improvements, enacting any regulation, or of any other general or permanent nature, except a proclamation of quarantine or other emergency measures concerning the public safety or health, shall be enacted unless said resolution, by-law, or ordinance shall have been read twice and passed two readings, which readings shall have been on different days, and one of which must be at a regular meeting: *Provided*, any emergency measure enacted shall be effective only until the first regular meeting after its enactment, unless ratified at such meeting.
- Emergency measures.**
- Proviso: limitation of emergency measures.**
- Introduction of measures.** SEC. 16. That every motion, resolution, by-law, or ordinance introduced at any meeting of the board of aldermen shall be reduced to writing and read before any vote thereon shall be taken, and the yeas and nays shall be recorded. A record of the proceedings of every meeting shall be kept by the town clerk or the city manager in a well-bound book, and every resolution, by-law, or ordinance passed by the board of aldermen, and every motion made at any meeting must be recorded in such book, and the records of the proceedings of the meetings must be signed by at least three members of the board of aldermen, or the mayor and two members.
- Yeas and nays recorded. Record of proceedings.**
- Records signed.**

- SEC. 17. Any three citizens may appear before the board of aldermen at any of its regular meetings and may present a written motion. Said motion shall be acted upon by the board of aldermen in the regular course of business not later than next regular meeting following same. Motion presented by citizens.
Action on motion.
- SEC. 18. No member of the board of aldermen shall be excused from voting, except in matters involving the consideration of his own official conduct. In all other cases a failure to vote by a member who is present, but has withdrawn from the meeting without being excused, shall be deemed and shall be entered upon the minutes as an affirmative vote. Members compelled to vote.
Refusal counted as affirmative.
- SEC. 19. The city manager of the town of Shelby, or the town clerk of said town, may be treasurer of the town of Shelby, and the city manager, town clerk, or any marshal of the town of Shelby may be tax collector of said town and tax assessor thereof. In assessing real estate for taxation, each lot in said town shall be entered on the return separately, with its number as shown on the map of the town, with size and location by street, as well as the assessed value thereof stated. Treasurer and tax collector.
Entry of lots on tax list.
- SEC. 20. That the city manager of the town of Shelby shall quarterly submit to the board of aldermen and advertise in a newspaper published in Shelby an itemized statement of all receipts and disbursements made by the town of Shelby during said quarter. Quarterly statements made and published.
- SEC. 21. That all such dogs in the town of Shelby on which a tax has been levied and paid pursuant to law or ordinance of said town shall be subjects of larceny. Dogs subjects of larceny.
- SEC. 22. That in such matters as there may be a conflict between this act and chapter one hundred and ninety-four, Private Laws of North Carolina, session one thousand nine hundred and one, the provisions of this act shall have precedence, but in all other respects said chapter one hundred and ninety-four, Private Laws of North Carolina, session one thousand nine hundred and one, shall remain in full force and effect. Conflict with former charter.
- SEC. 23. That the town of Shelby may purchase or construct, own and operate a city telephone system or exchange, and connect and operate same in connection with the city fire department and other public utility departments of said town, and rent phones and make charges for service over same. City telephone system.
- SEC. 24. That if on or before the first day of April, one thousand nine hundred and fifteen, one hundred and seventy-five qualified electors residing in the incorporated limits of the town of Shelby shall file a petition with the clerk of the board of commissioners of said town, petitioning for a submission to the voters of this amendment to the charter of the town of Shelby, then and in that event, at the next regular election to be held in and for the town of Shelby for the election of mayor, this act shall be sub- Petition for vote on act.
Act submitted to voters.

mitted to the qualified voters of said town for their acceptance or rejection; and at said election those who favor the provisions of this act shall vote a ballot with the words "For City Manager" written or printed thereon, and those who oppose the provisions of this act shall vote a ballot with the words "Against City Manager" written or printed thereon: that a separate box shall be prepared and furnished by the election officers to receive said ballots, and said election shall be held, conducted, and canvassed in the same manner as regular elections of said town; and if the majority of those voting on said question vote "For City Manager" then this act shall be in force from and after the first day of June, one thousand nine hundred and fifteen. Otherwise to be of no force and effect.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 345.

AN ACT TO AMEND CHAPTER 343, PRIVATE LAWS OF 1907, AND ACTS AMENDATORY THEREOF, RELATING TO THE CHARTER OF THE TOWN OF LUMBERTON.

The General Assembly of North Carolina do enact:

Nomination for
chief of police.

SECTION 1. That on the last Tuesday in April, nineteen hundred and fifteen, and annually thereafter, in the same manner and under the same rules and regulations now provided for the nomination of a mayor and board of commissioners of the town of Lumberton, there shall be nominated a chief of police of the said town of Lumberton.

Election.

SEC. 2. That on the first Monday in May, nineteen hundred and fifteen, and annually thereafter in the same manner and under the same rules and regulations provided in chapter three hundred and forty-three, Private Laws of nineteen hundred and seven, and the acts amendatory thereof, for the election of a mayor and board of commissioners, there shall be elected a chief of police, who at the time of his election and qualification shall be a duly qualified elector of the town of Lumberton and who shall hold office for a term of one year and until his successor is elected and qualified.

Term.

Duties and bond.

SEC. 3. That said chief of police of the town of Lumberton shall perform the same duties and enter into the same bond now required of the chief of police of said town; and before qualifying and entering upon the discharge of his duties the person so elected as chief of police of the town of Lumberton shall take such oath as is prescribed by law for public officers, and shall take an additional oath that he will faithfully and impartially discharge the

Oath of office.

duties imposed upon him by law, before some person duly authorized to administer oaths; and he shall also enter into a bond in the sum of one thousand dollars for the faithful performance of the duties of chief of police; and he shall also enter into a further bond, duly verified with solvent surety, to be approved by the board of commissioners of the town of Lumberton, conditioned on the faithful collection of and accounting for all taxes required to be collected in said town, the said bond to be in such sum as the board of commissioners may designate, not to exceed the amount of taxes to be collected.

Bond.

Bond as tax collector.

SEC. 4. That the bond required of the chief of police, conditioned on the collection and accounting for the taxes of the town of Lumberton, as provided in section three thereof, may be given in some solvent and reliable surety company, at the option of the chief of police, and in the event the said bond is executed by a surety company, the premium thereof shall be paid by the said town of Lumberton.

Bond in surety company.

SEC. 5. The said chief of police of the town of Lumberton shall receive such salary as may be allowed by the board of commissioners of said town, to be not less than seventy-five dollars per month.

Salary.

SEC. 6. That sections thirteen and fourteen and such other parts of chapter three hundred and forty-three of the Private Laws of nineteen hundred and seven as conflict with this act be and the same are hereby repealed.

Laws repealed.

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 8th day of March, A. D. 1915.

CHAPTER 346.

AN ACT TO ESTABLISH A COUNTY-LINE SCHOOL DISTRICT BETWEEN THE COUNTIES OF STOKES AND FORSYTH, TO BE KNOWN AS THE FULP PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the following described district lying in Stokes and Forsyth counties be laid off and be known and designated as the Fulp Public School District: Beginning on P. Oliver's south line at the Mount Tabor School District line; thence east on said Oliver's south line with the Elizabeth Marshall south line and continuing on S. H. Reed's south line and John H. Marshall's

Fulp public school district.

Boundary.

line; thence with John Reed's south line and Miranda Zimmerman's south line to the Rock Hill School District line; thence north with Rock Hill Public School District line to the county line and joining with the Fulp Public School District line in Stokes County; thence north with the Fulp Public School District line to the northwest corner of said district; thence west with the Walnut Cove Public School District line to the Mount Tabor Public School District line; thence with Mount Tabor Public School District line to the beginning.

Expense of site and building.

SEC. 2. That the expense of purchasing a lot and erecting a school building thereon shall be borne equally by the boards of education of the two counties and the citizens of the school district, and said school building shall be built near the county line dividing the aforesaid counties at such a point in either county as the boards of education of the respective counties shall deem best; that the per capita part of the school money due the children residing in one county shall be appropriated by the county board of education of that county, and paid to the treasurer of the other county in which the school is located, or the county boards of education of the two counties may, by agreement, designate which county shall disburse the funds, to be placed to the credit of the above described school district.

Location.

Management of school fund.

School committee.

SEC. 3. That the school committeemen of the aforesaid school district shall be composed of four members, two of said members to be selected from each county, and they shall be appointed as is now provided by law for the appointment of school committeemen; and in case of any difference between the committeemen the matter shall be referred to the county superintendents of the respective counties.

Appointment of committeemen.

Referee.

Property held in common.

SEC. 4. The school property of the aforesaid Fulp Public School District shall be the common property of the aforesaid counties.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 347.

AN ACT TO AMEND CHAPTER 123 OF THE PRIVATE LAWS OF THE EXTRA SESSION OF 1913, RELATING TO THE HIAWASSAN VALLEY RAILWAY COMPANY IN CLAY AND CHEROKEE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen of chapter one hundred and twenty-three of the Public, Public-Local, and Private Laws of the extra session of one thousand nine hundred and thirteen be

Election to fill vacancies.

amended by striking out of said section all after the words "by the," in line five thereof, and inserting the words "remaining representatives."

SEC. 2. That the representatives of Clay County and Valletown Township may in their discretion reduce the number of directors to not less than ten, an equal number to be appointed for Clay County and Valletown Township.

Number of directors.

Appointment.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 348.

AN ACT TO INCORPORATE THE HOME MISSION BOARD OF THE NORTH CAROLINA AND VIRGINIA CHRISTIAN CONFERENCE.

The General Assembly of North Carolina do enact:

SECTION 1. That W. P. Lawrence, P. T. Klapp, W. A. Harper, S. A. Caveness, and D. L. Boone, together with such others as may become members of the board, and their successors in office, are hereby constituted and declared a body politic and corporate under the name and style of the Home Mission Board of the North Carolina and Virginia Christian Conference, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, may acquire by purchase, donation, devise, or otherwise property, real, personal, and mixed, for the purpose of carrying out its objects, which are the promotion of home mission work within the bounds of said Conference; and may do any and all other necessary acts and things in the promotion of said objects, including the sale and disposition of any property it may acquire.

Corporators.

Incorporation.

Corporate name.

Corporate powers.

SEC. 2. That the officers of said corporation shall be a president, vice president, secretary and treasurer, whose duties shall be such as may be prescribed by said board and the said Conference.

Officers.

SEC. 3. That the said association shall have power to make its own by-laws, rules and regulations for its government, subject to the Constitution and laws of this State and such rules and regulations as may be made by said Conference of which said board is a part.

By-laws, rules, and regulations.

SEC. 4. That the successors in office of the persons named above shall be chosen in the manner provided by said North Carolina and Virginia Christian Conference, and when so chosen, and have accepted, such successors shall be members of this corporation instead of the persons whom they succeed.

Election of successors.

Principal office.

SEC. 5. That the principal place of business, or office, of said corporation shall be at Elon College, Alamance County, North Carolina, but its meetings may be held at any place designated by the board or its proper officers, and at such meetings it may transact such business as shall be prescribed by the by-laws.

Meetings.

Exemption from taxation.

SEC. 7. That all property owned by said corporation shall be exempt from taxation so long as such property or the income therefrom shall be used for the promotion of the home mission work of said Conference.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 349.

AN ACT TO AMEND CHAPTER 451, PRIVATE LAWS 1913, CREATING A BOARD OF TRUSTEES FOR FIREMEN'S PENSION FUND OF WILMINGTON, NORTH CAROLINA, AND PROVIDING FOR PENSIONING DISABLED AND SUPERANNUATED FIREMEN, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter four hundred and fifty-one of the Private Laws of one thousand nine hundred and thirteen be stricken out and the following be inserted in lieu thereof:

Change of name.

"SECTION 1. That the local board of trustees in the city of Wilmington created and organized under and by virtue of chapter eight hundred and thirty-one, Public Laws of one thousand nine

Official entitlement.

hundred and seven, be and the same shall hereafter be known as the 'Board of Trustees of the Firemen's Relief and Pension Fund of Wilmington, North Carolina,' and their duties shall be to raise

Duties.

and manage funds for the relief and pension of disabled and retired firemen of the city of Wilmington and to carry out such other duties as are provided for in this act. That the Insurance

Payment from insurance department.

Commissioner is herewith empowered and shall hereafter pay over the moneys collected from insurance companies, corporations, or associations doing business in the city of Wilmington, under the

Election, compensation, term, and organization of board.

provisions of chapter eight hundred and thirty-one, Public Laws of one thousand nine hundred and seven, and the same so paid shall be subject to the use of the said board of trustees of the

firemen's relief and pension fund for the purposes embraced in this act. That the election, compensation, term of office, and organization of said board, herein provided for, shall be as provided for the board of trustees of the firemen's relief fund under

the provisions of section six, chapter eight hundred and thirty-

one, Public Laws of one thousand nine hundred and seven, and the bonding of its treasurer shall be as in said act provided. That said board, herein provided for, and its successors, when duly organized, shall have entire control of the funds derived and to be derived under this act, and shall only disburse the said funds, upon checks signed by the treasurer of said board, countersigned by its chairman, for the following purposes and the necessary expenses in connection with its duties:

“(1) To safeguard members of the fire department of the city of Wilmington from loss of time from their daily work, occasioned by sickness contracted or temporary injury received in the performance of their duties in said fire department, upon such conditions as are now or may hereafter from time to time be adopted by said board of trustees.

“(2) To provide a reasonable support for those actually dependent upon the service of any fireman of the city of Wilmington who may lose his life in the fire service of said city, either by accident or injury from disease contracted by reason of said service.

“(3) To pension any permanently disabled or superannuated member of the fire department of said city, as hereinafter provided.”

SEC. 2. That section two of chapter four hundred and fifty-one of the Private Laws of one thousand nine hundred and thirteen be amended by inserting in line one thereof, between the word “firemen’s” and the word “pension,” the words “relief and”; by striking out the word “may” in subsection one of said section two, between the words “Wilmington” and “annually,” and inserting in lieu thereof the word “shall”; by striking out all of subsection two of said section two and inserting the following in lieu thereof as said subsection:

SEC. 3. The money collected from insurance companies, corporations, or associations doing business in the city of Wilmington, under the provisions of chapter eight hundred and thirty-one, Public Laws of one thousand nine hundred and seven, shall be paid over by the Insurance Commissioner hereafter, subject to the use of the fund herein provided for, and shall become a part of such fund. That subsection three of section two of said Private Laws of one thousand nine hundred and thirteen be amended by striking out the words “seventy-five per cent of” in line one thereof, and beginning said subsection with the following word “The” with a capital; and further, by substituting the words “firemen’s relief and pension fund” for the words “firemen’s pension fund” where the same appears in said subsection. That subsection seven of section two of said Private Laws of one thousand nine hundred

Bonding of treasurer.
Control of funds.

Disbursements.

Subjects of disbursement.

To safeguard firemen from loss of time.

Support of dependents of firemen losing life by reason of service.

Pension for disabled or superannuated firemen.

Title amended.

Contribution by city made mandatory.

Collections from insurance companies made part of fund.

Firemen’s relief fund.

Firemen’s relief and pension fund.

and thirteen be amended by adding to the end thereof the words, "provided such is necessary."

Assessment on firemen.

SEC. 4. Amend section three of the Private Laws of one thousand nine hundred and thirteen, chapter four hundred and fifty-one, by inserting before the word "pension," whenever and wherever used therein either to designate the fund or as the title of the board of trustees, the words "relief and."

Verbal alteration.

SEC. 5. That section four of chapter four hundred and fifty-one, Private Laws of one thousand nine hundred and thirteen, is amended by adding to the end of said section the following: "and a copy of said report shall annually be made to the State Insurance Commissioner."

Report to insurance commissioner.

SEC. 6. That section six of chapter four hundred and fifty-one, Private Laws of one thousand nine hundred and thirteen, be stricken out and the following be inserted in lieu thereof:

Rules and regulations.

"SEC. 6. The board of trustees of the firemen's relief and pension fund shall have power to make all needful rules and regulations for its government not inconsistent with the purposes and spirit of this act, and it shall hear and decide all applications for relief and pensions under this act, and its decisions on such applications, except where the same are in conflict with the letter or spirit of this act, shall be final and conclusive. The board shall cause to be kept a record of all its meetings and proceedings."

Applications.

Decisions final.

Record to be kept.

SEC. 7. That section seven, chapter four hundred and thirteen, be stricken out and amended as to subsections one, two, three, four, and five to read as follows:

Pensions for disability and superannuation.

Pensions to firemen permanently disabled.

"SEC. 7. Pensions for permanent disability and superannuation shall be subject to the following regulations, and paid as follows:

"1. To any member of the fire department force of the city of Wilmington who while in the performance of his duties in said fire department shall become, without misconduct on his part, permanently disabled, either physically or mentally, by reason of such service in said department, the said board of trustees may, upon examination of such alleged disabled fireman, and upon a certificate filed by the physician appointed to make such examination, retire such disabled fireman from service in said department and place him on the pension roll: *Provided*, no such retirement on account of disability, as herein provided for, shall be allowed unless said member has contracted such disability while in the actual service of such department and in the performance of duty therein. Pensions allowed upon retirement under this section shall be for such time as the board, under the circumstances of each particular case, may deem wise, and shall in no instance exceed one-half of the monthly compensation allowed to such retired member as salary at the age of such retirement or disability.

Examination and certificate of physician.

Proviso: disability incurred in performance of duty.

Amount of pensions.

"2. Any member of the fire department of the city of Wilmington who has served in said department for a period of not less than twenty consecutive years and who has or shall have reached the age of fifty years or upwards may, upon his own application or upon the initiative of the said board of trustees, be examined by a physician to be appointed by the said board for this purpose, and if upon such examination he be found to be incapacitated, by age or other disability or infirmity, for continued active service in the department, shall be retired by said board, and be placed on the pension roll. Any member retired hereunder shall receive from the pension fund, during his life, a pension, if available, of not less than one-half the monthly compensation allowed to such member as his salary in the department at the date of such retirement.

Retirement for age.

Amount of pension.

"3. That in all instances where the services of a physician shall be secured for the examination of an applicant seeking relief or a pension, or where such is or are granted, the certificate of such physician or surgeon shall be secured by the board, and be carefully preserved by it. The term 'member' as applied to the fire department in this act shall include all officers and men in the active service of the fire force of the city of Wilmington.

Certificate of physician.

Definition of number.

"4. In case any member of the fire department is killed or dies while in the performance of his duties as a fireman, the board of trustees are authorized, in proper cases, to pay an amount, in no instance to exceed the sum of one hundred dollars, from any funds in this act provided, towards the funeral expenses of such deceased member.

Allowance for funeral expenses.

"5. No pension provided for in this act or relief to be granted hereunder shall either before or after its order of distribution by said board to such disabled and pensioned member of said fire department, or beneficiary, be held, taken, subjected to, or retained, or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree of any court or any process or proceedings whatever issued out of any court in this State for the payment or satisfaction in whole or in part of any debt, damage, claim, demand, or judgment against any such member or beneficiary; but the said fund shall be held, kept, secured, and distributed for the purposes of pensioning or relieving the persons or the payment of funeral expenses as named in this act, and for no other purpose whatsoever."

Pension not subject to process.

SEC. 8. All laws and parts of laws in conflict with this act, in so far alone as they are in conflict herewith, are hereby repealed.

SEC. 9. This act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 350.

AN ACT TO PERMIT THE CITY OF GASTONIA TO MAKE A YEARLY APPROPRIATION FOR THE SUPPORT OF THE POOR WITHIN ITS LIMITS.

The General Assembly of North Carolina do enact:

Appropriation
authorized.

Amount.

Use of funds.

SECTION 1. The board of aldermen of the city of Gastonia are hereby authorized and empowered to make a yearly appropriation, not to exceed the sum of five hundred dollars, out of the revenues of the said city raised by general taxation, to be used in the manner so authorized by said board of aldermen toward the support, maintenance, and aid for the poor and indigent and those needing charitable assistance which reside or may be found within the corporate limits of the city of Gastonia.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 351.

AN ACT TO AMEND CHAPTER 323 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1913, ENTITLED "AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE ENFIELD GRADED SCHOOL DISTRICT TO ISSUE BONDS FOR THE PURPOSE OF ERECTING A BUILDING FOR THE WHITE GRADED SCHOOL."

The General Assembly of North Carolina do enact:

Maturity of bonds.

SECTION 1. That section two of chapter three hundred and twenty-three of the Private Laws of North Carolina, session one thousand nine hundred and thirteen, shall be amended by striking out in line three thereof the word "twenty" and inserting in lieu thereof the word "thirty."

Tax rate.

