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State of North Carolina

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# PUBLIC-LOCAL LAWS

ENACTED BY THE

General Assembly

AT ITS

Extra Session of 1938

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

MONDAY, THE EIGHTH DAY OF AUGUST, A.D. 1938

AND AT ITS

Regular Session of 1939

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A.D. 1939

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PUBLIC-LOCAL LAWS  
OF THE  
STATE OF NORTH CAROLINA  
EXTRA SESSION 1938

H. B. No. 5 CHAPTER 1

AN ACT VALIDATING PROCEEDINGS HERETOFORE ADOPTED BY CARTERET COUNTY, NORTH CAROLINA, FOR THE AUTHORIZATION OF THE REFUNDING BONDS AND FUNDING BONDS OF SAID COUNTY, VALIDATING THE BONDS TO BE ISSUED PURSUANT TO SUCH PROCEEDINGS AND THE INDEBTEDNESS REFUNDING AND FUNDED BY THE ISSUANCE OF SAID BONDS, PROVIDING FOR THE ISSUANCE AND PAYMENT OF SAID REFUNDING AND FUNDING BONDS AND PROVIDING THAT THIS ACT SHALL TAKE IMMEDIATE EFFECT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That proceedings heretofore adopted by the Board of Commissioners of Carteret County, North Carolina, for the authorization of three million, three hundred six thousand, eight hundred dollars (\$3,306,800) Refunding Bonds, Series one thousand nine hundred thirty-seven, and one hundred ninety-two thousand, eight hundred eighty-six dollars and eighty-five cents (\$192,886.85) Funding Bonds, Series one thousand nine hundred thirty-seven, of said county, including resolutions adopted on July fifth, one thousand nine hundred thirty-eight, and July twentieth, one thousand nine hundred thirty-eight, are hereby in all things ratified, validated and confirmed and that notwithstanding any defects or irregularities which may have occurred in the authorization of said bonds, said bonds, when duly delivered in accordance with said proceedings, shall be and are hereby declared to be the valid and legally binding obligation of Carteret County, North Carolina, in accordance with the terms thereof, and are hereby validated and confirmed.

Proceedings of  
Commissioners,  
Carteret County,  
authorizing  
Funding and Re-  
funding Bonds,  
validated.

SEC. 2. That to facilitate the issuance of the bonds described in section one hereof all of the indebtedness of Carteret County, North Carolina, authorized to be refunded

Indebtedness  
authorized to be  
refunded, validated.

and funded by the issuance of said Refunding Bonds and Funding Bonds, whether said indebtedness be represented by bonds, coupons, warrants, notes, or otherwise, is hereby validated and confirmed notwithstanding any defects which may have occurred in the proceedings authorizing the incurring of said indebtedness and all of said indebtedness, and the bonds, coupons, notes, judgments, certificates of indebtedness, or other instruments evidencing said indebtedness are hereby validated and recognized and declared to be the validly outstanding and legally binding indebtedness and obligations of Carteret County, North Carolina. It is hereby expressly found and declared that all of said indebtedness, including the bonds of Newport, Morehead and Hunting Quarter Townships, and Morehead City, Beaufort, Newport, Atlantic, Camp Glenn and White Oak School Districts assumed by Carteret County was incurred for the payment of the necessary expenses of said Carteret County and was incurred for special purposes and with the special approval of the General Assembly in compliance with the provisions of the Constitution of North Carolina, that said township bonds were issued for the construction and improvement of public roads which are now a part of the county highway system, that said school district bonds and obligations were issued for the construction of school buildings necessary to the maintenance of the schools of Carteret County for the six months' school term required by the Constitution, and that all of said township and school district bonds and obligations have been heretofore properly and lawfully assumed as full general obligations of Carteret County and are valid and binding obligations of said county.

Indebtedness declared incurred for necessary expenses.

Purpose for which Township and School district bonds were issued.

Reversionary interest rate.

SEC. 3. That the reversionary interest rate for bonds numbered two thousand six hundred ninety-three to two thousand six hundred ninety-six, inclusive, of said refunding bonds shall be and is hereby found to be five and one-half per cent ( $5\frac{1}{2}\%$ ) per annum.

Issuance of bonds by County Commissioners.

SEC. 4. That the Board of Commissioners and officials of Carteret County, North Carolina, are hereby authorized and empowered to adopt any and all proceedings and perform any and all acts necessary to the delivery and issuance of said Refunding Bonds and Funding Bonds, which proceedings may be by resolution adopted by said Board on a single reading without necessity for the giving of notice or any right to referendum.

Tax levy authorized.

SEC. 5. That said Board of Commissioners is hereby empowered and directed annually to levy taxes on all taxable property in Carteret County, North Carolina, at rates sufficient to pay principal of and interest on said bonds promptly at maturity and to carry out the provisions of the proceed-

ings of said Board pursuant to which said bonds are to be issued.

SEC. 6. That all laws and parts thereof in conflict herewith are to the extent of such conflict, hereby repealed, and that this Act shall be in force from and after its ratification, the public welfare requiring it.

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 13th day of August, 1938.

## H. B. No. 9                    CHAPTER 2

AN ACT TO AMEND CHAPTER EIGHTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN TO PERMIT THE ISSUANCE OF REVENUE BONDS FOR SELF-LIQUIDATING PROJECTS WITHOUT A VOTE OF THE PEOPLE IN MADISON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter eighty-two, Public-Local Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby, amended by inserting at the end of the said section one after the word "provided" the following proviso: "Provided, that neither this section nor any of the provisions of this act shall apply to revenue bonds issued upon self-liquidating projects under the terms of House Bill Number Three, Special Session, one thousand nine hundred and thirty-eight, permitting the issuance of such revenue bonds."

Ch. 82, Public-Local Laws, 1927, amended, to permit the issuance of certain Revenue Bonds without vote.

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

Conflicting laws repealed.

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

In the General Assembly, read three times and ratified, this the 13th day of August, 1938.

## S. B. No. 5                    CHAPTER 3

AN ACT TO VALIDATE BONDS TO BE ISSUED BY PASQUOTANK COUNTY FOR THE ACQUISITION OF LAND FOR AN AIRPORT OR LANDING FIELD AND TO PROVIDE FOR THE ISSUANCE AND PAYMENT OF SAID BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The acts heretofore done and proceedings heretofore taken by the Board of Commissioners of the County of Pasquotank, or by the other officers of said

Proceedings for issuance of Airport Bonds, Pasquotank County, validated.

County and by the qualified voters of said County, to authorize the issuance of bonds of said County of an aggregate principal amount not exceeding twenty-five thousand dollars for the purpose of acquiring land for an airport or landing field, including the acts done and proceedings taken by said Board of Commissioners in adopting a resolution or bond order providing for the issuance of said bonds on the sixteenth day of June, nineteen hundred and thirty-eight, and the acts done and proceedings taken in and about the registering of voters for, and the calling, holding, canvassing and declaring the result of, a special election held in said County on the twenty-fifth day of July, nineteen hundred and thirty-eight, at which election a majority of the qualified voters of said County voted to approve said resolution and the incurring of the indebtedness authorized thereby, are hereby legalized and validated, and said County is hereby authorized to issue said bonds pursuant to said resolution or bond order and in conformity with the provisions of the County Finance Act as heretofore amended.

Special election authorizing bond issue validated.

Bond issue authorized.

Anticipation notes, validated.

SEC. 2. Any note or notes which may have heretofore been issued by said County in anticipation of the receipt of the proceeds of the sale of said bonds, and any acts done or proceedings taken for the purpose of authorizing the issuance of or issuing said notes, are hereby legalized and validated.

Tax levy authorized.

SEC. 3. The Board of Commissioners of said County is hereby authorized to levy annually a special tax ad valorem on all taxable property in said County for the special purpose of paying the principal of and interest on any bonds issued pursuant to said resolution or bond order, and of paying the principal of or interest on any notes heretofore or hereafter issued by said County in anticipation of the receipt of the proceeds of the sale of said bonds.

Notes authorized to maximum amount of issue.

SEC. 4. Said County may borrow money for the purpose for which said bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of said bonds, and within the maximum authorized amount of the bond issue pursuant to and in accordance with section thirty-nine of said County Finance Act.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

In the General Assembly, read three times and ratified, this the 13th day of August, 1938.

## S. B. No. 6

## CHAPTER 4

AN ACT TO AUTHORIZE THE CITY OF ELIZABETH CITY, NORTH CAROLINA, AND THE COUNTY OF PASQUOTANK, NORTH CAROLINA, TO CONVEY LAND TO THE UNITED STATES GOVERNMENT FOR AN AIRPORT FOR THE UNITED STATES COAST GUARD.

*Whereas*, at a special election held on July twenty-fifth, one thousand nine hundred thirty-eight, an ordinance passed by the Board of Aldermen of the City of Elizabeth City, North Carolina, and an order passed by the County of Pasquotank, North Carolina, authorizing not exceeding twenty-five thousand dollars (\$25,000) bonds of said City and twenty-five thousand dollars (\$25,000) bonds of said County for the purpose of acquiring land for an airport or landing field, were approved by a majority of the qualified voters of said City and said County; and

Preamble: Bonds authorized for acquisition of airport site.

*Whereas*, said City and said County have each issued a twenty-five thousand dollar (\$25,000) bond anticipation note in anticipation of the receipts of the proceeds of the sale of said bonds; and

Bond anticipation notes issued.

*Whereas*, from the proceeds of said notes, said City and said County have acquired a tract of land for an airport or landing field; and

*Whereas*, the United States Government has agreed to expend large sums of money in developing and improving said land as an airport for the United States Coast Guard, if said land shall be conveyed to the Government, and great public benefits will be received by the City and by the County from such development and improvement; *now, therefore*,

Proposition for development by Federal Government.

*The General Assembly of North Carolina do enact:*

SECTION 1. The City of Elizabeth City, North Carolina, and the County of Pasquotank, North Carolina, are hereby authorized and empowered to convey the land mentioned in the foregoing preambles to the United States Government for use as an airport for the United States Coast Guard, reserving, however, in such conveyance the right to operate the land so conveyed as an airport for the use of aeroplanes and other aircraft, provided such operation shall not be detrimental to or inconsistent with the rights granted to the Government thereunder.

Conveyance of airport site to U. S. Government, authorized.

SEC. 2. The above mentioned ordinance of the City of Elizabeth City and the order of the County of Pasquotank and all proceedings in calling and holding the elections and the issuance of said bond anticipation notes be and the same are hereby ratified and confirmed.

Proceedings for issuance of bonds and notes validated.

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

In the General Assembly read three times and ratified, this the 13th day of August, 1938.

S. B. No. 8

CHAPTER 5

AN ACT TO REPEAL SECTION NINE OF CHAPTER TWO HUNDRED THIRTY-ONE, PUBLIC-LOCAL LAWS, SESSION ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, RELATIVE TO THE ISSUANCE OF BONDS BY THE COUNTY OF RANDOLPH, SO AS TO CONFORM WITH THE GENERAL LAW IN THIS RESPECT.

*The General Assembly of North Carolina do enact:*

Ch. 231, Public-Local Laws, 1927, amended, Section 9 repealed.

SECTION 1. That section nine of Chapter two hundred thirty-one, Public-Local Laws of one thousand nine hundred and twenty-seven be and the same is hereby repealed.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 13th day of August, 1938.

S. B. No. 9

CHAPTER 6

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF NORTH WILKESBORO TO CLOSE SECTION OF EIGHTH STREET.

*The General Assembly of North Carolina do enact:*

Town Commissioners, North Wilkesboro, authorized to close Section of 8th Street.

SECTION 1. The Commissioners of the Town of North Wilkesboro are hereby authorized to close that section of Eighth Street lying South of B. Street and North of the alley extending through Blocks 25 and 26, as shown on Trogdon's Map of North Wilksboro, or so much of this section of said Street as the Board of Town Commissioners may deem necessary for the purpose of erecting a Municipal Building, or buildings, thereon, and the proper entrance to and from said property.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 13th day of August, 1938.

S. B. No. 11

CHAPTER 7

AN ACT TO CREATE TAR RIVER PORT COMMISSION TO OWN, MANAGE AND CONTROL DOCK FACILITIES ON TAR RIVER IN PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Tar River Port Commission be and the same is hereby created to be composed of three members whose term of office shall be two years from date of their appointment, said members to be selected by the Board of Commissioners of Pitt County and the Board of Aldermen of the Town of Greenville, North Carolina. That the members of said Commission shall be paid a per diem compensation for such time as said members are actually engaged in the service of said Commission, said per diem compensation to be fixed by the mutual agreement of the Board of Commissioners of Pitt County and the Board of Aldermen of the Town of Greenville, North Carolina.

Tar River Port Commission created.

Members and terms of office.

Compensation.

SEC. 2. That the Tar River Port Commission shall have power and authority to purchase or otherwise acquire real and personal property; to contract, control and operate docks, warehouses and all such other property as may be necessary to properly maintain and operate docks and warehouses as terminal facilities at such point or place on Tar River as may be designated by the Board of Commissioners of Pitt County and the Board of Aldermen of the Town of Greenville, North Carolina, and such other powers and duties as may be prescribed by the said Board of Commissioners of Pitt County and the Board of Aldermen of the Town of Greenville, North Carolina.

Powers and duties of Commission.

SEC. 3. That the County of Pitt and the Town of Greenville, North Carolina, respectively be and they are hereby authorized and permitted to advance or expend not to exceed the sum of Seven Thousand Five Hundred Dollars each as a loan to Tar River Port Commission to be used in the erection of such port terminal, docks and warehouses as may be necessary on Tar River in Pitt County at such place provided for in section two herein above. That the Board of Commissioners of Pitt County and the Board of Aldermen of the Town of Greenville, North Carolina, are hereby vested with full authority, mutually to make such rules and regulations for the operation and control of said

Loans to Commission by Pitt County and Town of Greenville authorized.

Regulation for operation of facilities.

dock and warehouse facilities as the said Boards may deem necessary for the operation and control of said terminal facilities.

Limitation on liability of County and Town.

SEC. 4. That the County of Pitt and the Town of Greenville, North Carolina, shall not be liable or responsible or assume any liability in excess of the advancement of the sum of Seven Thousand Five Hundred Dollars each advanced for the construction of said terminal facilities.

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

In the General Assembly read three times and ratified, this the 13th day of August, 1938.

S. B. No. 13

CHAPTER 8

AN ACT TO AUTHORIZE THE TOWN OF RED SPRINGS IN ROBESON COUNTY TO ISSUE REVENUE BONDS FOR BUILDING A HOTEL UNDER THE PROVISIONS OF THE REVENUE BOND ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT.

*The General Assembly of North Carolina do enact:*

Issuance of revenue bonds authorized for construction of hotel, Town of Red Springs.

SECTION 1. That the Town of Red Springs in Robeson County, North Carolina, be, and it hereby is authorized and empowered to issue revenue bonds under the provisions of the Revenue Bond Act of one thousand nine hundred and thirty-eight enacted by the General Assembly of North Carolina at the Special Session of one thousand nine hundred and thirty-eight, and in full conformity with and by virtue of all of the provisions of the said Revenue Bond Act, for the purpose of constructing, equipping, and purchasing a site for a hotel, which said hotel so constructed may be operated by the said Town or may be leased under such terms and conditions as may be authorized by said Town.

Operation of hotel.

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

In the General Assembly read three times and ratified, this the 13th day of August, 1938.



S. B. No. 14

## CHAPTER 9

AN ACT TO REPEAL SECTION NINETEEN OF CHAPTER ONE HUNDRED AND ELEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE PERTAINING TO THE CHARTER OF THE TOWN OF WAKE FOREST TO PERMIT THE TOWN OF WAKE FOREST TO OBTAIN GRANTS IN AID FROM THE FEDERAL GOVERNMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section nineteen of Chapter one hundred and eleven of the Private Laws of one thousand nine hundred and nine, pertaining to the Charter of the Town of Wake Forest, is hereby repealed.

Ch. 111, Private Laws, 1909, amended, to permit Town of Wake Forest to obtain Federal grants in aid.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 13th day of August, 1938.



PUBLIC-LOCAL LAWS  
OF THE  
STATE OF NORTH CAROLINA  

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REGULAR SESSION 1939

H. B. No. 12                      CHAPTER 1

AN ACT TO VALIDATE ALL PROCEEDINGS RELATIVE TO THE CREATION AND ORGANIZATION OF SANITARY DISTRICTS IN FORSYTH COUNTY, AND TO VALIDATE ALL BONDS AUTHORIZED BY SAID DISTRICTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all sanitary districts heretofore authorized, created, and organized in Forsyth County pursuant to Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-seven, and acts amendatory thereto, are hereby authorized, validated, approved, and confirmed, notwithstanding any and all irregularities in any of the proceedings authorizing such sanitary districts whether such proceedings shall have been taken by the Board of County Commissioners or by the State Board of Health or by any other body, persons, or officers, or of the failure to comply with any of the provisions of said Act, and notwithstanding any want of authority on the part of the State Board of Health, the Board of Commissioners of said County, or any other body, to create such districts, and all proceedings heretofore taken by any public body, board, officers, or other persons in respect to the creation and organization of such districts are hereby validated, ratified, approved and confirmed.

Creation of sanitary districts, Forsyth County, under Ch. 100, Public Laws, 1927, as amended, validated.

SEC. 2. That all elections authorizing bonds in sanitary districts in said County pursuant to said Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-seven, and acts amendatory thereto, are hereby fully authorized, ratified, approved, and confirmed notwithstanding any want of power of such sanitary districts or governing body or commission or officer thereof, and notwithstanding any irregularities in any of the proceedings taken in connection with said election and in the issuance of bonds pursuant thereto, and all such bonds heretofore voted in such districts pursuant to such elections are hereby declared

Bond elections validated.

Bonds validated.

Tax levy  
authorized.

to constitute valid and binding obligations of said districts and the Commissioners of said County are hereby authorized and empowered to levy and collect annually, at the time other taxes are levied and collected, upon all the taxable property in such districts, a special tax of sufficient rate and amount to pay the principal and interest of such bonds as such principal and interest severally mature, and all election proceedings heretofore taken by any public body, board, officers, or other persons and all bonds authorized by such election in such districts are hereby validated, ratified, approved and confirmed.

Election  
proceedings  
validated.

SEC. 3. That this Act shall be in full force and effect from and after its passage.

In the General Assembly read three times and ratified, this the 18th day of January, 1939.

H. B. No. 21

## CHAPTER 2

AN ACT TO AMEND CHAPTER SIXTY-EIGHT, PRIVATE LAWS OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO THE TOWN OF CHINA GROVE.

*The General Assembly of North Carolina do enact:*

Ch. 68, Private  
Laws, 1925, relat-  
ing to Town of  
China Grove,  
amended.

SECTION 1. That section two of Chapter sixty-eight of the Private Laws of North Carolina, one thousand nine hundred and twenty-five relating to the town of China Grove, be and the same is hereby amended by changing the period at the end of said section to a semi-colon and inserting immediately thereafter the following: "and *Provided Further* that the provisions of this section shall not be applicable to bonds or notes of the town or to interest coupons appertaining thereto."

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 18th day of January, 1939.

## H. B. No. 32

## CHAPTER 3

AN ACT TO REPEAL CHAPTER SIX HUNDRED ELEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, ENTITLED "AN ACT TO MAKE THE SOLICITOR OF THE RECORDER'S COURT OF WARREN COUNTY ASSISTANT SOLICITOR TO THE SUPERIOR COURT OF WARREN COUNTY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter six hundred eleven of the Public-Local Laws of one thousand nine hundred and thirty-seven, entitled "An act to make the Solicitor of the Recorder's Court of Warren County Assistant Solicitor to the Superior Court of Warren County," be, and the same is hereby repealed.

Ch. 611, Public-Local Laws, 1937, relative to Solicitor Recorder's Court, Warren County, repealed.

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

In the General Assembly read three times and ratified, this 18th day of January, 1939.

## S. B. No. 26

## CHAPTER 4

AN ACT TO AMEND SENATE BILL NUMBER ELEVEN RATIFIED AUGUST THIRTEEN, ONE THOUSAND NINE HUNDRED THIRTY-EIGHT BY THE SPECIAL SESSION ONE THOUSAND NINE HUNDRED THIRTY-EIGHT GENERAL ASSEMBLY IN ORDER TO GIVE TAR RIVER PORT COMMISSION AUTHORITY TO CONDEMN EASEMENTS AND RIGHTS OF WAY ALONG THE BANKS OF TAR RIVER FOR THE PURPOSE OF DEPOSITING SOIL AND OTHER MATERIALS DREDGED FROM THE CHANNEL OF TAR RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Senate Bill number eleven of Laws of North Carolina Special Session one thousand nine hundred and thirty-eight be stricken out and that the following be designated Section two and inserted in lieu thereof:

Ch. 7, Public-Local Laws, Extra Session 1938, amended.

"SEC. 2. That the Tar River Port Commission shall have power and authority to purchase or otherwise acquire real and personal property; to contract, control and operate docks, warehouses and all such other property as may be necessary to properly maintain and operate docks and warehouses as terminal facilities at such point or place on Tar River, or any tributary thereof, as may be designated by

Additional powers granted to the Tar River Port Commission.

the Board of Commissioners of Pitt County and the Board of Aldermen of the Town of Greenville, North Carolina, and such other powers and duties as may be prescribed by the Board of Commissioners of Pitt County and the Board of Aldermen of the Town of Greenville, North Carolina. That Tar River Port Commission be, and the same is hereby, vested with the right of eminent domain and is hereby given the right to condemn lands on Tar River, or any tributary thereof for adequate dock and terminal facilities, and to condemn an easement and right of way in the lands on the banks of Tar River, or any tributary thereof, on either side of said River, or any tributary thereof, necessary for depositing soil, and other substances dredged from the channel of Tar River or any tributary thereof at such time and whenever necessary for dredging and completing and maintaining a twelve-foot channel in Tar River from Washington to the mouth of Hardee's Creek near Greenville, North Carolina; and that said condemnation shall be conducted under the laws and regulations as now provided by law in other cases."

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

In the General Assembly read three times and ratified, this 18th day of January, 1939.

## H. B. No. 20

## CHAPTER 5

### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JONES COUNTY TO EMPLOY DELINQUENT TAXES FOR THE CONSTRUCTION OF A NEW COURTHOUSE AND JAIL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Jones County, North Carolina, is hereby authorized and fully empowered to expend all amounts collected from delinquent land tax sales for the purpose of paying the cost incurred by said County in construction of a new Courthouse and Jail, which Courthouse is being completed by said County with contribution from the Federal Government through the Works Progress Administration of more than forty-five per cent of the cost thereof.

SEC. 2. That the said Board of Commissioners of Jones County is authorized and empowered to transfer, pledge or assign the delinquent land tax sale certificates as security for the funds borrowed by the said County to pay and discharge its unpaid part of the cost of the construction of the said Courthouse and Jail, and the said County is fully

Expenditure of delinquent Tax Collections for Construction of courthouse and jail, Jones County.

Commissioners authorized to pledge tax certificates as security for loans.

authorized to borrow the sum necessary for said purpose, when approved by the Local Government Commission, said borrowing to be at a rate of interest not exceeding six per cent (6%) and for such length of time, not exceeding five years, as may be determined by the Board of Commissioners of said County, payable at such time or times as may be agreed upon within said period; and the said County is authorized to pledge, in addition to said collateral, its full faith and credit to the payment of such obligation. Acts of said Board of Commissioners heretofore done as authorized by this Act are hereby validated, ratified and confirmed.

Interest rate and time limitation.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this 19th day of January, 1939.

## H. B. No. 19                      CHAPTER 6

AN ACT TO REPEAL CHAPTER FOUR HUNDRED FORTY-NINE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE CLOSING OF FILLING STATIONS AND PLACES OF BUSINESS IN HYDE COUNTY ON SUNDAY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred forty-nine of the Public-Local Laws of one thousand nine hundred and thirty-five, prohibiting the opening of filling stations and places of business during certain hours on Sunday, be and the same is hereby repealed.

Ch. 449, Public-Local Laws, 1935, repealed.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this 24th day of January, 1939.

## H. B. No. 30                      CHAPTER 7

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALLEGHANY COUNTY TO APPOINT A SPECIAL TAX COLLECTOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Alleghany County be and the same is hereby empowered and au-

Appointment of special Tax Collector, Alleghany County.

thorized to appoint a special Tax Collector for Alleghany County, to collect the delinquent taxes for the years one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven, and the Board of Commissioners is further authorized and empowered to fix the compensation for said Tax Collector.

Bond required.

SEC. 2. It shall be the duty of the said Board of Commissioners, before turning over the delinquent taxes to the said Tax Collector, to require him to file bond in compliance with the general law governing the filing of bonds by tax collectors, which bond shall be approved by the said Board of Commissioners and duly recorded on the record of the minutes of said Board of Commissioners.

Settlement by collector.

SEC. 3. The said Board of Commissioners shall require a complete, detailed settlement by said Tax Collector not later than one year after the date of his appointment, which settlement shall be filed and recorded in compliance with the law governing the filing and recording of the settlements of the Sheriff and Treasurer of Alleghany County.

Duties and powers of collector.

SEC. 4. The said special Tax Collector shall have the same powers and have the same obligations as set out in the general law governing the powers and duties of tax collectors, and any property levied upon by the said Tax Collector shall be sold by the said Tax Collector, after advertising it in accordance with the general law governing the advertisement and sale of personal property and real estate for delinquent taxes.

SEC. 5. This Act shall be in full force and effect on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 24th day of January, 1939.

## S. B. No. 42                      CHAPTER 8

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN RELATIVE TO THE JURISDICTION OF THE MAYOR OF NORTH WILKESBORO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and forty-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 nine thereof, the following: "That in addition to the offenses set out in this Section, the Mayor shall have

Ch. 144, Private  
Laws, 1913,  
amended.



jurisdiction of all offenses created under Chapters fifty-five and eighty-two of the Consolidated Statutes and all amendments thereto, wherein the punishment does not exceed a fine of two hundred dollars or imprisonment of one year.”

Jurisdiction of Mayor, Town of North Wilkesboro.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 26th day of January, 1939.

H. B. No. 34

### CHAPTER 9

AN ACT TO EXTEND THE TERMS OF OFFICE FOR REGISTER OF DEEDS IN DAVIDSON COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. At the general election for the year one thousand nine hundred forty-two, and quadriennially thereafter, there shall be elected in Davidson County by the qualified voters thereof a Register of Deeds who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Register of Deeds for Davidson County elected at the general election held in the year one thousand nine hundred thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred forty-two.

Four-year term for Register of Deeds, Davidson County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 26th day of January, 1939.

H. B. No. 52

### CHAPTER 10

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE CLERK OF THE TOWN OF JACKSON, NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the expiration of the term of office of the present clerk of the Town of Jackson, the commissioners of said town shall appoint a clerk for said town who shall

Appointment of Town Clerk, Jackson.

Term of office. serve for a period of two years or until his successor is appointed and qualified.

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

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

In the General Assembly read three times and ratified, this the 26th day of January, 1939.

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H. B. No. 56

CHAPTER 11

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION AND BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO CONSTRUCT A TEACHERAGE AT THE B. F. GRADY SCHOOL.

*The General Assembly of North Carolina do enact:*

Construction of teacherage, B. F. Grady School, Duplin County.

SECTION 1. That the Board of Education and Board of Commissioners of Duplin County are authorized and empowered to construct a teacherage at the B. F. Grady School from any funds available or which may become available in an amount not to exceed five thousand dollars.

Application of rents.

SEC. 2. That the rents derived from said teacherage shall accrue to the county fund from which same is constructed until the cost of construction and interest have been repaid.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 25th day of January, 1939.

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H. B. No. 69

CHAPTER 12

AN ACT TO PROVIDE ADEQUATE OFFICE AND STORE-ROOM SPACE FOR THE REGISTER OF DEEDS OF CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

Designation of permanent office space for Register of Deeds, Currituck County.

SECTION 1. That the office of Register of Deeds of Currituck County, as now occupied by such officer, consisting of two rooms designated as "vault" and "office," shall be, and the same is hereby designated as the permanent office of the Register of Deeds of Currituck County and shall be used for no other purpose except for the transaction of the business of such office: Provided, however, that at the criminal

terms of court of said county the grand jury shall be permitted to use one of such rooms for their deliberations.

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

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

In the General Assembly read three times and ratified, this the 26th day of January, 1939.

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H. B. No. 70                      CHAPTER 13

AN ACT TO REQUIRE THE REGISTER OF DEEDS TO PERFORM THE DUTIES OF COUNTY ACCOUNTANT IN CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. In addition to the duties imposed and powers conferred upon the Register of Deeds of Currituck County, the Register of Deeds shall be required from and after the ratification of this Act to perform all duties and shall have all powers which are now or may hereafter be imposed by law upon county accountants. Register of Deeds, Currituck County, to serve as County Accountant.

SEC. 2. For the additional services herein required, the Register of Deeds of Currituck County shall be paid an annual salary of six hundred dollars (\$600.00) per year, payable monthly. Additional salary.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of January, 1939.

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H. B. No. 98                      CHAPTER 14

AN ACT DESIGNATING THE "COURTHOUSE DOOR" OF LENOIR COUNTY FOR THE PURPOSE OF HOLDING AND MAKING PUBLIC SALES.

*Whereas*, it has become necessary to tear down the courthouse in Lenoir County for the purpose of erecting a new courthouse for said county; and Preamble: Destruction of courthouse, Lenoir County.

*Whereas*, it is necessary and proper for some place in said county to be designated and fixed as the "courthouse door" for the purpose of holding judicial sales and other public sales advertised to be held at the courthouse door: Designation of "courthouse door" necessary.  
*Now, therefore,*

*The General Assembly of North Carolina do enact:*

Door of Kinston City Hall designated as "courthouse door."

SECTION 1. That the door of the Kinston City Hall in the city of Kinston, Lenoir County, be and it is hereby fixed as the "courthouse door" of Lenoir County, North Carolina, pending the final completion of the erection of the courthouse now being constructed in Lenoir County and that all judicial sales and other public sales required by law or by the instrument under which such sale is being made to be held at the courthouse door, shall be made at the door of the said Kinston City Hall until the final completion and occupancy of the new courthouse now being constructed in the city of Kinston, Lenoir County, and all such sales held at the door of said City Hall shall be in all respects as valid as if said sales had been held at the courthouse door as required by law or by the instrument under which such sale is made.

Public sales held at door of City Hall.

SEC. 2. That all notices of any sale required by law to be made at the courthouse door and all notices of any sale to be made at the courthouse door under the terms of any instrument conferring a power of sale to be so made, shall be posted at the door of the said Kinston City Hall in the city of Kinston, N. C., as the "courthouse door" of Lenoir County, pending the final completion and occupancy of the new courthouse for said county of Lenoir: Provided, that nothing in this section shall invalidate any sale made at the door of the Kinston City Hall within thirty-one days after the completion and occupancy of the said new Lenoir County courthouse, when advertised for sale at said Kinston City Hall as the "courthouse door" at any time prior to completion and actual occupancy of said new Lenoir County courthouse.

Sales held since Nov. 25, 1938, validated.

SEC. 3. That all judicial sales and other public sales required by law or the instrument under which such sale was made to be held at the courthouse door in Lenoir County had since the twenty-fifth day of November, one thousand nine hundred and thirty-eight, when said sales have been advertised and held at the door of the City Hall in the City of Kinston or at the rear of the office of the Register of Deeds or at the rear of the office of the Clerk of the Court of Lenoir County be, and the same are hereby validated and declared to be legal as if said sales had been advertised and held at the courthouse door of said county.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this 25th day of January, 1939.