SEC. 2. That section seven thereof be amended by striking out the word "fifteen" in line six thereof and inserting in lieu thereof the word "five," and by striking out in line seven thereof the word "forty-five" and inserting in lieu thereof the word "fifteen"; by striking out all after the word "district" in line eight thereof and inserting in lieu thereof the following: "and said board of trustees of said Enfield Graded School District may provide a sinking fund by setting aside such portion of the foregoing levy each year as may be necessary to pay off said principal at its maturity: *Provided*, said bonds shall not be paid annually, but

Sinking fund.

one or more bonds may be taken up annually or otherwise as the said board may elect; and under said levy the constitutional equation between property and poll shall be observed, and the taxes so collected and levied shall be kept separate from all other taxes and shall be used for no other purpose whatever except for the building, erection, construction, furnishing and equipping of said building for the white graded school of said Enfield Graded School District, and for the payment of said bonds and coupons as above provided for: *Provided, however*, that said board may make said levy in conjunction with the levy made by the board of commissioners of the town of Enfield for the benefit of the Enfield Graded School District, and in such case said taxes need not be kept separate; and the said board of trustees of the Enfield Graded School District shall have a right to use any other funds which may come into their hands, by taxation or otherwise, for the purpose of erecting, building, constructing, equipping, and furnishing said building for the white graded school of the said Enfield Graded School District or for the purpose of paying the bonds and interest coupons herein provided for.

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 from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 352.

AN ACT TO AMEND CHAPTER 115, SECTION 7 OF THE PRIVATE LAWS OF 1899, RELATING TO THE CHARTER OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifteen of the Private Laws of one thousand eight hundred and ninety-nine be amended by adding after the word "direct" in line three of subsection five the following: "and also may require property owners owning property abutting any street upon which there is a sewerage line to make proper connections with said sewerage line and keep the same in repair in such manner as said board may direct"; and to insert between the word "sidewalks" and the word "after" in line five of subsection six the words, "or sewerage connection or repairs thereto"; and insert after the word "repaired" in line six of subsection five the words "or connected."

Requirement of sewer connection.

Sewerage.

Sewerage.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 353.

AN ACT TO CORRECT AND ENLARGE THE TERRITORY IN SECTION 1, CHAPTER 50, PRIVATE LAWS OF 1913, EXTRA SESSION, SAME BEING AN ACT ENTITLED "AN ACT TO CHANGE THE NAME OF SPECIAL-TAX DISTRICT No. 1, IN ROWLAND TOWNSHIP, ROBESON COUNTY, FOR THE WHITE RACE; TO CREATE ROWLAND HIGH SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID SCHOOL DISTRICT TO ISSUE BONDS AND TO LEVY AN ADDITIONAL SPECIAL TAX; TO PURCHASE PROPERTY; TO AUTHORIZE THE TOWN OF ROWLAND TO SELL ITS SCHOOL PROPERTY AND USE THE FUNDS ARISING FROM SUCH SALE, AND FOR GENERAL PURPOSES."

Preamble.

Whereas, by inadvertence, a portion of the territory intended to be included in the Rowland Graded School District, created by chapter fifty, Private Laws, extra session, one thousand nine hundred and thirteen, was excluded, and it is now desired to include said territory within said district:

The General Assembly of North Carolina do enact:

Law amended.

SECTION 1. That chapter fifty, Private Laws of nineteen hundred and thirteen, extra session, as above set forth, be and the same is hereby amended so that the description of said Rowland Graded School District and boundaries thereof shall be as follows: Beginning at the State line at Lone Home, and runs with the Harlesville and Lumberton road (township line) to Ashpole Swamp; thence with Ashpole Swamp to the Hargroves ford on the Rowland-Fairmont road; thence with said road to a pine stump on the east side of said road, about one and one-half miles east of Rowland on W. D. McPhaul's land, and runs south seventeen degrees and forty-five minutes east eight hundred and ninety-four feet to a stake at the edge of the woods; thence south forty-six degrees thirty-two minutes west eleven hundred and twenty feet to a stake east of W. D. McPhaul's house; then runs parallel with and three hundred feet east of the road leading by W. C. Williams', south eighty degrees west eleven hundred and forty-eight feet to a stake back of R. L. Ivey's house; then south seventy-nine degrees west twenty-one hundred and eighty-two feet to a stake; thence south fifty-five degrees thirty west twelve hundred and forty-one feet to a stake, nearly on the line between Williams and Smith; then south fifty-three west three thousand two hundred and sixty-eight feet to a stake in the road known as the State line road; then runs south fifty-nine degrees thirty minutes west to the South Carolina line; thence with said South Carolina line to the beginning.

Boundary.

SEC. 2. That the property and polls within said territory set out in section one of this act shall be subject to and entitled to all the burdens, benefits, rights, and privileges created and given by chapter fifty, Private Laws one thousand nine hundred and thirteen, extra session, and shall be subject to all the taxes and the methods of collecting the same, as well as the methods of levying the same, as set out in chapter fifty, Private Laws nineteen hundred and thirteen, extra session, as fully and to the same extent and purposes as if originally included in said act. Laws applicable to territory.

SEC. 2½. The county board of education shall order an election under section four thousand one hundred and fifteen, Public School Law, to provide for the levying of tax in the added territory. Election on tax.

SEC. 3. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 354.

AN ACT TO AMEND CHAPTER 123 OF THE PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF 1913, RELATING TO THE HIAWASSEE VALLEY RAILWAY COMPANY IN CLAY AND CHEROKEE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section twelve of chapter one hundred and twenty-three of the Public-Local Laws of the extra session of one thousand nine hundred and thirteen be and the same is hereby repealed. Settlement.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 355.

AN ACT TO AMEND CHAPTER 17, PUBLIC-LOCAL LAWS, SESSION OF 1911, IN REFERENCE TO THE INCORPORATION OF THE TOWN OF MARBLE IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter seventeen, Public-Local Laws, session of nineteen hundred and eleven, be and the same is Town boundary.

hereby amended so as to exclude from the corporate limits of the town of Marble all the land now lying within the limits of said town owned by A. B. Smith.

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 356.

AN ACT TO INCORPORATE THE CURRITUCK AND DARE RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

- Corporators.** SECTION 1. That N. T. Aydlett, J. B. Owens, R. L. Griggs, W. T. Griggs, W. H. Gallop, E. M. Walker, W. H. Walker, W. S. Newbern, Jr., R. O. Bagley, I. W. Fisher, E. F. Aydlett, and P. H. Flora, and such other persons as may hereafter become associated
- Incorporation.** with them as stockholders, their successors and assigns, be and they are hereby created and declared a body corporate and politic
- Corporate name.** under the laws of the State of North Carolina, under the name
- Corporate powers.** of the Currituck and Dare Railroad Company, and by such name may sue and be sued, have a common seal, and change the same at pleasure, 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 the State.
- Officers.** SEC. 2. The said corporation shall have such officers, with such duties and terms of office as the by-laws of the corporation shall
- Number and election of directors. Duties and term.** from time to time prescribe. There shall be seven directors of the company elected by the stockholders, whose duties and terms of office shall be as prescribed in its by-laws. The stockholders may change the number at pleasure.
- Capital stock. Shares.** SEC. 3. The capital stock shall be fifty thousand dollars, divided into five hundred shares of the par value of one hundred dollars each; but such capital stock may from time to time be increased
- Powers to increase capital.** to such an amount as the majority in value of the stockholders shall determine, upon payment of fees prescribed by law upon increase of capital stock; such increased amount to be likewise divided into shares of the par value of one hundred dollars each.
- Preferred and common stock.** Said capital stock may be divided into preferred and common stock, in such proportions and with such privileges, qualities, and characteristics as a majority in value of the stockholders may determine. Said corporation may commence business when five thousand dollars of its capital stock has been subscribed for.
- Capital to commence business.** SEC. 4. Said corporation shall have the right and power to construct, maintain, and operate a line or lines of railroad from the
- Power to construct and operate railroad.**

<p>Virginia State line by Moyock, Currituck Court-House, Coinjock, and Powell's Point, and any point in Dare County, and to run the line through any part of Currituck, Camden, or Dare counties that it may desire; and all along said route the said company 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 the purpose of operating its railroad or railroads. The said company shall have the right to use such motive power as it may desire.</p>	<p>Termini and route. Right to acquire lands. Motive power.</p>
<p>SEC. 5. The said company shall have the right to construct, maintain, and operate such lateral and branch lines, not exceeding fifty miles in length in the counties named above, as may, in its opinion, be necessary or advantageous to the extension, completion, and successful operation of said railroad; and for these purposes shall have the right to construct dams, culverts, trestles, and bridges over or across streams, savannahs, valleys, and depressions. The said company is hereby authorized and empowered to construct, maintain, and use bridges for the transportation of its cars across the Albemarle and Chesapeake Canal, and the Albemarle Sound, and the Dismal Swamp Canal, or any river in the line of said railroad: <i>Provided</i>, that the company shall furnish suitable draws in the bridges over navigable streams where they shall be necessary for the passage of boats operating on said streams.</p>	<p>Lateral and branch lines. Dams, culverts, trestles, and bridges. Bridges specially authorized. Proviso: draws.</p>
<p>SEC. 6. The said company may own and operate, in connection with its said railroad or any of its branches, ferries and ferry boats, steamboats and other means of transportation by water for passengers and freight; and it is hereby empowered to build, maintain, and operate telegraph lines and telephone lines on its right of way or any part thereof.</p>	<p>Ferries, ferry boats, and steamboats. Telegraph and telephone lines.</p>
<p>SEC. 7. That the said company shall be fully empowered to take by purchase or gift, and to hold in fee simple or in any other manner, any number of acres of land, besides the amount that may be necessary for its right of way, depot, warehouses, shops, and other necessary buildings.</p>	<p>Right to hold lands.</p>
<p>SEC. 8. That said company may subscribe to the capital stock of any corporation now in existence or hereafter to be projected in this State and elsewhere, and hold shares in the same; it may buy, sell, own, and hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, wood, coal, and any other goods, wares, and merchandise of any kind and all kinds; or may build, equip, and operate sawmills, planing mills, stone mills, shingle mills, dry-kilns, hotels, boarding-houses, mills for the manufacture and production of both dressed and undressed lumber, sash, doors, blinds, and all other kinds of building ma-</p>	<p>Power to subscribe to other companies. To deal in real estate, lumber, and other commodities. Saw and lumber mills.</p>

- Brick business. terial; it may own and operate all kinds of machinery, apparatus, and equipment necessary and suitable for the manufacture of brick, and the mining and dressing of all kinds of stone and all other building materials, and for the manufacture of wagons, buggies, and all other kinds of vehicles; it shall have full right, power, and authority to locate, construct, equip, maintain, and operate tramroads; to build, equip, and operate flouring and grist mills and grain elevators and warehouses; it may purchase, own, and operate farms and vineyards; and may pursue other agricultural and horticultural operations; and the said corporation shall have the right to sell and deal in all such products or material as may by its operations aforesaid be produced.
- Stone cutters.
- Carriage builders.
- Tramroads.
- Gristmills, elevators, and warehouses.
- Farms and vineyards.
- Exclusive right of transportation.
- Express.
- Mail.
- Right to condemn land.
- Issue and sale of bonds.
- Amount.
- Mortgage.
- Counties, townships, and municipalities may subscribe to stock.
- Petition for election.
- SEC. 9. The said company shall have the exclusive right to carry and transport passengers and freight over and along said road and branches, and upon all ferry boats, steamers, vessels, and boats running in connection with said road and its branches at such rates as said company may prescribe, subject to such general laws 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.
- SEC. 10. The said company shall have the right to condemn land for the necessary purposes of building and operating its road, as is prescribed in chapter forty-nine of The Code of North Carolina and the amendments thereto now or hereafter enacted.
- SEC. 11. The said company shall have power to issue, negotiate, and sell its bonds, either coupon or registered, for the construction or management 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, road-bed, rolling stock, right of way, and any and all other property of any kind owned by said company, or any part of its said corporate property and franchises, on such terms and conditions as a majority in value of its stockholders may deem proper.
- SEC. 12. Any of the counties of Dare, Currituck, or Camden, and any township, city, or town in any of said counties along the line of said railroad may subscribe to the capital stock of said company in the following manner: Upon presentation of a petition in writing signed by not less than twenty per centum of the 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 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 proper authorities of said city or town (as the case may be) shall, within thirty days after the presentation of said 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 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 the State. Such election shall be held after thirty days notice thereof, specifying the amount and terms of the proposed subscription, shall have been posted at the courthouse door of said county and at every polling place of said county, township, city, or town where the elections 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 vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscription to the stock of said company, and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall indicate on 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.

Sec. 13. The county authorities in any county voting for a subscription, or in which there is a township voting for a subscription, or the proper authorities in any city or town voting for a subscription, who are legally empowered to levy taxes, shall, in order to provide for 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 taxes, a sufficient tax upon their

Authorities to order election.

Ballots.

Laws governing election.

Notice of election.

Returns.

Subscription if authorized.

Bond issue.

Recitals in bonds.

Denominations.

Maturity and interest.

Authentication.

Special tax.

property and polls in said county, township, city, or town to pay the interest on the bonds issued on account of such county, township, city, or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levies the constitutional equation of taxation. 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 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 a town; and the taxes levied for these purposes shall be kept distinct from all other taxes and shall be used for the purposes for which levied or collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners issuing such bonds, or in which there is a township issuing such bonds, or by the proper authorities of the city or town issuing such 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 a subscription, or in which there is a township making a 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, with the consent of the board of commissioners of any county making the subscription, or in which there is a township making such a 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.

Sec. 14. For the purposes of this act all of the counties of Currituck, Dare, and Camden, and all of the townships in all of the said counties, which may vote to subscribe to the capital stock 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 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 collection of taxes on

Collection of tax.

Taxes kept separate. Specific appropriation.

Investment of sinking fund.

Proviso: purchase of bonds.

Transfer of subscription.

Counties and townships incorporated.

Corporate powers.

Corporate agents.

property and polls to pay the principal and interest on said bonds and to provide for the sinking fund hereinbefore mentioned.

Sec. 15. That subscription to the capital stock of said company may be made and paid in money, land, material, or services, or in bonds, stocks, or other valuable credits, in such manner and on such terms as may be agreed on by the president and directors of said company. The said president and directors shall have power and authority 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 be required of him, if payable in money, and within a reasonable time after the same shall have been required of him, if payable in services or otherwise, it shall be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing to pay, first giving thirty days notice of the time and place of said sale in one or more newspapers published in the State; and after retaining the sum due on said share or shares of stock, and all charges of the sale, out of the proceeds thereof, the president and directors shall pay the surplus over to the delinquent owner or to his legal representative; and if the said stock shall not bring at such sale the sum required to be advanced, then the said company may recover the balance up to the unpaid amount of the original subscription for stock of the original subscriber or his executor or administrator, or of his assignee or of 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 such stock at such sale shall be subject to the same rules and regulations as the original proprietor.

Payment of subscriptions.

Call of subscriptions.

Enforcement of payment.

Sec. 16. The said company shall have the right to consolidate with any other railroad company organized or doing business under the laws of this State, with which it may connect, directly or indirectly, on such terms and conditions as may be agreed upon by and between the stockholders of this and any other such company: *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 and property to any other person, persons, or domestic corporations 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, sale, or lease or sale is approved by the affirmative vote of the holders of at least two-thirds of the capital stock of the said company. In the event of such a con-

Right of consolidation.

Proviso: consolidated company a domestic corporation.

Power to lease and sell road.

Proviso: approval by stock vote.

Transfer of rights and powers.

Lien of existing encumbrance.

Purchase of other railroads.

Corporate existence perpetual.

Stockholders not individually liable.

solidation, all of the rights, powers, privileges, immunities, and franchises of each corporation shall pass to and vest in the consolidated company resulting. In the event of consolidation with any corporation upon whose property there is any encumbrance, the lien of such encumbrance shall be continued on the identical property it covered before the consolidation, and on no other. Said corporation shall also have the right and power to purchase the capital stock of any other railroad corporation, or purchase the road and works, and any other property 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 other purposes is hereby fully authorized.

SEC. 17. That the corporate existence of the company hereby chartered shall continue perpetually from and after the ratification of this act.

SEC. 18. That the stockholders in said company, whether private citizens or other corporations, public, private, or municipal, shall not be individually liable for the debts, defaults, or liabilities of the said company beyond the amount of their unpaid individual subscription to its capital stock.

SEC. 19. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby, to the extent of such conflict, repealed.

SEC. 20. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 357.

AN ACT TO PROVIDE FOR THE ELECTION OF A BOARD OF TRUSTEES FOR BEAMS MILL SCHOOL DISTRICT, No. 56, IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Date for election.

Polling place.

Trustees to be elected.

Law governing election.

Election officers.

Returns.

Proviso: election expenses.

SECTION 1. That the qualified voters of Beams Mill School District, Number Fifty-six, Number Nine Township in Cleveland County, shall on the first Tuesday in July, one thousand nine hundred and fifteen, hold an election at the schoolhouse in said district for the purpose of electing three school trustees for the above named district, to serve for two years.

SEC. 2. That the election shall be held under the general election law of North Carolina, as near as may be, except the county board of education of Cleveland County shall appoint all election officers and shall receive returns of the election: *Provided*, that all expenses incurred in holding said election shall be paid out of the funds set aside for the above named district.

SEC. 3. That the above election shall be held biennially after the election on the second Tuesday in July, one thousand nine hundred and fifteen. Election held biennially.

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 8th day of March, A. D. 1915.

CHAPTER 358.

AN ACT TO DIVIDE FLAT ROCK GRADED SCHOOL DISTRICT IN HENDERSON COUNTY INTO TWO DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Flat Rock Graded School District, in Henderson County, as now constituted, shall be and it is hereby divided into two districts, to be known as "East Flat Rock Graded School District" and "Old Flat Rock Graded School District." East Flat Rock Graded School District shall consist of all said Flat Rock Graded School District lying on the east side of the Southern Railway track, and in addition the following lands lying on the west side of said railway track: the J. B. Jones lands; the Roper-Grinike land; the George Potts land; the A. T. Smyth land; and the Highland Lake property; the dividing line between said districts running as follows: beginning at the southwestern boundary of the J. B. Jones land and running a northwestern direction to a small pond on A. C. King's property; then with branch running through Smyth property between Smyth and John C. Manley to the Rhett Mill; then with Mill Creek to the Southern Railway track; then with railway track to the Hendersonville town line. District divided.
East Flat Rock district.
Dividing line.

SEC. 2. That all of the Flat Rock Graded School District special school tax heretofore voted which is payable by residents of or owners of property situated in the East Flat Rock Graded School District, as above described, shall be paid to the proper school authorities for the benefit of said East Flat Rock Graded School District; and all of said special school tax payable by residents of or owners of property situated in Old Flat Rock Graded School District, as above described, shall be paid to the proper school authorities for the benefit of said Old Flat Rock Graded School District. Division of taxes.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1915.

CHAPTER 359.

AN ACT SUPPLEMENTAL TO HOUSE BILL 572, SENATE BILL 532, RATIFIED ON THE 16TH DAY OF FEBRUARY, 1915, AMENDING THE CHARTER OF THE TOWN OF BENSON.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill five hundred and seventy-two, Senate Bill five hundred and thirty-two, being an act to amend the charter of Benson, and ratified on the sixteenth day of February, A. D. one thousand nine hundred and fifteen, be amended so as to make the corporate limits of said town read as follows: Beginning at a point in the center of the west track of the Atlantic Coast Line Railroad seven hundred and seventy yards northeast of the center of Main Street in said town, and running south fifty-two degrees east seven hundred and seventy yards to a stake; thence parallel with said railroad south thirty-seven degrees west one thousand five hundred and forty yards to a stake; thence north fifty-two degrees west one thousand five hundred and forty yards to a stake; thence parallel with said railroad north thirty-seven degrees east one thousand five hundred and forty yards to a stake; thence south fifty-two degrees east seven hundred and seventy yards to the beginning.

Corporate limits.

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

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 360.

AN ACT TO PROVIDE FOR DRAINING WATER FROM THE PREMISES OF CITIZENS OR LANDOWNERS IN THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever the board of aldermen of the city of Gastonia shall determine to drain or remove water from the premises or lands of a citizen or landowner of the city of Gastonia, or to provide for draining such lands so that water will not stand on the same, then the owner of every such lot, after being so ordered to do, shall provide for the drainage of such lot or

Drainage ordered by city.

land in such manner as said board of aldermen may direct: *Provided*, that one-half of the actual and necessary expense of such drainage shall be paid by the city of Gastonia and one-half by said lot owners. Work done under this section shall be done under the supervision of the street commissioner of the city of Gastonia; and on failure to do as directed within twenty days after notice given such owner or his agent, by order of the board of aldermen, or if such owner be a nonresident of the State of North Carolina, such notice shall be given by publication in some newspaper published in Gaston County for a period of thirty days, calling on the owner to so drain his lot or land, or the city of Gastonia, through its duly authorized agent, may cause the same to be drained as directed by the board of aldermen as aforesaid, and one-half of the expense of so draining said lands shall be paid by said lot owner and 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, and rights of redemption and saving as are prescribed in the charter of the city of Gastonia for the sale of lands for unpaid taxes due the said city of Gastonia: *Provided, however*, that the board of aldermen, in order to secure uniformity in the work done, may, after notice in the manner herein prescribed to the owner, have any of said drainage work or any part thereof provided herein done by the city forces or by contract and charge one-half of the actual cost of such work to the owner of such lot so drained as aforesaid, and the said charge shall be a lien as herein provided and collectible as provided above: *Provided further*, that whenever said city has had any of said work done, it shall give the owner of said lot 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 such appeal shall be heard and disposed of as provided in section sixty-five, chapter one hundred and ninety-nine of the Private Laws of one thousand nine hundred and thirteen, for appeals in cases where streets or sidewalks in the city of Gastonia are paved or improved or repaired.

Proviso: apportionment of expenses.

Supervision of work.

Work done by city on failure of owner.

Lien for half expense.

Sale of land for payment.

Proviso: option of city.

Proviso: notice of charge.

Notice of appeal.

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

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

Ratified this the 8th day of March, A. D. 1915.

CHAPTER 361.

AN ACT TO AMEND CHAPTER 367, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905, THE SAME BEING AN ACT TO INCORPORATE THE TOWN OF CORNELIUS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-seven, Private Laws of one thousand nine hundred and five, be and the same is hereby amended by striking out section two thereof and inserting in lieu of said section two the following: "That the corporate limits of said town shall be as follows: Beginning in the center of the Atlantic, Tennessee and Ohio Railway (now the Southern Railway), on the south line of the corporate limits of the town of Davidson, and running thence with said line east two hundred yards to a stone; thence due south two hundred yards to a stone; thence due east eight hundred yards to a stone; thence due south two thousand yards to a stone; thence due west two thousand yards to a stone; thence due north two thousand yards to a stone; thence due east eight hundred yards to a stone; thence north two hundred yards to a stone on the south line of the town of Davidson; thence with said line east two hundred yards to the center of the track of said railway, the beginning corner."

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 362.

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO ISSUE BONDS FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

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 two hundred thousand 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 semiannually, and said bonds pay-

Corporate limits.

Purpose of bond issue.

Bond issue authorized.

Denominations.

Amount.

Interest.

Maturity.

able 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.

SEC. 2. That said bonds when issued shall be delivered to the treasurer of the city of Asheville and by said treasurer sold to the highest bidder for not less than par, after advertising such sale in one local newspaper and in some recognized financial journal of the city of New York, and the proceeds thereof disposed of under the direction of the board of aldermen or other governing authority, for the purposes of purchasing school sites and grounds, and for building, enlarging, improving, equipping, and furnishing public school buildings in and for the said city of Asheville, at such places as the said board of aldermen or other governing authorities may select or determine upon, and on property now owned by said city or which it may hereafter acquire for school purposes. The said treasurer shall receive as compensation for services to be rendered under this act such sums as the board of aldermen or other governing authority of the said city of Asheville may prescribe, not exceeding one-fourth of one per centum on the amount disbursed for said board under the provisions of this act.

SEC. 3. That the mayor and board of aldermen or other governing authority of the city of Asheville, upon the issuing of said bonds, shall be authorized and empowered to levy and collect annually a 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 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 purposes aforesaid.

SEC. 4. That said bonds shall be issued and said taxes levied only in the event that a majority of the qualified voters of the said city of Asheville at an election held for such purpose shall be in favor thereof, which proposition shall be submitted to the qualified voters of the said city at the regular city election to be held on the fourth day of May, one thousand nine hundred and fifteen, or at any subsequent city election, 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 or other

Authentication.

Recitals.

Obligation of bonds.

Sale of bonds.

Disposal of proceeds.

Compensation of treasurer.

Special tax.

Collection.

Issue submitted to vote.

Date of election.

Special election.

- Notice. governing authority of said city by posting notices thereof for thirty days at the front doors of the city hall and county courthouse, 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.
- Ballots.
- Law governing special elections.
- Count and return of votes.
- Canvass of returns.
- General law.
- SEC. 5. That the provisions of section two thousand nine hundred and seventy-seven of the Revisal of North Carolina, one thousand nine hundred and five, shall not apply to the city of Asheville.
- SEC. 6. That all laws inconsistent and in conflict with this act are hereby repealed.
- SEC. 7. That this act shall be in force and effect from and after its ratification.
- Ratified this the 8th day of March, A. D. 1915.

CHAPTER 363.

AN ACT TO EXTEND THE LIMITS OF THE GRIFTON SPECIAL-TAX SCHOOL DISTRICT AND TO PROVIDE FOR HOLDING AN ELECTION THEREIN FOR AN ADDITIONAL SPECIAL TAX TO ESTABLISH A HIGH SCHOOL IN CONNECTION WITH THE EXISTING SCHOOL.

The General Assembly of North Carolina do enact:

- Election to be held. SECTION 1. That for the purpose of establishing a high school in the Grifton Graded School District to be maintained in connection with the present school and increasing the tax levy therefor, an election shall be held in said territory on the sixteenth day of April, which election shall be held in the town of Grifton at the usual place for holding town elections, and at which all the qualified voters living within the limits set out in the preceding section shall be entitled to register and vote.
- Date.
- Polling place.
- Election officers. SEC. 2. That it shall be the duty of the board of county commissioners of the county of Pitt to appoint a registrar and judges

of election to hold and conduct said election, and it shall likewise be the duty of said board of county commissioners to post for thirty days at the courthouse door and at one or more public places in said school district notices of said election, in which notice the time and place of said election shall be given; and on the day of said election the polls shall be open at eight o'clock in the morning and close at five o'clock in the afternoon; and if any of the persons appointed to conduct said election shall decline to serve, the chairman of the board of county commissioners of Pitt County shall appoint some one in his place.

SEC. 3. That the amount of taxes to be levied and collected upon the taxable property and polls within said school district under the authority of this act shall not exceed fifty cents on each one hundred dollars worth of taxable property within said district and one dollar and fifty cents on each taxable poll therein, which amount shall include the tax now levied and collected in said district for said school under the existing law. That the board of county commissioners in making their order appointing a registrar and judges of election shall designate the limit of fifty cents on the one hundred dollars worth of property and one dollar and fifty cents on each taxable poll, and shall designate this in their notices of said election. That the voters favoring the levying of such a tax shall vote a written or printed ticket which shall contain the words "For School Tax," and those opposed to levying such tax shall vote a written or printed ticket containing the words "Against School Tax." That immediately upon the closing of the polls the registrar and judges of election shall count the votes cast and make due returns thereof to the clerk of the board of county commissioners, and the said board of county commissioners at their first meeting after said election shall canvass said returns and declare the result. That if a majority of the votes cast be for the tax, it shall be the duty of the board of commissioners to levy from year to year and cause to be collected such amount of tax upon the taxable property and polls within the said school district as the school committee in said district shall request, but in no case to exceed said limit: *Provided*, that that part of the tax levied upon the taxable property and polls in Pitt County shall be collected by the sheriff of Pitt County and paid to the treasurer of Pitt County, and that that part of the tax levied upon the taxable property and polls in Lenoir County shall be collected by the sheriff of Lenoir County and paid over to the treasurer of Lenoir County, who shall immediately transmit the same to the treasurer of Pitt County.

SEC. 4. That if the qualified voters' vote shall be in favor of establishing such high school, then it shall be the duty of the school committee of said school district to cause such high school to be established and maintained, commencing with the fall term,

Notice of election.

Hours of election.

Vacancies.

Limit of tax rate.

Limit designated in notice.

Ballots.

Count and return of votes.

Canvass of returns.

Effect of election.

Proviso: collection of tax.

High school established.

Enlargement of building. one thousand nine hundred and fifteen, of said school, and said committee is authorized to make such enlargement and equipment of the school building now in use as may be necessary to accommodate such school.

Contribution from county school fund. SEC. 5. That the board of education of the county of Pitt and the county of Lenoir may in their discretion contribute out of the school funds of their respective counties such sums as they may deem proper to aid in maintaining said high school.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 364.

AN ACT TO ESTABLISH A COUNTY LINE SCHOOL DISTRICT BETWEEN THE COUNTIES OF STOKES AND FORSYTH, TO BE KNOWN AS THE MOUNT TABOR PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

District laid off.

Name.

Boundary.

SECTION 1. That the following described district lying in Stokes and Forsyth counties be laid off and be known and designated as Mount Tabor Public School District: Beginning at P. Oliver's south line and running west with V. O. Marshall's south line and A. L. Perrell's south line to Red Bank Creek; thence north with Red Bank Creek to Town Fork Creek; thence east with Town Fork Creek to Old Field Creek; thence south with Old Field Creek to the bridge spanning said creek, over which Rural Route Number Four to Walnut Cove is laid off; thence south on said route, crossing the Germanton road and following the rural route towards Dennis, to the place of beginning.

Expense borne equally.

Location.

Apportionment by counties.

Disbursement.

SEC. 2. That the expense of purchasing a lot and erecting a school building thereon shall be borne equally by the boards of education of the two counties and the citizens of the school district, and said school building shall be built near the county line dividing the aforesaid counties, at such a point in either county as the boards of education of the respective counties shall deem best; that the per capita part of the school money due the children residing in one county shall be appropriated by the county board of education of that county, and paid to the treasurer of the other county, in which the school is located, or the county board of education of the two counties may, by agreement, designate which county shall disburse the funds to be placed to the credit of the above described school district.

SEC. 3. That the school committee of the aforesaid Mount Tabor Public School District shall be composed of four members, two of which committeemen to be selected from each of the aforesaid counties, and they shall be appointed as now provided by law; and in case of any difference between the committeemen the matter shall be referred to the county superintendents of public instruction of the respective counties. School committee.
Reference.

SEC. 4. That the school property of the aforesaid Mount Tabor Public School District shall be the common property of the aforesaid counties. Property held in common.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 365.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of Chapel Hill, as contained in chapter two hundred and eighty-three of the Public Laws of one thousand eight hundred and eighty-nine, and the amendments thereto, be and the same is hereby amended by substituting for the words, "upon merchandise a tax not exceeding ten dollars a year," found in section fifty, Schedule B, line eleven, the following words: "Upon merchandise, a tax not exceeding ten dollars a year, and upon all persons, firms, or corporations, or the soliciting agents of such persons, firms, or corporations, engaged in the tailoring business, selling clothing, gents' furnishing goods, or shoes, from sample, a tax not exceeding fifty dollars a year: *Provided*, none of the provisions of this act shall apply to students of the university, regularly matriculated, who are selling goods by sample to aid them in paying the expenses of their university course." Tax on sales by samples.
Proviso: exception.

SEC. 2. That section fifty-two of said charter be and the same is hereby amended by striking out the words "not exceeding ten dollars a year," found in said section, line fifteen, and substituting therefor the words "not exceeding twenty-five dollars a year." Tax increased.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 366.

AN ACT TO AMEND CHAPTER 68 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1913, RELATIVE TO THE CHARTER OF HICKORY.

The General Assembly of North Carolina do enact:

Deposit with bids for franchise.

SECTION 1. Amend section five of article seven of chapter sixty-eight of the Private Laws of one thousand nine hundred and thirteen by striking out the words "two thousand" in line three and insert in lieu thereof the words "one hundred." And further amend said section by striking out all of sentence one after the word "bidder" in line four, and all of the third sentence after the word "for" in line nine.

Return of deposit.

Time for filing bond.

SEC. 2. Amend section seven of article seven by striking out the words "ten days" in line twelve and inserting in lieu thereof "four months."

Term of franchise.

SEC. 3. Amend section eight of article seven by adding at the end thereof the words "except street railways, which may be for fifty years."

Time for beginning work.

SEC. 4. Amend section nine by changing "four months" to "eight months" in line three.

Option of purchase.

SEC. 5. Amend section twelve of article seven by striking out all of the words after the word "granted" in line three and before the word "the" in line three.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1915.

CHAPTER 367.

AN ACT TO AMEND CHAPTER 399, PRIVATE LAWS 1913, RELATIVE TO THE INCORPORATION OF THE TOWN OF HOFFMAN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and ninety-nine of the Private Laws of nineteen hundred and thirteen be 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 point three-fourths of a mile a line south 34.50 east from the present depot at Hoffman, and runs north 55.10 east 6,600 feet to a corner; thence north 34.50 west 7,920 feet to a corner; thence south 55.10 west 11,880 feet to a corner; thence

south 34.50 east 7,920 feet to a corner; thence north 55.10 east 5,280 feet to the beginning point.”

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

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 368.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LONG VIEW.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Long View, in Catawba County, North Carolina, be extended northward so as to include and embrace as a part of said town the following section: Beginning at the northeast corner of the present corporate limits of Long View, in the line of the corporate limits of the town of West Hickory, and extending north to the north side of the Houk Chapel and Winkler Church road; thence with the north side of said road to the Burke County line; thence with said county line in a southwesterly direction to the northwest corner of the present corporate limits of Long View.

Extension.

Boundary.

SEC. 2. That the section above described shall be attached to and made a part of the town of Long View, and all persons residing in said section shall be entitled to all the rights and privileges appertaining to the citizens of the town of Long View, and they shall be liable for and bound to the discharge of all the duties and obligations appertaining to citizens of the said town of Long View.

Territory attached to town. Rights and liabilities.

SEC. 3. That this act shall be in force only upon ratification by a majority of the qualified voters of the town of Long View and the territory embraced in this act, at an election to be held on the third Tuesday in April, one thousand nine hundred and fifteen. For the purpose of determining the will of the people as herein provided, the mayor and board of aldermen of Long View shall, at least thirty days before the third Tuesday in April, one thousand nine hundred and fifteen, insert in some newspaper published in Hickory, North Carolina, a notice and call of the election herein provided for, and shall appoint a registrar and judges of election and do all the things necessary for the holding of said election, including the canvass of votes and announcement of the result. The election shall be held and the registration books shall be opened and all the things herein provided to be done concerning the holding of said election shall be in pursuance of existing laws governing municipal elections for Long View.

Election on ratification of act.

Date.

Advertisement.

Election officers.

Law governing election.

Ballots.

SEC. 4. At said election those voting in favor of the provisions of this act shall vote a ballot on which shall be printed or written the words "For Extension," and those opposed to the provisions of this act shall vote a ballot on which shall be printed or written the words "Against Extension." If a majority of the qualified voters at said election vote "For Extension," sections one and two of this act shall be in force from and after the announcement of the result of said election, and not otherwise.

Effect of election.

Special registration.

SEC. 5. That there shall be a special registration of voters for the purpose of holding the election herein provided for.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 369.

AN ACT TO AMEND CHAPTER 424, PRIVATE LAWS, REGULAR SESSION 1913, IT BEING AN ACT TO ENLARGE THE LIMITS OF THE GRADED SCHOOL AND TOWN OF AULANDER.

The General Assembly of North Carolina do enact:

Graded school.

SECTION 1. That section two of chapter four hundred and twenty-four of the Private Laws of regular session of one thousand nine hundred and thirteen 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 the 9th day of March, A. D. 1915.

CHAPTER 370.

AN ACT AUTHORIZING THE GOVERNING BOARD OF THE TOWN OF LEAKSVILLE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the governing board of the town of Leaksville is authorized to issue in the name of the town of Leaksville its bonds, pledging the credit of said town to an amount not exceeding ten thousand dollars (\$10,000), to be due not less than five years after date of issue and not exceeding thirty years after date of issue, as said governing body may determine, said bonds to have attached thereto interest coupons providing for the payment of interest, not exceeding six per cent per annum, payable annually or semiannually, as the governing board may prescribe. Said

Amount.

Maturity.

Interest.

Denominations.

bonds shall be of the denomination of five hundred dollars (\$500) each, or one thousand dollars (\$1,000) each, or of both denominations as the said governing board may determine, and shall be signed by the mayor and the treasurer, the coupons to be signed by the mayor, and shall state the time, place, amount of interest accruing each six or twelve months and to be due under the terms thereof.

SEC. 2. None of said bonds shall be sold or disposed of for any less than par value.

SEC. 3. The purchaser of said bonds shall not in any way be charged to the duty of seeing to the proper application of the proceeds of sale of said bond.

SEC. 4. The board of commissioners of said town, or the governing body thereof, by whatever name designated, shall annually levy and cause to be collected from all taxables in said town, as other taxes are levied and collected, a sufficient tax to meet the payment of interest as the same shall become due and to provide a sinking fund for the payment of the principal when the same shall become due, the constitutional equation between property and polls to be preserved in making such levy.

SEC. 5. The said governing body shall cause to be entered upon its records all bonds issued, a record of each bond issued hereunder, the amount, serial number, principal sum, and when and where to be due, and to whom sold; and when such bonds shall have been paid it shall be the duty of said governing board to make entry of said fact and for the bond so paid destroyed in the presence of said board, and make an entry of that fact upon its record.

SEC. 6. The board of commissioners of said town or commissioners shall not issue bonds, or any of them, nor levy nor collect said taxes until it shall have been authorized and empowered so to do by the majority of qualified voters of said town at an election or elections to be held at such time and place as the said board shall appoint, by which notice shall be given for twenty (20) days in some newspaper published in said town or township, and at such election or elections those favoring the issue of said bonds, or any of them, as specified in the call of such election or elections and the levy and collection of taxes for the payment of said bond and coupons, shall each vote "Approved," and those opposing "Not Approved": *Provided*, they may, in their discretion, order an entirely new registration of voters. That all elections called and held hereunder shall be held and conducted under the same law, rules and regulations as govern, obtain, and exist at the time said election is held for the election of mayor and other elective officers in the said town of Leaksville.

SEC. 7. Said board may call an election under this act at any time it may see fit so to do, after giving the notice as hereinbefore pro-

Authentication.

Recitals.

Sale below par forbidden.

Purchaser not bound for application.

Special tax.

Constitutional equation.

Record of bonds.

Bond issue subject to vote.

Notice of election.

Ballots.

Law governing election.

Time for election.

vided; and the rejection by the voters of any proposition submitted to them under this act shall not prevent the submission of the same or other propositions to said voters at any other time that the board appoint; and that the board may continue to call elections under this act until the whole amount of ten thousand dollars (\$10,000) shall have been issued.

Use of bonds.

SEC. 8. Said bonds to be used for the purpose of laying out, improving, building, and constructing streets and sidewalks in the town of Leaksville, and the proceeds of the sale of said bonds shall be used for no other purpose than that specified as aforesaid.

Specific appropriation of proceeds.

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1915.

CHAPTER 371.

AN ACT TO INCORPORATE THE EDUCATION BOARD OF THE BAPTIST STATE CONVENTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That W. N. Jones, J. J. Hurt, C. W. Mitchell, C. H. Durham, J. B. Stroud, C. W. Scarborough, F. P. Hobgood, Jr., A. L. Phipps, M. Leslie Davis, C. W. Blanchard, H. A. Foushee, C. B. Waller, J. A. Durham, C. L. Greaves, and F. B. Ashcraft, heretofore selected by the Baptist State Convention of North Carolina, and such other persons as said convention may hereafter select, and their successors to be selected by said convention, be and they are hereby created a body corporate, with perpetual succession under the name and style of the "Education Board of the Baptist State Convention of North Carolina," and by that name may sue and be sued, plead and be impleaded in all the courts, may purchase and hold, sell, and convey real and personal property for the purposes of said board, and said property when held for the purposes of said board shall be free from taxation.

Incorporation.

Corporate name.

Corporate powers.

Corporators classified.

SEC. 2. That the said corporators mentioned in the preceding section shall be divided into three classes, whose terms of office shall be one, two, and three years from the fifteenth day of December, one thousand nine hundred and fourteen.

Members and term of first class.

SEC. 3. That H. A. Foushee, C. B. Waller, J. A. Durham, C. L. Greaves, and F. B. Ashcraft shall belong to the said first class, and shall hold their membership in said board for a period of one year from the date above mentioned; and C. W. Scarborough, F. P. Hobgood, Jr., A. L. Phipps, M. Leslie Davis, and C. W. Blanchard shall belong to the said second class and shall hold their membership in said board for a period of two years from said

Members and term of second class.

date; and W. N. Jones, J. J. Hurt, C. W. Mitchell, C. H. Durham, and J. B. Stroud shall belong to the said third class and shall hold their membership in said board for a period of three years from said date. Whenever the membership of said classes shall expire as above stated, their successors shall be elected for a period of three years.

Members and term of third class.

Election of successors.

SEC. 4. That the said corporation shall have power to make and use a common seal and to make such by-laws, rules and regulations as it may deem necessary for its government; that said corporation is authorized to receive donations of real and personal property and mortgage and convey the same, to hold funds in trust for the purpose of said corporation, and generally to have all the rights, powers, and privileges allowed religious and educational societies by the laws of the State of North Carolina.

Common seal.

By-laws, rules, and regulations. Powers.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 372.

AN ACT TO AMEND CHAPTER 95 OF THE PRIVATE LAWS OF 1901, ESTABLISHING A GRADED SCHOOL AT EAST BEND, YADKIN COUNTY, RELATIVE TO THE MANNER OF ELECTING SCHOOL COMMITTEE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-five of the Private Laws of one thousand nine hundred and one of North Carolina be and the same is hereby amended by striking out all of section three of said act and inserting in lieu thereof the following:

"SEC. 3. That at the general election in the year one thousand nine hundred and sixteen, at the same time and in the same manner in which township officers are elected, there shall be elected by the qualified voters of said school district three citizens of said school district, one for a term of two years, one for a term of four years, and one for a term of six years, who shall constitute the board of education of said school district, and one member of said board shall in like manner be elected biennially thereafter."