## H. B. No. 8

## CHAPTER 15

AN ACT TO AMEND CHAPTER THIRTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN SO AS TO INCREASE THE CORPORATE LIMITS OF THE TOWN OF NEWTON, IN THE COUNTY OF CATAWBA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, Chapter thirty-nine of the Private Laws of session one thousand nine hundred and seven, fixing the corporate limits of the Town of Newton, in the County of Catawba, be amended by adding to the present corporate limits of said Town of Newton, as fixed in said Chapter thirty-nine of the Private Laws of one thousand nine hundred and seven, the following territory, with the following boundaries, to-wit: "Beginning at a point in the center of Number Sixteen Highway where the present city limits line crosses said highway, said point being one mile south from the courthouse in Newton, and running from said point along center of said highway southerly towards Maiden one thousand nine hundred feet more or less; thence leaving said highway along the lands of D. E. Sigmon as follows: S. 59 E. 400 feet; thence N. 14 E. 910 feet; thence S. 86 E. 590 feet; thence N. 31 W. 460 feet; thence N. 71 W. 1020 feet to South Brady Avenue (Extended); thence with said Avenue in a northerly direction to city limits line; thence with said city limits line in a westerly line to the point of beginning."

Ch. 39, Private  
Laws, 1907,  
amended.

Corporate limits  
of Town of  
Newton, extended.

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

In the General Assembly read three times and ratified, this the 1st day of February, 1939.

## H. B. No. 58

## CHAPTER 16

AN ACT TO AUTHORIZE HYDE COUNTY TO CONSTRUCT A JAIL AND PAY THE COSTS OF SAME OUT OF SURPLUS FUNDS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Hyde County is hereby authorized and empowered to construct a new jail in said County, said County now not having a jail for use therein. The costs of said jail shall be paid by the said County from the surplus funds of said County carried in an account maintained by said County designated as Road and Bridge Fund.

Construction of  
jail, Hyde County,  
authorized.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 1st day of February, 1939.

S. B. No. 48 CHAPTER 17

AN ACT TO VALIDATE THE ACTS OF JANE HOLLAND AS CLERK OF THE BOARD OF COMMISSIONERS OF CRAVEN COUNTY.

Preamble: Incapacity of John S. Holland, Register of Deeds, Craven County, to perform official duties.

Whereas, John S. Holland, Register of Deeds of Craven County and ex officio Clerk of the Board of Commissioners of said County, became infected with tuberculosis and was compelled to be confined for treatment in the North Carolina Sanatorium and was thereupon incapacitated for an indefinite length of time and was unable to perform his duties as Register of Deeds and as Clerk of the Board of Commissioners; and

Appointment of Jane Holland as Deputy.

Whereas, thereupon, said John S. Holland, Register of Deeds, appointed his wife, Jane Holland, Deputy Register of Deeds of Craven County; and

Appointment as Clerk to Board of Commissioners.

Whereas, the Board of Commissioners of Craven County, by resolution, reciting the facts, duly adopted at a regular meeting held on the seventh day of December, one thousand nine hundred and thirty-six, appointed said Jane Holland to be Clerk of said Board to serve during the incapacity of said Register of Deeds to perform the duties of Clerk; and

Performance of duties of office by Jane Holland.

Whereas, said Jane Holland has acted as Clerk of said Board under said appointment and has in all respects and in all things performed the duties of said Clerk during the continued absence and disability of said Register of Deeds and her acts as such Clerk have been recognized and accepted by the said Board of Commissioners and by the general public;

Now, therefore,

The General Assembly of North Carolina do enact:

Appointment and official acts of Jane Holland validated.

SECTION 1. That the resolutions of the Board of Commissioners of Craven County appointing Jane Holland to be Clerk to said Board during the absence from the County, and disability on account of disease of John Holland, Register of Deeds of said County and statutory ex officio clerk of said Board, is approved, and such appointment as Clerk is confirmed; and all acts and deeds done and performed by said Jane Holland as Clerk of the Board of Commissioners

of Craven County under and by reason of such appointment are hereby ratified and declared to be valid and effective and to have the same force and effect in all respects as if such acts and deeds had been done and performed by the duly elected and qualified Register of Deeds of said County as ex officio Clerk of said Board.

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

In the General Assembly read three times and ratified, this the 2nd day of February, 1939.

S. B. No. 72

CHAPTER 18

AN ACT TO POSTPONE THE COLLECTION OF STREET ASSESSMENTS ON THE SALVATION ARMY HOME IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

Whereas, The Salvation Army, Incorporated, owns a property in the City of Charlotte, North Carolina, at the corner of Belmont Avenue and Seigle Street, which is used by it for a transient home and entirely for religious and charitable purposes; and whereas, it is the same property formerly owned by the Old Ladies Home of Charlotte, North Carolina, and purchased from said Old Ladies Home of Charlotte, North Carolina, this being made possible by the mortgage holders substantially reducing their mortgages.

Transient Home provided in City of Charlotte by the Salvation Army.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the governing body of the City of Charlotte is hereby given power and authority to postpone the collection of the street assessments now due and to become due on Belmont Avenue and Seigle Street in the City of Charlotte, North Carolina, assessed against said property owned by The Salvation Army, Incorporated (formerly Old Ladies Home), pursuant to and in the manner and method set forth in Private Laws one thousand nine hundred and twenty-nine, Chapter ninety-four, in relation to the Mercy Hospital of Charlotte, and upon the same provisions, conditions and terms therein set forth, and as also provided in similar statutes in one thousand nine hundred and twenty-nine in reference to the Presbyterian and Saint Peter's Hospitals in Charlotte, North Carolina.

City officials authorized to postpone collection of street assessments against property.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 2nd day of February, 1939.

## H. B. No. 86

## CHAPTER 19

## AN ACT TO EXTEND THE TERMS OF OFFICE FOR REGISTER OF DEEDS IN DARE COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year term for Register of Deeds, Dare County.

SECTION 1. At the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Dare County by the qualified voters thereof a Register of Deeds who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Register of Deeds for Dare County elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred and forty-two.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 2nd day of February, 1939.

## H. B. No. 99

## CHAPTER 20

## AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

Adjustment of delinquent taxes, Transylvania County, authorized.

SECTION 1. That when it shall appear to the satisfaction of the Board of Commissioners of Transylvania County that any real or personal property has been listed for taxes at an excessive valuation, and on which there is outstanding delinquent taxes which have accrued prior to the year one thousand nine hundred thirty-two, the said Board is hereby authorized and empowered to make such reduction or settlement with the taxpayer or other interested party for the taxes due Transylvania County on said property as in their judgment is fair and just and which will best subserve the interest of the county. All such taxes shall be payable in cash only and no reduction shall be made unless the taxpayer at the time of such reduction is in position to and does pay the amount fixed by the commissioners as fair and just. When said money is paid, the tax collector shall issue to the taxpayer or other interested party a receipt

Adjusted taxes payable in cash only.

Full settlement receipt.



which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable. The provisions of this section shall not apply to any taxpayer, unless, at the time of such reduction or settlement and payment, such taxpayer pays in full all taxes due on such property from the year one thousand nine hundred thirty-two to and including current taxes due at the time such reduction or settlement and payment is made.

Full settlement from 1932 to date, required.

SEC. 2. The provisions of this Act shall become void and inoperative at the expiration of two years from the date of its ratification.

Act inoperative after two years.

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

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of February, 1939.

## S. B. No. 50                      CHAPTER 21

### AN ACT TO PROVIDE FOR THE COLLECTION OF THE DELINQUENT TAXES IN BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The County Commissioners of Beaufort County and the Governing Agencies of the several municipalities therein are hereby authorized, empowered and directed to accept payment for taxes for the years one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty, one thousand nine hundred and twenty-nine, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-seven and all prior years at the face value of the tax sale certificates issued for the respective years less all costs, penalties, interest charges, attorneys fees and advertising costs, provided the delinquent taxes for the aforesaid years are paid on or before January first, one thousand nine hundred and forty, and provided further that before any taxpayer shall be entitled to the benefits hereunder the County Commissioners and other governmental agencies may require the payment of the taxes owing by said delinquent taxpayer for the years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight.

Adjustment of delinquent taxes, Beaufort County and municipalities, authorized.

Penalty of 1% per month on delinquent taxes unpaid on Jan. 1st, 1940.

SEC. 2. All taxes owing to Beaufort County or any tax-levying authority within Beaufort County levied for the year one thousand nine hundred and thirty-two or any year prior to one thousand nine hundred and thirty-two which have not been paid prior to January first, one thousand nine hundred and forty, shall after that date bear interest at the rate of one per cent per month, which interest shall be computed on the amount of tax as originally levied and shall be in lieu of all other penalties, interest or costs of any kind which have since accrued.

Adjustments by Tax Collecting Authorities ratified.

SEC. 3. The action of the Tax Collector of Beaufort County and the tax collecting authorities and municipalities in Beaufort County in accepting payment of taxes for the year one thousand nine hundred and thirty-two and prior years without requiring payment of the penalties, interest, costs or attorneys fees is ratified, and where payment of the face amount of said taxes for the year one thousand nine hundred and thirty-two and prior years has been made such payment shall constitute a full settlement and discharge of the tax liability for said years.

Application and construction of Act.

SEC. 4. Nothing contained in this Act shall be construed as prohibiting the County or other tax levying agencies from proceeding at any time with actions to foreclose the right or equity of redemption of the property owner, and the provisions of Sections one and two of this Act shall only apply in those cases where there has been no final foreclosure of the right or equity of redemption of the property owner. When sold in an action or proceeding for the collection of the tax and to foreclose the property owner's equity of redemption therein, the County or other tax levying authority shall have the right to collect the full amount of the tax, penalties, interest, costs, attorneys fees and other charges as provided by law.

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

In the General Assembly read three times and ratified, this the 3rd day of February, 1939.

S. B. No. 68

## CHAPTER 22

### AN ACT TO VALIDATE THE TAX LISTINGS AND TAX LEVIES OF THE COUNTY OF ROWAN AND THE CITY OF SALISBURY.

*The General Assembly of North Carolina do enact:*

Tax listings, Rowan County and City of Salisbury, 1927-38, validated.

SECTION 1. That the listing and assessment of all real estate and other taxable property in the County of Rowan and the City of Salisbury, as it appears on the tax records

of the County of Rowan and the City of Salisbury, for the years one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-eight, inclusive, are hereby in all respects approved and validated and declared to be legal and valid listings and assessments of property for taxation in the County of Rowan and the City of Salisbury for such years.

SEC. 2. That all proceedings had and taken by the County of Rowan and the City of Salisbury for the levying and assessing of taxes for the years one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-eight, inclusive, and the taxes levied for such years by the County of Rowan and the City of Salisbury are hereby in all respects approved and validated.

Levy and assessment of taxes, 1927-38, validated.

SEC. 3. That this Act shall be effective from the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1939.

H. B. No. 26

## CHAPTER 23

### AN ACT TO EXTEND THE TERMS OF OFFICE FOR REGISTER OF DEEDS IN LINCOLN COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. At the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Lincoln County by the qualified voters thereof a Register of Deeds who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Register of Deeds for Lincoln County elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred and forty-two.

Four-year term for Register of Deeds, Lincoln County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of February, 1939.

## H. B. No. 51                      CHAPTER 24

AN ACT TO PROHIBIT THE SALE OF WINE AND/OR BEER IN NORTHAMPTON COUNTY FROM TWELVE O'CLOCK SATURDAY NIGHT UNTIL TWELVE O'CLOCK SUNDAY NIGHT.

*The General Assembly of North Carolina do enact:*

Sale of beer and wine on Sunday prohibited, Northampton County.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale in Northampton County any wine or beer between the hours of twelve o'clock Saturday night and twelve o'clock Sunday night.

Violations made misdemeanor.

SEC. 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1939.

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H. B. No. 73                      CHAPTER 25

AN ACT TO REGULATE THE PURCHASE, OWNING AND REGISTRATION OF FIREARMS IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Application for permit to purchase firearms, Buncombe County.

SECTION 1. That no permit to purchase or acquire a pistol, revolver or automatic pistol shall be granted by the Clerk of the Superior Court of Buncombe County until an application has been filed with the Sheriff of said County.

Registration of firearms.

SEC. 2. That, upon being granted a permit to purchase and possess a pistol, revolver or automatic pistol, as hereinafter provided, the owner shall present said pistol, revolver or automatic pistol at the office of the Sheriff of Buncombe County within ten days, at which time and place it shall be registered, noting the name of the owner, in whose possession the same will be, the address of the one in possession thereof, the make, caliber, serial number, type, of said firearm.

Contents.

Violations made misdemeanor.

SEC. 3. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction may be fined or imprisoned, at the discretion of the Court.

SEC. 4. This Act shall only apply to Buncombe County. Application of Act.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect thirty days after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1939.

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H. B. No. 127 CHAPTER 26

AN ACT TO EXTEND THE TERMS OF OFFICE FOR REGISTER OF DEEDS IN CLAY COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Clay County by the qualified voters thereof a Register of Deeds who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Register of Deeds for Clay County elected at the general election held in the year one thousand nine hundred thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred forty-two. Four-year term for Register of Deeds, Clay County.

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

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

In the General Assembly read three times and ratified, this the 3rd day of February, 1939.

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H. B. No. 131 CHAPTER 27

AN ACT TO EXTEND THE TERM OF OFFICE FOR THE REGISTER OF DEEDS OF SWAIN COUNTY FOR FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Swain County by the qualified voters thereof a Register of Deeds who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. Four-year term for Register of Deeds, Swain County.

The Register of Deeds for Swain County elected at the general election held in the year one thousand nine hundred thirty-eight shall hold office for the term of four years and until his successor is elected and qualified at the general election to be held in the year one thousand nine hundred forty-two.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of February, 1939.

### H. B. No. 50

### CHAPTER 28

#### AN ACT TO REGULATE THE CLOSING OF FILLING STATIONS AND PLACES OF BUSINESS ON SUNDAY IN NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

Sunday hours for filling stations, Northampton County.

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate any filling station in Northampton County on Sunday between the hours of ten o'clock A. M. and twelve-thirty o'clock P. M.

Violations made misdemeanor.

SEC. 2. That any person violating the provisions of section one of this Act shall be guilty of a misdemeanor and upon conviction fined not more than fifty dollars or imprisoned not more than thirty days.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1939.

### H. B. No. 183

### CHAPTER 29

#### AN ACT TO VALIDATE THE ACTS AND PROCEEDINGS BROUGHT AND HAD WITH RESPECT TO FORECLOSURE OF TAX CERTIFICATES OF PASQUOTANK DRAINAGE DISTRICT NUMBER ONE IN NEWLAND TOWNSHIP, PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

Tax foreclosure proceedings, Pasquotank Drainage District No. 1, validated.

SECTION 1. That all actions heretofore instituted and procedure had with respect to foreclosure suits on delinquent taxes of Pasquotank Drainage District Number One

in Newland Township, Pasquotank County, are hereby declared legal and valid and that any and all errors with respect to said foreclosure proceedings heretofore instituted be, and the same are hereby, validated.

SEC. 2. That the commissioners of said Pasquotank Drainage District Number One be, and the same are hereby, authorized and empowered to remit any and all interests and penalties on all the drainage tax of said district now unpaid, provided, that said taxes be paid on or before the first day of July, one thousand nine hundred and thirty-nine.

Penalties and interest remitted on taxes paid before July 1, 1939.

SEC. 3. That this Act shall not affect any pending litigation.

Pending litigation unaffected.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 7th day of February, 1939.

H. B. No. 87

### CHAPTER 30

AN ACT TO REPEAL CHAPTER ONE HUNDRED FORTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE COLLECTION OF DELINQUENT TAXES IN MACON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred forty-five of the Public-Local Laws of one thousand nine hundred and thirty-seven entitled, "An Act to aid in the collection of delinquent taxes in Macon County," be and the same is hereby repealed.

Ch. 145, Public-Local Laws, 1937, as to collection of delinquent taxes, Macon County, repealed.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 8th day of February, 1939.

## H. B. No. 95

## CHAPTER 31

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, AS AMENDED BY CHAPTER ONE HUNDRED EIGHTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED ELEVEN, RELATIVE TO THE CORPORATE LIMITS OF THE TOWN OF MOUNT OLIVE, WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 201, Private  
Laws, 1905,  
amended.

Corporate limits,  
Town of Mount  
Olive, extended.

SECTION 1. That Section Two, Chapter two hundred and one of the Private Laws of one thousand nine hundred five, as amended by Chapter one hundred eighty-two of the Private Laws of one thousand nine hundred eleven, be, and the same is hereby amended as follows: Strike out all of Section one of said Chapter one hundred and eighty-two after the words "and insert in lieu thereof the following" and insert in their place and stead the following: "That the corporate limits of said town shall be as follows: Beginning at a point in the county road, at the present southwest corner of the town and thence to run South eighty-five degrees East (same course as the present southern boundary of the town) five hundred forty feet; thence North five degrees forty-three minutes East seven hundred seventy-five feet; thence North forty degrees forty-two minutes East one thousand six hundred thirty-seven and six-tenths feet; thence North eight degrees thirty minutes West one thousand and sixty feet to a point in the northern boundary line of West College Street, extended; thence same course as the northern boundary line of College Street about six hundred forty-seven and five-tenths feet to the present town limits; thence with the present town limit and following the same course beyond it, North twenty-three degrees East about two thousand feet to a point in or near the old Seven Springs road, where this line intersects with the present northern boundary of the town, extended eastwardly; thence North fifty degrees ten minutes West about one thousand two hundred fifty feet to the present corner in the old Westbrook property; thence with the old line North fifty degrees ten minutes West six hundred ninety-three and three-tenths feet to a present corner in the western boundary of Chestnut Street, extended; thence following the present boundary—the western edge of Chestnut Street, extended—South forty degrees West about two hundred fifty feet to where it intersects with the northern boundary of the county road leading from highway number one hundred seventeen to the Atlantic Coast Line Freight Depot; thence following the northern edge of said road about North fifty degrees West one thousand and thirty feet to a point,



where the northern boundary of the road intersects the western boundary of Southerland Street, extended; thence the same course as the western boundary of Southerland Street about South forty degrees West one thousand three hundred fifty feet to where this line intersects the northern boundary of Station Street; thence with the northern boundary of Station Street, which is the present boundary line, as the present town limit and other present lines to the point of beginning.”

SEC. 2. All property, real and personal, lying or having situs within the territory within the town of Mount Olive, described by Section one of this Act, shall hereafter be subject to all taxes and assessments, general and special, hereafter levied by the town, and which shall be subject to listing as of April first, one thousand nine hundred thirty-nine, in compliance with the Machinery Act of one thousand nine hundred thirty-seven.

Annexed property  
subject to taxes  
and assessments.

SEC. 3. All residents of the town including the residents of the territory annexed to the town by Section one of this Act shall have the right to vote in all general and special elections of said town.

Participation in  
town elections by  
residents of  
annexed area.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1939.

H. B. No. 106

## CHAPTER 32

### AN ACT TO DEFER THE QUADRENNIAL ASSESSMENT AND VALUATION OF PROPERTY IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Wayne County, the Supervisor of Taxation, the Township Boards, and List Takers and Assessors, and all other officials charged with any duties in connection with the quadrennial assessment and valuation of property, as provided for in the Machinery Act of one thousand nine hundred thirty-seven, be and they are hereby authorized, empowered, and directed to discontinue and defer the performance of any duties imposed upon them with respect to the quadrennial assessment and valuation of property, as provided for in said Machinery Act of one thousand nine hundred thirty-seven.

Quadrennial assess-  
ment and valuation  
deferred, Wayne  
County.

Postponed until  
regular listing  
time, 1940.

Application of  
1937 Machinery  
Act.

Further postpone-  
ment authorized.

Conflicting laws  
repealed.

SEC. 2. That the said quadrennial assessment and valuation of property for the County of Wayne is hereby postponed and deferred until the regular listing time in the year one thousand nine hundred forty, at which time the said quadrennial assessment and valuation of property for the County of Wayne shall be done under the procedure and provisions of the Machinery Act of one thousand nine hundred thirty-seven, which is hereby made applicable to such revaluation and assessment so deferred: Provided, however, that at any time prior to the time for the said valuation and assessment the Commissioners of the County of Wayne, upon facts which they shall find warranting the same for the best interest of the County, are hereby authorized and within their discretion directed to further postpone the said revaluation until the regular listing time in one thousand nine hundred forty-one.

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.

In the General Assembly read three times and ratified, this the 8th day of February, 1939.

## H. B. No. 190

## CHAPTER 33

### AN ACT TO VALIDATE BONDS TO BE ISSUED BY THE TOWN OF LINCOLNTON FOR VARIOUS PUBLIC IMPROVEMENTS, AND TO PROVIDE FOR THE ISSUANCE AND PAYMENT OF SAID BONDS.

*The General Assembly of North Carolina do enact:*

Proceedings for  
issuance of bonds  
for public improve-  
ments, Town of  
Lincolnton,  
validated.

Ordinance for  
issuance of bonds  
validated.

Bond election  
proceedings  
validated.

SECTION 1. The acts heretofore done and the proceedings heretofore taken by the Board of Aldermen of the Town of Lincolnton or by other officers of said town and by the qualified voters of said town, to authorize the issuance of bonds of said town of an aggregate principal amount not exceeding thirty-five thousand dollars for the purpose of enlarging the waterworks system of said town and the sewerage system of said town and building certain sidewalks and streets in said town, including the acts done and proceedings taken by said Board of Aldermen in adopting an ordinance providing for the issuance of said bonds on the eighteenth day of July, one thousand nine hundred thirty-eight, and the acts done and proceedings taken in and about the registering of the voters for and the calling, holding, canvassing and declaring the result of, a special election held in said town on the twenty-third day of August, one thousand nine hundred thirty-eight, at which

said election a majority of the qualified voters of said town voted to approve said ordinance and the incurring of the indebtedness and the issuance of the bonds authorized thereby, are hereby legalized and validated, and said town is hereby authorized to issue said bonds pursuant to said ordinance and in conformity with the provisions of The Municipal Finance Act, one thousand nine hundred twenty-one, of North Carolina, as such Act may have been heretofore or may hereafter be amended.

Bond issue authorized.

SEC. 2. Any note or notes which may have heretofore been issued by said town in anticipation of the receipt of the proceeds of the sale of said bonds, and any acts done or proceedings taken for the purpose of authorizing the issuance of or issuing said notes, are hereby legalized and validated.

Anticipation notes validated.

SEC. 3. The Board of Aldermen of said town is hereby authorized to levy annually a special tax ad valorem on all taxable property in said town for the special purpose of paying the principal of and interest on any bonds issued pursuant to said ordinance and of paying the principal of or interest on any notes heretofore or hereafter issued by said town in anticipation of the receipt of the proceeds of the sale of said bonds.

Tax levy authorized.

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

In the General Assembly read three times and ratified, this the 8th day of February, 1939.

S. B. No. 58

### CHAPTER 34

AN ACT TO EXTEND THE TERMS OF OFFICE FOR REGISTER OF DEEDS IN CHEROKEE COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Cherokee County by the qualified voters thereof a Register of Deeds who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Register of Deeds for Cherokee County elected at the general election held in the year one thousand nine hundred thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred forty-two.

Four-year term for Register of Deeds, Cherokee County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 9th day of February, 1939.

## S. B. No. 85

## CHAPTER 35

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY OF THE PRIVATE LAWS OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO THE CHARTER OF THE TOWN OF MOUNT AIRY.

*The General Assembly of North Carolina do enact:*

Sec. 7, Ch. 160,  
Private Laws, 1925,  
amended.

Date of municipal  
elections, Mount  
Airy, changed to  
June.

Sec. 11, amended.

Town officials,  
Mount Airy, to  
take office in July.

Sec. 22, amended.

Sec. 22, further  
amended.

Sec. 24, amended.

SECTION 1. That Section seven of Chapter one hundred and sixty, Private Laws of one thousand nine hundred and twenty-five, be and the same are hereby amended by striking out the word "May" in line one of Section seven and inserting in lieu thereof the word "June."

SEC. 2. That Section eleven of Chapter one hundred and sixty of the Private Laws of one thousand nine hundred and twenty-five be and the same is hereby amended by striking out the words "immediately after said notification" in line fourteen of said Section eleven and inserting in lieu thereof the words "the first Monday in July."

SEC. 3. That Section twenty-two of Chapter one hundred and sixty of said Private Laws be and the same is hereby amended by striking out the period after the word "commissioners" in line nineteen and inserting the following: "and approved by the purchasing agent of the Town."

SEC. 4. That Section twenty-two of Chapter one hundred and sixty be and the same is hereby amended by striking out the last sentence in Section twenty-two which reads as follows: "That all orders drawn on the Treasury shall be signed by the Mayor and shall state the purpose for which the money is applied, and the Treasurer shall specify said purpose in his account and also the sources whence are derived the monies received by him."

SEC. 5. That Section twenty-four of said Chapter one hundred sixty be and the same is hereby amended as follows, strike out the following, beginning in line seven, to-wit: "The Board of Commissioners at the meeting before the last regular meeting in each fiscal year shall appoint one or more of their number to be present and to assist at the accounting and settlement between the Tax Collectors and the City Treasurer and to audit and settle the accounts

of the Tax Collector as such and as assistant to the Secretary of the Town of Mount Airy. The account so audited to be reported to the Board of Commissioners 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.

SEC. 6. Add a new Section to Chapter one hundred and sixty of Private Laws of one thousand nine hundred and twenty-five to be known and designated as Section fifty-three and one-half to read as follows:

New section added.

“The Board of Commissioners of the Town of Mount Airy are hereby authorized and empowered to appoint a purchasing agent and an assistant purchasing agent for the said Town who shall be clothed with all authority, power and duty conferred by law upon purchasing agents generally. The office of purchasing agent and assistant purchasing agent is hereby authorized to be combined with the office of another employee of the Town. It being the intent of this Act to authorize and empower the Board of Commissioners to confer the duties of the office of the purchasing agent and assistant purchasing agent on employees in any department of the Town of Mount Airy.”

Appointment of purchasing agent and assistant authorized.

SEC. 7. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1939.

H. B. No. 130

## CHAPTER 36

### AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF GREATER GREENSBORO SCHOOL DISTRICT TO EXCHANGE A CERTAIN TRACT OF LAND WITH MRS. ADA E. HEPLER.

Whereas, it is desirable and advantageous to the City Schools of Greensboro, North Carolina, and the Board of Education of Greater Greensboro School District which holds the legal title to the school property used by the Schools of Greensboro City Administrative Unit, to convey to Mrs. Ada E. Hepler a tract or parcel of land in said City more particularly described as follows:

Preamble: Conveyance of certain school property, City of Greensboro, desirable.

A tract or parcel of land in the County of Guilford and the State of North Carolina, in Morehead Township in the City of Greensboro, fronting on South Cedar Street, a part of the Play Grounds of the C. D. McIver Public School, and more particularly described as follows:

Description of property.

Beginning at an iron post on South Cedar Street, Hepler's southeast corner, and running thence with the line of said Hepler and Lorena Davis, South 86 deg. 6' West one hundred ninety-two and fifty-two one-hundredths (192.52) feet to an iron pipe in the eastern line of the lands conveyed to C. E. Hepler and Ada Hepler by Florence A. Smith and husband, by deed recorded in Book 325, Page 233, Office of the Register of Deeds of Guilford County, North Carolina; thence with the lands of said Hepler last mentioned, South 2 deg. 5' West sixty-five and fifty-four one-hundredths (65.54) feet to another iron pipe in said line; thence a new line through the City School property North 86 deg. 6' East one hundred eighty (180) feet to an iron pipe on the West side of South Cedar Street; thence with the line of said Street North 12 deg. 35' 30" East sixty-seven and ninety-eight one-hundredths (67.98) feet to the point of beginning, being a part of the land conveyed to the Board of Education of Greater Greensboro School District by the County Board of Education of Guilford County, North Carolina, by deed recorded in Book 570, Page 129, Office of the Register of Deeds of Guilford County, North Carolina; and

Conveyance to be made in exchange for other property.

*Whereas*, the City Schools of Greensboro, North Carolina, and the Board of Education of Greater Greensboro School District are to receive in exchange therefor a lot or parcel of land more particularly described as follows:

Description of property to be received.

A tract or parcel of land in the City of Greensboro, Morehead Township, Guilford County, North Carolina, and more particularly described as follows:

Beginning at an iron post, McFayden's southeast corner, and running thence a new line South 88 deg. 45' East sixty-four and seventy-one one-hundredths (64.71) feet to an iron post in the line of the City School property; thence with the line of the City School property South 2 deg. 5' West one hundred forty-eight and eight-tenths (148.8) feet to an iron post, corner with the City School property; thence with the line of said City School property North 88 deg. 51' West sixty-five and fifty-four one-hundredths (65.54) feet to an iron pipe, another corner with said City School property; thence North 2 deg. 23' East one hundred forty-eight and ninety-three one-hundredths (148.93) feet to the beginning, being the southern portion of the lot conveyed to C. E. and Ada Hepler by Florence A. Smith and husband by deed recorded in Book 325, Page 233, Guilford County Registry; now, therefore,

*The General Assembly of North Carolina do enact:*

Exchange of property authorized.

SECTION 1. That the Board of Education of Greater Greensboro School District, Greensboro, North Carolina, is

hereby authorized and empowered to sell and convey in fee simple, and without incumbrance the tract of land first above described to Mrs. Ada E. Hepler, upon the receipt from said Mrs. Ada E. Hepler of a deed conveying the land second above described in fee simple, and without incumbrance to Greater Greensboro School District.

SEC. 2. That all laws and parts of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 9th day of February, 1939.

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H. B. No. 140                      **CHAPTER 37**

AN ACT TO AMEND CHAPTER SEVENTY-SIX, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AUTHORIZING THE COUNTY COMMISSIONERS OF BRUNSWICK COUNTY AND THE COMMISSIONERS OF THE CITY OF SOUTHPORT, NORTH CAROLINA, TO MAKE ADJUSTMENTS WITH DELINQUENT TAXPAYERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter seventy-six, Public-Local Laws, one thousand nine hundred and thirty-seven, be and the same is hereby repealed. Ch. 76, Public-Local Laws, 1937, amended.

SEC. 2. That all tax adjustments made by the County Commissioners of Brunswick County or the City Commissioners of the City of Southport since the ratification of the above Act, under the provisions of Section one thereof, be and the same are hereby in all respects validated. Tax adjustments made since Feb. 15, 1937, Brunswick County and Southport, validated.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 9th day of February, 1939.

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S. B. No. 64                      **CHAPTER 38**

AN ACT RELATIVE TO JURY TRIALS IN RECORDER'S COURTS IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. In all trials in the Recorder's Court of Montgomery County, upon demand for a jury trial by the Transfer of Recorder's Court cases to Superior Court upon demand for jury trial.

New bond  
required.

defendant or the prosecuting attorney representing the State, the Judge of the Recorder's Court shall transfer said trial to the Superior Court of Montgomery County and the defendant shall execute a new bond in such an amount as shall be named by the Judge of the Recorder's Court of said County for his appearance at the next term of the Superior Court of Montgomery County.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 9th day of February, 1939.

### S. B. No. 69

### CHAPTER 39

AN ACT TO AMEND CHAPTER THIRTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE RELATING TO THE PORT COMMISSION FOR THE CITY OF SOUTHPORT AND THE COUNTY OF BRUNSWICK.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 32,  
Public-Local Laws,  
1935, as to powers  
of Port Commis-  
sion, Brunswick  
County, amended.

SECTION 1. That Subsection one of Section two of Chapter thirty-two of the Public-Local Laws of one thousand nine hundred thirty-five be and the same is hereby amended to read as follows:

SEC. 2. The said Port Commission shall have power:

(1) To sue and be sued in the name of the said Port Commission; to acquire by purchase, (*and*) condemnation, *lease or otherwise* and to hold lands for the purpose of *developing*, constructing, maintaining or operating the terminal or terminals hereinafter referred to; and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Port Commission.

Sec. 2, sub-section  
3, amended.

SEC. 2. That Subsection three of said Section two be and the same is hereby amended to read as follows:

Development of  
port facilities.