Election.

Terms.

Board of education.

Election of successors.

SEC. 2. That section four of said act be and the same is hereby amended by striking out the word "clerk" in line three and insert in lieu thereof the word "chairman."

Chairman.

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 full force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 373.

AN ACT TO AMEND CHAPTER 34 OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY, SESSION OF 1901, ENTITLED "AN ACT TO INCORPORATE THE COMMERCIAL BANK OF RUTHERFORDTON, RUTHERFORD COUNTY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-four of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by inserting after section nine the following:

Power to act in
fiduciary capacity.

SEC. 10. That the said corporation be and is hereby authorized to accept and execute as fully as a natural person trusts of any and every description which may be committed or transferred to it, with its consent, by any person or persons whomsoever, bodies corporate or public, or by any court in the State of North Carolina, or in any one of the United States, and to accept the office and appointment of executor and administrator of any kind or nature whenever such office or appointment is conferred or made by any person or persons or by any court; and that in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minor or lunatic, it shall and may be lawful for such court to appoint said corporation, with its assent, such receiver, trustee, administrator, executor, assignee, or guardian, and the accounts of said corporation in any capacity shall be regularly settled before the court making such appointment, and upon such settlement and adjustment all proper, legal, and customary charges, costs and expenses shall be allowed to said corporation for its care and management of the trusts and estates aforesaid, in accordance with the practice of the courts so appointing in the case of natural persons so appointed; and the said corporation in any such capacity shall be subject to all lawful orders or decrees made by the said court.

Power of courts to
appoint bank.

Settlement of
accounts.

Deposits for safe
keeping.

Deposits of court
funds.

Charges.

SEC. 11. That the said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables as gold, silver, jewels, plate, certificates of stock or evidences of debt, deeds or muniments of title, or other valuable papers of any kind, or any other article whatsoever which may be kept or deposited with said corporation for safe keeping; and it shall be lawful for the courts of this State into which money, stocks, bonds, or other property may be paid by agreement of parties, order, decree, or judgment of said courts, to order and direct the same to be paid to or deposited with said corporation, and it shall be entitled to charge such commission or compensation there-

for as may be agreed upon for the safe keeping of said articles so deposited; said corporation may erect all such buildings and vaults and do such other things as may be useful, lawful, or necessary in the premises.

SEC. 12. That when any court shall appoint the said corporation a receiver, trustee, administrator, assignee, or guardian, or shall order the deposit of money or other valuables of any kind with said corporation, the capital stock as paid in shall be taken and considered as security required by law for the faithful performance of its duties: *Provided*, the said court shall not deem it necessary to require further security; and it shall be absolutely liable in case of any default whatsoever; the court, if it deem it necessary, may from time to time appoint suitable persons to investigate the affairs and management of said corporation, who shall report to said court the manner in which such investments are made and the security afforded to those by or for whom its engagements are held; or the court may, if it deem necessary, examine the officers of said corporation under oath or affirmation as to the security aforesaid.

Capital stock as security.

Proviso: discretion of court.

Investigation by court.

SEC. 13. That the said corporation shall have power to receive and hold on deposit and in trust and as security estates, real, personal, and mixed, including money, notes, bonds, and obligations of States, companies, corporations, and individuals, and the same to purchase, collect, and adjust, settle or sell and dispose of, and upon such terms as may be agreed upon between it and the parties contracting with it.

Deposits in trust and as security.

SEC. 14. That the said corporation shall be and is hereby authorized and empowered to indorse and become surety upon any bond for appeal from any order, judgment, or decree of any court of record or justice of peace; and it is further authorized to become sole surety in all cases when by law two or more sureties are required for the faithful performance of any trust or office, and it shall be lawful for any court to approve such corporation as sole surety in all such cases, and in every such case the capital stock shall be taken and considered as sufficient surety therefor; but in all cases the affairs and effects of said corporation shall be subject to an examination if the court shall deem it necessary, and the said court may examine, under oath, the officers of said corporation; and it shall be lawful for said corporation to stipulate and provide for indemnity from the parties aforesaid for whom it shall become responsible, and to enforce any bond, contract, agreement, pledge, or other security made or given for that purpose.

Powers as of surety company.

Sole surety.

Approval by court.

Examination.

May demand indemnity.

SEC. 15. That said corporation shall have power to guarantee, indorse, and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, rents, accounts, claims, annuities, mortgages, choses in action, evidence of debt, certificate of property or value, checks, and the title to

Powers as guarantee and indorsement company.

May act as fiscal agent.

property, real or personal, indebtedness of companies, partnerships, loans, or commissions as may be agreed upon or established by said corporation and the parties dealing therewith; to act as the fiscal or transfer agent of any State, municipality, body politic or corporate, or any person or persons, and in such capacity to receive and disburse money and transfer, register, and counter-sign certificates of stock, bonds, or other evidence of indebtedness.

Storage deposit.

SEC. 16. That the said corporation may receive upon storage deposit or otherwise merchandise, specie, plate, stocks, promissory notes, certificates and evidences of debt, contracts, and all other personal properties whatsoever, and may take charge and custody of real and personal estates and securities and advance money thereon on such terms as may be established or approved by said corporation.

Investments.

SEC. 17. That said corporation be and is hereby authorized and shall have discretionary powers to invest at its pleasure money received on deposit, loaned, or otherwise: *Provided*, that said corporation, in the investment of funds held by it as trustee, administrator, executor, or guardian, shall be subject to the laws of this State and the rules of court now existing or hereafter passed, governing the investment of such funds by natural persons in such positions; that it is authorized to take, have, hold, and enjoy all such estates, real, personal, or mixed, as may be obtained with the moneys aforesaid, and also with any, every, and all other funds that may come into its possession in course of its business dealings, and the same may sell, grant, lease, mortgage, and dispose of, in its discretion, and at its will and pleasure, execute, acknowledge, and deliver all deeds and legal papers and any instruments concerning the same; to deal in exchange, foreign and domestic, and in every description of properties, personal effects, securities, mortgages, lands, certificates of indebtedness, stocks of incorporated companies, notes, loans, bonds of the United States or of any city, county, or State or of any company or individual.

Proviso: investment of trust funds.

Powers to take, hold, and deal in property.

Savings bank business.

SEC. 18. That the said corporation is authorized to organize a department for savings and to do a savings bank business for the convenience of small depositors, and may make such rules in regard thereto as the stockholders may think proper, in which the said corporation may receive deposits in the savings department and give books or certificates therefor, and pay such interest as its directors may authorize, not exceeding the legal rate, and also regulate the time of payment and notice of demand.

Branches.

SEC. 19. The corporation is hereby authorized to establish one or more branches at such places as it may see fit.

Powers in respect to property.

SEC. 20. That said corporation may purchase, hold, improve, sell, and deal in all such real and personal property as it may desire, and such as may be conveyed to it to secure or satisfy any debt due it, and for any other purposes, and also the said corpora-

tion may hold any such property as may be sold under execution or order of any court to satisfy any debt due it, and may sell and convey or exchange the same at pleasure and use the proceeds thereof as may be deemed best.

SEC. 21. That the said "The Commercial Bank of Rutherford-ton," by a majority vote of the stock issued, shall have the right to increase the amount of said capital stock to the amount of not exceeding one hundred thousand dollars. Increase of capital.

SEC. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 374.

AN ACT TO INCORPORATE KITTRELL TOWNSHIP HIGH AND FARM-LIFE SCHOOL DISTRICT, VANCE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the entire area of Kittrell Township, Vance County, North Carolina, and none other, be and the same is hereby incorporated, under the name and style of Kittrell Township High and Farm-life School District, Vance County, North Carolina, and is hereafter to be known and styled as such. Territory incorporated.
Corporate name.

SEC. 2. That the high and farm-life school which may hereafter be established in Kittrell Township, Vance County, under the provisions of this act, shall be entitled to all the privileges and benefits and subject to all the regulations, and shall receive all the appropriations from State and county to which farm-life schools established under the provisions of the Guilford County Farm-life School law are entitled, and to all the appropriations to which high schools in North Carolina established under the provisions of the State high school law are entitled, all county appropriations to be subject to the approval of the county board of education of Vance County. Privileges, benefits, regulations, and appropriations inuring to school.
Approval of county appropriations.

SEC. 3. That upon the ratification of this act and the subsequent issuance of bonds for the establishment and equipment of a high and farm-life school in said Kittrell Township, Vance County, a committee of five persons, to be known as the board of trustees for the high and farm-life school of Kittrell Township, North Carolina, who shall be resident freeholders of the said Kittrell Township, Vance County, shall be elected by secret ballot in a joint meeting of the committeemen of the five public school districts in said township, one member to be chosen from each of the said five public school districts and nominated by the committee of same. Election of trustees.

Terms of office.	The tenure of the committeemen for said high and farm-life school district shall be, for the first term, one, two, three, four, and five years respectively, the term of each member to be determined by the committee of fifteen from the said five public school districts.
Election and terms of successors.	Their successors shall be elected in the manner above described, one member on the first Monday in April of each year, to serve
Time for meeting and organization.	for a term of five years. The committee of said high and farm-life school shall, within twenty days of the election, meet and organize, electing one of their number chairman and another secretary.
Vacancies.	SEC. 4. Any vacancy occurring in the said board of trustees from any cause shall be filled in the same manner prescribed for the annual election of the members on said committee.
	SEC. 5. That all laws and clauses of laws in conflict with this act be and same are hereby repealed.
	SEC. 6. That this act shall be in force from and after its ratification.
	Ratified this the 9th day of March, A. D. 1915.

CHAPTER 375.

AN ACT TO AMEND CHAPTER 91 OF THE PRIVATE LAWS OF 1901, RELATIVE TO THE ELECTION OF TRUSTEES OF THE HENDERSON GRADED SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine of chapter ninety-one, Private Laws of one thousand nine hundred and one, be and the same is hereby repealed and the following substituted therefor:

“SEC. 9. That the board of trustees of said school district shall consist of nine persons, who shall serve without compensation. They shall be elected for terms of six years by the qualified voters of Henderson Township at the regular biennial election for county officers and members of the General Assembly. Three shall be elected at such election in the year one thousand nine hundred and sixteen, and three every two years thereafter. The terms of all such trustees shall begin on the first Monday in December following their election.

“SEC. 9a. That the present board of trustees shall continue in office until the election of their successors as herein provided. They shall fill all vacancies which may occur in their number until the next general election and shall designate those whose terms shall expire in one thousand nine hundred and sixteen and one thousand nine hundred and eighteen. Any vacancies thereafter occurring shall be filled by the board of trustees until the next

Number of trustees. To serve without pay.

Election.

Terms of office.

Terms of present board.

Vacancies.

Vacancies.

general election, when a successor shall be elected for the unexpired term. If any trustee shall fail to attend three consecutive meetings of the board of trustees, his office shall be thereby vacated and another appointed thereto until the next general election, when a successor shall be elected for the unexpired term."

Absence from meetings to work vacancy.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 376.

AN ACT TO AUTHORIZE CERTAIN TOWNSHIPS IN HARNETT, JOHNSTON, WAYNE, ONSLOW, LENOIR, JONES, AND CARTERET COUNTIES TO ISSUE BONDS FOR THE PURPOSE OF INVESTING IN THE CONSTRUCTION OF THE CENTRAL CAROLINA RAILROAD.

The General Assembly of North Carolina do enact:

SECTION 1. That upon presentation of a written petition to the board of county commissioners of the counties of Harnett, Johnston, Sampson, Wayne, Duplin, Lenoir, Jones, Onslow, and Carteret, or either of them, signed by one-third of the qualified voters of Lillington Township, Neil's Creek Township, and Grove Township, or either of them, in Harnett County; Banner Township and Meadow Township, or either of them, in Johnston County; Westbrook Township and Newton Grove Township, or either of them, in Sampson County; Grantham Township, Brogden Township, Fork Township, Goldsboro Township, and Indian Springs Township, or either of them, in Wayne County; Trenton Township, Woodington Township, and Pink Hill Township, or either of them, in Lenoir County; Chinquapin Township, Tuckahoe Township, Trenton Township, Cypress Creek Township, Pollocksville Township, and White Oak Township, or either of them, in Jones County; Richlands Township, White Oak Township, Jacksonville Township, and Swansboro Township, or either of them, in Onslow County; Wolf Scrape Township, Glisson Township, Albertson Township, Kenansville Township, Smith Township, Limestone Township, and Cypress Creek Township, or either of them, in Duplin County, requesting that an election be called for said townships, said petition being presented to the board of county commissioners of the county in which said townships so petitioning, or either one of said townships, is situated, requesting to vote upon the question of issuing bonds in the amount not exceeding thirty thousand dollars (\$30,000) for each township so petitioning, except Banner, Newton Grove, Grantham, Brogden, Goldsboro, Kenansville, Swansboro, and Jacksonville townships, which shall

Townships allowed to call elections by petition.

In Harnett county.

In Johnston county.
In Sampson county.

In Wayne county.

In Lenoir county.

In Jones county.

In Onslow county.

In Duplin county.

Presentation of petition.

Question to be voted on.

petition to vote upon the question of issuing bonds in the amount not exceeding forty thousand dollars (\$40,000) each, with interest-bearing coupons, to invest in the construction of the Central Carolina Railroad by the Central Carolina Railroad Company, its successors or assigns, from, at, or near Lillington, North Carolina, in an eastwardly direction through the townships hereinbefore mentioned, or either of them, to or near Swansboro, in Onslow County, provided that the Central Carolina Railroad Company, its successors or assigns, may, for the benefit of this act, begin the building of its line of railroad at any point along the proposed line that may in the opinion of the said company and its officers be advantageous to the construction and building of its road; said petition for said election being filed with the board of county commissioners of the county in which such township petitioning is located, and the same recorded on the minutes of the said board of the county commissioners, it shall be the duty of the said board of county commissioners so petitioned to call an election to be held within ninety (90) days after the presentation of the said petition, at the polling place or places in the township or townships petitioning, and present to the qualified voters of said township or townships so petitioning the question of issuing bonds of said townships so petitioning for the purpose of investing the same in the construction of the Central Carolina Railroad, the said bonds to be used upon the terms and conditions hereinafter set forth. The said board of county commissioners shall, at least thirty (30) days preceding the election, give public notice of the same, stating the purpose of the election. The notice of said election shall be published by posting a copy at the courthouse door of the county in which said township election is to be held and at three public places in each township asking for an election, and also by publishing said notice in some newspaper published in the county in which the township or townships asking for said election are situated.

County commissioners to order election.

Notice of election.

New registration.

SEC. 2. That the board of county commissioners of each and every county hereinbefore named shall, upon the filing of the petition provided for in section one of this act, order a new registration of the voters of each township herein authorized and empowered to hold an election; that the registration and challenge of voters shall be conducted in the same manner and under the same law governing the election of members of the General Assembly now existing or which may hereafter be enacted, except as hereinbefore provided: *Provided*, that the said board of county commissioners shall appoint the registrars and judges of election and all other election officers; that the registrars and judges of election shall at the close of the polls count the votes, certify the results to the board of county commissioners of the county in which such township is situated, and the said report shall be filed

Registration and challenges.

Proviso: election officers.

Count and return of votes.

with the clerk of said board of county commissioners, and the vote shall be canvassed by the board of county commissioners at their next meeting following the election, and the returns of the election shall be entered on the minutes of the said board, and no other recording and declaration of the results of said election shall be necessary. Canvass and
record of returns.

SEC. 3. That at the said election the ballots tendered and cast by the qualified voters shall have written or printed, or partly written and partly printed, on them the words "For Bond Issue" or "Against Bond Issue," and all qualified voters favoring the issuing of bonds upon the terms and conditions herein stated shall vote "For Bond Issue," and all qualified voters not favoring the issuing of the said bonds shall vote "Against Bond Issue." Ballots.

SEC. 4. In the event that a majority of the qualified voters of the said townships, or any one of them, petitioning for election shall at the said election vote for the said bond issue, the said board of county commissioners of the county in which such township or townships are situated shall have prepared bonds, in such denominations as said board may direct, the total amount not to exceed thirty-five thousand dollars (\$35,000) for each township wherein the majority of the qualified voters shall have voted for the bond issue, except the townships hereinbefore authorized to vote on forty thousand dollars (\$40,000) each, and as to these, the amount shall not exceed forty thousand dollars (\$40,000) each; said bonds to have interest-bearing coupons attached, at a rate to be determined by the said board: *Provided*, the same shall not be less than four nor more than six per centum per annum, payable semiannually during the time the said bonds shall run, and the principal of said bonds shall be payable at the end of twenty years from the date of issue; said bonds and coupons shall be payable at the office of the treasurer of the county issuing the same or at some other place designated by said board; both the bonds and the coupons shall be numbered consecutively, and shall be signed by the chairman of the board of county commissioners of the county issuing same, and shall be countersigned by the clerk of the said board, and the said bonds shall have impressed upon them the official seal of the register of deeds of the county issuing said bonds. The said bonds shall be styled "Investment Bonds," and the said bonds and coupons shall express upon their face that they are issued for and on account of said township or townships wherein the issue is voted upon favorably, and that they are payable out of the taxable property and polls of said township or townships. Issue of bonds.
Denominations.
Amounts.
Proviso: interest.
Maturity.
Authentication.
Entitlement of
bonds.
Recitals.

SEC. 5. That the board of county commissioners of the counties before named are authorized and empowered and shall issue and deliver to the Central Carolina Railroad Company the bonds herein provided for, upon the receipt of a like amount of said Exchange for
bonds of railroad.

railroad company's first-mortgage bonds, to run lateral with and mature at the same date as the said township bonds, and bear the same rate of interest, payable at the same time and place as the interest of said township bonds.

Conditions precedent to issue of bonds.

SEC. 6. That before the county commissioners of any of the counties herein mentioned shall issue any bonds herein provided for, after the same has been voted by any township herein mentioned, the Central Carolina Railroad Company shall begin the construction of its line of railroad from some point on either the Norfolk Southern Railroad, Durham and Southern Railroad, or Atlantic Coast Line Railroad, and build either eastward or westward from either of the starting points above mentioned, and build either towards Lillington, North Carolina, or Swansboro, North Carolina, and the said company shall have built and completed at least two miles of its railroad in the manner hereinafter described as a continuous, connected portion of its line entering into such township, from and connecting to either of the above named railroads at Lillington, North Carolina, Coats, North Carolina, Benson, North Carolina, Mount Olive, North Carolina, or Jacksonville, North Carolina; and when the said Central Carolina Railroad Company has completed two miles as hereinafter described in any township hereinbefore mentioned, then the county commissioners of the county in which any such township is situated, and the same having voted for the bonds as hereinbefore provided for, shall issue the bonds of said township as hereinbefore provided for, in the sum not exceeding six thousand dollars per mile of completed road, and deliver the same to the Central Carolina Railroad, upon the said Central Carolina Railroad delivering to the county commissioners or their agents an equal amount of its first-mortgage bonds, bearing the same rate of interest and the same dates and the same date of maturity as the township bonds so issued; and thereafter the said county commissioners of any county herein mentioned shall issue and deliver the sum of six thousand dollars in bonds of any township, in like manner as hereinbefore provided, for every mile of railroad completed by the said Central Carolina Railroad Company in the township voting said bond issue, until the sum of bonds voted by said township has been taken up: *Provided, however,* that no bond of any township in any county through which said railroad runs shall be issued and delivered to the Central Carolina Railroad Company, except upon the Central Carolina Railroad Company having completed its road for the miles for which the bonds are to be issued, upon the said railroad company issuing and delivering to the county commissioners of any such county an equal amount of first-mortgage bonds upon said completed railroad, bearing the same rate of interest and same date of maturity as the said township bonds.

Bond issue per mile of road.

Proviso: delivery of bonds.

SEC. 7. The county commissioners of any county herein mentioned shall enter into an agreement with the Central Carolina Railroad Company by which they and the said railroad company may appoint a mutual trustee, whose duty it shall be to hold in trust all the bonds issued by any such county for the townships, and shall hold an equal amount of the said Central Carolina Railroad Company first-mortgage bonds, to be delivered as provided for in this act, upon the request of the board of county commissioners of such county and the proper officers of said railroad company: *Provided*, that said trustee shall be a reputable trust company of not less than five hundred thousand dollars capital.

Appointment of trustee.

Proviso: qualification of trustee.

SEC. 8. That before the Central Carolina Railroad Company can demand from the county commissioners or their trustee the delivery of the township bonds as provided for in this act, it must have built the number of miles of road hereinbefore provided, of substantial construction, using not less than eighty tons of good condition steel rails per mile, applied with sufficient bolts, spikes, and splice bars, securely fastened and constructed, and using not less than twenty-five hundred cross-ties of good material of approximate standard dimensions per mile, with practical grades and curves, and substantial trestles and bridges, and equipped with one locomotive and one passenger car for every ten miles of road constructed, with sufficient sidings for conducting the business of the company.

Specification of construction.

Equipment.

SEC. 9. That the railroad first-mortgage bonds hereinbefore referred to shall be held in trust by the board of county commissioners of any county herein authorized to issue the same for the benefit of the township or townships in such county that may have exchanged its township bonds with the Central Carolina Railroad Company, and all interest accruing from the said first-mortgage railroad bonds shall be applied in the same manner as the taxes hereafter provided for in the payment of the interest and principal of said township bonds so issued: *Provided, however*, that the first-mortgage bonds issued by the Central Carolina Railroad Company shall not exceed the sum of twelve thousand dollars per mile for construction and said equipment of said road.

Trust attaching to bonds of railroad.

Application of interest.

Proviso: limit of issue by railroad.

SEC. 10. That it shall be the duty of the board of county commissioners of any county herein named to levy annually on all the taxable property and polls in each township of such county voting for bonds a separate tax sufficient in amount to pay the interest on said bonds and to establish a sinking fund to pay the principal of said bonds, the proceeds of which shall be applied, first, to the payment of interest on said township bonds, and, secondly, to create a sinking fund for the redemption of said bonds; said tax to be collected in the same manner as now provided by law for the collection of all other taxes. That such taxes shall be held in trust by the board of commissioners of any

Special tax.

Application of tax.

Taxes held in trust.

- Specific appropriation.
Investment of sinking fund.
- Proviso: power to refund bonds.
- Proviso: failure of road to release townships.
- Townships incorporated.
- Corporate agents.
- such county herein named for the benefit of the said townships, and none of said taxes shall be applied to any other purpose than that herein provided for; but said sinking fund may, in the discretion of said board of commissioners, be invested in municipal, county, or State bonds, or in notes secured by first mortgage upon real estate situate in the township to which said fund belongs, for an amount not greater than the taxable value of said real estate: *Provided*, that the bonds issued under the provisions of this chapter may, in the discretion of the board of commissioners, be refunded and retired by the commissioners of any such county, and such refunding bonds, if issued by them, shall be styled "County Refunding Bonds," and when issued shall be held and disposed of in the same manner and subject to the same provisions governing the "investment bonds" authorized herein: *Provided further*, that if the said Central Carolina Railroad Company shall fail or refuse to build said road within three years from the date of the ratification of this act, then such townships through which it has failed to build, and the county commissioners of the counties through which it has failed to build, are hereby released from the force and effect of this act, so far as it is applied to said townships, and the same shall be null and void as to such.
- SEC. 11. That for the purposes of this act the townships hereinbefore named are each hereby declared to be bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of each county herein named are hereby declared to be corporate agents of their respective townships so incorporated.
- SEC. 12. This act shall be in force from and after its ratification.
- Ratified this the 9th day of March, A. D. 1915.

CHAPTER 377.

AN ACT TO INCORPORATE THE "TOWN OF TOWNESVILLE," VANCE COUNTY.

The General Assembly of North Carolina do enact:

- Incorporation.
Corporate name.
Application of general law.
- SECTION 1. That the town of Townesville, situated in the county of Vance, State of North Carolina, is hereby incorporated under and by the name of the "Town of Townesville," with all of the powers, rights, privileges, and immunities contained in, and be subject to

and governed by all the provisions in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, and amendments thereto not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall include all Corporate limits. the lands within the following boundaries, towit: Begin at an iron pin on the Townesville road, corner of the warehouse lot; run thence along the road 590 chains to a pine, Dr. Chapin's corner; thence north $62\frac{3}{4}$ west 4.20 chains to a pin, Dr. Chapin's corner; thence with his line and parallel with the Townesville road 590 chains to a pin on the warehouse line; thence north 62 west 8.32 chains to a stone, P. H. Daves' corner; thence north $79\frac{1}{4}$ west 12.70 chains to a stone, P. H. Daves' corner; thence north $11\frac{1}{4}$ east 305 chains to a stone, C. H. Daves' corner; thence north 84 west 9.17 chains to a stone, Alex. Daves' corner; thence north $7\frac{3}{4}$ east 7.34 chains to a pin; thence north 52 west 7.58 chains to a pin; thence north $11\frac{1}{4}$ east 2.00 chains to a pin, box mill corner on right of way of railroad along right of way; thence north $70\frac{3}{4}$ west 4.38 chains, north 63 west 4.25 chains, north $60\frac{1}{4}$ west 2.97 chains to a pin, box mill corner; thence north 47 east 6.30 chains to a pin, box mill corner; thence south $87\frac{1}{4}$ east 6.80 chains to a pin, Smith's corner; thence south $80\frac{1}{2}$ east 3.10 chains to a cedar; thence south $53\frac{1}{2}$ east 4.08 chains to a pin, corner of parsonage lot; thence south $74\frac{1}{2}$ east 4.60 chains to a pin, corner of parsonage lot; thence south $71\frac{1}{4}$ east 12.50 chains to a post, Alston corner; thence south 74 east 3.20 chains to a post, Alston corner; thence north 15 east 1.81 chains to a post, Mathews corner; thence north $7\frac{1}{2}$ east 11.20 chains to a stone, F. T. Tucker corner; thence south $88\frac{1}{4}$ east 2.60 chains to a stone, F. T. Tucker corner; thence south $5\frac{1}{4}$ west 4.77 chains to a stone, H. Tucker corner; thence south $18\frac{1}{4}$ east 4.29 chains to a stone, H. Tucker corner; thence south $13\frac{3}{4}$ east 3.53 chains to a stone, H. Tucker corner; thence south $6\frac{3}{4}$ west 2.74 chains to a pine, church corner; thence south $80\frac{1}{4}$ east 2.40 chains to a pine, church corner; thence south $5\frac{3}{4}$ east 5.50 chains to a black oak; thence south $72\frac{3}{4}$ east 18.00 chains to a pin; thence north 46 east 2.82 chains to a pin, White corner; thence north 55 east 3.85 chains to a black-gum; thence north $82\frac{3}{4}$ east 6.44 chains to a sweet-gum; thence south $74\frac{3}{4}$ east 7.17 chains to a pin, Taylor corner; thence south $29\frac{1}{4}$ west 13.65 chains to center of railroad; thence along railroad north 51 west 2.29 chains to a pin, Adams corner; thence south $60\frac{3}{4}$ west 10.00 chains to a persimmon, Adams corner; thence north $47\frac{1}{2}$ west 3.28 chains to a pin; thence south $82\frac{3}{4}$ west 7.40 chains to a pin, Adams corner; thence south 61 west 3.56 chains to a pin, Adams corner; thence south $73\frac{3}{4}$ west 2.25 chains to a hickory at schoolhouse; thence north 68 west 4.51 chains to the beginning.

- Town officers. SEC. 3. That the municipal powers and privileges of said corporation shall be vested in the mayor and board of commissioners of said town and their successors in office.
- Town elections. SEC. 4. That the mayor of the town shall be elected annually on the first Tuesday in May, and at the same time there shall be elected a board of seven commissioners, all of whom, including the mayor, shall be *bona fide* residents of said town. They shall be elected by the legally qualified voters of said town.
- Mayor executive officer and president.
Vote.
Jurisdiction. 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 the case of a tie, when he shall cast the deciding vote. As a peace officer, he shall within the limits of the town, and within one mile of the corporate limits thereof, have all of the criminal jurisdiction of a justice of the peace for offenses committed against the criminal law of the State, or for violation of ordinances of said town.
- Judges of election. SEC. 6. Every election for mayor and commissioners shall be held under the inspection of such persons, not exceeding three, as the board of commissioners may appoint, and shall be known as judges of election, who shall advertise the election at three places in said town for ten days immediately preceding such election.
- Advertisement. Said judges of election shall make out two statements of the election so held, and return one to the register of deeds of Vance County and return the other to the secretary or clerk of the board of commissioners for said town, and the returns of every such election shall be recorded by the said register of deeds and secretary or clerk.
- Returns. SEC. 7. The judges of election shall be sworn by some justice of the peace, or by the mayor of the town, or by 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 received 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 oath of office.
- Record of returns. SEC. 8. The mayor and commissioners shall serve for one year or until their successors are duly qualified; and if no election be held as provided for, the mayor and old commissioners shall hold over until the next election and their successors be elected and qualified.
- Judges to qualify. SEC. 9. In case of a vacancy in the office of mayor or commissioner, the commissioners shall fill the same for the unexpired term; and the commissioners may appoint a mayor *pro tempore*, to serve in case of the absence or sickness of the mayor.
- Persons declared elected.
Time for notification and for qualification. SEC. 10. 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 Con-
- Terms of office.
- Vacancy.
- Mayor pro tem.
- Mayor and commissioners to qualify.

stitution 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 has been sworn in.

SEC. 11. 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 the law regulating the proceedings before a magistrate's court shall be applicable to 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 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.

SEC. 12. In all cases where judgment or judgments may be entered up against any person for fines, 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 person so convicted to work on the streets, highways, or other public works of the town, or of Vance County, or any other county in North Carolina, until at a fair rate of wages such person shall have worked out the amount of such judgment and the costs of prosecution.

SEC. 13. The mayor or other suitable person or persons shall, by order of the board of commissioners, take the list of taxes in the town in such a manner and at such a time 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.

SEC. 14. The mayor or other suitable person or persons 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 said town.

SEC. 15. The mayor may at any time discharge the 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.

SEC. 16. 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 upon them, they may, not oftener than annually, levy a tax on the real and per-

Enforcement of ordinances.
Special policemen.

Municipal court.

Proceedings and fees.

Powers of mayor.

Right of appeal.

Street work for fines and costs.

Tax listing.

Double tax for failure to list.

Registration of voters.

Discharge of policemen.

Legislative powers.

Limit of rate.

- sonal property within the corporate limits, not to exceed sixty-six and two-thirds (66 $\frac{2}{3}$) cents on the one hundred dollars worth; on all polls taxed by the General Assembly for public purposes not exceeding the rate allowed by law; on all such shows, exhibitions, and concerts given for reward as taxed by General Assembly, and on all persons, property, privileges, and subjects within the corporate limits; on all itinerant or resident persons plying trade, profession, or calling which is liable for taxation for State or county purposes. They may appoint a tax collector and such officers as they may think necessary to collect the taxes and to enforce their ordinances, and 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 them to give bonds for the faithful performance of their duties. The board 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 rules and regulations for the control and care thereof.
- License taxes. SEC. 17. The commissioners may, in addition to other provisions hereof, enforce their ordinances by imposing fines on such as violate them, and compel the duties they impose upon others by proper penalties or removal from office.
- Collection of taxes. SEC. 18. The commissioners of the town shall have the power to appoint and keep in pay of the town as many policemen as they may deem necessary.
- Salaries of officers. SEC. 19. The officer authorized to collect taxes, fines, or penalties shall make a settlement, at least every thirty days in each year, of all moneys coming into his hands, with the officer authorized to receive the same, and if he fail to make such settlement, he shall be guilty of a misdemeanor.
- Oath of office and official bonds. SEC. 20. Any municipal officer, mayor, commissioner, or tax collector of the town who shall on demand fail to turn over to his successor the property, books, moneys, seals, or other effects of the town, shall be guilty of a misdemeanor.
- Abatement of nuisances. SEC. 21. The town tax lists shall at all times be under the control of the board of commissioners, and shall be open to public inspection.
- Health ordinances. SEC. 22. The board of commissioners of said town shall have power from time to time to open streets or alleys within the 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 the owner or owners cannot agree upon 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
- Cemetery.
- Fines and penalties.
- Policemen.
- Monthly settlements.
- Misdemeanor.
- Failure to turn over office misdemeanor.
- Tax lists.
- Powers as to streets.
- Proviso: assessment of damages.

shall name two, and the two so chosen shall select the third, and the three selected as above shall assess such damages: *Provided further*, that in case either party shall be dissatisfied with the assessment, they or either of them shall have the right to appeal to the Superior Court of Vance County, upon giving bond for costs and to cover any damages which may be sustained; but such appeal shall not prevent the commissioners from opening the streets pending said appeal.

Proviso: right of appeal.

SEC. 23. 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, unless otherwise provided in said ordinances.

Ordinances printed and posted.

SEC. 24. Until the election of town officers on the first Tuesday in May, one thousand nine hundred and fifteen, the following mayor and board of aldermen or commissioners are hereby appointed: F. M. Hight, mayor; H. W. Tucker, S. R. Adams, J. E. Smith, F. E. Barr, J. J. White, R. H. Moss, and E. G. Knott, commissioners.

First officers named.

SEC. 25. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 378.

AN ACT TO INCORPORATE THE TOWN OF BEULAVILLE IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Beulaville, in the county of Duplin, be and the same is hereby incorporated and declared a body politic and corporate under the name and style of "The Town of Beulaville," and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property as its commissioners may deem necessary and expedient, and all the privileges, powers, and benefits conferred by the general laws upon towns and cities in the State are hereby conferred upon the said town of Beulaville.

Incorporation.

Corporate name.

Rights under general law.

SEC. 2. The boundaries of the town of Beulaville shall be as follows: Beginning at a stake 160 poles due north of the center of the graded school lot of the Beulaville Special-tax District in Duplin County, and runs thence from said stake so located due west 160 poles to a stake; thence due south 320 poles to a stake; thence due east 320 poles to a stake; thence due north 320 poles to a stake; thence due west 160 poles to the beginning.

Corporate limits.

Mayor and commissioners named.

Term of office.

Enumeration of powers of commissioners.

SEC. 3. That O. W. Quinn be and he is hereby appointed mayor of said town, and G. W. Kennedy, J. G. Bostic, D. C. Thigpen, S. W. Gresham, and H. S. Thomas be and they are hereby appointed commissioners of the said town; and the said mayor and commissioners shall hold their offices until the next regular election or until their successors are elected and qualified.

SEC. 4. That the commissioners shall have the power to make and provide for the making of such ordinances, by-laws, rules and regulations for the good government of the said town as they may deem necessary; to regulate the cleaning, repairing, and keeping up of its streets and sidewalks; to take proper and effectual means for the extinguishing of fires and conflagrations; to make regulations to cause the due observance of the Sabbath, commonly called Sunday; to prevent the sale of soft drinks and articles of food and merchandise on Sunday; take all necessary measures to preserve the town from contagious diseases; to suppress and prevent nuisances; to provide for the appointment of special police and other officers needed; to take all necessary measures for the preservation of the peace of the town, to execute the laws and ordinances thereof, and to maintain good order; to take all measures necessary to preserve the health of the town; to control or prohibit the firing of firearms, fireworks, and other explosives in said town; to control and regulate the manner of constructing, arranging, and maintaining stove flues and pipes in buildings in said town; to limit and control the speed with which horses and motor vehicles shall be driven through said town; to cause all cellars, privies, lots, and stables in said town to be inspected by the constable, and to make orders for the cleansing of the same, and upon the owners failing to clean the same, to have the same done at his expense, and the same to be recovered in a suit by said town; to prevent the running at large of dogs, horses, hogs, and domestic fowls, and prescribe the manner in which all domestic animals may be kept in said town; to regulate the keeping of hogs in said town and to prescribe the distance hog-pens are to be kept from the streets and the residences in said town; to quarantine all infectious and contagious diseases.

Enumeration of powers as to streets.

SEC. 5. That the said commissioners shall have the power to lay out and open any street or streets in said town when deemed necessary by them, by making a reasonable compensation to the owners of property taken for that purpose; and they shall have the power at any time to widen, enlarge, extend, change, narrow, and discontinue any street or streets within the said town whenever they may so determine. In cases where the owners of land cannot agree with the commissioners regarding the value of land or property and the damages, the mayor of the town shall issue his warrant to the town constable, commanding him to summons three disinterested freeholders in said town, who, together with

Proceedings in condemning land.

two disinterested freeholders in said town to be selected by the owner of said land or property, shall determine the value of the said property and assess the damages under the same rules of law as apply to railroad corporations, after which they shall make report of their findings to the office of the mayor, to be filed. Before proceeding to discharge their duties as aforesaid, the appraisers shall take an oath before the mayor, or some person authorized to administer oaths, to fairly and impartially discharge their duty as appraiser and assessor. If the party damaged, or claiming damages, refuses to appoint two appraisers as provided above, the report of the three appraisers appointed in behalf of the town shall be final; and if five appraisers serve, then the amount assessed by any three of them shall be the damage assessed; and if but three, appointed on behalf of the town, serve, then the amount as fixed by any two of them shall be the amount of damage assessed: *Provided*, that if in any case either the board or the landowner be dissatisfied with the return of the appraisers, either party may appeal to the next term of the Superior Court of Duplin County, there to have the amount of damages assessed by a jury, and the town clerk shall certify all papers in said proceedings to the said Superior Court, and the same shall be docketed as other civil actions.

Right of appeal.

Case on appeal.

SEC. 6. The constable and policeman of said town are authorized to make arrests in said town, with or without warrant, for any and all crimes or violations of town ordinances, whether committed in their presence or not; but if any person shall be arrested without warrant, then he shall be immediately taken before the mayor and a written warrant obtained from the mayor for his detention and trial according to law.

Police powers.

SEC. 7. That the mayor shall have the same fees as a justice of the peace when performing like services, and such other compensation as the board of commissioners of the town may in their discretion determine; and the constable of the town shall receive the same fees as is provided by law for township constables.

Fees of mayor.

Other compensation.

Fees of constable.

SEC. 8. That it shall be unlawful for any person, firm, or corporation to sell or in any manner, directly or indirectly, receive any compensation for any wine, cider, or other intoxicating liquors within the corporate limits of the town of Beulaville or within two miles of the Missionary Baptist Church in the said town of Beulaville, and any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Prohibition.

Misdemeanor.

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 9th day of March, A. D. 1915.

CHAPTER 379.

AN ACT TO VALIDATE A PROBATE FROM FARMERS
WAREHOUSE COMPANY.

Preamble.

Whereas the Farmers Warehouse Company, by deed dated March twenty-third, one thousand nine hundred and fourteen, and recorded in book two hundred and eighty-nine, page one hundred and eighty-two, of the register of deeds' office of Wake County, conveyed certain property to Mrs. W. W. Howard; and whereas the acknowledgment by the corporation to said deed is not in conformity with the statute; and whereas the said corporation has dissolved and surrendered its charter: Now, therefore,

The General Assembly of North Carolina do enact:

Acknowledgment
and probate
validated.

SECTION 1. That the said acknowledgment and probate of the said deed is hereby in all respects validated.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 380.

AN ACT TO AMEND, REVISE, AND CONSOLIDATE THE
CHARTER OF THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Incorporation.

SECTION 1. That the inhabitants of the town of Sanford shall be and continue, as they have been heretofore, a body politic and corporate, and the corporation shall bear the name and style of "The Town of Sanford," and under such name and style may sue and be sued, plead and be impleaded, and is hereby vested with all of the rights of property and property which now belong to the corporation or possessed by it under any corporate name or names heretofore used; and by such name may acquire and hold, for the purpose of its government, welfare, and improvement, all such estate as may be devised, bequeathed, or conveyed to it, not exceeding in value five hundred thousand dollars; and it 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 the power to contract and be contracted with; to purchase and convey real estate and personal property, and shall have all powers, rights, and privileges necessary or belonging to or usually appertaining to municipal corporations.

Corporate name.

Rights and
property vested.

Corporate powers.

SEC. 2. That the corporate limits of said town of Sanford shall be as follows: Beginning at a point three-fourths of a mile north from the grade crossing of the Raleigh and Augusta Air Line (now Seaboard Air Line) Railroad and the Atlantic and Yadkin (now Atlantic Coast Line and Southern Railway), and running thence east three-fourths of one mile; thence south one and one-fourth miles; thence west one and one-fourth miles; thence north one and one-fourth miles; thence east one-half mile to the beginning. Corporate limits.

SEC. 3. That the town of Sanford shall be divided into four wards, denominated first, second, third, and fourth wards. Said wards shall be bounded as follows: Wards.

First Ward.—Beginning at the intersection of the west boundary of the town with the Buffalo Church road and running thence with the center of the road to the center of Carthage Street; thence with the center of Carthage Street to the center of Charlotte Avenue; thence with the center of Charlotte Avenue to the Seaboard Air Line Railroad; thence with said railroad to the north boundary of the town; thence with the north boundary of the town and the west boundary thereof to the beginning. First ward.

Second Ward.—Beginning at the intersection of the north boundary of the town with the Seaboard Air Line Railroad, and running thence as the various courses of said railroad to the center of Charlotte Avenue; thence with the center of Charlotte Avenue and the extension thereof to the east boundary of the town; thence with the east and west boundaries of the town to the beginning. Second ward.

Third Ward.—Beginning at the intersection of the east boundary of the town with the center of the extension of Charlotte Avenue and running thence with the line of the extension thereof to the center of Chatham Street; thence with the center of Chatham Street to the center of McIver Street; thence with the center of McIver Street to a point one hundred and fifty feet from the west line of Third Street; thence south parallel with Third Street to a stake in Little Buffalo Creek; thence up the various courses of said creek to the south boundary of the town; thence with the south and east boundaries of the town to the beginning. Third ward.