(3) To develop the port facilities of Southport and Brunswick County by acquiring by purchase (construction or otherwise), *or by lease or otherwise, and by* improving, maintaining and operating a publicly owned terminal or terminals for said City and County, upon the water front of said City of Southport or Brunswick County, including all necessary, *convenient or desirable* wharves, piers, bulkheads, slips, docks, sheds, warehouses, elevators, (*and*) railroad and steamship facilities, *and other buildings, struc-*



tures, machinery and equipment of all types, and also necessary lands, rights in lands and water rights, to be used for the following purposes, namely: for the landing, loading or unloading of railroad cars or other carriers, for the interchange or transfer of goods, merchandise or other property between vessels, railroad cars or other carriers (and) for the temporary shelter or storage of goods, merchandise or property carried or about to be carried by such vessels, railroad cars or other carriers; and in furtherance of the foregoing to construct, improve, and maintain such buildings and structures, together with machinery and equipment therein, as said Port Commission may deem useful, desirable, instrumental or convenient in connection with the development or operation of said terminal.

SEC. 3. That said Section two be and the same is hereby further amended by inserting between Subsections three and four two new Subsections as follows:

(3) a. To sell, lease or make contracts with respect to its lands, buildings, structures and equipment in such cases as it may deem suitable or desirable for the development of its said terminal.

Power to sell,  
lease, etc.

(3) b. To furnish at cost to corporations and individuals who use the facilities of its said terminal or are located within the immediate vicinity of Southport, such further services not hereinbefore mentioned, as may be convenient or desirable in the operation of their respective businesses or the maintenance of their respective domestic establishments.

Further services at  
cost.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

S. B. No. 83

## CHAPTER 40

### AN ACT TO AMEND CHAPTER FIVE HUNDRED FIFTY-EIGHT OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter five hundred fifty-eight of the Public-Local and Private Laws of one thousand nine hundred thirty-five be amended by striking out all of said Section and inserting in lieu thereof the following:

Ch. 558, Public-  
Local Laws, 1935.  
amended.

Salary of Solicitor  
of Recorder's Court,  
Halifax County.

"SEC. 3. That the salary of the Solicitor of the Recorder's Court shall be fixed in the discretion of the Board of County Commissioners of Halifax County but shall not be less than the salary paid as of January first, one thousand nine hundred thirty-nine."

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

### H. B. No. 65

### CHAPTER 41

AN ACT TO REPEAL CHAPTER THIRTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, CREATING A JURY COMMISSION FOR THE COUNTY OF MACON.

*The General Assembly of North Carolina do enact:*

Ch. 34, Public-  
Local Laws, 1937,  
creating Jury  
Commission, Macon  
County, repealed.

SECTION 1. That Chapter thirty-four of the Public-Local Laws of one thousand nine hundred and thirty-seven entitled, "An Act to Create a Jury Commission for the County of Macon," be and the same is hereby repealed.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

### H. B. No. 66

### CHAPTER 42

AN ACT TO FIX THE TERM OF OFFICE OF CERTAIN COUNTY OFFICIALS OF HENDERSON COUNTY AND THE SALARY OF AN ASSISTANT CLERK OF SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

Term of office,  
Board of Commis-  
sioners, Henderson  
County, extended.

SECTION 1. That the term of office of the present Board of Commissioners of Henderson County, viz., T. L. Durham, J. A. Rusher and D. G. Wilkie, is hereby extended to the first Monday in December, one thousand nine hundred and forty-two, and until their successors are elected and qualified.

SEC. 2. That the term of office of the present Register of Deeds of Henderson County, viz., J. C. Costen, is hereby extended to the first Monday in December, one thousand nine hundred and forty-two, and until his successor is elected and qualified.

Term of office, Register of Deeds, extended.

SEC. 3. That the term of office of the present County Surveyor of Henderson County, viz., C. B. Turner, Sr., is hereby extended to the first Monday in December, one thousand nine hundred and forty-two, and until his successor is elected and qualified.

Term of office, County Surveyor, extended.

SEC. 4. That the term of office of J. M. Stewart as Tax Collector of Henderson County, is hereby extended to the first Monday in October, one thousand nine hundred and forty-three, and until his successor is elected and qualified.

Term of office, Tax Collector, extended.

SEC. 5. That at the general election of one thousand nine hundred and forty-two and quadrennially thereafter there shall be elected by the qualified voters of Henderson County a Register of Deeds, a County Surveyor and three persons to serve as County Commissioners for said County, whose term of office shall be four years from the first Monday in December thereafter.

Four-year term for Register of Deeds, County Surveyor, and County Commissioners.

SEC. 6. That at the election mentioned in Section five hereof, and quadrennially thereafter, there shall be elected by the qualified voters of Henderson County, a Tax Collector, whose term of office shall be four years from the first Monday in October thereafter.

Four-year term for Tax Collector.

SEC. 7. That in addition to the salaries now provided by law for the operation and maintenance of the office of the Clerk of Superior Court of Henderson County there shall be paid to the Assistant Clerk of said Court, out of the general fund of the county, the sum of one hundred (\$100.00) dollars each calendar month hereafter, and all payments heretofore made by the County Commissioners to the Assistant Clerk for salary are hereby ratified and approved.

Salary of Assistant Clerk of Superior Court.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 100

## CHAPTER 43

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

*The General Assembly of North Carolina do enact:*

Corporate limits,  
City of Gastonia,  
extended.

SECTION 1. The present corporate limits of the City of Gastonia, as set forth in Section three of Chapter one hundred ninety-nine of the Private Laws of one thousand nine hundred thirteen shall be extended to include the following described territory:

*Beginning* at intersection of the former Frank Spencer East line of thirteen and three one-hundredths (13.03) acre tract and present corporate line of the City of Gastonia, said point being South 6 degrees 20 minutes East sixty-three (63) feet from Stone corner; thence South 6 degrees 20 minutes East three hundred sixty-six and five-tenths (366.5) feet to a stone, corner of the lands of Firestone Cotton Mills, Incorporated, and the Estate of F. W. Bradley; thence South 88 degrees 15 minutes West along North edge of Beach Street and the lands of the Estate of C. E. Adams one thousand one hundred fifteen (1,115) feet to a stone, corner of the lands of Firestone Cotton Mills, Incorporated, and J. F. Spencer; thence North 0 degrees 45 minutes West with the line of the lands of Firestone Cotton Mills, Incorporated, three hundred ninety-five (395) feet to the present corporate line of the City of Gastonia.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 105

## CHAPTER 44

AN ACT TO VALIDATE CERTAIN BONDS FOR WATER  
AND SEWER SYSTEM OF THE TOWN OF COLERAIN.

*The General Assembly of North Carolina do enact:*

Proceedings for is-  
surance of water and  
sewer bonds, Town  
of Colerain, vali-  
dated.

SECTION 1. The proceedings of the Board of Commissioners of the Town of Colerain adopted October thirty-first, one thousand nine hundred thirty-eight, authorizing the issue of twelve thousand (\$12,000.00) dollars, water and sewer bonds of the Town of Colerain, and the bonds issued thereunder are hereby validated and declared to be binding obligations of the Town of Colerain.

Bond issue validat-  
ed.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

H. B. No. 113

## CHAPTER 45

## AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS OF THE TOWN OF LOUISBURG FOR THE ISSUANCE OF CERTAIN BONDS OF SAID TOWN.

*Whereas*, on September sixth, one thousand nine hundred thirty-eight, the Board of Commissioners of the Town of Louisburg, North Carolina, duly adopted an ordinance authorizing the issuance of eighteen thousand dollars (\$18,000) bonds of said town for the purpose of building, constructing and erecting an armory building in said town, and said ordinance was approved by the vote of a majority of the qualified voters of said town at an election duly called and held on October twenty-eighth, one thousand nine hundred thirty-eight; and

Preamble: Bond election for construction of armory building, Town of Louisburg.

*Whereas*, said building will be used as a municipal auditorium and place for public gatherings and meetings for the use and convenience of the citizens of said town, and also for the use of the local National Guard Unit as a drill hall and for the storage of its equipment, the same being a proper municipal purpose; and

Purposes of building.

*Whereas*, the Board of Commissioners of said town on December sixth, one thousand nine hundred thirty-eight duly adopted a resolution providing for the issuance of eighteen thousand dollars (\$18,000) Municipal Building Bonds of said town pursuant to the authority of said ordinance and the approval thereof by the qualified voters of said town; *now, therefore*,

Resolution for issuance of municipal Building Bonds.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all acts and proceedings, including the election proceedings, heretofore taken for the issuance of the eighteen thousand dollars (\$18,000) Municipal Building Bonds of the Town of Louisburg, North Carolina, mentioned in the preambles hereof, be and the same are hereby ratified, validated and confirmed, and that when said bonds shall have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Louisburg, and, as required by the Municipal Finance Act, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in the town sufficient to pay the principal and interest of said bonds as such principal and interest become due.

Proceedings for issuance of Municipal Building Bonds, Town of Louisburg, validated.

Tax levy authorized.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 119

## CHAPTER 46

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF PERSON COUNTY TO REVALUE REAL ESTATE IN SAID COUNTY IN THE YEAR ONE THOUSAND NINE HUNDRED THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

Revaluation of real property, Person County, authorized.

SECTION 1. That the Board of Commissioners of Person County are hereby authorized and empowered, if they deem it wise and to the best interest of Person County, to order and have a revaluation of all real property lying and situate in said county during the year one thousand nine hundred thirty-nine, such revaluation to be made by an actual appraisal of the property made according to the laws and rules regulating quadrennial assessments as set forth in Chapter four hundred seventeen, Public Laws of one thousand nine hundred thirty-five, as amended by Chapter two hundred ninety-one, Public Laws of one thousand nine hundred thirty-seven. In respect to ordering a revaluation of real property for the year one thousand nine hundred thirty-nine the said Board of County Commissioners are hereby granted the right to exercise all privileges and powers with respect to ordering and having a reassessment of real property for taxes as the said board might have exercised during the year one thousand nine hundred thirty-seven.

Procedure for revaluation.

Powers of County Commissioners as to revaluation.

Application of Machinery Act.

SEC. 2. If the said Board of County Commissioners shall order such revaluation or reassessment such revaluation or reassessment shall be governed by Chapter four hundred seventeen, Public Laws of one thousand nine hundred thirty-five, as amended by Chapter two hundred ninety-one, Public Laws of one thousand nine hundred thirty-seven, except that the Board of Commissioners of said county may in their discretion fix such compensation for the county supervisor of taxation as they may determine to be fair and just, not limited to the amount of compensation provided for the tax supervisor in said Act.

Compensation of county supervisor of taxation.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 122

## CHAPTER 47

AN ACT TO PERMIT THE RESIDENTS OF BLADEN COUNTY TO HAVE THE PRIVILEGE OF HUNTING AND FISHING IN THAT PART OF ROBESON COUNTY KNOWN AND DESIGNATED AS "THE BIG SWAMP" WITHOUT BEING REQUIRED TO PURCHASE A STATE HUNTING OR FISHING LICENSE FOR THE PRIVILEGE OF SO DOING.

*The General Assembly of North Carolina do enact:*

SECTION 1. That residents of the County of Bladen shall be, and they are hereby, permitted to hunt and fish within the boundaries of that portion of Robeson County known and designated as "The Big Swamp," and shall not be required to purchase a state-wide hunting or fishing license so long as such hunting or fishing is confined to the limits of "The Big Swamp"; provided, such persons have procured a county license to hunt and fish in Bladen County, when required by law.

Certain hunting and fishing privileges granted to residents of Bladen County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 134

## CHAPTER 48

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-ONE, PRIVATE LAWS, ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE, INCORPORATING THE TOWN OF LASKER, IN NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter two hundred and eighty-one of the Private Laws of one thousand eight hundred and ninety-five, be and the same is hereby amended to read as follows:

Sec. 3, ch. 281, Private Laws, 1895, amended.

"SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, town constable, tax collector, clerk and treasurer. That R. E. Peele is hereby appointed mayor of said town; Eugene Lassiter, J. S. Bryant and P. E. Parker, town commissioners, who shall hold their office until their successors are elected and qualified. That the town constable, tax collector and clerk and treasurer shall be appointed by the commissioners of said town and they shall also fix the salaries of said officers."

Officers of Town of Lasker, Northampton County.

Sec. 4, amended.

SEC. 2. That Section three of Chapter two hundred and eighty-one of the Private Laws of one thousand eight hundred and ninety-five, be and the same is hereby amended to read as follows:

Election of mayor and commissioners.

“SEC. 4. That on Tuesday after the first Monday in May, one thousand nine hundred and thirty-nine, and biennially thereafter, there shall be held an election in said town for the purpose of electing a mayor and three commissioners, which election shall be held under the same rules and regulations governing municipal elections.”

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

H. B. No. 172

## CHAPTER 49

### AN ACT PROVIDING FOR ROTATING GRAND JURIES APPLICABLE TO THE SUPERIOR COURTS OF CATAWBA COUNTY.

*The General Assembly of North Carolina do enact:*

Selection of Grand Jury, Catawba County.

SECTION 1. At the first term of the Superior Court for the trial of criminal cases in Catawba County after the first day of July, one thousand nine hundred thirty-nine, there shall be chosen a grand jury as now provided by law, and the first six (6) members of said grand jury chosen at said term shall serve for a period of eighteen (18) months, the next six (6) members of said grand jury so chosen shall serve for a period of twelve (12) months, and the third six (6) members of said grand jury so chosen shall serve for a period of six (6) months; and thereafter at the first term of the criminal court after the first days of January and July of each year, there shall be chosen six (6) members of said grand jury, as now provided by law, to serve for a term of eighteen (18) months, to succeed the members whose terms have expired: Provided, said jurors shall only receive compensation for the days actually in session.

Staggered terms.

Appointment of Foremen.

SEC. 2. That the Judge of the Superior Court presiding over the first term of criminal court after the first days of July and January, each year, after the ratification of this Act, shall appoint a foreman of the grand jury to serve for a term of six (6) months: Provided, that at the expiration of said term, if the said foreman is one of the remaining members of the grand jury, he may be reappointed for an additional term, or terms, in the discretion of the presiding judge.



SEC. 3. That in the event of any vacancy occurring in the grand jury of Catawba County, such vacancy or vacancies shall be filled from the list of jurors drawn from the jury box, as provided by law, and said juror, or jurors, so drawn shall take the oath prescribed by law, and shall fill out the unexpired term of the juror or jurors whose place they were drawn to fill.

Provision for filling vacancies.

SEC. 4. That for the first week of the first term of court for the trial of criminal cases after the first day of July, one thousand nine hundred thirty-nine, the Board of County Commissioners shall cause to be drawn from the jury box forty (40) scrolls. For the first week of the criminal term of court thereafter at which grand jurors are to be selected the Board of County Commissioners need not cause to be drawn more than twenty-four (24) scrolls from the jury box; and for the first week of the criminal terms of court at which grand jurors are not to be selected, the Board of Commissioners need not cause to be drawn more than twenty (20) scrolls.

Drawing of scrolls.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 181                      CHAPTER 50

### AN ACT TO RESTORE EXCLUSIVE ORIGINAL JURISDICTION OF MISDEMEANORS IN THE RECORDER'S COURT OF UNION COUNTY AND THE RIGHT TO TRIAL BY A JURY THEREIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred thirteen of the Public-Local Laws of one thousand nine hundred thirty-five be, and the same is hereby, repealed.

Ch. 313, Public-Local Laws, 1935, repealed.

SEC. 2. That the Recorder's Court of Union County shall continue to have exclusive original jurisdiction of all misdemeanors as provided in the Act creating said Court and amendments thereto prior to the enactment of Chapter three hundred thirteen of the Public-Local Laws of one thousand nine hundred thirty-five.

Jurisdiction of misdemeanors, Recorder's Court, Union County.

SEC. 3. That Chapter two hundred ninety-seven of the Public-Local Laws of one thousand nine hundred thirty-seven is hereby repealed.

Ch. 297, Public-Local Laws, 1937, repealed.

Trial by Jury.

SEC. 4. In all cases before the Recorder's Court of Union County where the defendant demands a jury trial, he shall deposit the sum of twelve dollars with the Clerk of the Recorder's Court before the jury is drawn; and thereupon the jury shall be drawn as heretofore provided in the acts relating to the Recorder's Court, and each juror so drawn and attending the trial of the cause and not being excused on his own motion shall be allowed the sum of one dollar per diem for his services and shall be paid therefor from the deposit made by the defendant with the clerk as above provided.

Compensation of jurors.

Conflicting laws repealed.

SEC. 5. That laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect on and after the first day of April, one thousand nine hundred thirty-nine.

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 184

## CHAPTER 51

AN ACT TO PROHIBIT THE OPERATION OF POOL ROOMS, DANCE HALLS AND BILLIARD PARLORS IN PASQUOTANK COUNTY ON SUNDAY. (APPLIES ALSO TO CAMDEN COUNTY).

*The General Assembly of North Carolina do enact:*

Operation of dance halls, etc. on Sunday prohibited, Pasquotank and Camden Counties.

SECTION 1. That it shall be unlawful for any person, firm, or corporation to operate a dance hall or dance pavilion, or for any one to dance, except as hereinafter provided, or to operate a billiard parlor or pool room, or pool table or billiard table in Pasquotank and Camden Counties between the hours of twelve o'clock Saturday night and twelve o'clock Sunday night; provided, this Act shall not prohibit dancing in private homes or regular apartment houses or the playing of pool or billiards in private homes or regular apartment houses.

Violations made misdemeanor.

SEC. 2. That any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned not more than sixty days.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 14th day of February, 1939.

## H. B. No. 197                      CHAPTER 52

AN ACT TO REPEAL CHAPTER ONE HUNDRED FIFTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE RELATING TO THE BOARD OF COUNTY COMMISSIONERS OF PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred fifty-two of the Public-Local Laws of one thousand nine hundred thirty-one entitled "An Act to divide the Board of County Commissioners of Pitt County into two classes" be, and the same is hereby repealed.

Ch. 152, Public-Local Laws, 1931, as to County Commissioners, Pitt County, repealed.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this 14th day of February, 1939.

## H. B. No. 213                      CHAPTER 53

AN ACT TO AMEND CHAPTER FIFTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED NINETY-THREE RELATING TO THE TOWN OF HAMPTON TO REDUCE THE NUMBER OF COMMISSIONERS AND PROVIDE FOR THEIR ELECTION TO OFFICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter fifty-five of the Private Laws of one thousand eight hundred ninety-three and all amendments thereto, be, and the same is hereby amended by striking out the word "Hampton" wherever the same occurs in said Chapter, or in any amendment thereto, and inserting in lieu thereof the word "Ruth."

Ch. 55, Private Laws, 1893, amended.

Name of Town of Hampton changed to "Ruth."

SEC. 2. That the number of Commissioners provided in the original Act incorporating said town be reduced from three Commissioners to two Commissioners; and that hereafter the governing body of the Town of Ruth shall consist of a Mayor and two Commissioners. That in May, one thousand nine hundred thirty-nine, and biennially thereafter, there shall be held an election in the said Town of Ruth for the purpose of selecting a Mayor and two Commissioners of said town, which said election shall be held at the time and under the general rules prescribed for municipal elections. That until such election is held and

Number of commissioners reduced.

Governing body of Town.

Election of mayor and commissioners.

the officers elected thereat are duly qualified, W. P. Dorsey shall continue to serve as Mayor of the Town of Ruth, and J. Grady Jones and J. Elbert Goode shall serve as Commissioners.

Duties of mayor and commissioners.

SEC. 3. That the Mayor and Board of Commissioners hereinbefore provided for shall have full authority to appoint all necessary officers and employees of the said Town of Ruth, to carry out the functions of said municipality, including a Marshal, Tax Collector and Secretary and Treasurer; and it is, provided further that any member of the said Commissioners of said Town of Ruth may, with the approval of the Mayor and other Commissioner, perform the duties of Marshal, Tax Collector or Secretary and Treasurer, or either; or any other necessary duties with respect to said municipality and the government thereof, at such compensation as may be fixed by the Mayor and Board of Commissioners, with full authority; and the acts of such Commissioner in discharging the duties of any such office shall not deprive him of continuing to serve as Commissioner of said municipality.

Official acts of mayor and commissioners validated.

SEC. 4. That all of the official acts of W. P. Dorsey, as Mayor of the said Town of Ruth, (formerly Hampton), and of the Commissioners of the said town, and their predecessors in office, relating to assessments, levying and collection of taxes, and all other official acts of said Mayor and Commissioners relating thereto, be, and the same are hereby in all respects validated and confirmed.

Partial invalidity clause.

SEC. 5. That if any part or paragraph of this Act be declared unconstitutional, it shall not affect any other part or paragraph of the same.

Conflicting laws repealed.

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

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

H. B. No. 216

## CHAPTER 54

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND THIRTY-NINE, AND ALL AMENDMENTS THERETO, OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, CREATING A TAX COMMISSION FOR CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 239, Public-Local Laws, 1933, repealed.

SECTION 1. That Chapter two hundred and thirty-nine, and all amendments thereto, of the Public-Local Laws of one thousand nine hundred and thirty-three, be and the

same is hereby repealed, it being the intent and purpose of this Act to abolish the Tax Commission of Cherokee County and provide for the listing, assessment and valuation of property for taxation and the performance of all duties imposed by said Act on said commission relating to taxation, under the provisions of the general acts relating thereto.

Tax Commission,  
Cherokee County,  
abolished.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 224                      CHAPTER 55

AN ACT TO EXTEND THE TIME OF OFFICE FOR THE BOARD OF COMMISSIONERS OF GRAHAM COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. At the General Election for the year one thousand nine hundred and forty-two and quadrennially thereafter, there shall be elected in Graham County by the qualified voters thereof a Board of County Commissioners who shall serve for a term of four years from the first Monday in December after their election and until their successors are elected and qualified. The Board of County Commissioners for Graham County elected at the General Election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until their successors are elected at the General Election to be held in the year one thousand nine hundred and forty-two.

Four-year term for  
Board of County  
Commissioners,  
Graham County.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## H. B. No. 251                      CHAPTER 56

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR ONE THOUSAND NINE HUNDRED THIRTY, AND ALL PRIOR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Wayne County be, and the same are hereby, authorized and em-

Tax collections,  
1930 and prior  
years turned into  
General Fund,  
Wayne County.

powered in their discretion to turn into the General Fund the proceeds of all taxes collected for the year one thousand nine hundred thirty, and all prior years.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

## S. B. No. 81

## CHAPTER 57

### AN ACT TO VALIDATE STREET AND SIDEWALK ASSESSMENTS IN ROANOKE RAPIDS.

*The General Assembly of North Carolina do enact:*

Proceedings authorizing paving of certain streets, Roanoke Rapids, validated.

SECTION 1. (a) That all the acts, orders and resolutions of the governing body of the City of Roanoke Rapids in Halifax County for the paving of Roanoke Avenue, Jackson and Hamilton Streets and all cross streets are in all respects legalized and validated.

Assessment of properties abutting street, authorized.

(b) That the Board of Commissioners of the City of Roanoke Rapids is authorized and directed to assess all of the property abutting upon the aforesaid streets in accordance with the terms set out in the petition of the property owners, which petition has been duly filed with the City Clerk, and the Board of Commissioners shall fix the rate of interest said assessments shall bear, and in addition thereto may also fix a penalty for delinquent installments, and said assessments, interest and penalties shall be valid liens against said property, which liens shall be prior to all other liens.

Proceedings for the levying of assessments, validated.

SEC. 2. That all proceedings heretofore taken by the Board of Commissioners of the City of Roanoke Rapids for the levying of special assessments for street and sidewalk improvements are hereby legalized and validated, and all accounts assessed against property abutting upon said streets and sidewalks, or either, are hereby declared to be valid liens against said property, which liens shall be prior to all other liens.

Collection of assessments.

SEC. 3. All assessments referred to in the preceding sections shall be collected as provided by the General Laws of the State of North Carolina.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this the 15th day of February, 1939.

H. B. No. 7

## CHAPTER 58

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
KINGS MOUNTAIN, NORTH CAROLINA*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and sixty of the Private Laws of one thousand nine hundred and nine, as amended by Chapter ten of the Private Laws of one thousand nine hundred and twenty-three, be, and the same is hereby amended by adding a new section after Section two to be designated as Section two and one-half, to read as follows:

Ch. 360, Private  
Laws, 1909,  
amended.

“SEC. 2½. That the said Town of Kings Mountain shall be divided into five wards as follows:

Town of Kings  
Mountain divided  
into five wards.

## WARD NUMBER ONE

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the north-west corner of the Southern depot and running thence nearly East to the end of Gaston Street; thence with Gaston Street southerly to the corporate limits of the town; thence with the corporate limits South seventy-eight West three thousand eight hundred and twenty feet to a stake; thence with said corporate limits North fifty-six West one thousand three hundred and fifty feet to the center of the Southern Railroad; thence with the Southern Railroad northerly to the beginning.

Boundary lines of  
Ward No. 1.

## WARD NUMBER TWO

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the north-west corner of the Southern depot and running thence nearly East to the end of Gaston Street; thence with Gaston Street southerly to the corporate limits of the town; thence with the corporate limits North forty-one East four thousand nine hundred and fifty feet to a stake in said city limits; thence with the corporate limits North twelve and one-half West to the Parker Branch or Crowders Creek; thence up the Parker Branch to the beginning.

Boundary lines of  
Ward No. 2.

## WARD NUMBER THREE

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the north-west corner of the Southern depot and running thence nearly East to the end of Gaston Street near Parker branch; thence down said branch easterly to the corporate limits; thence with the corporate limits North twelve and one-half West five thousand two hundred and seventy feet to a stake in the said corporate limits; thence with said corporate

Boundary lines of  
Ward No. 3.

limits North sixty-one West one thousand one hundred and seventeen feet to the center of the Southern Railroad; thence with the said Southern Railroad southerly to the beginning.

#### WARD NUMBER FOUR

Boundary lines of  
Ward No. 4

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the north-west corner of the Southern depot and running northerly to the corporate limits; thence with the corporate limits North sixty-one West two thousand and seventy feet to a stake on the Cherryville Road; thence with the corporate limits South fifty-five and one-half West two thousand nine hundred and sixteen feet to a stake; thence with the corporate limits South forty West to the Waco Road; thence with the Waco Road and Piedmont Street to the beginning.

#### WARD NUMBER FIVE

Boundary lines of  
Ward No. 5.

Beginning at a point in the center of Southern Railroad eight hundred and twenty-five feet northeast of the north-west corner of the Southern depot and running thence northerly with Piedmont Street to Waco Road; thence with the Waco Road westerly to the corporate limits; thence with the corporate limits South forty West eight thousand five hundred and fifty feet to a stake, corner of the corporate limits; thence with the corporate limits South fifty-six East four thousand two hundred and seventy-five feet to the center of the Southern Railroad, corner of Ward One; thence with the Southern Railroad northerly to the beginning."

Sec. 3, ch. 360,  
Private Laws,  
1909, amended.

SEC. 2. That Section three of Chapter three hundred and sixty of the Private Laws of one thousand nine hundred and nine, as amended by Chapter ten of the Private Laws of one thousand nine hundred and twenty-three, be amended by striking out said section and inserting in lieu thereof the following:

Election of town  
Commissioners.

"SEC. 3. That on Tuesday after the first Monday in May, one thousand nine hundred and thirty-nine, and biennially thereafter, there shall be an election held in said town for the election of five town commissioners, one for each ward, as hereinbefore described and laid down on a map on file with the Town Clerk, the candidates for said town commissioners shall be residents of the ward for which they offer for election and the candidate receiving the plurality vote in his ward shall be declared elected for a term of two years."

Ch. 360, further  
amended.

SEC. 3. That Chapter three hundred and sixty of the Private Laws of one thousand nine hundred and nine, as amended by Chapter ten of the Private Laws of one thousand nine hundred and twenty-three, be further amended



by striking out Sections four, five, six, seven, eight, nine and ten, and inserting in lieu thereof the following:

“SEC. 4. That the present term of all five of the members of the trustees of the Kings Mountain Graded School District shall expire on Tuesday after the first Monday in May, one thousand nine hundred and thirty-nine, or when their successors shall have been elected and qualified at the town election on said date and that at the election on Tuesday after the first Monday in May, one thousand nine hundred and thirty-nine, there shall be elected five trustees for the Kings Mountain Graded School District, one for each ward, as hereinbefore described, except all territory within the Kings Mountain Graded School District situated outside of the corporate limits of the town and on the East side of the Southern Railroad shall be added to Town Ward Number Three and all territory within the Kings Mountain Graded School District situated outside of the corporate limits of the town and on the West side of the Southern Railroad shall be added to Town Ward Number Four, as follows:

Expiration of term of trustees of Kings Mountain Graded School District.

Election of trustees for Kings Mountain Graded School District.

“In Ward One a trustee for the Kings Mountain Graded School District shall be elected for a period of two years, in Ward Two a trustee for said school district shall be elected for a period of four years; in Ward Three a trustee for said school district shall be elected for a period of four years; in Ward Four a trustee for said school district shall be elected for a period of six years; and in Ward Five a trustee shall be elected for said school district for a period of six years. Upon the expiration of each term as above set out, there shall biennially thereafter be elected a trustee or trustees who shall serve for a term of six years, and thereafter the term of office of each trustee shall be six years. In the case of a vacancy occurring in the Board of Trustees, the unexpired term shall be filled by the other members of the Board and shall be selected from the ward wherein the vacancy occurred.

Terms of trustees.

Vacancies.

“SEC. 5. That it shall be the duty of the Board of Commissioners for the Town of Kings Mountain to declare at what place or places in each ward elections shall be held in said town for the officers above named and enumerated and said board in its discretion may provide for the election of two or more wards to be held in one ward but that separate voting places shall be had for each ward; that said board shall give due notice of the establishment of said voting places by publication in some newspaper published in the town for four weeks before each election or by posting a notice at five public places in said town, one in each ward.

Selection of voting places by Town Commissioners.

Notice.

“SEC. 6. There shall be a new registration of the voters in the Town of Kings Mountain and that the Board of

New registration.

Appointment of Registrars.

Commissioners shall, at their first regular meeting in March, one thousand nine hundred and thirty-nine, and biennially thereafter, appoint a registrar for each regular town election, one in each ward, and shall give notice of registration by posting a notice in a public place in each ward giving in such notice the name of the registrar and the time and place of or for registration. The Board of Commissioners shall furnish said registrar with registration books and it shall be the duty of the registrars so appointed for the year one thousand nine hundred and thirty-nine (and thereafter) for four consecutive Saturdays next preceding the election, between the hours of seven A. M. and seven P. M., to open the registration books and at such places as have been designated by the Board of Commissioners and as advertised and to register therein the names of all persons applying for registration, who are entitled to register and vote at the election as specified in the advertisement by order of the Board of Commissioners. Any and all persons applying for registration shall be required to take an oath that he or she has been a citizen of North Carolina for one year and of said ward for four months: Provided, however, that it shall not be required or necessary to have a new registration every two years and that after the registration and election in May, one thousand nine hundred and thirty-nine, then a new registration shall be had only when the Board of Commissioners shall so order; that at the time of the appointment of the registrar, as herein provided, the Board of Commissioners shall appoint two citizens from each ward to act as judges at the election or elections so called and advertised, who, together with the registrar, shall hold the elections in their respective wards, or at the places designated by the Commissioners, under the laws and regulations applying to municipal elections and shall open the polls for said elections at seven o'clock, A. M., and close them at six o'clock, P. M., on the day set for said elections by the Board of Commissioners as hereinbefore specified and said registrars and judges of elections, in each ward, shall, upon the closing of the polls, count the ballots and declare the results thereof and certify the same to the Town Clerk and/or Board of Commissioners and the Board of Commissioners shall thereupon declare the successful candidates for commissioners for the Town of Kings Mountain and trustees for the Kings Mountain Graded School District; that at any and all elections held hereunder a poll list shall be kept of voters voting in said elections and shall be preserved and filed with the Town Clerk, together with the ballot boxes containing the ballots cast in said election and together with the registration books.

Period for registration.

Oath required of applicants for registration.

Judges of elections.

Regulations governing elections.

Certification of results.

Records filed with Town Clerk.