Fourth Ward.—All that portion of the town of Sanford not included in the First, Second, and Third wards. Fourth ward.

SEC. 4. The board of aldermen of said town shall consist of eight members, two of whom shall be elected from the First, Second, Third, and Fourth wards respectively, by the qualified voters of said wards. There shall be elected on Tuesday after the first Monday in May, A. D. one thousand nine hundred and fifteen, and biennially thereafter, a mayor and the said eight aldermen, who shall hold their offices for a term of two years and until their Number and election of aldermen.
Date for election.
Mayor and aldermen.
Term of office.

- Qualifications for aldermen. successors are elected and qualified; two of said aldermen shall be chosen from and elected by the voters of each ward. Such aldermen shall be residents of the ward from which they are chosen, and shall be elected by the qualified voters of such ward, and must have resided within the State twelve months and in the corporation ninety days preceding the day of election; and at said biennial elections held for the election of aldermen from the several wards there shall be elected a mayor, under the same rules and regulations governing the election of said aldermen. At such elections the electors shall vote a ballot upon which shall be written or printed the choice of such elector for mayor of said town and for aldermen to represent the ward, wherein such elector resides, upon the board of aldermen; and the persons receiving the highest number of votes for mayor and aldermen shall be declared duly elected such officers upon the canvassing of the returns as herein provided for.
- Election of mayor. **SEC. 5.** That the board of aldermen for said town shall select, at their regular meeting in March, one thousand nine hundred and fifteen, and biennially thereafter, a registrar of voters and two inspectors or judges of election for each of the wards of said town, all of whom shall be qualified voters and residents of the wards for which they are chosen, who shall be notified of their appointment within two days thereafter by the chief of police, and they shall give at least ten days notice in two public places in each ward of a registration of voters in and for said wards, specifying the time and places and names of registrars; and shall advertise the election in at least two public places in each ward for at least ten days preceding the day of election.
- Ballots. **SEC. 6.** Should the board of aldermen for said town fail to appoint said registrar and judges of election, the sheriff of Lee County shall summons three freeholders of the town, who, with him, shall make such appointment; and the aldermen failing to appoint shall each forfeit and pay to the equal use of the town of Sanford and of any person who shall sue therefor the sum of twenty-five dollars, recoverable before the mayor of said town or any justice of the peace for Lee County.
- Persons declared elected. **SEC. 7.** The registrar of each of said wards shall be furnished by the aldermen of said town with a registration book, and it shall be his duty to perform the duties of his office fairly, impartially, and according to law; to revise the existing registration book of his ward in such manner that said book shall show an accurate list of the electors previously registered in said ward and still residing therein, without requiring said electors to be registered anew; and such registrar shall also, between the hours of seven o'clock a. m. and nine o'clock p. m. for four successive Saturdays immediately preceding the day of election, keep open the books for the registration of any electors residing in his said
- Election officers.
- Notice of appointment.
- Notice of registration.
- Advertisement of election.
- Appointment by sheriff on failure of aldermen.
- Forfeit on aldermen.
- Registration books.
- Registration.

- ward and entitled to register whose names have never before been registered in said ward or do not appear on said revised lists, and shall register in said books all names of persons not so registered who may apply for or are entitled to registration, keeping the names of white voters separate and apart from the names of colored voters. 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 Sanford for ninety days, next preceding the day of election, and that he is an actual and *bona fide* resident of the ward in which he offers for registration, or is otherwise entitled to register, and that he is twenty-one years old; and if any person shall willfully swear falsely in taking such oath he shall be guilty of a misdemeanor, and on conviction shall pay a fine not exceeding one hundred dollars and be imprisoned not exceeding sixty days in the county jail. But the board of aldermen, upon thirty days notice, may direct that there be an entirely new registration of voters whenever they may deem it necessary for a fair election. The new registration may, if the board so determine, be conducted by one of the registrars hereinbefore provided for, to be designated by the board, who shall keep all the registration books of the town at a place to be designated by said board.
- Sec. 8. The registration books shall be closed at nine o'clock p. m. on the Saturday next preceding the day of election; and after the same are closed no person shall be allowed to register; but the registrar shall, on application before said books are closed, on one of the days herein named for the registration of voters, register all persons not then qualified to vote in his ward who will become so qualified on or before the day of election.
- Sec. 9. Any person who is a qualified elector of the State of North Carolina, and who shall have resided for ninety days next preceding the day of election within the corporate limits of said town, shall be an actual *bona fide* resident of the ward in which he applies for registration, shall be a qualified elector and shall be entitled to register and vote in any municipal election therein; and no person who is not thus a qualified elector of said town shall be eligible as mayor or alderman thereof.
- Sec. 10. After having been duly sworn by the mayor or justice of the peace to conduct the election fairly, impartially, and according to law, the said registrar and inspectors or judges of election shall, at the appointed time, open the polls at such places in the respective wards as the aldermen shall designate; they shall receive and deposit ballots in boxes provided for them, administer oaths when necessary, decide all questions of voting, and superintend the election of municipal officers in like manner and during the same hours of the day as the election for members of the General Assembly; and with reference to the canvass of votes and
- Registration oath.
- False swearing a misdemeanor.
- Punishment.
- New registration.
- Place for new registration.
- Close of registration.
- Voters.
- Electors eligible as mayor or aldermen.
- Conduct of election.
- Canvass and challenges.

challenges and in all other respects, except as herein otherwise declared, they shall have the powers and duties belonging to registrars and judges of election as established by the laws of North Carolina with reference to general elections.

Registration
requisite.
Challenges.

SEC. 11. No person who has not been duly registered shall be allowed to vote, and any one offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge, the ballot of such person shall not be received or counted. Ballots shall be on white paper and without device. The aldermen for each ward shall be voted for on one ballot and the mayor voted for on a separate ballot.

Ballots.
Separate ballots.

Count and return
of votes.

SEC. 12. At the close of the election the votes shall be counted by the judges, who shall certify to the board of aldermen the names of all persons voted for in said ward and the number of votes received by each candidate for alderman and mayor. The said board of aldermen shall receive and canvass the returns from each of said wards, and the mayor shall act as chairman, on Wednesday after the first Monday in May of each election year, and the person receiving the highest number of votes for mayor and aldermen shall be declared duly elected; and if of the persons voted for as mayor or aldermen there shall be any two or more having an equal number of votes, the board of aldermen shall decide by ballot the election between such persons, and the person or persons so chosen by said board shall be declared elected: *Provided*, that when any question or matter is to be decided by vote of said board, the mayor shall not cast his vote except in case of tie, in which case he shall cast the deciding vote.

Canvass of returns.

Persons declared
elected.

Ties.

Proviso: right of
mayor to vote.

Vacancies of
election officers.

SEC. 13. The aldermen shall have authority to fill any vacancy occurring in the office of inspector of election or registrar, by death, permanent disability, or otherwise, up to the day of election, and if on that day any vacancy should be or occur, or if an inspector or judge of election or registrar shall be absent at the time for the opening of the polls on said day, it shall be the duty of the mayor to fill said vacancy by appointment forthwith, and the person or persons so appointed shall have all the powers vested in the regularly appointed inspector or registrar, and shall be subject to the same requirements and penalties: *Provided*, that any inspector of election or registrar who shall willfully absent himself from the polling places when his attendance thereat is required by law, or shall otherwise delay or obstruct the business of said election, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Proviso: failure to
serve a misde-
meanor.

Punishment.

Record of returns.

SEC. 14. At the close of the election and of the counting of the votes it shall be the duty of the clerk of said board of aldermen to immediately make out, subscribe, and certify two statements of said election and return one to the register of deeds for Lee

County, who shall duly record the same, and record the other statement in the minute-book of the town; and the registration and poll lists shall be duly subscribed by said judges of election and returned to the clerk of the town.

SEC. 15. The aldermen so elected, and the mayor and all other officers of the town required to take an oath, shall before entering upon their duties take and subscribe before the proper officer the respective oaths specified by chapter seventy-three, volume two of the Revisal of North Carolina, one thousand nine hundred and five, entitled "Towns," and such officers shall hold their offices until their successors are duly elected and qualified.

Oaths of office.

SEC. 16. It shall be the duty of the mayor to preside at all meetings of the board of aldermen and have the rights, powers, and perform all the duties prescribed by law for such officers. For misconduct in office the mayor may be removed from office by a vote of a majority of the board of aldermen, and upon such office becoming vacant through death, resignation, removal, or otherwise, the said board of aldermen shall by majority vote elect a mayor, the same for the unexpired term.

Terms of officers.

Mayor president of board.

Removal for misconduct.

Election to vacancy.

SEC. 17. That any person elected as mayor or alderman who shall refuse to qualify and act as such shall forfeit and pay, to the equal use of the town and of any person who shall sue therefor, the sum of twenty-five dollars.

Forfeit for refusal to qualify.

SEC. 18. That the mayor of the town of Sanford is hereby constituted a special court with all the jurisdiction and powers in criminal offenses occurring within the corporate limits of said town which are now or may hereafter be given to justices of the peace; he shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested persons charged with or convicted of crimes in other counties or States who may be found in the town limits, and bind or imprison them to appear at the proper tribunal to answer for their offense. He shall also have jurisdiction to issue process, hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the town or the provisions of this act, where the same is not exclusively within the jurisdiction of the Superior Court; to enforce penalties by issuing execution upon any adjudged violation thereof; to execute the laws and rules made by the board of aldermen, and his indorsement of the names of witnesses upon a summons or warrant shall be authority for the officers to execute the same; and he may issue process without complaint when he is satisfied that there has been a violation of the law: *Provided*, 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 especially allowed by this act.

Mayor made special court. Jurisdiction.

Further recital of jurisdiction.

Proviso: limit of jurisdiction.

SEC. 19. That all proceedings in the mayor's court shall be the same as are now or may hereafter be prescribed for courts of

Proceedings in mayor's court.

- Right of appeal. justices of the peace, and in all cases there shall be the right of appeal to the Superior Court of Lee County, and causes may be removed from before the said court in the same manner as prescribed in the Revisal for the removal from the courts of justices of the peace unless such case be for violation of an ordinance.
- Record. The mayor shall keep a faithful record of the precepts issued by
- Force of judgments. him, and of all his official proceedings. The judgments rendered by him shall have all of the force, virtue and validity of judgments rendered by justices of the peace, and they may be executed and enforced against all persons or parties in Lee County or elsewhere, in the same manner and by the same means as if the same had been rendered by a justice of the peace of the county of Lee.
- Enforcement.
- Fines and penalties to use of town. SEC. 20. That all fines and penalties imposed and collected by the mayor, sitting as a justice of the peace, and all fines and penalties imposed in consequence of a violation of the ordinances of the town or the provisions of this act, except as herein otherwise expressly provided, shall enure to the exclusive benefit of the town of Sanford.
- Sentences to labor. SEC. 21. That when a defendant or witness or any other person shall be adjudged to be imprisoned by said court it shall be competent for said court to sentence such person to imprisonment in the county jail of Lee County or the jail or guardhouse of the town for a term not exceeding thirty days, and to adjudge that such person work during the term of his confinement on the public streets or other public works of the town; and in all cases where judgments may be entered against any person for fines or penalties according to the laws and ordinances of said town, and the person against whom the case is so adjudged refuses or is unable to pay such judgment, it shall be lawful for the mayor before whom such judgment is rendered to order and require such person so convicted to work on the streets or other public works of the town until, at such rates of wages as are now or may hereafter be fixed by the aldermen, such person shall have worked out the full amount of such judgment and costs of the prosecution.
- Misdemeanor. SEC. 22. That any person who shall violate any ordinance of the town of Sanford shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- Punishment.
- Office of mayor. SEC. 23. That the mayor shall keep his office in some convenient part of the town, designated by the aldermen, and he shall keep the seal of the corporation and perform such duties as from time to time shall be prescribed; and he shall receive for his services in the trial of causes the same compensation as a justice of the peace receives for like services, and may receive a salary in addition thereto as mayor or in lieu thereof not to exceed three hundred dollars per annum, to be fixed and determined
- Seal of corporation.
- Fees. Salary.

by the board of aldermen. He shall preside at all meetings of the board of aldermen, except as otherwise herein provided, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter and cast the deciding vote, and shall vote in no other case.

SEC. 24. The board of aldermen shall form one body, and a majority of the board shall be competent to perform all duties prescribed for the aldermen, unless otherwise provided. Within five days after their election they shall convene for the transaction of business and fix days of meeting for the year or term, which shall be as often as once in every month. Special meetings of the aldermen may be held on the call of the mayor or a majority of the aldermen; and all of the aldermen when the call is by the mayor, and those not joining in calls when made by a majority of the board, shall be notified.

SEC. 25. That the aldermen when convened shall have power to make and provide for the execution and enforcement of such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be consistent with the provisions of this act and the laws of the State.

SEC. 26. That the board of aldermen for said town shall have the right, power, and authority to open and lay out any new street or streets within the town limits, and to widen, enlarge, make narrower, change, extend, or discontinue any street or streets or any part thereof, and to construct sidewalks or any other of the streets of the town; may prevent dogs, horses, cattle, swine, and all other domestic animals from running at large within the town; may prohibit the riding or running or driving of horses or other animals at a speed greater than six miles per hour within the town; may prohibit the running of trains, engines, cars, automobiles, or other vehicles within the town at a speed greater than four miles per hour, and may require any person, firm, or corporation operating a railroad in said town to establish grades conforming to the streets, and maintain, construct, install, and operate gates, or station watchmen or flagmen, at any of the public crossings of the town; and may prohibit, regulate, and control the firing of guns, pistols, firecrackers, gunpowder, or other explosives or combustible or dangerous material on the streets or within the town; and may establish, regulate, and control graveyards or cemeteries for the interment of dead in or near the town, and compel the keeping and returning of bills of mortality, and prohibit interments in the town; may establish, regulate, and control markets in said town, and for that purpose may acquire, purchase, and hold in fee simple, lease and convey real estate in said town, and erect, construct, and maintain therein suitable buildings for market purposes, and make, pass, and enforce such

Preside at meeting and decide tie vote.

Aldermen one body.
Quorum.
Time to convene.

Meetings.
Special meetings.

Legislation.

Proviso: conformity to law.

Powers as to streets and traffic regulation.

Firearms, explosives, and combustibles.

Cemeteries.

Vital statistics.

Markets.

ordinances, rules and regulations as may seem proper for the operation of such market or markets; employ a weighmaster and keeper of the market and fix their fees, and control, regulate, and prevent sale of articles outside such market; may create and establish sewerage districts and compel connection with the sewerage system, and charge the cost to the property owner as herein provided for creation of paving assessment districts, and pass suitable ordinances regulating same; and may provide for protecting against fires by the establishment and equipment of fire companies or otherwise; may take such measures as may be deemed necessary to prevent the entrance into or spread within the town of infectious or contagious diseases; may abate nuisances at the cost of the person on whose premises same may be located; may prevent encroachment upon or obstruction of the streets by awnings, signs, porticos, or otherwise; pass such ordinances as may be necessary for the due observance of Sunday, and in general to have power and authority to make such by-laws and adopt such rules, regulations, and ordinances for the government of said town as a majority of them may deem necessary to promote the interests and secure the good order and government of said town and promote its welfare; and make all such other police regulations and such ordinances as the interest, comfort, health, and convenience of the citizens of said town may require.

SEC. 27. Said board of aldermen may establish grade lines for the streets and sidewalks of said town and grade the same in accordance therewith. It may from time to time, for the purpose of grading, paving, and otherwise improving the streets of said town of Sanford, create and establish assessment districts within said town, and may require every owner of real estate abutting the streets in any of said districts to pave the sidewalk fronting such property or premises in such manner and with such material as the street committee of the board of aldermen may require, and enforce such requirement by proper fines and penalties; and upon failure of such owner to do such paving, after twenty days notice given by the chief of police of said town to said owner, or, if he be a nonresident of the county of Lee, to his agent, or if such nonresident has no agent in said county, or for any reason notice cannot be personally served upon such owner or agent, then after publication of notice by the chief of police for thirty days in some newspaper published in said town of Sanford, notifying such owner or agent to do such paving, the town of Sanford may have such paving done, and the cost thereof may be assessed upon such property and entered upon the tax lists of the town for the current year, and the said assessment so entered on said tax list shall constitute a lien upon the said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the town of San-

Sewerage.

Fire protection.

Quarantine.

Abatement of nuisances.

Observance of Sunday.

Grades for streets and sidewalks.

Assessment districts.

Sidewalk paving.

Lien for assessment. Collection.

ford against said owner in the Superior Court of Lee County, in the nature of an action of foreclosure, in which said action judgment may be taken for the sale of the property to satisfy the amount due the said town of Sanford by the owner thereof as aforesaid: *Provided*, that whenever the town of Sanford has had any of said paving or street improvement work done, the clerk of the board of aldermen shall notify the owner of the abutting property, within ten days after such assessment is levied or made, of the amount charged or assessed against his said property by the street committee of said board of aldermen, and if said owner is not satisfied with said assessment or charge he may within ten days after service of the said notice upon himself or his agent or by publication as herein provided, upon giving a justified undertaking in the sum of two hundred dollars for costs, appeal therefrom to the Superior Court of Lee County; and said owner shall give said board of aldermen notice of such appeal, within ten days after service of notice of charge or assessment levied against him, by serving upon the street committee of said board a statement of fact setting forth the ground upon which said appeal is based, and within five days after giving such notice said owner shall serve and furnish the mayor with a statement of fact setting forth wherein he is aggrieved, specifying with particularity wherein said charge is excessive and the grounds of said appeal, whereupon said mayor of Sanford shall certify to the clerk of the Superior Court of Lee County all papers and documents, orders and resolutions of the board of aldermen and street committee pertaining to said assessment, and the said appeal shall be docketed and tried at the next term of said Superior Court in like manner as other actions; said owner may in like manner appeal from any order or act of the aldermen or street committee in assessing said charge, but said appeal shall not delay or stop said street improvement: *Provided further*, that the board of aldermen of said town 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 such new or additional district or territory in which such street improvement is to be made: *Provided, however*, this proviso shall not apply to the territory within the fire limits or fire district of said town.

Proviso: notice of assessment.

Right of appeal.

Bond on appeal.

Notice of appeal.

Case on appeal.

Proviso: petition for establishment of district.

Proviso: territory in fire limits.

SEC. 28. That the board of aldermen of the town of Sanford may require the owner or lessee of any lot or premises within the town who shall desire to erect a building thereon, or add to, remodel, or alter any building or buildings already built thereon, or make other improvements on the same, to take out a building permit to be issued by the clerk of the town of Sanford, for which said clerk may charge a fee of twenty-five cents, under such

Building permits.

Fee of clerk.

rules and regulations as may be prescribed by ordinance, and enforce the same by proper fines and penalties against said owner or lessee.

Water-works and light plant.

SEC. 29. The said board of aldermen shall have power to establish, maintain, and operate a plant or system of water-works for furnishing a supply of water in said town, and a plant for furnishing lights, and may establish rules and regulations for the government and operation thereof; and for the operation, care, and maintenance thereof may appoint a superintendent or superintendents, commissioners, committees, or such officers as in their opinion may be expedient, fixing their compensation and in the discretion of the board of aldermen requiring of them suitable bonds for the proper conduct of their offices; and shall have also power and authority to sell water along the line of the water main extending from the pumping station to the corporate limits of the town.

Officers.

Sales of water.

Mayor pro tempore.

SEC. 30. Said board of aldermen shall at their first meeting appoint one of their own number to be mayor *pro tempore*, and, in case of any vacancy in that office, to fill the same with some member of the board. It shall be the duty of the mayor *pro tem.* at all times within the term of his office, when the mayor of said town shall for any reason be unable to discharge his duties as such mayor, to act as mayor and perform all of the duties pertaining to such office during the time when the mayor is unable to discharge the same; and for that purpose such mayor *pro tem.* shall have and exercise all of the powers and rights, with full authority which pertain to such mayor in holding mayor's court and in all other respects. Such mayor *pro tem.* shall hold office for a term of two years or until his successor is elected and duly qualified.

Officers to be appointed by aldermen.

SEC. 31. The aldermen at their first meeting after their election shall appoint a clerk, treasurer, a chief of police, and a tax collector (the clerk and tax collector may be the same person), who shall hold their offices for two years, subject to removal by said aldermen for misbehavior or neglect in office. The aldermen shall likewise have power and authority to appoint a street commissioner and regulate his compensation, and employ an attorney or attorneys for the town and fix their compensation. Before acting, the clerk shall be sworn to the faithful discharge of his duty, and the treasurer, chief of police, and collector of taxes shall take and subscribe the oaths and execute the bonds, in such sum as said aldermen shall fix, prescribed in chapter seventy-three of the Revisal of North Carolina, volume two, entitled "Towns."

Street commissioner.

Attorney.

Oaths of office and bonds.

Salary and duty of clerk.

SEC. 32. That the clerk shall be paid a reasonable salary, to be fixed by the aldermen, and it shall be his duty to keep regular and accurate minutes of the proceedings of the board, and to preserve all books, papers, and documents committed to his care

during his continuance in office, and deliver same to his successor, and generally to perform such other duties as may be prescribed by the aldermen and in this act.

SEC. 33. That the treasurer shall, annually, make out a fair and accurate statement of the receipts and disbursements on account of the town, and post the same at some public place at the end of each fiscal year for the inspection of the citizens of the town, and for failure to do so shall forfeit and pay to any person who shall sue therefor the sum of one hundred dollars.

Annual statement of finances.

Statement posted.

Forfeit for failure.

SEC. 34. That it shall be the duty of the treasurer to receive and hold for the use of the town all moneys or securities belonging to the town; to disburse the funds only upon order drawn upon him in the manner herein specified; he shall keep, in a book provided for that purpose, an accurate account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required so to do; shall make monthly reports to the aldermen as required by chapter seventy-three, volume two, of the Revisal, and special reports whenever required by said aldermen. Upon expiration of his term of office he shall deliver to his successor all the books, money, securities, and other property intrusted to him for safe keeping or otherwise.

Treasurer to receive and hold moneys.

Warrants for disbursements. Accounts.

Monthly reports.

Settlement with successor.

SEC. 35. All orders upon the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state upon their face the purpose for which the money is applied, and the treasurer shall specify such purpose in his accounts, and also the sources whence are derived the moneys received by him.

Orders on treasury.

SEC. 36. The tax collector shall have the same power and authority in the collection of taxes as sheriffs have, and shall be subject to the same fines and penalties for neglect of duty. He shall be charged with the sum appearing by the tax lists as due for town taxes. He shall be credited with all sums in settlement as are credited to sheriffs, with all accounts in suits by appeals, all poll taxes and personal property taxes declared by the board insolvent and uncollectible. He shall not retain in his hands over fifty dollars (\$50) for a longer time than five days, under a penalty of ten per centum per month to the town on all sums so retained.

Power of tax collector.

Charges and credits.

Penalty for retention of money.

SEC. 37. That board of aldermen shall, at the meeting before the last regular meeting in each year, appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and town treasurer, and to audit and settle the accounts of the town clerk and treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute-book of said board. 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, and he shall not be eligible for reelection to said office.

Settlement of taxes.

Accounts audited and reported.

Record.

Removal of tax collector.

- Taxation. SEC. 38. That in order to raise funds sufficient for the expenses incident to a proper government of the town and the improvement thereof, the aldermen shall annually levy and provide for the collection of taxes as follows :
- Ad valorem tax. (1) 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*, a tax not exceeding fifty cents on each hundred dollars worth of property.
- Poll tax. (2) On all taxable polls, a tax not exceeding one dollar and fifty cents on those who may be resident in the town on the first day of May of every year, or may have been so resident within sixty days next preceding said day.
- Merchant's purchase tax. (3) On each one hundred dollars value of goods, wares, and merchandise purchased for resale by any merchant, trading within the town within one year next preceding the first day of May of the year on which the same is listed, a tax not exceeding ten cents.
- Dog tax. (4) On all dogs kept within the town and which may be so kept on the first day of June, a tax not exceeding five dollars: *Provided, however*, that discrimination within this limit may be made on different species and sexes of dogs by classification.
- Proviso: discrimination as to sex and species.
- Swine and goats. (5) On all swine and goats not prohibited by the aldermen to remain in the town, when confined, a tax not exceeding five dollars a head.
- Express, telegraph, and telephone companies. (6) On every express company, on every telegraph or telephone company doing business in the town, a tax not exceeding one per cent of its gross receipts in the town, to be given in on oath by the managing agent of such company annually, at the same time when other taxes are listed, and under the same penalty as that prescribed by the laws of the State.
- Auctioneers. (7) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars a year: *Provided*, that this section shall not conflict with the provisions of chapter six of the Revisal of North Carolina.
- Miscellaneous subjects. (8) Upon every stock and bond broker, junk dealer and pawnbroker, sewing machine company or agent of such company, dealer in or manufacturer's agent for musical instruments, keeper of sales stables or stock-yard doing business in the town, a license tax not exceeding twenty-five dollars a year.
- Miscellaneous subjects. (9) Upon every lawyer, physician, 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 ten dollars per year.

(10) Upon every other occupation, profession, or business not herein specifically named, a license tax not exceeding twenty-five dollars per year.

SEC. 39. The aldermen, at the last regular meeting in April of each year, shall appoint a list taker whose duty it shall be to take the lists of property, polls, and subjects of taxation within the town. Immediately after his appointment he shall make advertisement thereof at three public places in the town, notifying all persons required by law to give in their polls or property for taxation to list the same before him during the month of May, and he shall attend for two days at a place specified in said notice in said town to list said property, polls, and subjects of taxation. In so far as may be consistent with this act, his powers and duties shall be the same as are conferred by law upon the township list taker, and his compensation shall be such as the board of aldermen may allow. It shall be his duty to obtain from the township list taker, provided the list of the latter has not been returned, and if it has been returned, then from the register of deeds for Lee County, who shall furnish the same on demand, a list of the property, with the valuation placed thereon, as returned or to be returned for taxation, included within the corporate limits of the town of Sanford, or subject to be taxed by this charter; and in making out his lists he shall place upon all real property within the town the same valuation as is placed thereon in said township tax lists for taxation for State and county purposes, and he shall return his lists to the clerk of the town on or before the first Monday of July of each year.

SEC. 40. All persons liable to taxation by this charter shall, during the month of May of each year, render to the list taker herein mentioned, on a blank to be furnished by the aldermen, a list of property and subjects for which they may be liable to be taxed under all the rules and penalties prescribed for listing for taxation for State and county purposes and as prescribed in this charter. The said lists or returns shall be in manner and form and in contents the same, as near as may be, as is required in listing property and subjects for taxation for State and county purposes, and the verification thereof and in regard thereto the same; and any person making a false return shall be guilty of perjury. The person listing shall swear to a true valuation of all property, choses in action, and subjects listed, except land, and property held in trust shall be returned upon a separate list.

SEC. 41. If any person, firm, or corporation shall fail to render to the list taker a list of property or other taxables, or if any person liable for poll tax shall fail to give himself in within the time prescribed by this charter, such person or company shall pay double the tax assessed upon any subject for which the said person or company is liable for tax; and any person who shall list

Occupations not specified.

Appointment of list taker.

Advertisement for listing.

Powers and duties of list taker.

Compensation.

Copy of county list.

Valuation of real estate.

Return of lists.

Owners of property to give in lists.

Property held in trust.

Double tax for failure to list.

False listing misdemeanor.

- any property in the name of any person, firm, or corporation other than the real owner, or shall fail to disclose the true state of the title thereto if interrogated concerning the same, shall be guilty of a misdemeanor, and shall upon conviction be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- Punishment.
- Failure to list misdemeanor.
- SEC. 42. That all persons who are liable for poll tax to the said town and who shall willfully fail to give themselves in, and all persons who own property subject to taxation in said town or whose duty it is to list property, and who shall willfully fail to list the same within the time required by law, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty-five dollars or imprisoned not exceeding ten days.
- Punishment.
- Revision of list.
- SEC. 43. That the board of aldermen shall meet on the second Monday night in May in each year to examine and revise the tax lists. They shall constitute a board of equalization, with full power, upon notice to the party concerned and for cause, to increase or diminish the valuation on any property, real or personal, subject to taxation by this charter, to secure a fair distribution of the taxes; and to that end they may subpoena and examine under oath witnesses, and have all the powers that county commissioners have with respect to a revision of the tax lists: *Provided*, that they shall endeavor to make the list of taxables within the town conform to the list for State and county taxation, and provided that the increase or diminution of the valuation of any real property shall not exceed fifteen per centum of the valuation fixed thereon by the township assessors, unless it be in consequence of some improvement added thereto or subtracted therefrom since said assessment. The board shall have power to assess the value of such portion of any property as may be included in the town limits in cases where the boundaries of the town shall cross said property, and there is in consequence thereof no assessment of the value of the same by the town assessors, with full power to adjourn from time to time to complete said revision.
- Board of equalization.
- Powers of investigation.
- Proviso: to conform to county lists.
- Proviso: valuation of real estate.
- Assessment of real property in town.
- Levy of tax.
- SEC. 44. That as soon as the tax lists have been revised the board of aldermen shall proceed to levy tax on such subjects of taxation as they shall determine, and shall place the tax lists in the hands of the tax collector for collection, who shall proceed forthwith in the collection thereof and complete the same on or before the first day of November next ensuing, and shall pay the moneys as they are collected into the hands of the town treasurer; and the tax collector shall receive as his compensation not more than five per centum on the amount collected, as the board of aldermen shall determine. On the first Monday of November there shall be a penalty of five per centum added to the amount of taxes due and an additional penalty of two per centum on the first day of every month until the same are paid.
- Collection.
- Commission of tax collector.
- Penalties.

SEC. 45. That if any person liable to taxes on any subject to be listed hereunder shall fail to pay them within the time specified for collection, the tax collector shall forthwith proceed to collect the same by distress and sale, all sales to be made after public advertisement for the space of ten days at five public places within the town if the property sold be personalty, and thirty days if the property sold be realty; and the said collector shall have the right to levy upon and sell any personal property situated outside the corporate limits of the town and within the county of Lee belonging to a delinquent taxpayer, to enforce the payment of the taxes due the town by the said delinquent.

Collection by distress and sale.

Levy on personal property outside of town.

SEC. 46. That when the tax due on any lot or other lands, which is declared to be a lien upon the same, shall remain unpaid on the first day of November, the tax collector shall either proceed to collect the same by levy and sale of personal property belonging to the owner of said lot or shall report the same to the aldermen, with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at some public place in the town to be designated by them; the collector shall, before selling the same, make advertisement at five or more public places within said town, and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale, but no notice need be given any person having or claiming a lien on said land by mortgage or otherwise. Should the owner not be in town, or if for any cause the owner cannot be located or served with notice, then the advertisement of said real estate shall be made for four weeks in some newspaper published in the county of Lee, and the collector may divide the said lands into as many parts as may be convenient, for which purpose he is authorized to employ a surveyor, and may sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon; if the same cannot be conveniently divided, the collector shall sell the whole, and if no person will pay the whole of the taxes or expenses for the whole of the land, the same shall be struck off to the town, and, if not redeemed as hereinafter provided, shall belong to the town in fee.

Sale of real estate.

Advertisement.

Land struck off to town.

SEC. 47. That the collector shall return an account of his proceedings, specifying the portions into which the lands were divided, and the purchaser or purchasers thereof, and the prices of each; and if there be a surplus after paying said taxes and expenses, the same shall be paid to the town treasurer, subject to the demands of the owner.

Return of sales.

SEC. 48. That the owner of any lands sold under the provisions of this charter, his heirs, executors, administrators, or any person acting for them, may redeem the same within one year after the sale, by paying the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses; and the

Time for redemption.

treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes, when such lands are bid off by the town.

Conveyance of property not redeemed.

SEC. 49. That if the real estate sold as aforesaid be not redeemed within the time specified, the corporation shall convey the same in fee simple to the purchaser and his assigns, and the recitals in such conveyance or in any conveyance of land sold for taxes due the town that the taxes were due, or of any other matters required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done as required.

Real estate of persons under disability.

SEC. 50. That the real estate of infants or persons *non compos mentis* shall not be sold for taxes, and when the same shall be owned by such, in common with other persons, free from such disability, the same shall be made according to the laws prescribed by the Revisal.

License taxes.

SEC. 51. That in addition to the subjects of taxation hereinbefore named, the aldermen may levy a tax upon the following subjects, the amount of which tax when fixed shall be collectible by the town constable or chief of police immediately, and if the same be not paid on demand it may be recovered by suit, or the articles on which the tax is imposed or any other property of the owner may forthwith be distrained and sold to satisfy the same.

Peddlers.

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

Exception.

Circus riders.

(2) Upon every company of circus riders or performers, by whatsoever name called, who shall exhibit within the town, a license tax not exceeding fifty dollars for each exhibition; and for any side-show connected therewith, a license tax not exceeding ten dollars; the tax to be paid before exhibition, and if not, to be doubled.

Side-shows.

Theatrical and other exhibitions.

(3) Upon every person or company exhibiting within the town stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing, or menagerie, a tax not exceeding twenty dollars; to be paid before exhibition or the same shall be doubled.

Artificial curiosities.

(4) Upon every exhibition for reward of any artificial curiosity (model of useful invention excepted), a tax not exceeding twenty dollars; to be paid before exhibition or the same shall be doubled.

Other shows, concerts, and strolling musicians.

(5) Upon each show or exhibition of any other kind, and on each concert for reward in the town, and on every strolling musician, a tax not exceeding ten dollars; to be paid before exhibition or the same shall be doubled.

(6) Upon any dog which may be brought within the town after the first day of May, to be kept therein, a tax not exceeding five dollars for permission to keep said dog in the town, which permission shall not extend beyond the last day of May next ensuing.

Dogs.

SEC. 52. That when any land or right of way shall be required by the town, or be deemed a necessity by said board of aldermen, for the purpose of opening new streets, laying sewer lines, establishment of disposal plants, or for any other purpose allowed by its charter, and, for want of agreement as to value, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders in the town, to be named by the aldermen; and the said freeholders, after having been duly sworn by a justice of the peace or the mayor, shall assess the loss or damages which may accrue to the owner or owners in consequence of the land or right of way having been surrendered, and upon payment of such sum to the owner or owners or deposit of the same with the clerk of the Superior Court for Lee County, in case said owner or owners refuse to accept it, the land so valued by the freeholders shall vest in the town so long as it may be used for the purposes of the same: *Provided*, that if either the owners of the said land or the aldermen of the town shall be dissatisfied with such valuation, the party aggrieved may appeal to the next term of the Superior Court for Lee County, to which said freeholders shall return their valuation, with their proceedings therein; and the town shall acquire an immediate right to the use of said lands, notwithstanding said appeal.

Power to condemn land.

Assessment of damages.

Proviso; right of appeal.

SEC. 53. That the board of aldermen may appoint as many policemen as they may deem necessary for the better control and government of the town, at such rates of pay and for such time and lengths of time as they may think proper. The said policemen shall be under the control of the chief of police. The chief of police and each member of the police force shall have all of the authority vested in the sheriff of counties for the preservation of the peace of the town and apprehending offenders against the laws of the State and ordinances of the town, and executing all process directed to them by the mayor or other proper authorities; and in the execution of their duty shall have all the authority and the same powers that sheriffs or constables have within the town limits or the county of Lee; the said policemen shall receive for their services such fees as sheriffs receive for like services, or in addition thereto, or in lieu thereof, such compensation as the board of aldermen may fix and determine.

Appointment of policemen.

Chief of police.

Authority of police.

Fees.

Additional compensation.

SEC. 54. That the policemen or constable of said town may arrest any offender against the law of the State or the ordinances of the town, without process; and if between the hours of seven

Arrest without warrant.

Confinement pending trial.

o'clock p. m. and sunrise, may confine the offender in the jail or guardhouse for safe keeping until he may be brought before the mayor and a warrant obtained for his detention and trial; and when any person arrested by the constable or policemen of said town shall be intoxicated, it shall be lawful to confine him in the guardhouse for safe keeping until he becomes sufficiently sober to be brought before the mayor for trial.

Confinement
when intoxicated.

Issue and service
of mayor's
precepts.

SEC. 55. That the mayor may issue his precepts, processes, and warrants to the constable and policemen of said town, and to such other officers to whom a justice of the peace may issue his precepts, and the same may be served by the town constable or policemen or other officer authorized to serve process, anywhere in the county of Lee.

Aldermen to fill
vacancies.

SEC. 56. That the aldermen shall have power at any time to fill vacancies in offices to which the incumbents were appointed by said board.

Street work.

SEC. 57. That the streets of the town may be worked by funds raised by taxation or the general funds of the town, or by assessment of labor, or both, under such rules, regulations, and ordinances as the aldermen may in their discretion adopt.

Control of town
property.

SEC. 58. Said board of aldermen shall have power to regulate, control, and protect, in such manner and to such extent as to it may seem proper, the streets, alleys, sidewalks, public squares, parks, municipal buildings, fire departments, markets, voting places, cemeteries, and other property of said town, whether real or personal, within the corporate limits thereof or beyond such limits, and enforce all rules, regulations, and ordinances therefor, from time to time, which it may deem proper.

Destruction of
town property or
release of im-
pounded animals
misdemeanor.

SEC. 59. That any person who shall wantonly, willfully, or maliciously deface, injure, or destroy any of the property of the town, or shall willfully or wantonly break the pounds or place where animals are confined by authority of law and ordinance of the town, or let out or release any animal confined therein, such person shall be guilty of a misdemeanor and, on conviction, fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Punishment.

Animals im-
pounded.

SEC. 60. The aldermen, by proper ordinance to that effect, may cause to be seized or impounded any animal prohibited by law or the ordinances of the town from running at large in said town; and if the owner, on being notified, will not pay the costs of taking up and keeping such animal at rates to be fixed by the board of aldermen, or if the owner cannot be found, the animal shall be sold therefor at such place as the aldermen may designate, after three days notice at three public places in the town.

Sale.

Obstructing public
crossing by
railroads.

SEC. 61. It shall be unlawful for any person, firm, or corporation operating any railroad in the town of Sanford to keep any public crossing in said town closed or obstructed by engine, tender, cars, or in any manner, longer than five minutes at a time, when

said crossing shall be opened and kept open for a reasonable length of time for the passage of those desiring to cross; and any person or company offending against this section shall forfeit and pay to the use of the town the sum of fifty dollars, recoverable before the mayor or any justice of the peace for Lee County; and any person or persons in charge of said train or cars and willfully violating this section, or aiding and assisting in the violation thereof, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that nothing in this section shall be construed so as to prevent the necessary repairs to said crossing or roads by said person or companies.

Forfeit.

Misdemeanor.

Punishment.

Proviso: repairs to crossings.

SEC. 62. Said board of aldermen may provide for the establishment, organization, equipment, management, regulation, and control of all fire companies of any kind in said town, and may purchase and maintain all necessary buildings, outfits, animals, wagons, tools, implements, machinery, and other articles of whatsoever character necessary for the efficient operation, maintenance, or control of the same. In all cases of a fire or conflagration in said town a majority of the members of the board of aldermen who may be present shall, if they deem it necessary in order to arrest the progress of such fire or conflagration, cause any house or structure to be blown up, pulled down, or destroyed or removed in whole or in part, under their supervision, and neither they nor the town shall be liable or responsible to any one therefor, when any such act is done in good faith.

Fire companies.

Quarters and equipments.

Destruction of houses in arresting fires.

SEC. 63. No action for damages against said town of any character whatsoever, to either person or property, shall be instituted or maintained against said town unless within four months after the happening of the injury caused or complained of the complainant, his executors or administrators, shall have given notice to the board of aldermen of said town of such injury or claim for damages, in writing, stating in such notice the date and place of such injury, the character of the injury or demand, and the amount claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening of such injury or in any manner interfere with its running.

Demand before actions for damages.

Statute of limitations.

SEC. 64. In order to pay the interest on the bonds heretofore issued by the town of Sanford and outstanding, the board of aldermen of the town of Sanford is hereby authorized and empowered, and it shall be its duty, to annually compute, levy, and collect, at the time of levying and collecting other taxes for said town, a sufficient special tax upon all polls and property, real and personal, and other subjects of taxation mentioned in the charter of the town, always observing the constitutional equation upon the tax on property and the tax on polls, not exceeding fifty cents on

Special tax for interest on bonds.

Constitutional equation. Limit of tax.

the one hundred dollars valuation of property and one dollar and fifty cents on each poll, with which to regularly and promptly pay the interest on said bonds. Said taxes shall be collected in the same manner and at the same time as all other taxes for said town are collected, and shall be paid over by the tax collector to the town treasurer, 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 safe keeping and disbursing said funds.

Collection and settlement.

Bonds of officers.

Tax kept separate.

Specific appropriation.
Diversion a misdemeanor.

Proviso: excess to succeeding year.

SEC. 65. The taxes levied and collected for the purposes prescribed in the preceding section of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which they are levied and collected; and any mayor or alderman who shall appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which they are collected, 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 the said aldermen at the time of levying the taxes for payment of interest for the next succeeding year shall take into consideration such excess and compute and levy taxes accordingly.

Special tax for payment of bonds.

Amount.

SEC. 66. For the purpose of paying the principal of the bonds heretofore issued and outstanding it shall be the duty of the said aldermen, at the time of levying other taxes, beginning at least ten years before the maturity of the respective bonds issued and outstanding, to annually levy and collect a special tax, in addition to that mentioned in section sixty-five of this act, for the payment of the said bonds as they mature, and the taxes provided for in this section shall equal in amount one-tenth of the amount of said bond or bonds becoming due next after the tenth annual levy and collection of taxes from and including said first levy and collection for said purpose, in such manner that at the maturity of each and every of said bonds a sufficient amount shall have been levied and collected for the payment thereof.