"SEC. 7. That on the second day after any election held hereunder the Board of Commissioners for the town shall invite the successful candidates for any and all of said offices to meet with them at the town hall at ten o'clock, A. M., and shall then and there have administered to the successful candidates for the different offices the oath as required by law and turn over to them all of the papers, documents, etc., which are incident to or appurtenant to the offices to which they have been elected.

Inauguration of successful candidates.

"SEC. 8. After the new members of the Board of Commissioners for the town have been duly qualified and sworn as required by law and have organized they shall on the same day they are sworn in proceed to elect one of their number as Mayor of the Town of Kings Mountain, North Carolina, whose term of office shall be for two years and said Mayor shall have the same powers and duties as heretofore given to the Mayor for the Town of Kings Mountain and shall preside at all meetings of the Board and shall have the right to vote on any question which might come before the board in case of a tie.

Election of mayor.

Powers and duties.

"SEC. 9. That the Mayor shall receive as compensation for his services the sum of twenty-five dollars (\$25.00) per month and the members of the board each shall receive five dollars (\$5.00) for each regular monthly meeting attended by them.

Compensation.

"SEC. 10. That, except as herein set forth, provided and enumerated, all qualifications for voting, or holding of elections and all other matters and things shall be held, done and ordered under and by the stipulations and limitations of the laws now applying to municipal corporations."

SEC. 4. That Chapter three hundred and sixty of the Private Laws of one thousand nine hundred and nine, as amended by Chapter ten of the Private Laws of one thousand nine hundred and twenty-three, be further amended by adding a new section following Section ten to be designated as Section ten and one-half, to read as follows:

Chapter 360  
Private Laws, 1909,  
further amended.

"SEC. 10½. That any persons desiring to run for Town Commissioner or School Trustee, shall at least five days before the election in which he or she desires to run, file his or her announcement in writing with the City Clerk and pay a filing fee to be set by the Town Commissioners, not to exceed five dollars (\$5.00) and anyone not so filing and paying the fee shall not be eligible to run in said elections; that the Town Clerk shall have all of the ballots printed for each ward and distribute same to the registrars and poll holders in each ward on the last day prior to the election."

Announcement of  
candidacy for town  
office.

Filing fee.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1939.

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## H. B. No. 147                      CHAPTER 59

### AN ACT TO REGULATE THE OPERATION OF POOL ROOMS IN CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

Operation of pool rooms, Currituck County.

SECTION 1. It shall be unlawful for any person, firm or corporation to operate a pool room or pool rooms in Currituck County between the hours of midnight and six A. M. on week days, and at any time on Sundays.

Violations made misdemeanor.

SEC. 2. Anyone violating the provisions of this Act shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and in no case shall the court have power to suspend judgment on the payment of costs.

Conflicting laws repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1939.

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## H. B. No. 179                      CHAPTER 60

### AN ACT TO REPEAL SECTION NINE OF CHAPTER TWO HUNDRED THIRTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN RELATIVE TO THE ISSUANCE OF BONDS OF RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 231, Public-Local Laws, 1927, amended, as to issuance of bonds without vote of people, Randolph County, repealed.

SECTION 1. That Section nine of Chapter two hundred thirty-one of the Public-Local Laws of one thousand nine hundred twenty-seven entitled "An Act to fund the floating indebtedness of Randolph County" be, and the same is hereby, repealed.

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

In the General Assembly read three times and ratified, this the 15th day of February, 1939.

H. B. No. 193

## CHAPTER 61

## AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY TO DEDICATE CERTAIN LAND OWNED BY IT FOR PUBLIC PURPOSES.

*Whereas*, the Board of Education is the owner of an interest in approximately three acres of land situated on the main highway leading from Sligo to Elizabeth City in Crawford Township, Currituck County, in the Town of Shawboro, North Carolina, which is no longer in use for school purposes; and

Preamble: property owned by Board of Education, Currituck County.

*Whereas*, the said Board of Education has passed a resolution requesting the General Assembly to authorize the dedication of such land for use as a public cemetery, and to dispose of this property to such persons for said purpose, and in such a manner as to the said board may in its discretion deem just and equitable without the necessity for advertisement and public sale as is now provided by law for the sale of lands which are no longer used for school purposes; Now, therefore,

Request by Board for authority to dedicate property for use as Public Cemetery.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Education of Currituck County be, and the same is hereby authorized to dispose of that property owned by it located in the Town of Shawboro, North Carolina, in Currituck County, situated on the main highway leading from Sligo to Elizabeth City, in any way or manner, and to any person or persons that they may deem just and equitable, to be used as a public cemetery without first advertising and selling the same at public sale as provided by Chapter four hundred ninety-four, Public Laws of one thousand nine hundred thirty-three, as amended, relating to the manner of advertisement and sale of school property.

Board of Education authorized to dedicate property for use as Public Cemetery.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 15th day of February, 1939.

## H. B. No. 212

## CHAPTER 62

## AN ACT TO AUTHORIZE AND EMPOWER CLAY COUNTY TO ADJUST ITS INDEBTEDNESS.

*The General Assembly of North Carolina do enact:*

County Commis-  
sioners, Clay  
County, authorized  
to adjust County in-  
debtedness.

SECTION 1. That the County of Clay, acting by and through its Board of Commissioners, is hereby vested with power and authority to adjust with its creditors, and by mutual agreement, its indebtedness, including both principal and interest, through compromise settlement or otherwise, and whether to be evidenced by case payment or payments, in whole or in part, or by funding or refunding notes or bonds or by any other legal evidence or evidences of indebtedness, and upon such terms and conditions as may be mutually agreed upon between the Board of Commissioners and negotiating creditor or creditors; and that said creditors, in the discretion of the Board of Commissioners, may be dealt with severally or jointly, individually or collectively, as their respective interests may appear, and in accordance with mutual agreement had.

Issuance of funding  
or refunding bonds,  
etc., authorized.

SEC. 2. That for the execution and fulfillment of any agreement or plan for the settlement or adjustment of said indebtedness, whether made and/or concluded in whole or in part, as may be so agreed upon between the parties to the plan or agreement, the Board of Commissioners of Clay County is vested with all power and authority necessary, proper and expedient, including the authority of issue funding, refunding or exchange bonds, notes, or other evidences of indebtedness, and in such amounts, denominations, maturity dates and interest rates as may be so agreed upon between the parties.

Approval of plan  
for settlement by  
Resident Judge.

SEC. 3. That, except where by mutual agreement settlements or adjustment is made with creditors individually, before any such plan or agreement shall become effective, such plan or agreement first shall be submitted, as upon case agreed or submission of controversy without action, to the Resident Judge of the Twentieth Judicial District of North Carolina, and by him approved, either at term or in Chambers in said district.

Construction  
of Act.

SEC. 4. The provisions of this Act shall be construed to mean additional powers granted to the Board of County Commissioners and not in substitution of any powers conferred on said board by any other law, and they may proceed with a refunding plan under this Act or under any statewide law which may be in effect, as they may elect.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 15th day of February, 1939.

H. B. No. 261                      CHAPTER 63

AN ACT TO PERMIT THE TOWN COMMISSIONERS OF WENDELL, NORTH CAROLINA, TO DISINTER AND REMOVE ALL BODIES FROM CEMETERY SITUATED ON EAST SIDE OF SELMA ROAD BETWEEN HIGHWAY NUMBER SIXTY-FOUR AND RAILROAD RIGHT-OF-WAY IN TOWN OF WENDELL.

*Whereas*, the governing body of the Town of Wendell, North Carolina, consider it necessary and expedient to disinter and remove the remains of all bodies from a private burial ground situated on the East side of Selma Road in the Town of Wendell between Highway number sixty-four and the Norfolk and Southern Right-of-way to a suitable lot in Green-Mount Cemetery which is owned by the said Town of Wendell; and

Preamble: Petition of governing body, Town of Wendell, to remove private burial ground.

*Whereas*, said removal of all bodies is considered necessary and expedient as aforesaid because the ground is needed for street and sidewalk space and no bodies have been buried thereon since the year one thousand nine hundred and five; and

Purpose of removal.

*Whereas*, it appears that six bodies have been buried on said burial ground but the names of only five are known, namely, Berry Earp, Pattie Earp, W. H. Richardson, Emiline Richardson, and R. B. Richardson; and

*Whereas*, the nearest known relatives of the above named deceased persons who live in the Town of Wendell have agreed in writing for said remains and tombstones to be removed; *Now, therefore*,

Agreement of relatives for removal.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the Town of Wendell, North Carolina, be, and they are, hereby authorized to disinter and remove, or cause to be disinterred and removed, all bodies and tombstones in that burial ground located on the East side of Selma road between Highway number sixty-four and the Norfolk Southern Right-of-way in the Town of Wendell to a suitable lot in the Green-Mount Cemetery; provided that all expenses in connection with said burial ground, removal and reinterment, shall be paid by the Town of Wendell.

Board of Commissioners, authorized to remove burial ground to new site.

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

In the General Assembly read three times and ratified, this the 15th day of February, 1939.

S. B. No. 21

CHAPTER 64

AN ACT TO PROTECT AGRICULTURAL FAIRS IN LENOIR COUNTY AGAINST UNFAIR COMPETITION OF CARNIVALS AND CIRCUSES.

*The General Assembly of North Carolina do enact:*

Showing or advertising of carnivals, Lenoir County, within 30 days prior to or during County Fair, prohibited.

SECTION 1. That it shall be unlawful for any carnival, or circus to show in Lenoir County or to advertise such attractions by posting bills or notices thereof within Lenoir County at any time within thirty days prior to the commencement of the annual agricultural fair of Lenoir County Fair, Incorporated, within Lenoir County, or during the continuance of such fair.

Violations made misdemeanor.

SEC. 2. That any person violating 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.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

S. B. No. 96

CHAPTER 65

AN ACT TO REGULATE THE ELECTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF WARRENTON, WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

Biennial election of Mayor and Commissioners, Town of Warrenton.

SECTION 1. That for the purpose of selecting a Mayor and members of the Board of Town Commissioners of the Town of Warrenton, there shall be held in said town on the first Tuesday in May of one thousand nine hundred thirty-nine and biennially thereafter a non-partisan election subject to the general rules and regulations governing the State primary for the selection of county candidates not inconsistent herewith; and that for said purpose, thirty days prior to any election held hereunder, the Board of Town Commissioners of said town shall appoint one registrar to conduct the registration and hold said election; and shall appoint

Appointment of registrar and poll holders.



two poll holders to assist said registrar in holding said elections; that the registration books for said election shall be kept open at some convenient place in said town for three consecutive Saturdays, and shall close for registration at sundown on Saturday preceding the said Tuesday on which said election is to be held; that no person shall be allowed to register or vote in said election unless he be a qualified voter under the laws of the State; that all candidates for Mayor of said town shall register their candidacy with the Clerk of said town at least ten days prior to the election, and shall deposit with the Clerk a registration fee of three (\$3.00) dollars therefor; and that all candidates for the Board of Town Commissioners of said town shall register their candidacy with the Clerk of said town at least ten days prior to the election and shall deposit with said Clerk the sum of one (\$1.00) dollar as a registration fee therefor; and after the close of said time for said registration of candidates, the said Clerk shall proceed to have tickets printed setting forth the names of all candidates, which tickets shall contain sufficient explanatory matter to designate the purpose thereof; that returns of said election shall be made by the Registrar and at least one poll holder to the Town Clerk within fifteen hours after the closing of the polls, and on the day following such election the Board of Town Commissioners in meeting assembled shall publicly canvass the returns and declare and have published the result thereof.

Registration.

Registration qualifications.

Registration of candidates for Mayor.

Registration of candidates for Commissioner.

Ballots.

Election returns.

Publication of returns.

SEC. 2. That no other election for the selection of said officials for said town shall be necessary, except in cases where no candidate for an office receives a majority of the votes cast, in which event the candidate receiving the next highest number of votes cast may demand a second election by filing a written notice of same with the Clerk of the town within five days after the first Tuesday in May, whereupon the Town Clerk shall immediately call a second election (or primary) which shall be held on the third Tuesday in May thereafter and shall be conducted under the same rules and regulations governing the holding of the first election (or primary) hereinbefore set out.

Second elections.

Regulations.

SEC. 3. That no general or special law regulating municipal elections shall be applicable to the Town of Warrenton, but that all elections shall be held and conducted according to the stipulations herein contained and that all general and special elections called in said town for any other purpose shall also be held and conducted in accordance herewith and the general laws governing same not inconsistent herewith.

General laws inapplicable.

SEC. 4. That no voters shall vote in said election by absentee ballot.

Absentee voting prohibited.

Time of taking office.

SEC. 5. That the newly elected officials shall assume office on the first day of July following said election except when said day falls on Sunday and in that event on the second day of July after the election, and shall hold office until their successors are duly elected and qualified.

Conflicting laws repealed.

SEC. 6. That all laws, whether public or private or public-local, inconsistent with the provisions of this Act, are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

S. B. No. 126

CHAPTER 66

AN ACT TO EXTEND THE TERMS OF OFFICE OF THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY AND THE COUNTY SURVEYOR OF LINCOLN COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year term for County Commissioners and County Surveyor, Lincoln County.

SECTION 1. At the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Lincoln County by the qualified voters thereof the following officers: A Board of County Commissioners, consisting of five commissioners, and a County Surveyor, which officers shall serve for a term of four years from the first Monday in December after their election and until their successors are elected and qualified. The Board of County Commissioners and the County Surveyor, elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until their successors are elected at the general election to be held in the year one thousand nine hundred and forty-two.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

H. B. No. 42

## CHAPTER 67

AN ACT TO INCREASE THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO FIVE MEMBERS; PROVIDING FOR DISTRICTS, FROM WHICH MEMBERS OF THE BOARD OF COMMISSIONERS SHALL BE ELECTED, AND FIXING THE SALARIES OF COMMISSIONERS OF DUPLIN COUNTY EFFECTIVE THE FIRST MONDAY IN DECEMBER, ONE THOUSAND NINE HUNDRED FORTY.

Whereas, a majority of the voters of Duplin County at the general election on November eight, one thousand nine hundred thirty-eight, under Chapter one hundred eighty, Public-Local Laws of one thousand nine hundred thirty-seven, approved increasing the Board of Commissioners of Duplin County to five members; Now, therefore,

Preamble: Approval of increase in number of County Commissioners, Duplin County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Duplin County shall be increased to five members, who shall be apportioned according to districts as hereinafter provided.

Duplin County Commissioners increased to five.

SEC. 2. That said five commissioners shall be nominated in and by the districts from whence they come, as hereinafter provided, either by primary or convention system as may be now or hereafter prescribed by law, or by party designation and elected by the voters of the county at large in the general election.

Nomination of Commissioners by districts.

SEC. 3. That the townships of the county shall be grouped in the following manner and that each district shall nominate a County Commissioner as hereinbefore and hereinafter set out:

Division of County into districts.

District Number One shall be composed of Warsaw and Faison Townships.

No. 1.

District Number Two shall be composed of Wolfscrape, Glisson, Albertson, and Smith Townships.

No. 2.

District Number Three shall be composed of Limestone and Cypress Creek Townships.

No. 3.

District Number Four shall be composed of Island Creek and Rockfish Townships.

No. 4.

District Number Five shall be composed of Rose Hill, Magnolia, and Kenansville Townships.

No. 5.

SEC. 4. That those participating in the primary or convention, both as candidates and voters, shall be restricted to the qualified voters of said district: Provided, however, that any candidate from said districts shall be voted upon by the voters in the entire county in the general election.

Primary election by districts.

General election by county.

Effective date.

SEC. 5. That the law increasing the Board of Commissioners of Duplin County shall become effective on the first Monday in December, one thousand nine hundred forty.

Procedure for district nominations.

SEC. 6. That all candidates for Commissioner of Duplin County shall be nominated from the five districts as hereinbefore set out by each district separately in the primary of one thousand nine hundred forty or by county convention system or by delegates composing the district, elected to the convention of either party or by the plan of party organization prescribed by any political party in accordance with law.

Compensation of County Commissioners.

SEC. 7. Effective on the first Monday in December, one thousand nine hundred forty, the salary of the Chairman of the Board of Commissioners of Duplin County shall be fixed at fifty dollars per month, and the salary of the other four members of said board shall be fixed at twenty-five dollars per month, which salaries shall be for all services including both per diem and mileage.

Compensation of County Attorney.

SEC. 8. That the salary of the County Attorney of Duplin County shall be fixed at fifty dollars per month for all services rendered, except tax suits: *Provided*, that this section shall become effective from and after the first Monday in July, one thousand nine hundred thirty-nine.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 10. That this Act shall be in full force and effect on the dates set out herein.

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

H. B. No. 154

## CHAPTER 68

### AN ACT REGULATING THE FEES OF THE SHERIFF AND TAX COLLECTOR OF CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

Schedule of fees for Sheriff, Cherokee County.

SECTION 1. That the Sheriff of Cherokee County shall be allowed the following fees for executing writs, process and orders of the court, and collection of taxes:

Arrest, etc. in civil actions.

For arrest of a defendant in a civil action and taking bail, including justification of sureties, and all services connected therewith, two dollars.

Arrest in criminal actions.

For arrest of a person indicted, including all services in connection therewith and taking and justification of bail, two dollars.

Subpoena.

For serving subpoena on a witness in either civil or criminal case, fifty cents.

For allotment of widow's year's allowance, one dollar.	Allotment of widow's allowance.
For conveying prisoner to State Prison, five cents per mile each way and one dollar per day and actual necessary expense for each guard, not, however, to exceed one guard for every three prisoners.	Conveying prisoners to State Prison.
For summoning a grand or petit jury, for each man summoned fifty cents, and twenty cents for each person summoned on a special venire.	Summoning grand or petit jury.
For producing prisoner on habeas corpus to testify or answer before any court or judge, one dollar and a half and all necessary expense for each service, including five cents per mile for each mile traveled by the nearest traveled route and one dollar per day and necessary expense for same for not to exceed one guard.	Producing prisoner on habeas corpus.
For summoning and qualifying appraisers and performing all duties in laying off homestead and personal property exemptions, or either, three dollars.	Summoning appraisers, etc.
For levying of attachment, one dollar.	Levying attachment.
For attendance to qualify jurors to lay off dower, or commissioners to lay off year's allowance, two dollars; and for attendance to qualify commissioners for any other purpose, one dollar and a half.	Execution of writ of ejectment, etc.
For executing deed for land or any interest in land sold under execution, two dollars.	Services in dower proceedings, etc.
For executing writ of possession or ejectment, two dollars.	Deeds under execution.
For every execution in a civil case, one dollar and a half.	Civil executions.
For each tax sale, one dollar.	Tax sales.
For collecting taxes the Sheriff shall be allowed three per centum on the first fifty thousand dollars of taxes collected and two and one-half per centum on any amount in excess of fifty thousand dollars.	Collection of taxes.
SEC. 2. That as to any fees not herein provided for, the Sheriff shall receive the fees provided for by the general laws of North Carolina.	
SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.	Conflicting laws repealed.
SEC. 4. That this Act shall be in full force and effect from and after its ratification.	
In the General Assembly read three times and ratified, this the 16th day of February, 1939.	

## H. B. No. 195

## CHAPTER 69

## AN ACT TO VALIDATE THIRTY-SEVEN THOUSAND DOLLARS (\$37,000) TOWN OF WINTERVILLE, NORTH CAROLINA, WATER AND SEWER BONDS.

*The General Assembly of North Carolina do enact:*

\$37,000 Water and Sewer Bonds, Town of Winterville, validated.

SECTION 1. That the thirty-seven thousand dollars (\$37,000) Water and Sewer Bonds of the Town of Winterville, dated December first, one thousand nine hundred and thirty-eight, authorized by an ordinance passed by the governing body of the town of Winterville on the seventh day of June, one thousand nine hundred and thirty-eight, which ordinance was approved at a special election held in said town on the first day of August, one thousand nine hundred and thirty-eight, be, and the same are hereby validated, ratified, approved and confirmed, and without limiting the generality of the foregoing, notwithstanding any want of power of the said town to issue the said bonds and notwithstanding any defect or irregularities in any of the proceedings providing for the issuance and authorization of said bonds, including the submission of the question to the qualified voters of the town, and that the bonds when executed pursuant to the provisions of the Municipal Finance Act, as amended, and delivered and paid for pursuant to the provisions of the Local Government Act, as amended, are hereby declared to be, and shall be, legal, valid and enforceable obligations of said town payable in accordance with the provisions of the Municipal Finance Act, as amended.

Bonds declared valid obligation of the Town.

Conflicting laws repealed.

SEC. 2. That all laws, parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

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

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

## H. B. No. 215

## CHAPTER 70

## AN ACT TO REPEAL CHAPTER ONE HUNDRED AND NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE GRAND AND PETIT JURY OF CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 109, Public-Local Laws, 1931, as to selection of juries, Cherokee County, repealed.

SECTION 1. That Chapter one hundred and nine of the Public-Local Laws of one thousand nine hundred and thirty-one be and the same is hereby repealed, it being the

intent and purpose to provide for the selection of juries in Cherokee County under the general law governing same.

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

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

H. B. No. 238

## CHAPTER 71

### AN ACT TO PROVIDE A CONSTABLE FOR WASHINGTON COUNTY AND TO PRESCRIBE HIS POWERS AND DUTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Constable of Washington County is hereby authorized and directed to serve and execute all writs, summons, process, pleadings, executions, warrants, attachments, and all other process and orders, directed to him under his official title by any Court of Justice of the Peace, Recorder's Court, Trial Justice's Court, Superior or other properly constituted Court, in the same manner and with the same power and authority as is now possessed by the Sheriff of Washington County. For the convenience of parties and the expedition of legal business, it is the purpose of this Act to invest the Constable of Washington County with the same power and authority as the Sheriff of Washington County in the service of all process, pleadings, executions, in the advertising and holding of sales under the latter, and all other orders whatsoever issuing from any state court and directed to said constable, and particularly, said constable shall have full authority to do any and all things connected with the service of execution, levy thereunder, the holding of sales, execution of bills of sale and deeds in consequence thereof, and any and all things necessary to perfect said sales.

Service and execution of writs, etc. by Constable, Washington County.

SEC. 2. That said constable shall receive the same fees for serving both criminal and civil writs as is now allowed by law to said constable. In the event no provision is now made for a fee in connection with the service of any writ or order, said constable shall receive the same fee for the service thereof as is now or may hereafter be received by the Sheriff of Washington County.

Fees for service of criminal and civil writs.

SEC. 3. That said constable shall take the same oath as is now required and shall give a bond for the faithful performance of his duties in the sum of two thousand, five hundred dollars, and the premium for said bond shall be paid by the county.

Oath of office.

Bond.

SEC. 4. That said constable be, and he is hereby, given full authority to effectually dispose of all writs, process, and orders referred to herein, and the service thereof, and all other acts in connection therewith shall be as valid and effective as if the same had been made by the Sheriff of Washington County.

Appointment and election of Constable.

SEC. 5. That the Board of Commissioners of Washington County is hereby authorized, directed and empowered to appoint some person to serve as Constable of Washington County until the next general election for county officials in said county. That at said election and biennially thereafter there shall be elected a Constable for Washington County under the same rules governing the election of other county officials.

SEC. 6. That the said constable herein provided for shall have power to perform the duties pertaining to his office in each and every township in Washington County.

Conflicting 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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

H. B. No. 249

## CHAPTER 72

### AN ACT TO EXTEND THE TERMS OF OFFICE OF REGISTER OF DEEDS IN MACON COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year term for Register of Deeds, Macon County.

SECTION 1. At the General Election for the year one thousand nine hundred forty-two and quadrennially thereafter there shall be elected in Macon County by the qualified voters thereof a Register of Deeds, who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Register of Deeds for Macon County elected at the General Election held in the year one thousand nine hundred thirty-eight shall hold office for the term of four years and until his successor is elected at the General Election to be held in the year one thousand nine hundred forty-two and duly qualified for said office.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 16th day of February, 1939.



## H. B. No. 274

## CHAPTER 73

AN ACT TO MAKE PHOTOSTATIC COPIES OF MAPS, PLATS AND OTHER DRAWINGS, A PART OF THE PERMANENT RECORDS OF DUPLIN COUNTY, AND FOR OTHER PURPOSES.

Whereas, photostatic copies have been made of certain badly worn and faded maps, plats and other drawings in the office of the Register of Deeds for Duplin County; said copies being now in a suitable binder entitled "Map Book Number One, Duplin County, one thousand seven hundred eighty-four to November one thousand nine hundred thirty-eight," pages numbered one to one hundred fifty-one, inclusive; Now, therefore,

Preamble: Photostatic copies made of maps, etc., Register of Deeds office, Duplin County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the said map book as described above be, and the same is hereby, made a part of the public records of Duplin County and as such it is hereby made a legal record and may be used in evidence.

Made a part of the Permanent records of Duplin County.

SEC. 2. That the Register of Deeds for Duplin County is hereby required, if so ordered by the Board of County Commissioners, to record a photostatic copy of any or all maps given to him for registration and shall collect the regular registration fee, plus the cost of photostating.

Registration of photostatic copies.

SEC. 3. That all photostatic copies of maps, plats and other drawings, hereafter registered in the office of the Register of Deeds for Duplin County shall be a part of the legal and permanent records of said county.

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

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

## H. B. No. 316

## CHAPTER 74

AN ACT TO PROVIDE FOR THE EXTENSION OF THE TERM OF OFFICE OF REGISTER OF DEEDS OF GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Register of Deeds now holding said office in Graham County shall serve in such capacity until the first Monday in December, one thousand nine hundred forty-two.

Term of office of present Register of Deeds, Graham County.

SEC. 2. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Graham County by the qualified voters

Four-year term of Register of Deeds, Graham County

thereof a Register of Deeds who shall serve for a term of four (4) years from the first Monday in December after his election, or until his successor is elected and qualified.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 16th day of February, 1939.

### S. B. No. 86

### CHAPTER 75

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN WITH RESPECT TO REGULATING THE APPLICATION OF PROFITS ACCRUING TO THE COUNTY FROM THE LIQUOR STORES OPERATED IN PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 358, Public-Local Laws, 1937, repealed.

SECTION 1. That Chapter three hundred and fifty-eight of the Public-Local Laws of North Carolina of the session one thousand nine hundred and thirty-seven be, and the same is hereby, repealed.

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

In the General Assembly read three times and ratified, this the 17th day of February, 1939.

### H. B. No. 157

### CHAPTER 76

AN ACT TO AUTHORIZE THE CREATION OF A SCHOOL DISTRICT AND FOR THE LEVY OF TAXES WITHIN SUCH DISTRICT FOR THE PURPOSE OF ACQUIRING, ERECTING, ENLARGING, ALTERING, EQUIPPING AND OPERATION OF THE SCHOOLS THEREIN IN GREENE COUNTY.

*The General Assembly of North Carolina do enact:*

Petition for public hearing on creation of school district, Greene County.

SECTION 1. Upon receipt of a petition signed by not less than ten per cent of the qualified voters of the territory described in such petition, praying that such territory be created into a school district and that taxes be levied therein for the purposes hereinafter set out, the County Board of Education of Greene County shall cause notice to be given by posting at the courthouse door and at three public places

in such territory, and by three weekly publications in a newspaper circulating in such territory, that on a date to be named in such notice, which shall not be earlier than twenty days after the first posting and publication of such notice, it will hold a public hearing upon the question of creating a school district comprising the territory described in such petition and set forth in such notice, and that any taxpayer or other interested person may appear and be heard. At the time and place stated in such notice, the board shall hear all interested persons and may adjourn the hearing from time to time.

Notice of hearing.

Hearing.

SEC. 2. Such hearing shall be advisory only to the County Board of Education and the board may deny such petition or it may grant such petition and enter an order creating a school district comprising either the territory described in such petition, a part of such territory, or additional territory, and the order of the board creating such school district shall define the boundaries thereof: *Provided*, that all of the territory embraced in such new school district shall be located in Greene County. The school district so created shall be designated by the board as the "\_\_\_\_\_ School District of Greene County," inserting in the blank space some name identifying the locality of the district.

Hearing to be advisory only, to final determination by County Board of Education.

Designation of district.

SEC. 3. Whenever the County Board of Education shall so petition, the Board of County Commissioners shall order a special election to be held in such school district for the purpose of voting upon the question of levying a sufficient tax for the purpose of acquiring, erecting, enlarging, altering, equipping school buildings and purchasing sites in such district, or for the purpose of operating a school therein of a higher standard than that provided by State support in said district, or for any one or more of said purposes. The tax so levied shall in no event exceed twenty-five cents on the hundred dollar valuation of property located in such district. In such election the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district, unless the district is coterminous with a city, town or township (in which event the notice shall so state), and the fact that a sufficient tax not to exceed twenty-five cents per hundred dollar valuation will be levied on all taxable property within the district. The first publi-

Special election on order of County Commissioners.

Limitation on tax levy.

Conduct of election.

Notice of election.

Contents of notice.

New registration.  
 Notice of registration.  
 Contents of notice of registration.  
 Challenge day.  
 Issues submitted.  
 Ballots.  
 Returns.  
 Results determined and declared.  
 Statement of results by County Commissioners.  
 Publication.

cation of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day, and, except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question as stated on the ballot or ballots shall be in substantially the following words: "For the levying of a sufficient tax for the purpose of acquiring, erecting, enlarging, altering, equipping school buildings and purchasing sites and the operation of schools of a higher standard than that provided by State support, not to exceed twenty-five cents on the one hundred dollar valuation of taxable property" and "Against the levying of a sufficient tax for the purpose of acquiring, erecting, enlarging, altering, equipping school buildings and purchasing sites and the operation of schools of a higher standard than that provided by State support, not to exceed twenty-five cents on the one hundred dollar valuation of taxable property"; such affirmative and negative form may be printed upon separate ballots or both may be printed on one ballot containing squares opposite the affirmative and the negative forms, in one of which squares the voters may make a cross (x) mark.

SEC. 4. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners as aforesaid and the other filed with the Clerk of the Superior Court of the county in which the school district or unit is situated. The Board of County Commissioners shall prepare a statement showing the number of votes cast for and against the levying of such tax, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once

in a newspaper published or circulating in such district or unit.

SEC. 5. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district shall be asserted, nor shall the validity of such election or the validity of the creation of such district, or the right or duty to levy the tax for the purposes herein set out, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding section.

Time limit on actions to contest validity.

SEC. 6. If a majority of the votes cast shall be in favor of the levying of such tax, the Board of County Commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, not to exceed twenty-five cents on the one hundred dollar valuation, on all taxable property in such district, or so much thereof as is sufficient to carry out the purposes of this Act; such special tax shall be in addition to all other taxes authorized to be levied in such district. The taxes provided for herein shall be collected by the county officer charged with the duty of collecting other taxes and shall be applied solely to the purpose set out in this Act.

Special tax levy authorized.

Collection and application.

SEC. 7. That in case a county, through its Board of Education and County Commissioners, or any other governing body, shall borrow money for school purposes from the State of North Carolina Literary Fund or from any of the special building funds of the State, or shall contract an indebtedness to any other source for the benefit of any school district coming within the provisions of this Act, the county shall have full power and authority to pay said indebtedness exclusively out of taxes to be levied in such district receiving the benefit of said loan or indebtedness, except the Board of County Commissioners may pay from county funds any part of the principal and interest of said indebtedness.

Other obligations contracted for benefit of special district.

SEC. 8. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the levying of taxes or for the custody of monies and its disbursement.

Powers conferred declared supplemental.

SEC. 9. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required under the provisions of the Local Government Act. The proceeds shall be paid out only

Act constitutes authority for powers authorized.

Application of Local Government Act.

upon the order and with the approval of the County Board of Education.

Time limitation  
on tax levy.

SEC. 10. In the event a unit or district is established under the provisions of this Act the authority to levy the tax for the purposes herein set out shall extend only for a period of two years from the date of the establishment thereof, and thereafter no further tax for said purposes shall be levied.

Application of Act.

SEC. 11. This Act shall apply only to Greene County.

Conflicting laws  
repealed.

SEC. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1939.

## S. B. No. 100

## CHAPTER 77

AN ACT TO VALIDATE SALES OF LAND FOR TAXES IN THE COUNTY OF ROBESON OR ANY MUNICIPALITY OR TAXING DISTRICT THEREIN FOR THE YEARS NINETEEN HUNDRED AND THIRTY-SIX AND NINETEEN HUNDRED AND THIRTY-SEVEN AND NINETEEN HUNDRED AND THIRTY-EIGHT.

*The General Assembly of North Carolina do enact:*

Tax sales for  
1936, 1937, 1938,  
Robeson County,  
validated.

SECTION 1. That all sales for failure to pay taxes held, conducted or made by the Tax Collector of Robeson County, or of any municipality or taxing district therein during the years nineteen hundred and thirty-six, nineteen hundred and thirty-seven and nineteen hundred and thirty-eight on any date subsequent to, or other than, the date prescribed by law, and all certificates of sales executed and issued pursuant to and in accordance with such sales be, and the same are, hereby approved, confirmed and validated and said sales shall have the same force and effect as if said sales had been held and conducted on the date prescribed by law.

Certificates of  
sales validated.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 76

## CHAPTER 78

## AN ACT TO PROVIDE FOR ADDITIONAL TERMS OF CIVIL AND CRIMINAL COURT FOR RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in addition to the regular terms of Superior Court now provided for by law for Randolph County there shall be held in Randolph County three additional terms of Superior Court as follows, to-wit:

Additional terms of Superior Court, Randolph County.

On the fifth Monday before the first Monday in March, to continue for two weeks, for the trial of civil cases only.

On the sixteenth Monday after the first Monday in March for a term of one week, for the trial of criminal cases only.

On the seventh Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only.

SEC. 2. That this Act shall not be construed to repeal or abolish any terms of Court now provided for the Fifteenth Judicial District, but in case of conflict of any of the regularly established terms of Court of the Fifteenth Judicial District with the terms hereby created, the said terms of Court hereby and herein established shall be considered special terms, and the Governor may assign the Judge to hold said terms of Superior Court for Randolph County, when the Judge holding the regular terms of Court in the District is unable to hold said terms.

Construction of Act.

Terms declared special in case of conflict with regular terms.

Assignment of Judge.

SEC. 3. That this Act shall be in full force and effect from and after the first Monday of April, one thousand nine hundred and thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 143

## CHAPTER 79

## AN ACT TO REPEAL CHAPTER SIX HUNDRED SIXTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, AND VALIDATE PROCEEDINGS RELATING TO THE ISSUANCE OF BONDS OF LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter six hundred sixty, Public-Local Laws of one thousand nine hundred twenty-seven, entitled "An Act to regulate the issuance of bonds in Lenoir County," be and the same is hereby repealed.

Ch. 660, Public-Local Laws, 1927, repealed.

Proceedings for issuance of bonds under County Finance Act, Lenoir County, validated.

SEC. 2. That all proceedings which have heretofore been taken by the Board of Commissioners for the County of Lenoir, North Carolina, in relation to the issuance of bonds of said county and which were taken in accordance with the provisions of the County Finance Act, as amended, be and the same are hereby validated and confirmed notwithstanding any failure to comply with the provisions of said Chapter six hundred sixty, "and that all acts and proceedings heretofore taken for the issuance of the one hundred thirteen thousand (\$113,000) dollars Courthouse Bonds of said County of Lenoir which were authorized by an order introduced on January twenty-fifth, one thousand nine hundred thirty-nine, be and the same are hereby ratified, validated and confirmed and that when said bonds shall have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said County of Lenoir, and, as required by the County Finance Act, the Board of Commissioners of said county shall annually levy and collect an ad valorem tax upon all taxable property in the county sufficient to pay the principal and interest of said bonds as such principal and interest become due."

Proceedings for issuance of Courthouse Bonds validated.

Bonds declared valid obligation of county.

Tax levy authorized.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 149

## CHAPTER 80

### AN ACT TO AUTHORIZE THE TRANSFER OF PRISONERS FROM THE FORSYTH COUNTY FARM TO THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION FOR THE COMPLETION OF THEIR SENTENCES.

*The General Assembly of North Carolina do enact:*

Transfer of prisoners from Forsyth County Farm to State Highway and Public Works Commission.

SECTION 1. That the Board of Commissioners of Forsyth County shall transfer and deliver all prisoners assigned to work on the Forsyth County Farm to the State Highway and Public Works Commission for the completion of their sentences under the supervision of the State Highway and Public Works Commission.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.



H. B. No. 156                      CHAPTER 81

AN ACT TO PERMIT THE COUNTY BOARD OF EDUCATION OF SAMPSON COUNTY TO EXCHANGE A PART OF THE CONCORD SCHOOL SITE FOR LANDS ADJACENT TO THE SCHOOL BUILDING.

Whereas, the Concord school site is in two tracts with a county road separating the one tract from the other tract; and,

Preamble: Transfer of certain Concord school property advisable.

Whereas, the County Board of Education has arranged for a transfer of land with the adjacent land owner to the end that the entire site may be made contiguous and more suited to education purposes; Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Board of Education be and is hereby authorized and empowered, within its discretion, to exchange that portion of said Concord school properties located across the county road from that portion of said Concord school properties upon which the said Concord school building is located, for a tract of land adjoining said Concord school property and adjacent to that portion of said property upon which the school building is located; provided, however, that in the event of such exchange there shall be no reduction in the total acreage of the land now included in the Concord school property.

Exchange of portion of school properties authorized.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

H. B. No. 160                      CHAPTER 82

AN ACT TO ABOLISH THE OFFICE OF TAX COLLECTOR IN PAMLICO COUNTY AND TO PROVIDE FOR THE COLLECTION OF TAXES BY THE SHERIFF OF SAID COUNTY.

Whereas, the collection of taxes in Pamlico County by a tax collector has not been found to be more economical, more uniform or more efficient than when such taxes were collected by the sheriff of said county; and

Preamble: Collection of taxes by tax collector, Pamlico County.

Whereas, Pamlico County being a small county the duties of the sheriff are necessarily light and the salary too small to enable him to live decently and at the same time employ a deputy and his clerical help; and

Advantages offered through collection of taxes by Sheriff.

*Whereas*, should the sheriff be empowered to collect taxes in addition to his regular duties as sheriff, the increased salary would attract men of outstanding ability and experience to fill the said office; and

*Whereas*, with the increased salary the sheriff and his deputies will move about the county more than before and will thus be enabled to more efficiently perform their duties as peace officers; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Ch. 197, Public-Local Laws, 1935, repealed.

SECTION 1. That Chapter one hundred and ninety-seven of the Public-Local Laws of one thousand nine hundred and thirty-five be and the same is hereby repealed, it being the intent and purpose of this Act to abolish the office of tax collector for Pamlico County.

Office of tax collector, Pamlico County, abolished.

SEC. 2. That on the first Monday in April, one thousand nine hundred and thirty-nine, the present tax collector of Pamlico County shall turn over to the County Commissioners of said county all books, papers, etc., connected with the collection of taxes in said County and shall make final settlement with the said commissioners.

Final settlement by tax collector.

Collection of taxes by Sheriff.

SEC. 3. That from and after the first Monday in April, one thousand nine hundred and thirty-nine, all the duties heretofore exercised by the tax collector, and all the powers provided by law relating to the collection of taxes shall be imposed and conferred upon the Sheriff of Pamlico County.

Compensation of Sheriff.

"SEC. 4. That for the performance of his duties as sheriff and tax collector, the said sheriff shall, in lieu of all other compensation, receive a salary of three thousand two hundred dollars (\$3,200.00) per annum, payable in monthly installments, out of which salary the sheriff shall provide such deputies and assistants as he may deem necessary. All process fees and other fees allowed by law for the service of process and other duties of the office of sheriff and tax collector shall be collected by the said sheriff and paid into the general fund of Pamlico County."

Deputies and assistants.

Fees collected by Sheriff paid into General County Fund.

Daily report of collections to auditor by Sheriff.

SEC. 5. That the said sheriff shall make daily reports to the auditor of the collections for the previous day, giving the amount and the name of the person paying such taxes, and shall turn over to him all money collected on the previous day, and the auditor shall check such daily reports of the sheriff and make a monthly report to the county commissioners at their regular meeting on the first Monday in each month, showing all collections reported in the daily reports of the sheriff for the previous month. For failure to make such daily reports, for a total of six week days or more during any one month the Board of Commissioners

Monthly report by auditor to County Commissioners.

Penalty for failure of Sheriff to make reports.

at their regular meeting on the first Monday in the month shall deduct fifty per cent from the salary due said sheriff for the next succeeding month.

SEC. 6. That before assuming the duties of tax collector, the sheriff of said county shall give a bond in the sum of ten thousand dollars with such surety as may be required and approved by the Board of County Commissioners of Pamlico County.

Bond required  
of Sheriff.

SEC. 7. That all laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 175                      CHAPTER 83

### AN ACT TO PERMIT THE BOARD OF EDUCATION OF SAMPSON COUNTY TO LEASE THE TEACHERAGE AT HALLS SCHOOL IN SAID COUNTY.

*Whereas*, the teacherage at Halls School, in Sampson County, has been destroyed by fire and the Board of Education of said County is without available funds with which to erect another teacherage; and

Preamble: Teacherage at Halls School, Sampson County, destroyed by fire.

*Whereas*, a plan has been agreed upon by the Halls School community and said Board, whereby the necessary funds for the erection of a new building can be furnished the Board as an advance payment of rent for the new teacherage, provided said Board is authorized to lease the building to be erected; *Now, therefore*,

Arrangements for Financing construction of new building.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Education of Sampson County is authorized and empowered to lease the teacherage to be erected at Halls School on such terms and conditions as said Board deems advisable for a period not to exceed twelve years, provided the lease shall contain a stipulation that the building shall be used principally as a teacherage during said period.

Lease of teacherage to be constructed at Halls School authorized.

SEC. 2. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 188                      CHAPTER 84

## AN ACT TO MAKE THE PER DIEM OF THE MEMBERS OF THE BOARD OF EDUCATION OF GATES COUNTY EQUAL TO THAT OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

Per diem of members of Board of Education, Gates County.

SECTION 1. That the per diem of the members of the Board of Education of Gates County be, and it is hereby, made the same as the per diem of the members of the Board of County Commissioners. In addition thereto, the members of said Board shall receive the same mileage allowance per mile traveled in the discharge of their duties as that allowed the members of the Board of County Commissioners: *Provided*, that the amount paid by the State shall not exceed the amount allocated in the School Machinery Act for Gates County.

Mileage allowance.

Limitation.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 210                      CHAPTER 85

## AN ACT RELATIVE TO THE APPOINTMENT OF A SCHOOL BOARD FOR THE ASHEVILLE LOCAL TAX SCHOOL DISTRICT, AND DEFINING ITS POWERS AND DUTIES.

*The General Assembly of North Carolina do enact:*

Ch. 149, Private Laws, 1931; Ch. 125, Private Laws, 1935; and Ch. 114, Public-Local Laws, 1937, amended.

SECTION 1. That Section three of Chapter one hundred forty-nine of the Private Laws of one thousand nine hundred thirty-one, Chapter one hundred twenty-five of the Private Laws of one thousand nine hundred and thirty-five, and Chapter one hundred fourteen of the Public-Local Laws of one thousand nine hundred thirty-seven be, and the same is, hereby amended so as to read as follows:

Designation of Asheville School Board.

Members.

Term of office.

“That said Asheville Local School District shall have a Board of Committeemen, known and designated as the *Asheville School Board*, composed of five (5) members: W. M. Smathers, W. Randall Harris, Frank J. Austin, E. B. Roberts and Mrs. T. Allen Luther be, and they hereby are, appointed as members of said Asheville School Board, whose term of office shall begin on the first day of April, one thousand nine hundred thirty-nine, and they shall hold office as such until their successors are elected, or appointed, and qualified, as hereinafter provided.”

SEC. 2. If any vacancy in the membership of said board occurs by reason of death or resignation or otherwise, the remaining members shall fill the same by appointment.

Vacancy appointments.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 227                      CHAPTER 86

### AN ACT TO ESTABLISH A LAW LIBRARY IN RUTHERFORD COUNTY.

*Whereas*, in the Courthouse of Rutherford County there has been set aside a room for a Law Library, and

Preamble: Law Library in Rutherford County Courthouse.

*Whereas*, a Law Library is deemed a necessity for the use of the officials of Rutherford County, and of the courts held in said county; and,

Necessity of equipment for library.

*Whereas*, it is desired to provide for the proper equipment, books and records necessary and requisite, and for the proper support and maintenance of said library; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Chairman of the Board of County Commissioners, the Clerk of the Superior Court, and the President of the Rutherford County Bar Association, and their successors in office, be, and they are hereby constituted the custodian of all books, supplies, equipment and furniture of the Law Library which shall be kept and maintained for the County of Rutherford and the use of the officials of said county and the courts held therein.

Custodian of library designated.

SEC. 2. All books, equipment, supplies and furniture of said library shall be the property of the County of Rutherford, and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts.

Equipment, etc. declared property of Rutherford County.

SEC. 3. The Clerk of the Superior Court of Rutherford County shall be, and he is hereby constituted to act as librarian of said library, without compensation. It shall be the duty of said librarian to keep said library room open during such hours as may be fixed by the custodian herein-

Clerk of Superior Court designated as librarian.

before provided for, and shall obey all rules and regulations which may be prescribed for the government and management of the said library.

Establishment of library fund.

SEC. 4. In order to provide a fund for the extension, maintenance and support of the said library, the sum of one dollar (\$1.00) shall be taxed as cost and collected by the Clerk of the Superior Court in each and every case tried and disposed of in the Superior Courts of Rutherford County, after the ratification of this Act (except in cases in which said county is adjudged to pay all costs), and shall be put in a fund to be known and designated as a library fund; and the said fund shall be deposited by the Clerk of the Superior Court in a bank designated for that purpose, and shall be used solely for the purpose of the extension, maintenance and operation of said library.

\$1.00 taxed as cost in Superior Court.

\$1.00 taxed as costs in inferior courts.

SEC. 5. That it shall also be the duty of the judges of all inferior courts, including the mayors of municipalities, to collect from the defendant in each and every case finally disposed of in their respective courts, in which the Superior Court originally had jurisdiction, the sum of one dollar (\$1.00), which amount shall be immediately paid over to the Clerk of the Superior Court of Rutherford County to supplement the aforesaid library fund, and which shall be expended in the way and manner provided in this Act.

Purchase of books authorized.

SEC. 6. That from the funds so collected from time to time, as provided in Sections four and five of this Act, it shall be the duty of the Clerk of the Superior Court of Rutherford County to purchase and pay for such volumes and sets of books as shall be recommended and agreed upon from time to time by the Chairman of the Board of Commissioners of Rutherford County, the Clerk of the Superior Court of said county, and a committee to be appointed annually by the Rutherford County Bar Association. All checks on said account shall be drawn and signed by the Clerk of the Superior Court of Rutherford County, and it shall be the duty of the said clerk to keep a correct account of all receipts and disbursements in connection with said library fund.

Selection of books.

Record of receipts and disbursements.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of law in conflict herewith regarding the disposition of costs received by the office of the Clerk of the Superior Court of Rutherford County, or any of the courts inferior to said Superior Court, are hereby repealed.

SEC. 8. That this Act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

H. B. No. 245

## CHAPTER 87

## AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF YADKIN COUNTY TO PROVIDE HIGH SCHOOL EDUCATION FOR NEGROES IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Education of Yadkin County is hereby authorized and empowered to pay a reasonable part or all of the cost of board and lodging of negroes resident of said county while attending high school in another county, such cost to be paid until Yadkin County shall provide high school facilities for negroes. The amount of said cost shall be annually included in the budget submitted by the County Board of Education for approval by the Board of County Commissioners of said county, and taxes levied for the payment thereof shall be included in taxes levied for the support of the schools in said county.

Provision for high school education for negroes, Yadkin County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

H. B. No. 260

## CHAPTER 88

## AN ACT TO MAKE THE PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF PASQUOTANK COUNTY ASSISTANT SOLICITOR TO THE SUPERIOR COURT OF PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Prosecuting Attorney of the Recorder's Court of Pasquotank County be, and as such is hereby made Assistant Solicitor to the Superior Court in and for the County of Pasquotank, North Carolina.

Prosecuting Attorney, Recorder's Court, made Assistant Solicitor, Superior Court, Pasquotank County.

SEC. 2. That as compensation the said assistant solicitor shall receive, payable out of the general fund, such amount as the Board of County Commissioners of said county shall decide, and the amount of such compensation may be changed by said board from time to time.

Compensation.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 275                      CHAPTER 89

AN ACT RELATIVE TO PAYMENT AND ADJUSTMENT  
OF SPECIAL ASSESSMENTS HERETOFORE LEVIED  
BY THE CITY OF HIGH POINT.*The General Assembly of North Carolina do enact:*Adjustment of  
special assessments,  
City of High  
Point, authorized.

SECTION 1. The Council of the City of High Point may by resolution provide for a twelve (12%) per cent discount on all payments on special assessments made hereafter in cash on or before July first, one thousand nine hundred thirty-nine.

SEC. 2. That on all special assessment accounts hereafter paid in full on or before July first, one thousand nine hundred thirty-nine, in addition to allowing such twelve (12%) per cent discount on such accounts, the council of said city may also refund or assume all court costs on such accounts.

Adjustment of cost  
of installing water  
and sewer con-  
nections.

SEC. 3. That where the City of High Point has heretofore installed more water and sewer connections than are needed to serve any lot or lots in said city and has charged such connections in such special assessment accounts, the city council is hereby authorized to make such adjustments of the cost of installing such connections as in the opinion of such council may be just and proper.

Conflicting laws  
repealed.

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

SEC. 5. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 277                      CHAPTER 90

AN ACT RELATIVE TO JURY TRIAL IN RECORDER'S  
COURT IN HYDE COUNTY.*The General Assembly of North Carolina do enact:*Transfer of  
Recorder's Court  
cases to Superior  
Court on demand  
for jury trial,  
Hyde County.

SECTION 1. That in all trials in Recorder's Court in Hyde County, upon demand for a jury by the defendant or the Prosecuting Attorney representing the State, the Recorder shall transfer said trial to the Superior Court of Hyde County, and the defendant shall execute a new bond in such amount as named by the Recorder for his appearance at the next term of Superior Court of Hyde County, and the Recorder of said Court shall immediately transfer the case to the Superior Court of Hyde County, without requiring any deposit from the defendant for the privilege of a jury trial.

New bond  
required.



SEC. 2. No Recorder's fee or Prosecuting Attorney's fee for said Recorder's Court shall be taxed in the final bill of costs where any case is transferred to the Superior Court of Hyde County, under the provisions of this Act, but this Act shall not affect said fees in other cases.

Fees not allowed  
in cases transferred.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 336                      CHAPTER 91

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY TO MAKE ADJUSTMENTS OF ALL UNPAID TAXES PRIOR TO THE YEAR ONE THOUSAND NINE HUNDRED AND THIRTY-TWO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Clay County, North Carolina, be and they are hereby authorized and empowered to adjust, compromise, and/or otherwise settle and collect all taxes which are unpaid for the years one thousand nine hundred and thirty-two and all years prior thereto, as in their discretion may be for the best interests of both the county and the taxpayers: *Provided*, such adjustments or settlements are made with said Board on or before October first, one thousand nine hundred and forty.

Adjustment of cer-  
tain delinquent  
taxes, Clay County,  
authorized.

SEC. 2. That the acts of the said Board of County Commissioners shall be legal and binding in every respect in connection with the settlement and adjusting of all taxes prior to the year one thousand nine hundred and thirty-two.

Adjustments  
validated.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 344

## CHAPTER 92

AN ACT TO EXTEND THE STATUTE OF LIMITATIONS  
ON PAVING ASSESSMENTS AND OTHER BENEFITS  
WITHIN THE CORPORATE LIMITS OF THE CITY OF  
ASHEVILLE.

*The General Assembly of North Carolina do enact:*

Extension of  
statute of limita-  
tions on paving  
assessments, etc.,  
City of Asheville.

SECTION 1. No statute of limitation on paving assessments or other benefits shall bar the right of the City of Asheville to collect same save from and after ten years from February twentieth, one thousand nine hundred and thirty-nine.

Further provision  
for extension of  
statute of  
limitations.

SEC. 2. That if any paving assessments or other benefits assessed against any piece of property in the corporate limits of the City of Asheville, and now on record in the tax office of the City of Asheville, as such assessment becomes void under Chapter three hundred and thirty-three, Section one, Subsection (b), of the Public Laws of one thousand nine hundred and twenty-nine, due to the running of the statute of limitations on March first, one thousand nine hundred and thirty-nine, then the same is hereby declared as an assessment, and the statute of limitations shall not begin to run against said assessment before the twentieth day of February, one thousand nine hundred and thirty-nine.

Conflicting laws  
repealed.

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

SEC. 4. That this Act shall take effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1939.

## H. B. No. 47

## CHAPTER 93

AN ACT TO AMEND CHAPTER THREE HUNDRED  
TWENTY-SIX OF THE PRIVATE LAWS OF ONE  
THOUSAND NINE HUNDRED FIVE RELATING TO  
THE SALE OF INTOXICATING BEVERAGES IN THE  
COLLEGE TOWN OF MARS HILL, IN MADISON  
COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 326, Private  
Laws, 1905,  
amended.

SECTION 1. That Chapter three hundred twenty-six of the Private Laws of one thousand nine hundred five be, and the same is hereby, amended by striking out Section six and inserting in lieu thereof the following:

Sale of intoxicating  
liquors, etc., within  
certain area of  
Town of Mars  
Hill, prohibited.

“SEC. 6. It shall be unlawful for any person, firm or corporation to manufacture, possess for the purpose of sale, or sell any intoxicating liquors, wines or beer within this

area within the corporate limits of the Town of Mars Hill, in Madison County.”

SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court.

Violations made  
misdemeanor.

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

In the General Assembly read three times and ratified, this the 23rd day of February, 1939.

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H. B. No. 171                      CHAPTER 94

AN ACT TO AMEND CHAPTER THIRTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED NINETY-FIVE RELATING TO THE CHARTER OF THE TOWN OF GUILFORD COLLEGE IN GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whereas the last elected Mayor and Commissioners of the Town of Guilford College are deceased or have removed from the community; that the following named persons shall fill the offices provided by said Town's Charter until the first Monday in May, one thousand nine hundred thirty-nine, and until their successors are elected and qualified, as directed by law:

Appointment of  
Mayor and Com-  
missioners, Town  
of Guilford  
College.

Clyde A. Milner, *Mayor*;

Raymond Binford,

A. I. Newlin, and

David H. Parsons, Jr., *Commissioners*.

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

In the General Assembly read three times and ratified, this the 23rd day of February, 1939.

## H. B. No. 308

## CHAPTER 95

AN ACT VALIDATING PROCEEDINGS HERETOFORE ADOPTED BY BUNCOMBE COUNTY, NORTH CAROLINA, FOR THE AUTHORIZATION OF THE REFUNDING BONDS AND FUNDING BONDS OF SAID COUNTY, VALIDATING THE BONDS TO BE ISSUED PURSUANT TO SUCH PROCEEDINGS AND THE INDEBTEDNESS REFUNDED AND FUNDED THEREBY, PROVIDING FOR THE ISSUANCE OF SAID REFUNDING AND FUNDING BONDS AND PROVIDING THAT THIS ACT SHALL TAKE IMMEDIATE EFFECT.

*The General Assembly of North Carolina do enact:*

Proceedings for authorization of funding and refunding bonds, Buncombe County, validated.

SECTION 1. That proceedings heretofore adopted by the Board of County Commissioners of Buncombe County, North Carolina, for the authorization of seven hundred and twenty thousand dollars refunding bonds, series two, and seventy-two thousand dollars funding bonds, series two, including resolutions adopted on November thirtieth, one thousand nine hundred thirty-eight and December fourteenth, one thousand nine hundred thirty-eight, are hereby in all things ratified, validated and confirmed, and that notwithstanding any defects or irregularities which may have occurred in the authorization of said bonds, said bonds, when duly delivered in accordance with said proceedings, shall be and are hereby declared to be the valid and legally binding obligations of Buncombe County, North Carolina, in accordance with the terms thereof, and are hereby validated and confirmed.

Indebtedness to be refunded, validated.

SEC. 2. That in order to facilitate the issuance of the bonds described in Section one hereof all of the indebtedness of Buncombe County, North Carolina, authorized to be refunded and funded by the issuance of said bonds, is hereby validated and confirmed, and the bonds, coupons, notes, judgments, certificates of indebtedness or other instruments evidencing said indebtedness are hereby validated and declared to be the validly outstanding and legally binding indebtedness and obligations of Buncombe County, North Carolina. It is hereby expressly found and declared that all of said indebtedness, including the bonds of Black Mountain Township assumed by Buncombe County, was incurred for the payment of the necessary expenses of said County and was incurred for special purposes and with the special approval of the General Assembly in compliance with the provisions of the Constitution of North Carolina; that said township bonds were issued for the construction and improvement of public roads which are now a part of the county highway system, and that said township bonds have

Indebtedness declared incurred for necessary expenses.

been heretofore properly and lawfully assumed as full general obligations of Buncombe County, North Carolina.

SEC. 3. That the Board of Commissioners and officials of Buncombe County are hereby authorized and empowered to adopt any and all proceedings and perform any and all acts necessary to the delivery and issuance of said refunding bonds and funding bonds.

Issuance of funding and refunding bonds authorized.

SEC. 4. That all laws and parts thereof in conflict herewith are to the extent of such conflict hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of February, 1939.

## H. B. No. 309

## CHAPTER 96

AN ACT VALIDATING PROCEEDINGS HERETOFORE ADOPTED BY THE CITY OF ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA, FOR THE AUTHORIZATION OF THE REFUNDING BONDS AND FUNDING BONDS OF SAID CITY, VALIDATING THE BONDS TO BE ISSUED PURSUANT TO SUCH PROCEEDINGS AND THE INDEBTEDNESS REFUNDED AND FUNDED THEREBY, PROVIDING FOR THE ISSUANCE OF SAID REFUNDING AND FUNDING BONDS AND PROVIDING THAT THIS ACT SHALL TAKE IMMEDIATE EFFECT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the proceedings heretofore adopted by the City Council of the City of Asheville, North Carolina, for the authorization of two hundred and seventy-three thousand nine hundred and nine dollars and seventy-five cents refunding bonds, series two, and twenty-seven thousand three hundred ninety dollars and ninety-seven cents funding bonds, series two, including proceedings had on December eight, one thousand nine hundred thirty-eight and December thirteen, one thousand nine hundred thirty-eight, in the adoption of the preliminary ordinance and proceedings had on January nineteen, one thousand nine hundred thirty-nine in the adoption of the supplemental and final ordinances are hereby in all things ratified, validated and confirmed. Notwithstanding any defects or irregularities which may have occurred in the authorization of said bonds, said bonds, when duly delivered in accordance with said proceedings, shall be, and are hereby, declared to be valid and legally binding obligations of the City of Asheville, in accordance with the terms thereof, and are hereby validated and confirmed.

Proceedings for authorization of funding and refunding bonds, City of Asheville, validated.

Indebtedness to be refunded, validated.

SEC. 2. That in order to facilitate the issuance of the bonds described in Section one hereof, the indebtedness of the City of Asheville authorized to be refunded and funded by the issuance of said bonds, is hereby validated and confirmed and the bonds, notes, coupons, judgments and other instruments evidencing said indebtedness are hereby validated and declared to be the legally binding indebtedness and obligations of the City of Asheville. It is hereby expressly found and declared that all of said indebtedness was incurred for the payment of the necessary expenses of said City and was incurred for special purposes and with the special approval of the General Assembly in compliance with the provisions of the Constitution of North Carolina.

Indebtedness declared incurred for necessary expenses.

Issuance of funding and refunding bonds authorized.

SEC. 3. That the City Council and city officials are hereby authorized and empowered to adopt any and all proceedings and to perform any and all acts necessary to the delivery and issuance of said refunding bonds and funding bonds.

Denominations of bonds fixed by City Accountant.

SEC. 4. That in order to eliminate an inconsistency in the proceedings for said bonds in designating the official who is to determine the denominations of the registered refunding and funding bonds, it is hereby provided that the City Accountant shall fix, and he is hereby empowered to fix, the denominations of the registered refunding and funding bonds.

Conflicting laws repealed.

SEC. 5. That all laws and parts thereof in conflict herewith are to the extent of such conflict hereby repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of February, 1939.

## S. B. No. 102

## CHAPTER 97

AN ACT TO AMEND CHAPTER TWO HUNDRED SEVENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN; TO MAKE THE OFFICE OF COUNTY TAX COLLECTOR OF BUNCOMBE COUNTY ELECTIVE.

*The General Assembly of North Carolina do enact:*

Ch. 273, Public-Local Laws, 1937, amended.

SECTION 1. That Section twelve of Chapter two hundred seventy-three of the Public-Local Laws of the session of one thousand nine hundred thirty-seven is hereby amended by striking out all of said section and inserting in lieu thereof the following:

Election of Tax Collector for Board of Tax Supervision, Buncombe County.

"SEC. 12. All laws and clauses of laws relating to the election of a Tax Collector in Buncombe County and affecting the salary of such office are hereby repealed. That at

the next regular election to be held for members of the General Assembly there shall be elected a Tax Collector for the Board of Tax Supervision of Buncombe County, who shall be chosen for a term of two years, or until his successor has been elected and qualified; such term shall begin on the first day of July after such regular election. The salary of such Tax Collector shall be thirty-six hundred dollars (\$3600.00) per annum, payable monthly. W. A. Swain, Jr., the present Tax Collector for the Board of Tax Supervision, shall continue to be the Tax Collector of the Board of Tax Supervision until July first, one thousand nine hundred forty-one, or until his successor has been elected and qualified, and shall receive a salary of three hundred dollars (\$300.00) per month. In the event of the death, resignation or disqualification of the Tax Collector of the Board of Tax Supervision, his successor shall be appointed by the Chairman of the Board of Commissioners of Buncombe County and the City Manager of the City of Asheville, and in the event they shall disagree as to the appointment, the Clerk of Superior Court for Buncombe County shall make such appointment."

Term of office.

Compensation.

Term of office of present Tax Collector.

Vacancy appointment.

SEC. 2. Before assuming the duties of his office, the Tax Collector herein provided for shall give bond for the faithful performance of his duties and account for all monies for which he may in any way be accountable, in the sum of not less than fifty thousand dollars (\$50,000.00); the amount of such bond shall be determined by the Chairman of the Board of County Commissioners and the City Manager of the City of Asheville, and such Chairman and City Manager shall approve the bond; premium to be paid by the City of Asheville and Buncombe County.

Bond required.

SEC. 3. That Section sixteen of Chapter two hundred seventy-three of the Public-Local Laws of the session of one thousand nine hundred thirty-seven is hereby amended by striking out the last sentence of said section, which said sentence reads as follows: "That all publications, notices, and advertisements required in carrying out the purposes of this Act shall be in accordance with the terms of Section seventeen (a) of the City Charter of the City of Asheville."

Ch. 273, Public Laws, 1937, further amended, as to publications, notices, etc.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

## S. B. No. 104

## CHAPTER 98

AN ACT TO RELIEVE THE SUPREME COURT FROM THE DUTY OF APPROVING NOMINATIONS TO FILL VACANCIES IN THE BOARD OF TRUSTEES OF REX HOSPITAL, AND FROM THE EXERCISE OF ORIGINAL JURISDICTION TO ENTERTAIN PETITIONS FOR AN ACCOUNTING BY SAID TRUSTEES, AND TO TRANSFER SAID DUTIES TO THE SUPERIOR COURT OF WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 6,  
Private Laws, 1840,  
amended.

Approval of  
nominees for  
membership, Board  
of Trustees, Rex  
Hospital.