Investment of sinking fund.

SEC. 67. That it shall be the duty of said aldermen to annually invest any and all moneys arising from the special tax collected under the preceding section in the purchase of any of said bonds at a price deemed advantageous to said town by said aldermen; but in case said bonds cannot be purchased as herein provided, the said aldermen may lend said sinking fund, or any part thereof, in such sums as they may deem proper and for such length of time as they may deem best: *Provided*, that said loans shall mature in such manner that such part of said loan fund as shall be

Proviso: maturity of loans.

needed to pay off said bonds as they mature shall become due at least six months before the maturity of said bonds. The said aldermen may take as security for the repayment of said loan and for the payment of interest thereon mortgages and deeds of trust in the name of the mayor on sufficient real estate; or bonds heretofore issued by the town may be taken as collateral security for said loan; the notes or other evidences of debt given for any loan under this act shall be executed and delivered to the mayor and the board of aldermen of the town of Sanford, and shall bear interest at a rate of not less than six per centum per annum, payable annually; and in case the aldermen 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 may be unable to invest to be deposited with some bank, trust company, or safe-deposit company of undoubted solvency, at the best obtainable rate of interest; and any and all interest arising from said investment shall be reinvested in the manner above provided: *Provided, however,* that said board of aldermen shall not make any loan of any part of the sinking fund above referred to to any member of the board.

Securities.

Interest.

Deposit of funds.

Proviso: loans to aldermen forbidden.

SEC. 68. That the net profits arising from the operation of the water or light plants of the town for any year shall be applied to the payment of outstanding bonds or the interest thereon; and said net profits in the treasury at the time of levying taxes for the payment of interest and principal of said bonds, or either, shall be taken into consideration in computing said taxes and levying the same.

Receipts from water-works and light plant.

SEC. 69. That the aldermen of said town shall have power to contract for a water supply and for furnishing the town with lights; they shall have power to make permanent and exclusive contracts with any individual, firm, or corporation to build water-works and furnish said town with water, and grant exclusive privileges and permission to use the streets of said town for said purpose. They may have work done on the country roads leading into the town and appropriate money from the town treasury not otherwise appropriated for the payment for such work and improvements.

Contracts for water and lights.

Work on county roads.

SEC. 70. That the signatures of the mayor and five of the aldermen of the town shall be sufficient in executing any deed for the conveyance of any property by the town, after the same shall be ordered by a majority of the board.

Execution of deeds.

SEC. 71. That said town of Sanford shall have all of the powers, rights, privileges, and immunities conferred or hereafter to be conferred on towns and cities by chapter seventy-three, volume two, of the Revisal of North Carolina, and all acts amendatory or supplemental thereto, and by such acts as may hereafter be passed by the General Assembly with reference to towns and cities

Powers under general law.

when the same are not inconsistent with this charter or within its provisions; and no powers, rights, privileges, or immunities belonging to the town of Sanford by any other act or acts shall be hereby lost or abridged; and whenever in any respect this act may be silent or of no effect as to any procedure in time and manner of doing any act or the enforcement of any right, the general laws of the State shall be applicable to said town.

SEC. 72. That all laws inconsistent or coming in conflict with the provisions of this act be and the same are hereby rescinded and repealed.

SEC. 73. This act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 381.

AN ACT TO REPEAL CHAPTER 394, PRIVATE LAWS OF 1913, AND AMEND CHAPTER 250, PRIVATE LAWS OF 1911, AND LEVY A TAX FOR AYDEN GRADED SCHOOL DISTRICT IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter three hundred and ninety-four, Private Laws of one thousand nine hundred and thirteen, be and the same is hereby repealed.

Assessment and collection of school tax.

SEC. 2. That chapter two hundred and fifty, Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended so as to empower the county commissioners of Pitt County to list for taxation all taxable property in the Ayden School District, and empower and direct the sheriff of Pitt County to collect all taxes levied on said property and the same pay in to the county treasury of said county, which funds shall be held and kept in reserve as the "Ayden School Fund," which funds shall only be paid out upon the warrant and certificate of the board of trustees of said school district.

Tax rate.

SEC. 3. That chapter two hundred and fifty, Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended so as to authorize a tax levy of an amount not exceeding fifty cents on the one hundred dollars worth of taxable property and one hollar and a half on the poll.

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

SEC. 5. That this act shall go in effect from and after the date of its ratification.

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 382.

AN ACT TO REPEAL CHAPTER 139 OF THE PUBLIC LAWS OF 1901, RELATING TO THE BLUE RIDGE AND ATLANTIC RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-nine (139) of the Public Laws of one thousand nine hundred and one be and the same is hereby repealed; and all power conferred by said chapter on the commissioners of Macon County or any one else to issue bonds is hereby withdrawn, and no bond or bonds issued under or by virtue of said act shall be a binding obligation of or against Macon County.

Law authorizing bond issue.

Power withdrawn.

Bonds not binding.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 383.

AN ACT TO AMEND CHAPTER 199 OF THE PRIVATE LAWS OF 1913, PROVIDING FOR THE SALE OF PROPERTY FOR TAXES IN THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-five of the Private Laws of one thousand nine hundred and thirteen be amended by striking from such chapter section twenty-five and inserting in lieu thereof the following:

"SEC. 25. That on and after January the first of each and every year all the personal property subject to taxation in the city of Gastonia shall be liable to be seized and sold for taxes, and the personal property of any deceased person shall be liable in the hands of any executor or administrator for any tax due by any testator or intestate; and all transfers of personal property by any taxpayer, made after his taxes are due, by way of gift, or mortgage, or deed of trust, or of assignment for creditors, or bequest by will, or in any other way, or for any other purpose than a *bona fide* sale for value in the ordinary course of dealing, shall be null and void as to such taxes and shall have no effect upon the rights, powers, and duties of the sheriff to levy upon and sell such property for such taxes: *Provided*, such levy be made within sixty days after such transfer.

Seizure and sale of personal property.

Transfers after taxes due.

Proviso: levy within sixty days.

of said corporation were forfeited on account thereof, such forfeiture would greatly injure the people and industries served by the said railroad now in operation: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter fifty-one of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding at the end of the fourth line of said section, after the word "determine," "except as hereinafter provided," and that said section two of said act be further amended by adding at the end of said section the following: "except as hereinafter provided: *Provided, however,* that the said forfeiture shall only extend to the rights, powers, and privileges of the said railway company to construct a line of railway from the town of Franklin in Macon County to a point on the Western North Carolina Railway in Swain County; and *Provided, also,* that the said Carolina and Tennessee Southern Railway Company shall not by virtue of the foregoing provision of forfeiture or any action brought thereunder forfeit or lose any of its rights, powers, and privileges in or to the said railroad already constructed and in operation, but that the said railway company, its successors or assigns, shall continue to operate all of said railroad now operated under the provisions of its charter and amendments thereto and under the laws of the State of North Carolina."

Restriction of
forfeit.

Proviso: extent of
forfeiture.

Proviso: road built
not forfeited.

SEC. 2. That any and all laws or clauses of laws inconsistent 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 9th day of March, A. D. 1915.

CHAPTER 385.

AN ACT TO AMEND THE CHARTER OF THE CENTRAL CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and eighteen of the Private Laws of the General Assembly, passed at its session of one thousand nine hundred and eleven, be and the same is hereby amended by adding in section two of the act, in line six, after the word "Wayne" and before the word "Johnston," the word "Sampson."

SEC. 2. That said chapter four hundred and eighteen and section two thereof be further amended by striking out the following:

Termini and routes.

"said company may also build, own, and operate branch roads, tramroads, and so forth," and insert in lieu thereof the following: "said company be and is hereby 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 near Goldsboro or Mount Olive, in Wayne County, eastwardly by such route or routes as said directors of said company may determine, through the counties of Duplin, Lenoir, Jones, Onslow, and Carteret, to or near Swansboro, North Carolina; and the said company is further authorized to build branch lines of railroad from its main line in any direction, not exceeding thirty miles in length."

Branch lines.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1915.

CHAPTER 386.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF SANFORD TO APPROPRIATE A CERTAIN SUM FOR THE SUPPORT OF A PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

Appropriation authorized. Amount.

SECTION 1. The board of aldermen of the town of Sanford is hereby authorized to appropriate not exceeding three hundred dollars to support a public library in said town.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A. D. 1915.

CHAPTER 387.

AN ACT TO AMEND CHAPTER 439 OF THE PRIVATE LAWS OF 1907, INCORPORATING THE SOUTHERN BAPTIST ASSEMBLY AT RIDGECREST.

The General Assembly of North Carolina do enact:

Name.

SECTION 1. That chapter 439 of the Private Laws of 1907 be amended by striking out the word "Southern" in line four of section one, so that the name of said corporation shall be "The Baptist Assembly," by which name it shall hereafter be known and designated.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 388.

AN ACT TO PROVIDE A BUILDING FUND FOR THE PUBLIC SCHOOLS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and eight of chapter one hundred of the Private Laws of one thousand nine hundred and one be amended by adding thereto the following: "In addition thereto there shall be levied annually by the board of aldermen or other governing authority, and collected by the city tax collector of said city, a further special tax of five cents on the one hundred dollars valuation of property and fifteen cents on the poll, for the purpose of making repairs and additions to school buildings now owned by said city or which may hereafter be erected from time to time as wear and tear or the demands of the schools may require, and also for furnishing said school buildings from time to time with necessary apparatus and equipment, and in making any other improvements of like kind and nature to said school property; and also for erecting new school buildings when in the judgment of said board of aldermen or other governing authority of said city the same shall be required for the purpose of the public schools of said city, provided the funds derived from said source shall be sufficient for that purpose. Said funds shall be kept separate from the educational funds hereinbefore provided for and from all other funds belonging to said city, and shall be disbursed under the direction of said board of aldermen or other governing authority for the purposes herein provided."

SEC. 2. That said taxes shall be levied only in the event that the majority of the qualified voters of the said city of Asheville 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 fourth day of May, one thousand nine hundred and fifteen, or at any subsequent regular election, or at any special election held at any time thereafter, which special election may be called at any time by the board of aldermen or other governing authority of said city, by posting notices thereof for thirty days at the front doors of the city hall and county courthouse 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 Building Funds," and those opposed to said levy shall cast ballots with the words written or printed thereon, "Against School Building Funds." Any special election held under the authority

Special tax.

Rate.

Purpose.

Fund kept separate.

Proposition to be submitted to voters.

Regular or special election.

Call of special election.

Notice.

Ballots.

Law governing elections.

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.

Count and return of votes.

Canvass of returns.

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

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

Ratified this 9th day of March, A. D. 1915.

CHAPTER 389.

AN ACT TO AMEND CHAPTER 5 OF THE PRIVATE LAWS OF 1909, AND CHAPTER 263 OF THE PUBLIC LAWS OF 1907, AND CHAPTER 340 OF THE PUBLIC LAWS OF 1903, RELATING TO SCHOOLS.

The General Assembly of North Carolina do enact:

Election of trustees.

SECTION 1. That section one of chapter five of the Public Laws of one thousand nine hundred and nine be and the same is hereby repealed.

Election of officers.

SEC. 2. That section two of chapter five of the Public Laws of one thousand nine hundred and nine be and the same is hereby repealed.

Trustee to be qualified voter.

SEC. 3. Amend chapter five of the Public Laws of one thousand nine hundred and nine, adding as follows: From and after the ratification of this act any vacancies occurring on the board of trustees of the Plymouth Graded School, by expiration of the term of any of the present trustees or by death or otherwise, shall be filled by the appointment of a qualified voter of the town of Plymouth, which said appointment shall be made as often as said vacancies shall occur in the present membership of the board of trustees for said school. Said appointment to the office of trustee of the Plymouth Graded School shall be made by the county board of education of Washington County, either in regular or called meetings of the said board of education as now allowed by law, and the said trustee so appointed by said board of education shall be and become one of the members of the board of trustees of the said graded school, to fill the vacancy caused as set out above, by death, resignation, or expiration of term as above provided.

Appointment.

Election of trustees.

SEC. 4. Amend chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and seven by striking out

in section one thereof, in line nineteen thereof, the words "said board" between the words "by" and "for."

SEC. 5. The said trustees so appointed by the board of education as provided by this act as members of the board of trustees for the Plymouth Graded School shall hold office for a term of six years from and after the date of their appointment, and any trustee so appointed to fill an unexpired term shall hold office for the unexpired term of the member in whose place he has been appointed. Term of trustees.

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

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 390.

AN ACT TO REGULATE BLOCKING BY TRAINS OF RAILROAD CROSSINGS IN THE VILLAGE OF EAST DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That trains, railroad cars or engines shall not be allowed to remain on the track or tracks in the village of East Durham at the crossing of Driver Avenue so as to block said crossing for more than ten minutes; and the conductor, engineer, or any other person in charge or responsible for trains or cars or engines so remaining shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty dollars. Limit of obstruction.
Crossing specified.
Misdemeanor.
Punishment.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 391.

AN ACT TO AMEND CHAPTER 106, PRIVATE LAWS 1911, RELATING TO CORRECTING AND VALIDATING ACTS OF TRUSTEES.

The General Assembly of North Carolina do enact:

SECTION 1. That the actions of S. F. Shelton and Dr. G. T. Smith, trustees, whose terms expired May, one thousand nine hundred and thirteen, are hereby validated and declared operative until their successors are appointed. Acts validated.

SEC. 2. That section one of Private Laws one thousand nine hundred and eleven and chapter one hundred and six is amended as follows: strike out all of said section one after the word "fixed," in line ten, and insert in lieu thereof the following: "upon the expiration of the trustees' terms, or when a vacancy by death, resignation, or otherwise, the surviving or remaining trustees shall fill such terms, not to exceed six years, and all vacancies when they occur."

Election of trustees.

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

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 392.

AN ACT TO PROVIDE FOR ELECTIONS OF MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF LINCOLNTON.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven, chapter three hundred and sixty-nine, Private Laws one thousand eight hundred and ninety-nine, be amended by striking out the words "first Monday in May," in line two, and inserting in lieu thereof the words "first Tuesday after the first Monday in June."

Date.

Application of act.

SEC. 2. That this act shall apply to the year one thousand nine hundred and fifteen, and no other.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 393.

AN ACT TO REPEAL HOUSE BILL 1883, SENATE BILL 1817, RATIFIED MARCH 8, 1915, ENTITLED "AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBORO BY ENLARGING THE CRIMINAL JURISDICTION OF THE MAYOR THEREOF."

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill one thousand eight hundred and eighty-three, Senate Bill one thousand eight hundred and seventeen, entitled "An act to amend the charter of the town of Wades-

Law repealed.

boro by enlarging the criminal jurisdiction of the mayor thereof," ratified on the eighth day of March, one thousand nine hundred and fifteen, be and the same is hereby repealed.

SEC. 2. That the Secretary of State is hereby directed to omit from the printed laws the act herein referred to.

To be omitted from printed act.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 394.

AN ACT TO INCORPORATE SEABOARD HIGH SCHOOL DISTRICT IN NORTHAMPTON COUNTY.

Whereas the territory embraced within the boundaries described herein has already been established as a special-tax district, under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina, and a majority of the qualified voters within said territory have voted a special tax of thirty cents on the one hundred dollars valuation of property and ninety cents on each poll for the maintenance of the public schools in said district; and whereas it is desired to make fuller provision for the local management of said schools: Therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That all territory embraced within the following boundaries, towit, beginning at the fork of the public road near the late B. D. Woodrooff's place and running along the public road leading by Harris's shop to Turner's cross-roads to a point on said road opposite the mouth of Deep Run; thence southerly across Cypress Swamp to the mouth of Deep Run; thence up said Deep Run to the Seaboard Air Line Railroad; thence a straight line in a southeasterly direction to the cross-roads near Green S. Pruden's; thence south the county road leading to Jackson along by Mount Carmel Church to a point opposite the line between C. P. Stephenson and Charlie Erickson; thence along Wheeler's line to the late John Ramsey's tract; thence the Ramsey line north or nearly north to the public road leading from Mount Carmel Church to Garysburg; thence north along said public road to Potecasi Creek; thence up said Potecasi Creek to the line between J. W. Leake and William Garriss; thence along the line of John W. Leake and William Garriss in a southerly direction to the public road leading from Mount Carmel Church to Garysburg; thence across said road in a southwesterly direction to the public

Boundary of territory.

road leading from Seaboard to Jackson; thence along said public road in a southerly direction to a point opposite the line between C. F. Gay's and J. H. Ramsay's line; thence along their line in a westerly direction as said line goes; thence in a straight line to Wheeler's Mill swamp; thence up said swamp to a point opposite the public road leading from the Seaboard Air Line Railroad to the fork of the road near the late B. D. Woodroof's by M. L. Daniel place, now constituting a special-tax district in Seaboard Township, in Northampton County, known as the Seaboard District, shall be and the same is hereby constituted a public school district for white and colored children, to be known as the Seaboard High School District.

Trustees and terms. SEC. 2. That the following persons shall constitute the board of trustees of Seaboard High School District: M. R. Stephenson and ----- for a term of two years; J. R. Bradley and J. R. Crocker, for a term of four years; H. R. Harris and T. J. Bass, for a term of six years; the term of office of each to begin on the first day of July, one thousand nine hundred and fifteen.

Beginning of terms. Election of successors. SEC. 3. At the general election in one thousand nine hundred and sixteen, and biennially thereafter, the county commissioners of Northampton County shall provide a box, to be labeled "School Trustees," in which the qualified registered voters of said Seaboard High School District may deposit ballots for two trustees, under the same rules and regulations as other elections are held, the two receiving the highest number of votes to be declared elected for a term of six years from the first day of July next following: *Provided*, no one is eligible to serve as a trustee of said school who cannot read and write and who does not reside in said district: *Provided further*, that should a vacancy occur it shall be filled by the remaining members of the board of trustees.

Election and terms. Proviso: persons ineligible. Proviso: vacancies. Registration of voters. SEC. 4. The board of county commissioners shall provide for a registration of the voters of said school district in one thousand nine hundred and sixteen in a book separate and apart from the general registration books, said registration to be under the general laws providing for registration to vote for county or State officers.

Organization. Treasurer to give bonds. Reports. SEC. 5. That the said board of trustees shall organize and shall elect a chairman and secretary and a treasurer, and the treasurer shall give bond, to be approved by said board of trustees, and his bond shall be liable for all funds coming into his hands belonging to said Seaboard High School District, in the same manner and to the same extent as is provided in the general laws relating to the bonds of treasurers of school funds; and the said treasurer shall be required to make to the State Superintendent of Public Instruction, the county superintendent, and the county board of education such reports as are required of other public schools by the public school law of North Carolina.

SEC. 6. That all funds apportioned to said district by the county board of education of Northampton County from the State and county school fund shall be turned over by the treasurer of the county school fund to the treasurer of said Seaboard High School District and placed to the credit of said Seaboard High School District, and shall be apportioned and used under the direction of the said board of trustees for the support and maintenance of the schools of said district, upon order of said board of trustees, signed by the chairman and secretary thereof; and all funds derived from the special tax levied and collected under the provisions of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina, under which said tax was voted and is levied and collected, shall be turned over to the treasurer elected by said board of trustees and placed to the credit of said Seaboard High School District, and shall be paid out under order of said board of trustees, signed by the chairman and secretary thereof.

Apportionment for general funds.

Orders on school funds.
Special tax.

SEC. 7. That the said board of trustees shall have the control and management of all the public schools in said district, and may establish or discontinue such number of schools as they may deem necessary, and shall have full power to make rules and regulations for the government thereof, and to employ and fix the compensation of the officers and teachers: *Provided*, that the proper officers shall be required to make to the State Superintendent of Public Instruction, the county superintendent, and the county board of education such reports as are required of other public schools by the public school law of North Carolina: *Provided further*, that the teachers in said schools shall be subject to the provisions of the public school law as to examination and certification.

Control and management of schools.

Rules and regulations.
Officers and teachers.
Proviso: reports required.

Proviso: qualification of teachers.

SEC. 8. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate, by the name and style of the "Board of Trustees of the Seaboard High School," and by that name may sue and be sued, contract and be contracted with, purchase, hold, and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies; that the title of all public school property in the territory embraced in said school district shall vest in said board of trustees, who shall have authority to dispose of the same and apply the proceeds thereof to the use of the public schools in said district.

Incorporation.

Corporate name.

Corporate powers.

Title vested.

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

Ratified this the 9th day of March, A. D. 1915.

CHAPTER 395.

AN ACT TO EMPOWER THE BOARD OF EDUCATION OF
NORTHAMPTON COUNTY TO ALTER THE BOUNDARY
LINE OF LASKER SPECIAL SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Arbitration
authorized.

SECTION 1. That the board of education of Northampton County be authorized and empowered to alter the boundary line of Lasker Special School District in Northampton County so as to embrace the lands of W. A. Peele.

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

Ratified this the 9th day of March, A. D. 1915.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, April 10, 1915.

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 1915 have been classified into Public, Public-Local, and Private Laws. All laws of State-wide 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.

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Wilmington

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