SECTION 1. That Section two of Chapter six, Private Acts of the General Assembly of North Carolina, session of one thousand eight hundred and forty, and one thousand eight hundred and forty-one, be and the same is hereby amended by striking out the words "with the approbation of the Supreme Court in manner aforesaid," and inserting in lieu thereof the words "with the approval of the resident Judge of the Superior Court of the district in which the County of Wake is included."

Sec. 3, amended.

Petitions for  
accounting.

SEC. 2. That Section three of said Act be and the same is hereby amended by striking out the words, "by petition in equity in the Supreme Court," and inserting in lieu thereof the words, "by petition in the Superior Court of Wake County before the judge thereof."

Conflicting laws  
repealed.

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.

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

## S. B. No. 149

## CHAPTER 99

AN ACT TO REGULATE LAND SURVEYING IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Registration of land  
surveyors, without  
examination,  
Buncombe County.

SECTION 1. That any person who has been engaged in land surveying in Buncombe County for a period of thirty-five years or more shall be issued a certificate of registration as a land surveyor by the State Board of Registration for Engineers and Land Surveyors without taking an examination and upon the payment of the fee prescribed for such certificate and each yearly renewal thereof.

Conflicting laws  
repealed.

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



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

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

H. B. No. 148                      **CHAPTER 100**

**AN ACT TO PROHIBIT PUBLIC DANCES BETWEEN THE HOURS OF MIDNIGHT SATURDAY NIGHT AND MIDNIGHT SUNDAY NIGHT, OR AT ANY TIME ON SUNDAYS IN CURRITUCK COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any person, firm or corporation to give, hold, or engage in public dances or public dancing, or to permit the same to be carried on in country stores, service stations, lunch rooms, club houses, private homes or any other public building or buildings in Currituck County between the hours of midnight Saturday night and midnight Sunday night, or at any time on Sundays.

Public dances on Sunday prohibited, Currituck County.

SEC. 2. Anyone violating the provisions of this Act shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and in no case shall the court have power to suspend judgment on the payment of costs.

Violations made misdemeanor.

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

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

H. B. No. 220                      **CHAPTER 101**

**AN ACT TO REQUIRE THE SHERIFF OF CURRITUCK COUNTY TO APPOINT A DEPUTY SHERIFF FOR MOYOCK TOWNSHIP IN SAID COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. The Sheriff of Currituck County is hereby required to appoint a deputy sheriff for the Township of Moyock in Currituck County whose residence shall be in said township. The salary of said deputy sheriff shall be three hundred dollars per annum to be paid by the Sheriff out of his salary, and in addition thereto said deputy sheriff shall be allowed all fees for service of process which are placed in his hands by virtue of his office.

Appointment of deputy sheriff, Moyock Township, Currituck County.

Compensation.

SEC. 2. The Sheriff of Currituck County shall not be required to appoint such a deputy sheriff for Moyock Township in the event the Sheriff himself resides in said township.

Conflicting laws repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

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H. B. No. 273                      CHAPTER 102

AN ACT TO FIX THE SALARY OF THE CORONER OF THE COUNTY OF PASQUOTANK.

*The General Assembly of North Carolina do enact:*

Compensation of Coroner, Pasquotank County.

SECTION 1. That the Coroner of Pasquotank County shall receive in lieu of all fees, commissions and compensations allowed and provided for by Section three thousand nine hundred and five of the Consolidated Statutes of North Carolina, the sum of three hundred dollars per annum, payable in twelve monthly installments by the Auditor or other proper authority of Pasquotank County.

Conflicting laws repealed.

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

SEC. 3. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred thirty-nine.

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

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H. B. No. 294                      CHAPTER 103

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTEEN, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND THREE, AS AMENDED BY CHAPTER ONE HUNDRED AND THIRTY, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO JURISDICTION OF THE MAYOR AND POLICE OF THE TOWN OF BREVARD.

*The General Assembly of North Carolina do enact:*

Sec. 7, Ch. 113, Private Laws, 1903, amended as to territorial jurisdiction of Mayor, Town of Brevard.

SECTION 1. That Section seven of Chapter one hundred and thirteen, Private Laws, one thousand nine hundred and three, as amended by Section one of Chapter one hundred and thirty of the Private Laws, one thousand nine hundred

and thirty-five, be and the same is hereby amended by striking out the words "and one mile beyond said corporate limits" in line three of said Section seven, as amended.

SEC. 2. That Section thirty-four of Chapter one hundred and thirteen, Private Laws of one thousand nine hundred and three, as amended by Section two of Chapter one hundred and thirty of the Private Laws of one thousand nine hundred and thirty-five, be and the same is hereby amended by striking out the words "and one mile beyond said corporate limits" in line eight of said Section thirty-four, as amended.

Sec. 34, amended as to territorial jurisdiction of policemen.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

## H. B. No. 296                      CHAPTER 104

### AN ACT REGULATING THE FEES PAYABLE TO THE SHERIFF FOR PRISONERS IN RICHMOND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That on and after February tenth, one thousand nine hundred and thirty-nine, each and every prisoner confined in the county jails of the County of Richmond shall be charged seventy-five cents per day as a fee for board and lodging, payable to the Sheriff of said county.

Prisoner's fees, Richmond County.

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

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

## H. B. No. 328                      CHAPTER 105

### AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-TWO, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATIVE TO THE SALARY OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred twenty-two of the Public-Local Laws of one thousand nine hundred thirty-seven, be, and the same is hereby, amended by striking out

Ch. 122, Public-Local Laws, 1937, amended.

all of Section one of said Chapter and inserting in lieu thereof, the following:

Compensation of Mayor and Board of Aldermen, Town of Waynesville.

“SECTION 1. That from and after the expiration of the present term of office of the Mayor and Board of Aldermen of the Town of Waynesville, the salary of the Mayor and Board of Aldermen of said town shall be fixed by the Board of Aldermen at not exceeding eighty dollars (\$80.00) per month for the Mayor, and not exceeding forty dollars (\$40.00) per month for each member of the Board of Aldermen.”

Payment of salaries validated.

SEC. 2. That the acts of the Mayor and Board of Aldermen in paying the salaries for the present term of office at the same rate as paid prior to this term, is hereby approved, validated and ratified.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

#### H. B. No. 340

#### CHAPTER 106

### AN ACT VALIDATING CERTAIN ACTS OF THE BOARD OF COUNTY COMMISSIONERS OF CATAWBA COUNTY.

Preamble: Lease of property by County Commissioners, Catawba County.

*Whereas*, the Board of County Commissioners of Catawba County did, on December seventeenth, one thousand nine hundred thirty-seven, lease with an option to purchase a certain tract of land with building thereon, which prior to its abandonment had been used as a preventorium for afflicted children, but which for several years had been closed, and the lessees started a hospital, which has been in continuous operation since the property was leased; and

Desire of lessees to exercise option to purchase.

*Whereas*, the lessees have notified the Board of County Commissioners of Catawba County they desire to exercise the option to purchase said property, and are ready to pay the purchase price of twenty thousand dollars (\$20,000) for said property; and

Necessity of new county jail.

*Whereas*, Catawba County's jail has been unsafe, unsanitary, inadequate and a distinct menace to life and property, and the building of a new jail has been recommended by various grand juries over a period of years; and

Necessity of working space for departmental activities.

*Whereas*, the growth of departmental activities in Catawba County, in recent years, has made it necessary to provide adequate working space for several departments; and

*Whereas*, the Board of County Commissioners of Catawba County found the erection of a new jail and providing adequate housing for some of the departments of the county government was a necessary need and the costs of such project a necessary expense; and

Necessity of new building for jail and office space.

*Whereas*, a new location was chosen, and a governmental grant secured from the Federal Emergency Administration of Public Works to supplement a bond issue of forty-six thousand dollars (\$46,000) by the county to finance said project, which is in process of completion; *Now, therefore*,  
*The General Assembly of North Carolina do enact:*

WPA grant and bond issue.

SECTION 1. That the Board of County Commissioners of Catawba County are authorized and empowered to sell and convey the land owned by the county and now known as the Catawba General Hospital property, in accordance with the resolution of said board, dated December seventeenth, one thousand nine hundred thirty-seven, and appearing on the record of said board's proceedings in Minute Docket No. 7, pages five hundred forty-four to five hundred forty-seven, inclusive.

Sale and conveyance of Catawba General Hospital property authorized.

SEC. 2. That the acts of the Board of Commissioners of Catawba County in purchasing the lot on the corner of South Main Street and West "B" Street in the Town of Newton, and paying therefor the sum of six thousand dollars (\$6,000) out of the surplus, general county funds, and the erection thereon of an adequate jail and office building for the county, are hereby ratified and confirmed.

Purchase of lot, Town of Newton, and election of building, ratified.

SEC. 3. That said Board of County Commissioners are hereby authorized and empowered to sell the old jail site and jail building at public auction, after due advertisement, after the new jail is completed and the old building abandoned.

Sale of old jail property authorized.

SEC. 4. That powers granted by the Act are granted in addition to and not in substitution for, existing powers of said Board of County Commissioners of Catawba County.

Powers herein granted declared additional.

SEC. 5. All laws and clauses of laws, inconsistent with this Act, be, and the same are, hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

## H. B. No. 378            CHAPTER 107

AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE RELATING TO RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 125, Public-Local Laws, 1933, amended, as to compensation of Clerk Superior Court, Rutherford County.

SECTION 1. That Section two of Chapter one hundred twenty-five of the Public-Local Laws of one thousand nine hundred thirty-three, relating to the duties of the Clerk of Superior Court of Rutherford County, be, and the same is hereby, amended by striking out in lines two and three of Section two the words enclosed in parentheses as follows: "(including his duties as Juvenile Judge)."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 24th day of February, 1939.

## S. B. No. 108            CHAPTER 108

AN ACT TO AMEND CHAPTER TWO HUNDRED SIXTY-THREE, PUBLIC-LOCAL LAWS OF SESSION ONE THOUSAND NINE HUNDRED THIRTY-FIVE, TO CHANGE THE NAME OF "BRUNSWICK COUNTY HOSPITAL" TO "DR. J. ARTHUR DOSHER MEMORIAL HOSPITAL."

*The General Assembly of North Carolina do enact:*

Ch. 263, Public-Local Laws, 1935, amended, to change name of "Brunswick County Hospital" to "Dr. J. Arthur Doshier Memorial Hospital."

SECTION 1. That Section one be amended by striking out the words "Brunswick County Municipal Hospital" and inserting in lieu thereof the words "Dr. J. Arthur Doshier Memorial Hospital."

SEC. 2. That Section two be amended by striking out the words "Brunswick County Hospital" and inserting in lieu thereof the words "Dr. J. Arthur Doshier Memorial Hospital."

SEC. 3. That Section three be amended by striking out the words "Brunswick County Hospital" and inserting in lieu thereof the words "Dr. J. Arthur Doshier Memorial Hospital."

SEC. 4. That Section four of said Act be amended by striking out the words "Brunswick County Hospital" wherever they may appear in said section and inserting in lieu thereof the words "Dr. J. Arthur Doshier Memorial Hospital."

SEC. 5. That Section six of said Act be amended by striking out the words "Brunswick County Hospital" and inserting in lieu thereof the words "Dr. J. Arthur Doshier Memorial Hospital."

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## S. B. No. 122                      CHAPTER 109

### AN ACT RELATING TO BARBED-WIRE FENCES ALONG ROADS AND PUBLIC HIGHWAYS IN ROBESON COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall not be held for negligence, or evidence of negligence, for a land owner, or anyone acting under his permission or through him, to erect on his own lands along any highway or public road, or private road, but outside of the right-of-way of such highway or road, a barbed-wire fence for pasture or plantation purposes, or otherwise.

Erection of barbed-wire fences along public roads, Robeson County.

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

Conflicting laws repealed.

SEC. 3. That this Act shall apply only to Robeson County.

SEC. 4. That wherever the name "Robeson County" appears in any Act, Public, Local or Private, wherein the erection of barbed-wire fences along highways, roads, public and private, is prohibited the words "Robeson County" or the word "Robeson" be and the same are hereby stricken out and all laws that condemn the erection of barbed-wire fences at any place and make the erection or maintenance thereof a misdemeanor or crime, the same are hereby repealed in so far as they relate to Robeson County.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## H. B. No. 75

## CHAPTER 110

AN ACT VALIDATING THE ACTION OF THE GOVERNING BODY OF THE TOWN OF CHAPEL HILL IN VOIDING STREET ASSESSMENTS AND REASSESSING PROPERTY WITHIN DESIGNATED LIMITS.

*The General Assembly of North Carolina do enact:*

Reduction of certain street assessments and rates of interest by governing body, Chapel Hill, validated.

SECTION 1. The action of the Board of Aldermen of the Town of Chapel Hill by resolution of the date of January twelve, one thousand nine hundred thirty-nine, voiding the street assessments theretofore levied upon property abutting upon West Franklin Street in said town between Columbia Street and Merritt Mill Road and reassessing said property upon said street within the designated limits upon a basic rate of five and two hundred sixty-seven one thousandths dollars (\$5.267) in lieu of seven and seventy one hundredths dollars (\$7.70) per front foot and fixing interest charges at the rate of three per cent per annum in lieu of six per cent per annum to the date of the passage of the resolution, and providing for the payment of any balance found to be due in ten equal annual installments with interest at the rate of six per cent per annum, said balance being declared a lien against said property, and providing for the refund without interest to the title holders of record as of January twelve, one thousand nine hundred thirty-nine, of any sum paid over and above the amount found to be due upon the new basic rate and interest charge, and providing for the preparation of a new assessment roll in accordance with the provisions of Chapter fifty-six of the Public Laws of one thousand nine hundred fifteen, as applicable, is validated, ratified and in all respects approved and confirmed.

Provisions for installment payments of sums due, validated.

Refund of overpayments authorized.

SEC. 2. The governing body of the Town of Chapel Hill is authorized and empowered to use any funds coming into its treasury, not specifically designated for any other particular purpose, or by bond issue, for the refund without interest of any overpayment of the assessments upon the property abutting on West Franklin Street in said town between Columbia Street and Merritt Mill Road.

Governing body exempted from personal liability.

SEC. 3. That the individual members of the governing body of the Town of Chapel Hill are relieved of all personal liability by reason of the voiding of the original assessment, the reassessment of the property abutting on West Franklin Street in said town between Columbia Street and Merritt Mill Road, and the refund without interest of any payments paid above the amount found to be due under the reassessment.



SEC. 4. No civil action affecting the validity of the resolution of the Board of Aldermen of the Town of Chapel Hill, this Act, or any other action done in pursuance of said resolution, or this Act, shall be brought unless instituted within sixty days from the date of the accrual of such cause of action.

Time limitation on actions contesting validity of resolution.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## H. B. No. 136                    CHAPTER 111

AN ACT TO AMEND CHAPTER TWENTY-FOUR OF THE PUBLIC LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATIVE TO CERTAIN FEES TO BE ALLOWED THE JAILER OF MACON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter twenty-four of the Public-Local Laws of one thousand nine hundred and thirty-seven be and the same is hereby amended, by striking out all of Section two of said chapter.

Ch. 24, Public-Local Laws, 1937, as to fees of jailer, Macon County, amended.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## H. B. No. 271                    CHAPTER 112

AN ACT TO EXTEND THE TERMS OF OFFICE FOR COUNTY COMMISSIONERS AND SURVEYOR IN DAVIDSON COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Davidson County by the qualified voters thereof a Board of County Commissioners and Surveyor who shall serve for a term of four years from the first Monday in December after their election and until their successors are elected and qualified. The County Commis-

Four-year term for County Commissioners and Surveyor, Davidson County.

sioners and Surveyor for Davidson County elected at the general election held in the year one thousand nine hundred thirty-eight shall hold office for the term of four years and until their successors are elected and qualified at the general election to be held in the year one thousand nine hundred forty-two.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

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### H. B. No. 334                    CHAPTER 113

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND EIGHTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO SUNDAY SALES IN JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 418, Public-Local Laws, 1937, regulating Sunday sales, Johnston County, repealed.

SECTION 1. That Chapter four hundred and eighteen of the Public-Local Laws of one thousand nine hundred and thirty-seven entitled "An Act Regulating Sunday Sales in Johnston County," be and the same is hereby repealed.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

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### H. B. No. 338                    CHAPTER 114

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF IREDELL COUNTY TO ADJUST ALL UNPAID TAXES PRIOR TO THE YEAR ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT.

*The General Assembly of North Carolina do enact:*

Adjustment of delinquent taxes, Iredell County.

SECTION 1. That the Board of County Commissioners of Iredell County, North Carolina, are hereby authorized and empowered to adjust, compromise and/or otherwise settle and collect all taxes unpaid prior to the year one thousand nine hundred and thirty-eight.

Prior adjustments validated.

SEC. 2. That all acts of the Board of County Commissioners of Iredell County done heretofore in adjusting and settling and collecting taxes are hereby validated.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## H. B. No. 339                      CHAPTER 115

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF WINTON, HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section eleven of Chapter sixteen of the Private Laws of the extra session one thousand nine hundred twenty-one, be and the same is hereby amended by adding at the end thereof the following: "That the Board of Commissioners shall have the power to make and provide all needful ordinances and regulations to establish zones, by prescribing the boundaries thereof, within which members of one race and not of another race shall reside, provided that this amendment shall not be construed as authorizing the Board of Commissioners to restrict the ownership of any property." Ch. 16, Private Laws, Extra Session, 1921, amended.  
  
Establishment of racial zones, Town of Winton, authorized.

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

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## H. B. No. 359                      CHAPTER 116

### AN ACT TO RELIEVE PERSONS SUMMONED TO SERVE AS TALES JURORS IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any and all persons called by the Sheriff or his deputies to act as tales juror or jurors in either Superior Court or the General County Court of Buncombe County and serving as same, except such persons as may be summoned as jurors of a special venire, shall serve as juror or jurors, if selected, without pay if such person or persons so summoned shall have served as a tales juror or jurors in said court at any time within twelve months prior thereto. Tales juror service, Buncombe County.

SEC. 2. That it shall be the duty of the Clerk of the Superior Court and the Clerk of General County Court, before issuing a warrant to any tales juror entitling such juror to pay for service as a juror, to investigate carefully Clerks required to check records of previous service before issuing warrants.

and thoroughly the records of said court in order to ascertain whether or not said juror has theretofore served as a tales juror in said court within a period of twelve months, and such clerk or clerks shall not issue any warrant to such jurors who have served within twelve months prior thereto.

Excused on application to judge.

SEC. 3. That if any person so called shall direct the attention of the presiding judge to the fact that he has served as a tales juror in said court within a period of twelve months, the judge shall then excuse him.

Application of Act.

SEC. 4. That this Act shall apply only to Buncombe County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws inconsistent with this Act be, and the same are hereby, repealed.

Effective date.

SEC. 6. That this Act shall be in full force and effect from and after the first day of May, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## H. B. No. 362

## CHAPTER 117

### AN ACT TO AUTHORIZE THE SHERIFF OF DURHAM COUNTY TO APPOINT ADDITIONAL DEPUTIES.

*The General Assembly of North Carolina do enact:*

Appointment of additional deputy sheriffs, Durham County.

SECTION 1. That the Sheriff of Durham County be, and he is hereby, authorized to appoint two deputies in addition to those already provided for in Section four of Chapter five hundred and three, Public Laws of one thousand nine hundred and nine.

Duties.

SEC. 2. That said deputies shall discharge such duties as are now imposed upon deputy sheriffs in Durham Township, and each shall receive as compensation for his services the sum of one hundred and forty-five dollars per month. That the cost of transportation for said deputies shall be paid by Durham County.

Compensation.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## H. B. No. 383                    CHAPTER 118

AN ACT TO AMEND CHAPTER FOUR HUNDRED SEVENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, REGULAR SESSION OF ONE THOUSAND NINE HUNDRED NINETEEN, BEING AN ACT TO FIX THE SALARIES OF THE OFFICERS OF WAYNE COUNTY, AS AMENDED BY CHAPTER ONE HUNDRED FORTY-NINE, OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, EXTRA SESSION OF ONE THOUSAND NINE HUNDRED TWENTY, TO PROVIDE ADDITIONAL COMPENSATION FOR THE REGISTER OF DEEDS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six of Chapter four hundred seventy-five of the Public-Local Laws of North Carolina, regular session of one thousand nine hundred nineteen, as amended by Chapter one hundred forty-nine of the Public-Local Laws of North Carolina, extra session of one thousand nine hundred twenty, be amended by adding at the end thereof the following:

Ch. 475, Public-Local Laws, 1919, amended.

“That in addition to his said salary the Register of Deeds of Wayne County shall also be entitled to and may retain as additional compensation for his services all of the one dollar fees required to be collected by Section three thousand nine hundred and six of the Consolidated Statutes of North Carolina for the issuing of marriage licenses.”

Additional compensation for Register of Deeds, Wayne County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

## S. B. No. 167                    CHAPTER 119

AN ACT RELATING TO THE ALLOCATION OF THE LAW ENFORCEMENT FUND RECEIPTS FROM ALCOHOLIC BEVERAGES CONTROL STORES IN WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Warren County Alcoholic Beverages Control Board be, and it is hereby authorized and directed, to allocate and disburse law enforcement fund receipts provided by Chapter forty-nine, Public Laws of one thousand nine hundred thirty-seven as follows: One-half of the law enforcement fund receipts of its Warrenton store to the

Allocation and disbursement of law enforcement fund receipts, Warren County.

Town of Warrenton; one-half of the law enforcement fund receipts of its Norlina store to the Town of Norlina; one-half of the law enforcement fund receipts of its Littleton store to the Town of Littleton.

Use of fund regulated.

SEC. 2. That no part of the above law enforcement fund receipts as above allocated by said County Board of Alcoholic Control shall be used to increase salaries of police officials of said towns, but shall be placed in the general fund of the said towns by way of reimbursment for expenses incurred and to be incurred by said towns in enforcing said Alcoholic Beverages Control Act.

Disbursement of unexpended law enforcement appropriations.

SEC. 3. That all unexpended appropriations for law enforcement made by said County Board of Alcoholic Control prior to the passage of this Act shall be allocated and disbursed by said Board as herein provided.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 1st day of March, 1939.

H. B. No. 259

CHAPTER 120

AN ACT TO FIX THE FEES OF JURORS IN THE SUPERIOR COURT OF PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

Fees of regular jurors, Pasquotank County.

SECTION 1. That all regular jurors serving in the Superior Court of Pasquotank County shall be entitled to receive, and shall be paid for their services, three dollars (\$3.00) per day and mileage at the rate of five cents (5c) per mile.

Fees of tales jurors and special veniremen.

SEC. 2. That all tales jurors and special veniremen serving in the Superior Court of Pasquotank County shall be entitled to receive, and shall be paid for their services, two dollars (\$2.00), per day and mileage at the rate of five cents (5c) per mile.

Conflicting laws repealed.

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

Effective date.

SEC. 4. That this Act shall take effect on the first day of July, one thousand nine hundred and thirty-nine, and shall be in full force and effect thereafter.

In the General Assembly read three times and ratified, this the 1st day of March, 1939.

H. B. No. 287

## CHAPTER 121

AN ACT TO AMEND CHAPTER TWENTY-FIVE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, SAME BEING "AN ACT TO INCORPORATE THE TOWN OF MAXTON, ROBESON COUNTY, NORTH CAROLINA," SO AS TO PROVIDE COMPENSATION FOR THE MAYOR AND COMMISSIONERS OF THE SAID TOWN.

Whereas, by Chapter twenty-five, Private Laws of one thousand eight hundred and eighty-seven, the Town of Maxton, Robeson County, was incorporated; and

Preamble:  
Incorporation of  
Town of Maxton.

Whereas, said Act does not provide compensation for the mayor and commissioners of said town; Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter twenty-five, Private Laws of one thousand eight hundred and eighty-seven, be, and the same is hereby, amended and supplemented so as to provide compensation for the mayor and commissioners of the Town of Maxton, as follows: That the mayor shall receive as compensation for his services the sum of five dollars for each regular meeting of the Board of Commissioners attended by him, and the members of the Board of Commissioners shall receive the sum of three dollars, each, for each regular meeting attended by them, said compensation to be paid from the general funds of the town: Provided, that neither the mayor nor the commissioners shall receive pay for more than two meetings in any one month, and they shall not receive any pay for meeting which they do not attend: *Provided, further*, that no payments shall be made under the provisions of this Act for any meetings attended prior to July first, one thousand nine hundred and thirty-nine.

Ch. 25, Private  
Laws, 1887,  
amended.

Compensation of  
Mayor and  
Commissioners,  
Town of Maxton.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 1st day of March, 1939.

H. B. No. 332                      CHAPTER 122

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FORTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE SALARY OF THE SHERIFF OF JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 445, Public-Local Laws, 1931, amended, to increase expense limitation, Sheriff's office, Johnston County.

SECTION 1. That Section one of Chapter four hundred and forty-five of the Public-Local Laws of one thousand nine hundred and thirty-one, be and the same is hereby amended by striking out the words "eighteen thousand dollars" in line five of said section and inserting in lieu thereof the words "twenty-one thousand dollars."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 1st day of March, 1939.

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H. B. No. 350                      CHAPTER 123

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF TYRRELL COUNTY TO CAUSE TO BE AUDITED THE FINANCIAL RECORDS OF SAID COUNTY AND TO LEVY A SPECIAL TAX THEREFOR.

*The General Assembly of North Carolina do enact:*

Audit of financial records of Tyrrell County, authorized.

SECTION 1. That subject to the provisions of Chapter two hundred one, Public Laws of one thousand nine hundred twenty-nine, as amended, the Board of County Commissioners of Tyrrell County is hereby authorized and empowered to employ a certified public accountant or a firm of certified public accountants to audit the financial records of said county for a period beginning not earlier than July first, one thousand nine hundred thirty-one and ending not later than June thirtieth, one thousand nine hundred thirty-nine.

Special tax levy for payment of cost of audit authorized.

SEC. 2. That the cost of said audit to the County shall not exceed the sum of two thousand five hundred dollars (\$2,500.00) and for the payment thereof the Board of County Commissioners of Tyrrell County is hereby authorized to levy and cause to be collected a special tax in the year one thousand nine hundred thirty-nine on all taxable property in said county in the same manner as other taxes are levied and collected.



SEC. 3. That the powers conferred by this Act upon the Board of County Commissioners of Tyrrell County shall be in addition to and not in substitution for any powers now conferred by law.

Powers herein granted declared additional.

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

In the General Assembly read three times and ratified, this the 1st day of March, 1939.

H. B. No. 360

CHAPTER 124

AN ACT TO PROHIBIT THE MANUFACTURE, PURCHASE, SALE, DEALING IN, TRANSPORTATION, POSSESSION, ADVERTISEMENT AND USE OF PYROTECHNICS IN PAMLICO COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within Pamlico County: *Provided, however,* that it shall be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: *Provided, further,* that the use of said pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, shall be under supervision of experts who have previously secured a permit from the county, city or municipality in which said pyrotechnics are to be exhibited, used or discharged.

Pyrotechnics prohibited in Pamlico County.

Use at public exhibitions, permitted.

SEC. 2. That in case of sale or purchase of pyrotechnics where the delivery thereof was made by a common or other carrier, the sale shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee.

County of delivery deemed place of sale.

SEC. 3. That possession of pyrotechnics by any person, for any purpose other than those permitted under this Act, shall be prima facie evidence that such pyrotechnics are kept for the purpose of being sold, bartered, exchanged, given away, furnished, otherwise disposed of, or used in violation of the provisions of this Act.

Possession prima facie evidence of violation of Act.

SEC. 4. That for the purpose of enforcing the provisions of this Act, the sheriff of Pamlico County and the chiefs of police in all cities and towns within Pamlico County are hereby empowered and authorized to issue permits for use in connection with the conduct of public exhibitions, such as fairs, carnivals, shows of all descriptions and public

Issuance of permits for public exhibitions.

celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other. Any person desiring to secure a permit as aforementioned shall make application to the Sheriff of Pamlico County in which said pyrotechnics are to be used or to the chief of police of the municipality in which said pyrotechnics are to be used.

Application for permit.

"Pyrotechnics" defined.

SEC. 5. That for the proper construction of the provisions of this Act, the word "pyrotechnics" as is herein used shall be deemed to be and include any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes: *Provided, however,* that nothing herein contained shall prevent the manufacture, purchase, sale, transportation and use of explosives used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms.

Exemptions.

Violations made misdemeanor.

SEC. 6. That any person violating any of the provisions of this Act, except as otherwise specified in said Act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Partial invalidity clause.

SEC. 7. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1939.

## H. B. No. 305

## CHAPTER 125

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF ROBESON COUNTY, AND THE BOARD OF COMMISSIONERS OF ANY MUNICIPALITY IN SAID COUNTY, TO ACCEPT PROPOSALS OF SETTLEMENT OF CLAIMS IN BANKRUPTCY PROCEEDINGS WHEN APPROVED BY THE BANKRUPTCY COURT.

Commissioners, Robeson County, and municipalities authorized to make settlement of claims in bankruptcy proceedings.

*The General Assembly of North Carolina do enact:*

SECTION 1. In any proceeding relating to any debtor instituted under the Bankruptcy Laws of the United States, as amended, the Board of Commissioners of Robeson County,

and the Board of Commissioners of any municipality in said county, having claims for taxes or otherwise against the debtor, shall be authorized and empowered, in their discretion, to accept any plan of composition, settlement or plan or reorganization which may be approved by the Bankruptcy Court.

SEC. 2. The authority to accept such settlement in bankruptcy shall be limited to two years from the passage of this Act.

Time limitation.

SEC. 3. This Act shall apply only to the County of Robeson and the municipalities situated therein.

Application of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1939.

H. B. No. 346

## CHAPTER 126

AN ACT TO EXTEND THE TERM OF OFFICE OF THE JUDGE OF THE RECORDER'S COURT OF CURRITUCK COUNTY AND TO REENACT CHAPTER FOUR HUNDRED TWELVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN RELATING TO HIS SALARY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Judge of the Recorder's Court of Currituck County now holding that office shall serve in that capacity until the first Monday in December, one thousand nine hundred forty-two, or until his successor is elected and qualified.

Term of office of present Judge of Recorder's Court, Currituck County.

SEC. 2. At the general election to be held in the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Currituck County by the qualified voters thereof a Judge of the County Recorder's Court who shall serve for a term of four years from the first Monday in December after his election, or until his successor is elected and qualified.

Election of Judge of Recorder's Court for four-year term.

SEC. 3. That Chapter four hundred twelve of the Public-Local Laws of one thousand nine hundred twenty-seven, relating to the salary of the Judge of the Recorder's Court of Currituck County, be, and the same is, hereby reenacted.

Ch. 412, Public-Local Laws, 1927, relating to salary, re-enacted.

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

Conflicting laws repealed.

SEC. 5. That this Act shall be of full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1939.

## H. B. No. 483

## CHAPTER 127

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY, TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL MEMBERS, AND TO PROVIDE FOR THE NOMINATION AND ELECTION OF SAID BOARD.

*The General Assembly of North Carolina do enact:*

Increase in number of County Commissioners, Currituck County.

Term of office.

Appointment of two additional Commissioners for present term.

Selection of Chairman of County Board.

Nomination of Commissioners by townships.

One from county at large.

SECTION 1. That from and after the ratification of this Act, the Board of County Commissioners of Currituck County shall be composed of five members, instead of three as it is now constituted. The three commissioners now serving in such capacity shall hold office until the first Monday in December, one thousand nine hundred forty; and, at the general election in one thousand nine hundred forty, and biennially thereafter, there shall be elected in said county five County Commissioners who shall hold office for a term of two years and until their successors are elected and qualified. The Clerk of the Superior Court of Currituck County is hereby authorized and directed to appoint two suitable men, one from Moyock Township in said county and one from Fruitville Township in said county, to serve in the capacity of County Commissioner until the first Monday in December, one thousand nine hundred forty, and until their successors are elected and qualified.

SEC. 2. Upon the first Monday after the appointment of the new members to the Board of County Commissioners, as herein provided, the said board shall meet and choose from its members a chairman who shall serve in such capacity until the regular December meeting of the board.

SEC. 3. That at the primary election for county officers in Currituck County held in the year one thousand nine hundred forty, and biennially thereafter, there shall be nominated by each of the political parties a County Commissioner from Moyock Township, one County Commissioner from Fruitville Township, one County Commissioner from Poplar Branch Township, one County Commissioner from Crawford Township, and one County Commissioner from the county at large, who may be chosen from any of the above named townships, as hereinafter provided, and the rules and regulations prescribed for the nomination of

other county officers of Currituck County shall be applicable to the nomination of County Commissioners in each of the townships herein named: Provided, that in said primary election all candidates for nomination for the office of County Commissioner, herein provided for, shall be voted for by the qualified voters of Currituck County as a whole; and, in determining the result of the primary election herein provided for, the candidate from any township having two or more candidates who shall receive the greatest number of votes from the qualified voters of the county as a whole shall be the nominee for County Commissioner at large, irrespective of the township in which he may reside, and the remaining candidates from each of the four townships who shall receive the greatest number of votes from the qualified voters of the county as a whole shall be declared nominees for commissioner from each of said townships.

Primary elections.

SEC. 4. That at the general election to be held in November in the year one thousand nine hundred forty for the election of county officers in Currituck County, and biennially thereafter, there shall be elected five commissioners who shall serve for a term of two years and until their successors are elected and qualified, and the candidates nominated in the manner set out in Section three of this Act, at the primary election preceding the general election in the year one thousand nine hundred forty, shall be voted for by the county at large.

General elections.

Term of office.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1939.

## S. B. No. 136                      CHAPTER 128

AN ACT TO AMEND CHAPTER FOUR HUNDRED TWENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE AND TO PROVIDE ADDITIONAL MEANS FOR THE COLLECTION OF TAXES IN SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five of Chapter four hundred and twenty-three of the Public-Local Laws of one thousand nine hundred thirty-five be amended as follows: At the end of said section add the following: And said tax collector shall maintain an office in the Town of Pilot Mountain for receipt and collection of taxes, especially for the Townships of

Sec. 5, Ch. 423, Public-Local Laws, 1935, amended.

Maintenance of office by Surry County Tax Collector in Pilot Mountain.

Pilot, Long Hill and Shoals, such provision to be made at the county's expense, as to rental only, for the maintaining of such office; salaries to be as hereinafter set forth.

Appointment of township collectors.

That, in addition to the foregoing, there may be named and appointed by the County Tax Collector, with the approval of Board of Commissioners of Surry County, a tax collector or assistant tax collector for each township in Surry County except the Townships of Dobson, Mount Airy, Elkin and Pilot, provision for these townships being in Section five of Chapter four hundred twenty-three as herein amended; that the tax books for all townships other than Mount Airy, Elkin, Pilot and Dobson, shall be delivered to the tax collectors or assistant tax collectors on the first day of November of each year, and retained by such several tax collectors or assistant tax collectors for the purpose of collecting taxes during the months of November, December and January; that the provisions herein contained shall relate to the books of tax levies for the current and all previous years, as the County Tax Collector may determine. That such tax collectors or assistant tax collectors shall be and are authorized and empowered to levy for, collect and receive, taxes for the several townships to the same extent as could or might be done by the County Tax Collector.

Delivery of township tax books to collectors.

Collection of taxes.

Bond of tax collectors.

The Board of Commissioners of Surry County may require of each and every assistant tax collector a bond in such amount as the said Board of Commissioners may determine for the faithful accounting and payment into the office of the Tax Collector of Surry County of all monies received by any such assistant tax collector.

Sec. 6, amended as to Mount Airy, Elkin and Pilot Mountain offices.

SEC. 2. That Section six of Chapter four hundred twenty-three of the Public-Local Laws of one thousand nine hundred thirty-five be amended by striking out all of said section after the word "taxes" and the semicolon following, and insert in lieu thereof the following: And in Mount Airy, Elkin and Pilot Mountain such offices shall be kept open for the collection and receipt of taxes for such months in the year and such days in the week as the Board of Commissioners of Surry County shall determine and order.

Sec. 9, amended as to salaries of assistant tax collectors.

SEC. 3. That Section nine of Chapter four hundred twenty-three of said Public-Local Laws of one thousand nine hundred thirty-five be amended by striking out all the words after the word "employment" in line eight of Section nine down to and including the word "Elkin" in line fourteen, and inserting in lieu thereof the following: And in the employment of assistants at Mount Airy, Elkin and Pilot Mountain, the salaries of such assistants shall be fixed by the Board of Commissioners of the County of Surry; and likewise, the salaries of the assistant tax collectors for other

townships, as in this Act hereinbefore provided for, shall be fixed by the Board of Commissioners of Surry County for the time of their employment and service.

SEC. 4. That Section seven of said Chapter four hundred twenty-three of the Public-Local Laws of one thousand nine hundred and thirty-five be amended as follows: Strike out the words and figures "1334 (49); 1334 (50)" in line seven of Section seven and insert the following: He shall, on the first Monday in March, report in full the uncollected taxes for the current tax year; and the county commissioners shall thereupon order sale of all lands for taxes where the taxes have not been paid, to be made on the first Monday in April and he shall also make up a list of taxes due by taxpayers who list no land for taxes. The said Tax Collector of the County of Surry shall cause advertisement to be made for four successive weeks, as now provided by law for such advertisements, of lands to be sold for taxes, which sale shall be made at the courthouse door in Dobson on the first Monday in April of each year. The said tax collector shall keep on file a list of all lands sold for taxes, with the names of the delinquent taxpayers, and on or before the first day of January of each year following such sale, cause to be published in a newspaper published in Surry County a list of the lands sold for taxes in April prior, giving the names of the delinquent taxpayers and notifying all persons appearing on said list to redeem the said lands sold for taxes within ninety days from January first, and notify said delinquent taxpayers, or other person interested, that unless said lands are redeemed by the payment of taxes, interest and cost, deed will be made to the purchaser at the sale of such land for the non-payment of taxes. That deed made under the foregoing proceeding shall pass title without further action or foreclosure proceedings. That the time and manner of tax sales and conveyances thereunder and the procedure therein provided for the County of Surry shall be applicable to the Town of Mount Airy in said county.

SEC. 5. That the following discounts and penalties shall be allowed taxpayers in the payment of taxes for the current or fiscal year: If prepaid in the month of June a discount of two and one-half per cent; if in the month of July two per cent; if in the month of August one and one-half per cent; if in the month of September one per cent; if in the month of October one-half of one per cent; and if in November at the face value of said taxes. Taxes paid after November shall be delinquent and in the month of December there shall be added one per cent penalty; in the month of January two per cent penalty; in the month of February three per cent penalty; and in the month of March four per

Sec. 7, amended as to duties of Surry County Tax Collector.

Allowance of discounts and penalties on current taxes.

Penalties on delinquent taxes.

cent penalty; and that thereafter, there shall be added, in addition to the penalties provided for, six per cent interest per annum on all unpaid taxes. This Act shall not affect sales heretofore made for delinquent taxes in Surry County nor in the Town of Mount Airy.

Conflicting laws repealed.

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

SEC. 7. That this Act shall be in force and effect from and after July first, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

S. B. No. 152                      CHAPTER 129

AN ACT RELATING TO THE DISPOSITION OF SURPLUS FUNDS REMAINING AFTER THE PAYMENT OF CERTAIN WILSON TOWNSHIP GOOD ROADS BONDS.

Preamble: Issuance of "Wilson Township Good Roads Bonds."

*Whereas*, under the provisions of Chapter nine hundred twenty-two, Public Laws, one thousand nine hundred and seven, certain thirty year bonds known as the "Wilson Township Good Roads Bonds" were issued by the County Commissioners of Wilson County; and

Bonds and interest paid.

*Whereas*, the said bonds and all interest thereon have been paid by the taxpayers of Wilson Township; and

Surplus funds.

*Whereas*, there is now in the hands of the Wilson County Sinking Fund Commission a balance remaining after the payment of said bonds and interest; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Transfer of surplus funds to Wilson Township School Fund.

SECTION 1. That the Board of Commissioners of Wilson County are hereby authorized, empowered and directed to order the Sinking Fund Commission of Wilson County to transfer to the credit of the Wilson Township School Fund all monies which are now or which may hereafter come into its hands by virtue of taxes collected for the Wilson Township Good Roads Bonds issued under Chapter nine hundred and twenty-two of the Public Laws of one thousand nine hundred and seven, principal and interest of which have now been paid.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.



S. B. No. 177

## CHAPTER 130

AN ACT TO VALIDATE SALES OF LAND FOR TAXES  
IN GRANVILLE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That any and all sales of land held and conducted by the Sheriff of Granville County for failure to pay the taxes levied for the years one thousand nine hundred and thirty-six and one thousand nine hundred thirty-seven, on any day subsequent to or other than the day fixed by law for such sales, are hereby ratified, confirmed and validated, and all tax sale certificates issued pursuant to such sales are hereby ratified, confirmed and validated; and said sales and certificates issued pursuant thereto shall have the same force and legal effect as if said sales had been held and conducted on the day prescribed by law.

Delinquent tax sales validated, Granville County.

Tax sale certificates validated.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

S. B. No. 178

## CHAPTER 131

AN ACT TO PROVIDE FOR ADJUSTMENT OF CERTAIN  
ASSESSMENTS MADE FOR PAVING AND STREET  
ASSESSMENTS IN THE TOWN OF SCOTLAND NECK  
AND TO VALIDATE SUCH ADJUSTMENTS HERETO-  
FORE MADE.*The General Assembly of North Carolina do enact:*

SECTION 1. That in all cases where assessments have been made by the Town of Scotland Neck for paving, sewers or other street improvements, against any real estate, in excess of fifty per cent of the one thousand nine hundred thirty-eight valuation of said property, the mayor and commissioners of said town are hereby authorized and empowered to further adjust, reduce, remit or cancel any of the said assessments to the extent of said excess. All penalties, interest and costs on the excess of any such assessments over fifty per cent of the valuation of said real estate for the year one thousand nine hundred thirty-eight are hereby canceled: *Provided, however,* that interest at the rate of six per cent per annum shall be paid on all such adjusted assessments up to and including fifty per cent of the one thousand nine hundred thirty-eight valuation of said property, from and after the date of the ratification of this Act.

Adjustment of street assessments, Scotland Neck.

Cancellation of penalties, etc.

Interest rate on adjusted assessments.

Assessments payable in cash or bonds.

SEC. 2. That any or all of the aforesaid assessments, even in case of adjustment, may be paid in cash or in valid bonds of the Town of Scotland Neck.

Refunds prohibited.

SEC. 3. That the governing body of said town shall not have power or authority to make any refund to any property owner or taxpayer by virtue of any payments heretofore made upon any assessment.

Prior adjustments validated.

SEC. 4. That in all cases where the mayor and commissioners of said town have heretofore adjusted any such paving assessment or street improvement upon the payment of more than fifty per cent of the assessed valuation of the real estate, on which it was levied for one thousand nine hundred thirty-eight, such adjustment is hereby validated and approved.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

## S. B. No. 187

## CHAPTER 132

### AN ACT TO PROVIDE FOR THE DISTRIBUTION OF THE PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Division of profits from ABC stores between Johnston County and municipalities.

SECTION 1. That from and after the first day of July, one thousand nine hundred and thirty-nine, twenty per cent of the net profits from all Alcoholic Beverage Control Stores in Johnston County shall be apportioned among the towns in Johnston County in which there is located one of said stores in the following manner: Twenty per cent of said sum to the Town of Smithfield; fifteen per cent to each of the Towns of Benson, Clayton, Selma and Princeton; and ten per cent each to the Towns of Kenly and Four Oaks. The County Board of Alcoholic Control shall make semi-annual settlements with the said towns and the said amount shall be placed in the general fund of each of the above towns when received.

Settlements by County Board of Alcoholic Control.

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

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

Conflicting laws repealed.

H. B. No. 46

## CHAPTER 133

## AN ACT TO PROVIDE FOR THE ELECTION OF THE TAX COLLECTOR OF POLK COUNTY BY THE PEOPLE OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the next general election to be held in Polk County in the year one thousand nine hundred and forty and biennially thereafter, there shall be elected at the same time and in the same manner as other county officers a tax collector for said county who shall serve for a term of two years.

Election of tax collector, Polk County.

Term.

SEC. 2. That for the performance of the duties of his office, the said tax collector shall receive a salary of eighteen hundred dollars (\$1,800.00) per annum payable in equal monthly installments.

Salary.

SEC. 3. That before entering upon his duties the said tax collector shall give a bond in the sum of ten thousand dollars (\$10,000.00) and with such surety as may be approved by the County Commissioners of Polk County, the premium on which bond shall be paid by the county.

Bond required.

Premium paid by county.

SEC. 4. That Section two of Chapter one hundred and seventy of the Public-Local Laws of one thousand nine hundred and thirty-three and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Ch. 170, Public-Local Laws, 1933, amended.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

H. B. No. 61

## CHAPTER 134

## AN ACT TO AMEND CHAPTER EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, SO AS TO CHANGE THE TIME FOR MUNICIPAL ELECTIONS IN THE TOWN OF TAYLORSVILLE, ALEXANDER COUNTY, AND TO PROVIDE FOR TIME WHEN OFFICERS SHALL QUALIFY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter eight of the Private Laws of one thousand nine hundred thirty-five be, and the same is hereby, amended by striking out all of said Section one and inserting in lieu thereof the following:

Ch. 8, Private Laws, 1935, amended, to change time of municipal elections, Town of Taylorsville.

“SECTION 1. That the next municipal election in the Town of Taylorsville, Alexander County, shall be held on Tuesday

Beginning of terms  
of office.

after the first Monday in May one thousand nine hundred thirty-nine and biennially thereafter, and that all officers elected at said election shall qualify and take office on the first day of July following the election in May, and biennially thereafter, except when the first day is Sunday, and then on the following day.'

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

### H. B. No. 123                    CHAPTER 135

#### AN ACT TO PLACE CALDWELL COUNTY UNDER THE PROVISIONS OF THE STATE-WIDE PRIMARY LAW.

*The General Assembly of North Carolina do enact:*

Ch. 174, Public-  
Local Laws, 1927,  
amended.

SECTION 1. That Section one of Chapter one hundred and seventy-four, Public-Local Laws, one thousand nine hundred and twenty-seven, in so far as the same applies to Caldwell County, be and the same is hereby repealed, it being the intent and purpose of this Act to place Caldwell County under the provisions of the State-wide Primary Law as set forth in Article seventeen, Sub-chapter two, of Chapter ninety-seven of the Consolidated Statutes.

Caldwell County  
placed under State-  
wide Primary Law.

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

### H. B. No. 168                    CHAPTER 136

#### AN ACT TO AMEND THE STATE AND PAMLICO COUNTY ELECTION LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN AND BEFORE, FOR THE PURPOSE OF PROVIDING FOR THE NOMINATION OF MEMBERS OF THE PAMLICO COUNTY BOARD OF EDUCATION AND THE NOMINATION AND ELECTION OF MEMBERS OF PAMLICO COUNTY BOARD OF COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

Nomination and  
election of County  
Commissioners by  
townships,  
Pamlico County.

SECTION 1. That beginning with the next regular primary and election in one thousand forty, the members of the County Board of Commissioners shall be nominated and elected by townships. Ballots shall be prepared separately

for each township. In the event there are more than two candidates in any township for county commissioner, the candidate receiving the largest number of votes shall be nominated or elected. If there is no candidate for such office in any township the Democratic Executive Committee of Pamlico County shall, within thirty days of the general election in November, select such a candidate. The Messic Precinct shall be included in number four township for the purpose of such nomination or election to membership on the County Board of Commissioners.

SEC. 2. That beginning with the next regular primary in one thousand forty, members of the Pamlico County Board of Education shall be nominated by High School Districts. Ballots shall be prepared separately for each High School District. In the event there are more than two candidates in any township for said office, the candidate receiving the largest number of votes shall be declared nominated. If there is no candidate for said office in any township the Democratic Executive Committee of Pamlico County shall, within thirty days of the date of primary, nominate such candidate.

Nomination of members of County Board of Education by High School Districts.

SEC. 3. That the intent and purpose of this Act is to confine the nomination and election of any candidate to the Pamlico County Board of Commissioners to the voters of the township in which such candidate resides, the Messic Precinct being included in number four township for such purpose; and that the nomination of a member to the Pamlico County Board of Education shall be confined to the voters of the High School District in which the candidate resides.

Purpose of Act.

SEC. 4. That there shall be five members of the County Board of Commissioners and five members of the County Board of Education. Each High School District shall have not more than one member on the County Board of Education, and each township not more than one member on the County Board of Commissioners. The Messic Precinct being included in number four township for this purpose.

Members of County Board of Commissioners and County Board of Education.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

## H. B. No. 198

## CHAPTER 137

## AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE COUNTY COMMISSIONERS OF PERQUIMANS COUNTY.

*The General Assembly of North Carolina do enact:*

Nomination of County Commissioners by townships, Perquimans County.

SECTION 1. That at the next general primary to be held in Perquimans County in one thousand nine hundred and forty, and biennially thereafter, there shall be nominated one candidate from each of the five townships in said county by the qualified voters of Perquimans County participating in the general primary or primaries, of each of the recognized political parties, and should there be more than one candidate for such nomination of any of the said recognized political parties, from any one of the aforesaid five townships, the candidate from said township receiving the highest number of votes in his respective primary shall be declared the nominee of his party from such township for election in the general election to be held in one thousand nine hundred and forty, and biennially thereafter, and said nominee for each of the five townships shall be elected by the qualified voters of Perquimans County: *Provided*, that in the event there is no candidate in any one or more townships in said county, the County Executive Committee of any political party therein shall nominate the candidate of such party as the nominee to be voted on in such general elections.

Election.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

## H. B. No. 233

## CHAPTER 138

## AN ACT TO PROHIBIT THE CATCHING OF OYSTERS OF LESS THAN THREE INCHES IN SIZE IN PAMLICO COUNTY STREAMS.

*The General Assembly of North Carolina do enact:*

Catching and sale of oysters further regulated, Pamlico County.

SECTION 1. That in all streams in or adjacent to Pamlico County, all oysters taken with whatsoever instrument or implements, shall be culled where taken, and all oysters whose shells measure less than three inches in longest diameter, and all shells taken with said oysters, shall be returned to the grounds from whence taken, and no oysters shall be allowed by the commissioner, assistant commis-

sioners, or inspectors to be marketed which shall consist of more than ten per cent of such small oysters and shells, except coon oysters.

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

Conflicting laws repealed.

SEC. 3. That the provisions of this Act shall take effect with the one thousand nine hundred thirty-nine-one thousand nine hundred forty commercial oyster season.

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

H. B. No. 345

**CHAPTER 139**

**AN ACT TO VALIDATE TAX SALES MADE FOR THE TOWN OF DAVIDSON IN MECKLENBURG COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all sales of land for failure to pay taxes, held or conducted by the tax collector of the Town of Davidson in Mecklenburg County, during the year one thousand nine hundred thirty-eight, on any day subsequent to or other than the day prescribed by law for said year, be, and the same are hereby approved, confirmed, validated, and declared to be proper, valid and legal sales of such land and legally binding in all respects, and all certificates of sale, made and issued upon and in accordance with such sales, be, and the same are hereby approved and validated, to all intents and purposes, and with such full force and legal effect as if said sales had been held and conducted on the day prescribed by law: *Provided*, that this Act shall in no wise affect pending litigation.

Delinquent tax sales, Town of Davidson, validated.

Tax sale certificates validated.

Pending litigation unaffected.

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

H. B. No. 400

**CHAPTER 140**

**AN ACT PROVIDING FOR COMPENSATION FOR THE COMMISSIONERS OF THE TOWN OF LOUISBURG, NORTH CAROLINA.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That each member of the Board of Commissioners of the Town of Louisburg, North Carolina, shall, as compensation for his services as such, receive the sum of five dollars for attendance upon each regular monthly

Compensation of Commissioners, Town of Louisburg.

meeting of said board and the sum of two and one-half dollars for attendance upon each special meeting of said governing body: *Provided*, no member shall receive pay for any meeting which he does not actually attend in person: and *Provided*, further, that no member shall receive pay for more than one special or called meeting in any one calendar month.

Compensation of Mayor not affected by Act.

SEC. 2. That nothing in this Act shall decrease, increase or in any way affect the compensation paid to the Mayor of said Town of Louisburg.

Effective date.

SEC. 3. That this Act shall become effective from and after the first day of July, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

H. B. No. 408                      CHAPTER 141

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CLAY COUNTY TO MAKE AVAILABLE THE PROCEEDS OF SALE OF COUNTY FARM FOR PURPOSE OF REBUILDING THE ELF PUBLIC SCHOOL IN CLAY COUNTY DESTROYED BY FIRE.

*The General Assembly of North Carolina do enact:*

Use of proceeds of sale of County Farm, Clay County, to rebuild Elf Public School.

SECTION 1. That the Board of County Commissioners of Clay County are authorized, empowered and directed to place and make available the proceeds of the sale of the County Farm to the credit of the Board of Education of Clay County for the purpose of rebuilding the Elf Public School Building that has been destroyed by fire and that the said Board of County Commissioners of Clay County are authorized and empowered to use the balance of the proceeds of the sale of the County Farm, if any, in repairing the courthouse and jail and building any building or addition to house or furnish necessary office space for County Agent's Office, Health Office, Welfare Department and other necessary space for county offices and business that space is now, or may be, necessary, that the county rents space for.

Use of balance of proceeds.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.



## H. B. No. 409                    CHAPTER 142

AN ACT TO EXTEND THE TIME OF OFFICE FOR THE  
BOARD OF COUNTY COMMISSIONERS AND SUR-  
VEYOR OF CLAY COUNTY TO FOUR YEARS.*The General Assembly of North Carolina do enact:*

SECTION 1. At the general election for the year one thousand nine hundred and forty-two and quadrennially thereafter, there shall be elected in Clay County by the qualified voters thereof a Board of County Commissioners and a Surveyor who shall serve for a term of four years from the first Monday in December after their election and until their successors are elected and qualified. The Board of County Commissioners and Surveyor for Clay County elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until their successors are elected at the general election to be held in the year one thousand nine hundred and forty-two.

Four-year term for  
County Commis-  
sioners and Sur-  
veyor, Clay County.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

## H. B. No. 423                    CHAPTER 143

AN ACT TO AMEND CHAPTER TWO HUNDRED FIFTY-  
NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOU-  
SAND NINE HUNDRED THIRTY-THREE, RELATING  
TO TAX COLLECTIONS IN HERTFORD COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred fifty-nine of the Public-Local Laws of one thousand nine hundred thirty-three, be amended by striking out all of said section after the period following the word commissioners in line seven, and inserting in lieu thereof the following:

Ch. 259, Public-  
Local Laws, 1933,  
amended.

“The compensation of said tax collectors shall be fixed by the County Commissioners, but shall not exceed, at any time, five per cent on the amount collected.”

Maximum  
compensation of  
tax collectors,  
Hertford County.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

H. B. No. 516                      CHAPTER 144

AN ACT TO AUTHORIZE AND EMPOWER ALAMANCE COUNTY TO ACQUIRE THE ALAMANCE BATTLE GROUND PROPERTY.

*The General Assembly of North Carolina do enact:*

Acquisition of land adjoining Alamance Battle Ground, Alamance County, authorized.

SECTION 1. That the Commissioners of Alamance County be, and they are hereby fully authorized and empowered to acquire lands situated in Alamance County, the said lands being adjacent to and adjoining Alamance Battle Ground in said county, the said lands to be used for the following purposes: For a public park and for a site for the erection of monuments and memorials in memory and in honor of the distinguished dead who fought the Battle of Alamance.

Use of lands.

Limitation on cost.

SEC. 2. That the total cost of acquisition of said lands for the said purposes together with the improvements to be placed thereon by the County of Alamance shall not exceed the sum of two thousand and six hundred dollars (\$2,600).

Determination of number of acres to be acquired.

SEC. 3. That the number of acres to be acquired by the County of Alamance shall be in the discretion of the Board of Commissioners of Alamance County, provided that the expenditure by the county shall not exceed two thousand and six hundred dollars (\$2,600.00).

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

In the General Assembly read three times and ratified, this the 3rd day of March, 1939.

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S. B. No. 145                      CHAPTER 145

AN ACT TO REGULATE THE GRAND JURY OF JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Selection of grand jury, Johnston County.

SECTION 1. That at the first term of court for the trial of criminal cases in Johnston County after the first day of July, one thousand nine hundred and thirty-nine, there shall be chosen a grand jury as now provided by law, and the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter at the first term of criminal court after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one year.

Terms.

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

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

S. B. No. 146                      CHAPTER 146

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, RELATING TO THE RECORDER'S COURT OF JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter two hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby amended by adding at the end of said section the following: "The said clerk, or his deputy duly appointed by him to act as Clerk of the Recorder's Court of Johnston County, shall have power to sign judgments of non suit, judgments by consent and interlocutory orders and decrees out of term." Sec. 4, Ch. 269, Public-Local Laws, 1911, amended, to grant Clerk of Recorder's Court, Johnston County, authority to sign certain judgments.

SEC. 2. That Section thirteen of Chapter two hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and eleven, be and the same is hereby amended to read as follows: Sec. 13 amended.

"SEC. 13. All civil actions shall be commenced in said recorder's court by summons issued by the clerk of said court, and shall be returnable as provided by law for the return of summons issued in the Superior Court and the time for filing complaint, answer or demurrer shall be as now provided by law in civil actions in the Superior Court: *Provided*, that the recorder shall, in his discretion, have power to grant extension of time to file pleadings where good cause is shown." Commencement of civil actions.  
Time for filing pleadings.  
Extension of time by Recorder.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

## H. B. No. 137            CHAPTER 147

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND TWENTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, CREATING A LIVESTOCK COMMISSION FOR MACON COUNTY AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO PURCHASE PURE-BRED STOCK.

*The General Assembly of North Carolina do enact:*

Ch. 124, Public-Local Laws, 1937, creating Livestock Commission, Macon County, repealed.

SECTION 1. That Chapter one hundred twenty-four of the Public-Local Laws of one thousand nine hundred and thirty-seven be and the same is hereby repealed.

Care and control of certain livestock by County Commissioners.

SEC. 2. That from and after the ratification of this Act the Board of County Commissioners of Macon County shall provide for the care, upkeep, and control of the jack heretofore purchased by the Livestock Commission for Macon County, and shall make such rules in accordance therewith as said Board of County Commissioners may deem necessary.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

## H. B. No. 246            CHAPTER 148

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE COUNTY COMMISSIONERS OF YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

Yadkin County divided into five districts.

SECTION 1. That for the purpose of having the County Commissioners of Yadkin County a body representative of the whole county, the said county is hereby divided into five districts as follows:

First District—East Bend and Fall Creek Townships.

Second District—Boonville Township and North Knobs Precinct.

Third District—Buck Shoals Township and South Knobs Precinct.

Fourth District—Deep Creek Township and South Liberty Precinct.

Fifth District—Forbush Township and North Liberty Precinct.

SEC. 2. That in the general primary to be held in Yadkin County in the year one thousand nine hundred and forty, and biennially thereafter there shall be nominated one candidate from each of the five districts by the qualified voters of said district participating in the general primary, or primaries, of each of the recognized political parties, and should there be more than one candidate for such nomination, of any of the said recognized parties, from one of the aforesaid districts, the candidate from said district receiving the highest number of votes in his respective primary shall be declared the nominee of his party from such district for election in the general election as now provided by law and said nominee shall be elected by the qualified voters of the district from which he is nominated. Should any party fail to nominate a candidate from each of the aforesaid districts as is above provided, then the executive committee of such party shall name the nominee from said district, and such nominee shall be voted on in the general election as the nominee of such party.

Nomination and election of County Commissioners by districts.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

## H. B. No. 302                      CHAPTER 149

AN ACT TO PERMIT REGULATION OF FARES OR RATES FOR TRANSPORTATION OF PERSONS BY JITNEY BUSES, TAXICABS AND SIMILAR MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE IN THE CITY OF ASHEVILLE, BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen, the City Commissioners, the City Council or any other governing body of the City of Asheville, Buncombe County, in the State of North Carolina shall be permitted and have the authority and is hereby granted the authority to regulate the fares, charges or rates which shall be charged for the carrying of passengers for hire by jitney buses, taxicabs or other similar motor vehicles, operating for passenger hire, while such vehicles are operating on the streets and within the corporate limits of said city; and provided, further, that such motor vehicles are not otherwise regulated by the Interstate Commerce Commission or the North Carolina Public Utilities Commission.

Regulation of transportation fares of buses, taxis, etc., within corporate limits, City of Asheville.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

H. B. No. 333

CHAPTER 150

AN ACT TO PERMIT PENDER COUNTY TO CONSTRUCT A TEACHERS' HOME FOR THE LONG CREEK-GRADY SCHOOL IN PENDER COUNTY.

Preamble: Necessity for construction of teachers' home, Long Creek-Grady School, Pender County.

Whereas, the Board of Education of Pender County and the Board of Commissioners of Pender County have found that it is necessary, in the maintenance of the six months school term, to construct a teachers' home for the Long Creek-Grady School in Pender County,

*The General Assembly of North Carolina do enact:*

Construction of home authorized.

SECTION 1. That the Board of Education and the Board of Commissioners of Pender County be authorized to build a teachers' home at the Long Creek-Grady School with funds to be obtained from a tax levy for capital outlay.

Tax levy for capital outlay.

Borrowing of funds for construction authorized.

SEC. 2. That if funds are needed earlier than they can be obtained by taxation, that the Board of Education and Board of Commissioners of Pender County be authorized to borrow the funds from some local source, and secure said funds by a mortgage, or deed of trust, on said teachers' home, such money borrowed to be repaid from taxes levied for school capital outlay and from revenues realized from the operation of the said teachers' home.

Repayment.

Limitation on county funds to be used.

SEC. 3. That the Board of Education of Pender County and the Board of Commissioners of Pender County shall be authorized to expend a sum not in excess of twenty-five hundred dollars (\$2,500.00) of county funds for said teachers' home at the Long Creek-Grady School.

Conflicting laws repealed.

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

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

## H. B. No. 384      CHAPTER 151

AN ACT TO PERMIT THE SCHOOL COMMITTEE OF THE MOYOCK SCHOOL IN CURRITUCK COUNTY TO EXPEND CERTAIN SURPLUS FUNDS NOW IN THE HANDS OF THE TREASURER OF CURRITUCK COUNTY FOR IMPROVEMENTS IN AND AROUND THE MOYOCK SCHOOL.

*Whereas*, the heretofore existing indebtedness of the Moyock School District in Currituck County has recently been retired by a donation from the Knapp Foundation; and

Preamble: Retirement of Moyock School District indebtedness, Currituck County.

*Whereas*, there is a balance on hand in the office of the Treasurer of Currituck County a fund of one thousand four hundred and five dollars (\$1,405.00), more or less, heretofore levied and collected or to be collected in said school district for the retirement of such bonds; and

Surplus funds.

*Whereas*, the Moyock School District now has no outstanding indebtedness; and

*Whereas*, unless there is some statutory authority to retain this fund in the district in which it was levied and collected, it will, under the provisions of the School Machinery Act, go into and become a part of the county debt service for schools; *Now, therefore*,

Statutory authority for retention of surplus for benefit of district, required.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Currituck County is hereby authorized and directed to immediately transfer to the trustees of the Moyock School District in Currituck County the balance of the fund which has heretofore been collected or to be collected in the Moyock School District for the retirement of the aforesaid bonds in the amount of one thousand four hundred and five dollars (\$1,405.00), more or less, and the trustees of the Moyock School District are hereby authorized to expend said fund in such a manner as they deem for the best interest and for the benefit of the Moyock School, in the way of improvements of the grounds or facilities of said school, with approval of County Board of Education.

Transfer of surplus funds to trustees of Moyock School District for benefit of school.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

## H. B. No. 399

## CHAPTER 152

AN ACT TO CREATE THE OFFICE OF TAX COLLECTOR FOR THE COUNTY OF HALIFAX, TO REGULATE THE DEPOSIT OF ALL COUNTY FUNDS, TO INSTALL NECESSARY ACCOUNTING SYSTEMS TO PUT THIS ACT INTO EFFECT, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Appointment of  
Tax Collector,  
Halifax County.

SECTION 1. That there is hereby created the office of Tax Collector for Halifax County and the first appointment hereunder shall be made by the County Commissioners to take effect on the first Monday in March one thousand nine hundred and thirty-nine and the first appointee shall serve until the first Monday in October one thousand nine hundred and thirty-nine. Thereafter the Tax Collector shall be appointed annually on the first Monday in October and shall hold office for one year or until his successor has been appointed and qualified. The Board of County Commissioners may remove said Tax Collector for good cause shown and in case of removal or vacancy occurring for any other reason, the Board shall appoint a successor to fill the unexpired term.

Term of office.

Subsequent  
appointments.

Removal.

Successor  
appointments.

Compensation.

Deputies.

Bond.

SEC. 2. The Board of County Commissioners shall fix the compensation of such Tax Collector and are directed to make such adjustments in the number of deputy sheriffs as are required for effective law enforcement and is also directed to provide field deputy tax collectors in season and it shall be the duty of the Tax Collector to conduct a persuasive tax collecting campaign on delinquent taxpayers. The Board of County Commissioners shall require, determine the amount of, and approve a satisfactory bond for said Tax Collector, his deputies, and assistants, provided that the amount of the Tax Collector's bond shall not be less than the bond now required of the Sheriff.

Powers and duties  
of collector.

SEC. 3. That any Tax Collector appointed by the Board of Commissioners, as herein provided for, shall be vested with all the power and authority and shall be responsible for all duties as are now, or may hereafter be, provided by law for Sheriffs of the State of North Carolina in the collection of taxes and levy and sale of land and personal property for taxes in the County of Halifax, and any such Tax Collector shall be authorized and directed by said Board of Commissioners to collect delinquent, as well as current taxes.

Final settlement by  
Sheriff.

SEC. 4. When the Tax Collector herein provided for has been appointed and qualified the Sheriff of Halifax County shall make a final and complete settlement of taxes up to the date of the transfer of the collection of taxes to such



Tax Collector and shall turn over all books, records, and receipts to said Tax Collector. Thereafter the said Sheriff, his deputies and employees shall be relieved of all tax collection duties but the acceptance of final settlement shall not relieve the said Sheriff, his deputies or employees or their bondsmen of liability for any shortage actually existing.

Sheriff relieved from tax collection duties.

SEC. 5. When the Tax Collector herein provided for has been appointed and qualified the County Accountant shall make final and complete settlement of taxes up to the date of the transfer of the collection of taxes to such Tax Collector and shall turn over all books, records and receipts to said Tax Collector. Thereafter the said County Accountant shall be relieved of all tax collection duties but the acceptance of final settlement shall not relieve said County Accountant or his bondsmen of liability for any shortage actually existing.

Final settlement by County Accountant.

County Accountant relieved from tax collection duties.

SEC. 6. The County Accountant shall report to the Board of County Commissioners on the first Monday in each month or oftener if required by the Board, the names of all county officials who have complied, during the preceding month, with the requirements of this section, and also shall report the names of all county officials who have not fully complied with the requirements of this section, describing the specific items and amount of noncompliance herewith. All checks and drafts tendered in settlement of monies due Halifax County shall be made to or endorsed promptly to Halifax County. It shall be the duty of the fiscal agent of Halifax County to report directly to the Board of County Commissioners any and all evidence of irregularity in deposits being made with it for any and all accounts in which Halifax County has a financial interest.

Monthly reports to County Commissioners.

SEC. 7. The County Accountant is hereby further ordered and directed to audit monthly the accounts of the Clerk of the Superior Court, Register of Deeds, Welfare Department, Health Department, County Home, Board of Alcoholic Control, and any other departments now or hereafter created, in which funds of the county are handled, to determine if such funds are being properly accounted for.

Monthly audits of county departments.

SEC. 8. A delinquent tax notice, stating date of audit, amount of tax due, and the year for which levied shall be mailed by the County Accountant to each delinquent taxpayer at his last known address every three months, beginning with the first month which penalties accrue. A transcript of delinquent taxes shall be made by the County Accountant monthly at the time of the audit and filed in his office. All tax notices and adjustments shall be prepared by the County Accountant. It shall also be the duty of the

Delinquent tax notices, and adjustments.

County Accountant to advise with the county officials of the county to insure compliance with the spirit and details of this Act.

Notices of appointment and certain sections of Act, etc., to be posted.

SEC. 9. A certified copy of the minutes of the appointment of the Tax Collector for Halifax County and his deputies shall be recorded in the office of the Clerk of Superior Court in Halifax County, and copies of the sections of this law pertaining to receiving of monies of Halifax County, and the issuance of receipts for same shall be prepared by the County Accountant, printed or typed clearly, framed and hung outside each such office door at a height easily read by the taxpayers or the other clients at the office.

Prepayment of taxes to Clerk of County Board.

SEC. 10. Any taxpayer of Halifax County who desires to make a prepayment of his taxes between July first and October first of any year may do so by making payment to the Clerk to the Board of County Commissioners. Whenever any such payments are made the Clerk to the Board shall issue a temporary receipt to the taxpayer and the same shall be credited, together with the discount to the taxes levied to the person, firm or corporation, which credit shall include the discount upon the above basis. The Clerk to the Board shall immediately deposit such payments to a special account with the County Fiscal Agent designated as "prepayment of taxes," to be used immediately, if necessary, for the purposes for which the taxes were levied. When the tax books are completed and turned over to the Tax Collector, the Clerk to the Board shall immediately turn over to the Tax Collector such temporary duplicate tax receipt books used in receipting for prepayment taxes, and, at the time of transferring the same to him, shall turn over to the said Tax Collector all deposit slips evidencing the amount of prepaid taxes collected by him; and shall, at the same time, make settlement with the Board of County Commissioners and faithfully account to them for all monies collected by him as herein set out, showing in such settlement all collections of prepaid taxes and the disposition of the same. After the settlement is made by the Clerk to the Board and the same has been accepted and the tax books delivered to the Tax Collector, as herein provided, the said Tax Collector shall credit such payments on the tax blanks of those taxpayers who have made prepayment of taxes and when any taxpayer's tax has been paid in full, the Tax Collector shall mail to such taxpayer the official receipt therefor.

Temporary receipts.

Collections deposited in special account.

Accounting and settlement by Clerk.

Official receipt from Tax Collector.

Adjustment of bonds of county officials.

SEC. 11. The Board of County Commissioners is hereby authorized and directed to adjust the surety bonds of the County Accountant, the Sheriff, the Deputy Sheriffs and the Clerk to the Board of County Commissioners so that

the amounts thereof shall be sufficient but not excessive, after this Act has been put into effect.

SEC. 12. All tax receipts issued by Deputy Collectors shall be printed plainly, "temporary receipt." Official Halifax County Tax Receipts shall be issued by the Tax Collector when funds are received by him and shall bear his signature written with a copying pencil, using carbon paper, and a copy of the receipt shall be retained in the office of the Tax Collector of the County for the County Accountant and the annual county audit. Official receipts for taxes collected by mail or through deputies shall be mailed by the Tax Collector direct to the taxpayer on the same day, or the following business day, that funds are received. Official Halifax County receipts may be issued in the Tax Collector's office by office deputies when certified by a cash register and signed in duplicate, using the standard tax receipt forms and copying paper, by the Deputy Tax Collector. For use in the office of the Tax Collector the Board of County Commissioners are hereby authorized and directed to purchase a suitable cash register which will make a detailed office record of items received and certify the official receipt. This cash register record shall be retained in the Tax Collector's office for the County Accountant and the annual audit.

Receipts for taxes paid to Deputy Collectors.

Cash register for Tax Collector's office.

SEC. 13. The temporary receipts referred to herein, to be used by the field deputies when taxes are collected by them, shall be printed in duplicate, numbered serially, and all numbers shall be accounted for by the deputy to whom the receipt book is issued. The Tax Collector shall deliver to the deputies, from time to time, lists of taxpayers upon whom the deputy shall call and request payment of taxes. Upon the deputy's return to the office of the Tax Collector each list shall be checked and a prompt accounting be made by the Deputy of any and all collections, and upon receipt of payments by the Tax Collector, he shall issue and mail to the taxpayers the official Halifax County Tax Receipt.

Temporary receipts issued in duplicate, numbered serially.

SEC. 14. That it shall be the duty of the Tax Collector and his office deputies to deposit with the County Fiscal Agent daily all sums of money collected by them and the duty of the Field Deputies to turn over to the Tax Collector at least twice each week all sums of money collected by them, and a failure to turn over to the County Fiscal Agent monies collected as in this section provided shall constitute a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

Daily deposits by Tax Collector's office.

Bi-weekly accounting by field deputies.

SEC. 15. The Board of County Commissioners of Halifax County, for the purpose of giving effect to the provisions of this Act, is hereby authorized and directed to install

County Commissioners authorized to install necessary accounting system.

necessary accounting systems or to revise those now in operation in all offices in the county.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

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## H. B. No. 415                      CHAPTER 153

### AN ACT TO REGULATE THE OPERATION OF POOL ROOMS AND TO PROHIBIT PUBLIC DANCES ON SUNDAYS IN CHATHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Sunday operation of pool rooms and public dance halls, Chatham County, prohibited.

SECTION 1. It shall be unlawful for any person, firm or corporation to operate a pool room, or operate a public dance hall in Chatham County between the hours of midnight Saturday and midnight Sunday.

Violations made misdemeanor.

SEC. 2. Anyone violating the provisions of this Act shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and in no case shall the court have power to suspend judgment on the payment of costs.

Conflicting laws repealed.

SEC. 3. 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.

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

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## H. B. No. 462                      CHAPTER 154

### AN ACT TO REPEAL CHAPTER THREE HUNDRED AND EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO A JURY COMMISSION FOR CLAY COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 308, Public-Local Laws, 1935, repealed.

SECTION 1. That Chapter three hundred and eight of the Public-Local Laws of one thousand nine hundred and thirty-five be and the same is hereby repealed and hereafter the drawing and selecting of jurors in Clay County shall be done under the provisions of Chapter forty-five of

Selection of jurors, Clay County.

the Consolidated Statutes; *Provided*, that the jury for the April, one thousand nine hundred and thirty-nine, term of the Superior Court of Clay County, shall be drawn from the jury list last revised by the present Jury Commission of Clay County and thereafter the jury shall be drawn from the revised list to be made up in June, one thousand nine hundred and thirty-nine, and biennially thereafter, by the County Commissioners of said county.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

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H. B. No. 465                      **CHAPTER 155**

AN ACT TO PROVIDE A FOUR-YEAR TERM OF OFFICE FOR THE REGISTER OF DEEDS OF BEAUFORT COUNTY, HEREAFTER ELECTED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the General Election for the year one thousand nine hundred forty, and quadrennially thereafter, there shall be elected in Beaufort County by the qualified voters thereof a Register of Deeds, who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified.

Four-year term for Register of Deeds, Beaufort County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

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H. B. No. 492                      **CHAPTER 156**

AN ACT TO PERMIT THE COUNTY COMMISSIONERS OF LINCOLN COUNTY TO SELL CERTAIN LANDS BELONGING TO THE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners for the County of Lincoln are hereby authorized and empowered, in their discretion, at any time, and at such price as they may agree upon, to sell at public or private sale, and convey by appropriate deed, the whole or any part of that certain tract of

Sale by County Commissioners, Lincoln County, of certain lands belonging to county, authorized.

land, situate, lying and being in Ironton Township, belonging to the County of Lincoln, on which the home for the aged and infirm is situated.

Proceeds placed in  
general county  
fund.

SEC. 2. That the proceeds derived from the sale, or sales, of the whole or any part of the aforesaid lands shall be placed in the general fund of said county.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

## H. B. No. 542                      CHAPTER 157

AN ACT TO REGULATE AND CONTROL THE OPERATION OF LOUD SPEAKERS ON RADIOS AND VICTROLAS WITHIN A DISTANCE OF ONE MILE OF THE CORPORATE LIMITS OF ANY CITY OR TOWN IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

Regulation of  
operation of loud  
speakers on radios,  
etc., Wayne  
County.

SECTION 1. That the County Commissioners of Wayne County be, and they are hereby authorized and empowered to regulate and control the operation of loud speakers on radios and victrolas operated within one mile of the corporate limits of any city or town in Wayne County.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

## H. B. No. 557                      CHAPTER 158

AN ACT TO PROVIDE FOR THE REVALUATION OF ALL PROPERTY, REAL AND PERSONAL, SUBJECT TO TAXATION IN GATES COUNTY.

Preamble: No  
revaluation of  
property, Gates  
County, since 1920.

*Whereas*, there has been no revaluation of real and personal property subject to taxation in Gates County since the year one thousand nine hundred twenty; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Revaluation of real  
and personal  
property, Gates  
County, authorized.

SECTION 1. The Board of County Commissioners of Gates County is hereby authorized and empowered to provide for the revaluation of all property, real and personal, in Gates County as of April first, one thousand nine hundred thirty-nine. Said board may determine whether said revaluation,

as to real property, shall be conducted by actual appraisal or by horizontal increase or decrease of the valuation; and the option as to method may be exercised separately as to each township in said county in accordance with the findings of said board as to the adjustment necessary to make the valuations of real property in such township conform to the true value of said property as defined by the general tax laws of this State.

Except as herein provided, the listing and assessing of property for taxation in Gates County in one thousand nine hundred thirty-nine shall be conducted in accordance with the provisions of Chapter two hundred ninety-one, Public Laws of one thousand nine hundred thirty-seven (the Machinery Act of one thousand nine hundred thirty-seven), or such general statute as may be enacted by this session of the General Assembly in substitution therefor (the Machinery Act of one thousand nine hundred thirty-nine), and the provisions of said chapter or said statute enacted in substitution therefor governing the assessment of real property in quadrennial years shall apply to any revaluation of real property conducted in Gates County in one thousand nine hundred thirty-nine under the provisions of this Act.

Listing and assessing of property for taxation in accordance with Machinery Acts.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

H. B. No. 594

## CHAPTER 159

### AN ACT RELATING TO REAL ESTATE CONVEYANCES HERETOFORE MADE BY THE TOWN OF WILSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. All real estate conveyances heretofore made by the Town of Wilson which have been defective because of failure to advertise said sale, or otherwise strictly comply with the provisions of Section number two thousand six hundred eighty-eight of the Consolidated Statutes, are hereby ratified and confirmed.

Real estate conveyances by Town of Wilson validated.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1939.

## H. B. No. 237 CHAPTER 160

AN ACT TO REGULATE THE SALE OF LIVESTOCK,  
POULTRY AND CURED MEATS IN WASHINGTON  
COUNTY.

*The General Assembly of North Carolina do enact:*

License required of purchasers of livestock, poultry and cured meats for resale, Washington County.

SECTION 1. No person, firm or corporation, after the ratification of this Act, shall purchase for resale any livestock, poultry, and/or cured meats anywhere in Washington County unless such person, firm or corporation shall have obtained a license to do so from the County Auditor of Washington County, and the County Auditor of Washington County shall issue a license to any person, firm or corporation applying for the same, upon the payment unto him of the sum of ten dollars, which said sum shall be by said County Auditor paid into the general fund of the County of Washington.

Issuance of license.

Maintenance of records by dealers.

SEC. 2. Every person, firm or corporation who shall have procured a license as herein provided for shall keep a true and accurate record of all livestock, poultry and cured meats purchased by such person, firm or corporation, which record shall show: (a) The name of the person from whom the livestock, poultry, and cured meats were purchased; (b) the amount of livestock, poultry and cured meats purchased, and the description of said property; (c) the price paid therefor; (d) the date and hour of making such purchase; and such records shall be open to the inspection of the public.

Contents.

Violations made misdemeanor.

SEC. 3. Any one violating any of the provisions of this Act shall be guilty of a misdemeanor, and if such person, firm, or corporation has been licensed, upon conviction such licensee shall forfeit his license in addition to being fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 8th day of March, 1939.



## H. B. No. 500                    CHAPTER 161

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE OFFICE OF TREASURER OF NASH COUNTY, AND TO AUTHORIZE BOARD OF COUNTY COMMISSIONERS OF NASH COUNTY TO PROVIDE FOR THE COLLECTION OF DELINQUENT TAXES BY THE SHERIFF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and fifteen of the Public-Local Laws of one thousand nine hundred and thirty-one be amended by adding at the end of Section three the following: "That upon the abolition of the office of treasurer of Nash County, as provided herein, the duties of said treasurer, as now or hereafter provided by law, shall be combined and consolidated with the duties of county accountant of Nash County, who shall hereafter perform the duties of said treasurer in addition to those now performed by said county accountant. Said county accountant shall not charge or receive any separate compensation for performing the duties of treasurer, but such additional work may be considered by the Board of County Commissioners of Nash County in fixing the salary to be paid the county accountant. The said county accountant shall execute the same bond for the proper accounting for such funds as may come into his possession belonging to the county and for the faithful performance of his duties as treasurer as are now required by law of county treasurers, and the premium on said bond shall be paid by Nash County. The said county accountant, if ordered by the Board of County Commissioners to do so, shall collect and receive the fees to which the treasurer is entitled and credit the same to the General County Fund.

(a) That the acts of J. L. Cornwell, County Accountant of Nash County, performing the duties of treasurer since the first Monday in December, one thousand nine hundred and thirty-eight, be and they are hereby in all respects approved, confirmed and validated.

(b) That the Board of Commissioners of Nash County is authorized and empowered, in their discretion, to appoint an assistant to the county auditor or accountant and his acts shall have the same force and effect as those of the county auditor or accountant.

SEC. 2 (a) That Section one of Chapter three hundred and forty-four of the Public-Local Laws of one thousand nine hundred and eleven be amended by striking out after the word "be" in line nine the words kept by the treasurer

Ch. 315, Public-Local Laws, 1931, amended.

County Accountant, Nash County, to perform duties of County Treasurer.

Bond.

Premium paid by county.

Collection of fees.

Acts of J. L. Cornwell, County Accountant, as treasurer, validated.

Appointment of assistant to County Auditor or Accountant, authorized.

Ch. 344, Public-Local Laws, 1911, amended, as to crediting of county funds to General County Fund.

of said county in a separate fund to be known as "The Salary Fund'," and inserting in lieu thereof, "credited to the General County Fund."

Action of treasurer in crediting funds to General County Fund, validated.

(b) That the action of the treasurer in crediting the funds heretofore received to the General County Fund be and the same is hereby in all respects approved, confirmed and ratified.

Ch. 315, Public-Local Laws, 1931, further amended.

SEC. 3. That Section five of Chapter three hundred and fifteen of the Public-Local Laws of one thousand nine hundred and thirty-one be repealed and that the following be substituted therefor:

Collection of taxes by Sheriff, Nash County, authorized.

(a) That the Board of Commissioners of Nash County may, at any time hereafter, by resolution duly adopted and spread upon the minutes of the Board, authorize and require that the Sheriff of Nash County shall collect all taxes, including prepaid, current and delinquent taxes, penalties, licenses and other revenues of all kinds; that said sheriff shall be vested with the same power and authority and subject to the same penalties and conditions as are now or may hereafter be given by the State to the sheriffs and/or tax collectors in the collection of taxes. Said sheriff shall enter into a sufficient bond for the faithful discharge of the duties herein prescribed in such sum as shall be required by the Board of County Commissioners of Nash County.

Bond.

Appointment of special tax deputy sheriff.

(b) That upon the adoption of the resolution herein authorized a special tax deputy sheriff shall be appointed in the same manner as any other deputy sheriff who shall assist the sheriff in the collection of taxes; that such other deputies and clerical assistants as shall be necessary to carry out the provisions of this section may be appointed.

Final settlement by county accountant of all tax collections.

(c) That upon the adoption of the resolution herein authorized the county accountant shall make a full and complete settlement of his tax collections and turn over to the sheriff all tax sales certificates and other evidences of taxes, together with all records pertaining thereto, and thereupon he shall be relieved and discharged from further liability with respect to the collection of delinquent taxes.

Adjustment of delinquent taxes authorized.

SEC. 4. That the Board of Commissioners of Nash County and the governing bodies of the towns in Nash County and the City of Rocky Mount are authorized and empowered to settle and adjust all delinquent taxes, penalties, interest, and cost for such amounts as they shall think right and proper, in all cases where the amount of taxes, penalties, interest and cost exceeds the market value of the land against which the taxes are levied and assessed, which market value shall be fixed by the Board of Commissioners of Nash County on lands lying in Nash County; and they

are further authorized and empowered to settle and adjust all delinquent taxes, penalties, interest, and cost for the year one thousand nine hundred and thirty-three and all years prior thereto, without regard of the land.

SEC. 5. That the acts of the Board of Commissioners of Nash County in heretofore adjusting and settling delinquent taxes be and the same are hereby in all respects approved, confirmed and validated.

Prior adjustments validated.

SEC. 6. That the Board of Commissioners of Nash County is authorized and empowered to accept deeds for real estate from the owners in settlement of taxes assessed against the property when the taxes, penalties, interest and cost amount to as much or more than the market value of the property, or when said Board of Commissioners deems it to be the best interest of the county to accept such deeds in order to save the cost of foreclosure actions.

Acceptance of deeds for real estate in settlement of taxes authorized.

SEC. 7. That the Board of County Commissioners is authorized and empowered, upon the completion of a foreclosure of real estate for taxes, to fix the valuation of said property for taxation at the reasonable market value and said property shall be listed at that value until the next quadrennial assessment.

Revaluation of property sold for taxes.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 8th day of March, 1939.

S. B. No. 201                      CHAPTER 162

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATIVE TO THE RECORDER'S COURT OF REIDSVILLE TOWNSHIP.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and twenty, Public-Local Laws of one thousand nine hundred and thirty-three, be amended as follows: Strike out the words "one hundred" in line fourteen of Section one thereof and substitute in lieu thereof the words "one hundred and fifty."

Sec. 1, Ch. 320, Public-Local Laws, 1933, amended to increase maximum monthly salary, Recorder's Court Judge, Reidsville Township.

SEC. 2. That Chapter three hundred and twenty, Public-Local Laws of one thousand nine hundred and thirty-three, be amended further as follows: Strike out the words "one hundred" in line six of Section two thereof, and substitute

Sec. 2 amended to increase maximum monthly salary of Prosecuting Attorney.

in lieu thereof the following: "one hundred and twenty-five."

Sec. 4, prohibiting salary changes during term of office, repealed.

SEC. 3. That Chapter three hundred and twenty, Public-Local Laws of one thousand nine hundred and thirty-three, be amended further as follows: Strike out all of Section four thereof.

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

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

### H. B. No. 235

### CHAPTER 163

#### AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF THE TOWN OF APEX TO SELL CERTAIN REAL ESTATE AT PUBLIC OR PRIVATE SALE.

*The General Assembly of North Carolina do enact:*

Commissioners, Town of Apex, authorized to sell at public or private sale, property acquired through foreclosures, etc.

Public sale of real property used for municipal purposes.

SECTION 1. That the Board of Commissioners of the Town of Apex, North Carolina, shall have the power to sell, at public or private sale, any real estate the said town may acquire through the foreclosure of any tax lien or paving assessment lien, or by any other means; provided, however, that no real property which is used for municipal purposes may be sold except at public auction. And provided further in no event shall any property be sold either at public or private sale until an appropriate resolution to make such sale shall have been passed by a majority of the commissioners of said town at a regular meeting or at a special meeting called for that purpose.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

### H. B. No. 374

### CHAPTER 164

#### AN ACT RELATING TO THE GRAND JURY OF ORANGE COUNTY.

*The General Assembly of North Carolina do enact:*

Selection of grand jury, Orange County.

SECTION 1. That at the first term of Superior Court for the trial of criminal cases in Orange County after the first day of July, one thousand nine hundred thirty-nine, there shall be chosen a grand jury as now provided by law, and

the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months; and thereafter, at the first term of Superior Court for the trial of criminal cases after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one year.

Terms.

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.

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

### H. B. No. 380                      CHAPTER 165

AN ACT TO MAKE THE PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF PERQUIMANS COUNTY ASSISTANT SOLICITOR TO THE SUPERIOR COURT OF PERQUIMANS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Prosecuting Attorney of the Recorder's Court of Perquimans County be, and as such is hereby made Assistant Solicitor to the Superior Court in and for the County of Perquimans, North Carolina.

Prosecuting Attorney, Recorder's Court, made Assistant Solicitor, Superior Court, Perquimans County.

SEC. 2. That as compensation the said assistant solicitor shall receive, payable out of the general fund of Perquimans County, such amount as the Board of County Commissioners of said county shall decide, and the amount of such compensation may be changed by said board from time to time.

Compensation as Assistant Solicitor.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

### H. B. No. 426                      CHAPTER 166

AN ACT TO EXTEND THE TERM OF OFFICE OF THE JUDGE OF THE COUNTY COURT OF GREENE COUNTY AND THE SOLICITOR OF SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Judge of the County Court of Greene County, and the Solicitor of the County Court of Greene County, now holding office in Greene County, shall serve in such capacity until the first Monday in December, one thousand nine hundred and forty-two.

Terms of office of present Judge and Solicitor, County Court, Greene County.

Election of Judge and Solicitor of County Court for four-year term.

SEC. 2. At the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Greene County by the qualified voters thereof a Judge of the County Court of Greene County and a Solicitor of the County Court of Greene County, whose terms shall be for four years from the first Monday in December after their election, or until their successors are elected and qualified.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

## H. B. No. 455

## CHAPTER 167

AN ACT TO AMEND CHAPTER TWO HUNDRED FORTY-THREE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED ELEVEN, RELATIVE TO TRIAL BY JURY IN THE RECORDER'S COURT OF CLEVELAND COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 243, Public-Local Laws, 1911, amended.

SECTION 1. That Chapter two hundred forty-three of the Public-Local Laws of one thousand nine hundred eleven be, and the same is hereby amended by striking out Section eight thereof and inserting in its place and stead the following:

Right of jury trial in Recorder's Court, Cleveland County.

"SEC. 8. That either plaintiff or defendant in all actions in said court, both civil and criminal, may demand and have a trial by jury. If a trial by jury is demanded, the recorder shall continue the cause until a day to be set by him for trials by jury. The recorder shall fix a day in each month on which shall be begun the trial of causes pending to be heard by the jury, such trials to continue until all cases so pending shall have been disposed of. He shall cause a jury of not less than eighteen and not more than twenty-four men to be drawn for each week set for the hearing of cases by jury, and the juries shall be drawn in the same manner as is now provided for the drawing of juries for the Superior Court. All jurors in the recorder's court shall receive two dollars (\$2.00) per day for their attendance upon court and mileage at the rate of five cents per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public travel."

Selection of jury.

Compensation of jurors.

Sec. 15, amended.

SEC. 2. That Section fifteen of Chapter two hundred forty-three of the Public-Local Laws of one thousand nine hun-

dred eleven be, and the same is hereby amended by adding thereto the following:

"*Provided*, that in cases where either party requests a trial by jury under Section eight of this Act, as amended, the party so requesting shall, before trial, deposit with the recorder the sum of six dollars (\$6.00) for jury fees, which sum shall be in lieu of the tax imposed in the first sentence of this section. The sum so deposited shall be paid into the general fund of the county and applied to the salary fund."

Deposit required upon request for trial by jury.

Deposit paid into General County Fund.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

## H. B. No. 476            CHAPTER 168

AN ACT ENABLING THE CITY OF RALEIGH, THE CITY OF DURHAM, THE COUNTY OF DURHAM, AND THE COUNTY OF WAKE, TO JOINTLY ESTABLISH AN AIRPORT AND PROVIDING FOR THE MAINTENANCE OF A JOINT AIRPORT BY SAID CITIES AND COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. Airport or landing field for the purposes of this and the sections following is defined as any plot of land or water formally set aside, and designated as a place where aircraft may land or take off.

"Airport" and "landing field" defined.

SEC. 2. The governing bodies of the City of Raleigh, of the City of Durham, of the County of Durham, and of the County of Wake are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate, airports or landing fields for the use of airplanes and other aircraft without the limits of said cities and within the limits of both of said counties or either of them, and may use for such purpose or purposes any properties suitable therefor that are now or may at any time hereafter be jointly owned or controlled by said cities and counties.

Establishment and maintenance, etc., of joint airport by City of Raleigh, City of Durham, County of Durham and County of Wake.

SEC. 3. Any lands acquired, owned, controlled, or occupied by said cities, and counties, for the purposes enumerated in Section two hereof, shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and said cities and counties shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose.

Airport operations declared public purpose.

Exercise of power of eminent domain.

Acquisition of private property.

SEC. 4. Private property needed by the said cities and counties for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if said cities and counties are able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by law under which the said cities and counties are authorized to acquire real property for public purposes, other than street purposes, or if there be no such law, in the manner provided for and subject to the provisions of the condemnation law. The purchase price, or award for property acquired for an airport or landing field may be paid for by appropriation of monies available therefor, or by the application of any funds derived by either of said cities or by either of said counties from the sale of any lands now or heretofore or hereafter owned for airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the sale of bonds of either of said cities or either of said counties as the governing bodies of such cities and counties shall determine.

Authorized method of payment.

Appropriations from proceeds of operations of public utilities, etc., for establishment and maintenance of airport.

SEC. 5. The governing bodies of said cities and counties and each of them are hereby authorized to appropriate and use from the net proceeds derived from the operation, by either of said cities or either of said counties, of any public utility, or from funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the establishment and maintenance of any airport in such proportion and upon such equal basis as may be determined upon by a joint board to be appointed by the governing bodies of the said cities and counties. Provided nothing herein shall be construed to permit the governing bodies of said cities or counties to issue bonds under the provisions of this Act without a vote of the people.

Appointment of joint board.

Municipality representation.

Term.

County representation.

Appointment of county representative.

SEC. 6. The joint board to be appointed by the governing bodies of the said cities and counties shall be appointed as follows: Each municipality shall be entitled to have one representative on said board and that representative shall be appointed biennially by a majority of the governing body of said municipality, at the first regular meeting in January. Said representative shall hold office from his appointment until the first regular meeting of the governing body in the second January thereafter, when his successor shall be appointed. Only a city or cities contributing an equal part to the establishment of an airport shall be entitled to have representation on the board. Each county shall be entitled to have one representative on said board, and that representative shall be appointed biennially by a majority of the Board of County Commissioners of said county, at the first regular meeting in January. Said representative shall hold



office from his election until the first regular meeting of the County Commissioners in the second January thereafter, when his successor shall be elected. Only a county or counties contributing an equal part to the establishment of such an airport shall be entitled to have representation on said board. The said board so appointed by the governing bodies of the cities and counties, shall be known as the "Aeronautics Authority for the City of Raleigh, City of Durham, the County of Durham and the County of Wake." Upon the occurrence of any vacancy on said authority, said vacancy shall be filled within sixty (60) days after notice thereof at a regular meeting of the governing body of the governmental unit which has a vacancy within its representation. Within thirty (30) days after the ratification of this Act the governing body of each of the said municipalities and counties may appoint its representative on said board to hold office until his successor shall be appointed in the manner hereinbefore set forth: *Provided, however,* that the representative first so appointed by each of said cities shall hold office from his appointment until the following January, at which time his successor shall be appointed as hereinbefore set forth, and provided further that the representative first so appointed by each of said counties shall hold office from his appointment until the second January thereafter at which time his successor shall be appointed in the manner hereinbefore set forth.

Sec. 7. The board so appointed by the governing bodies of said cities and counties shall act in an administrative capacity and shall be vested with the authority to control, lease, maintain, improve, operate, and regulate the joint airport or landing field. It shall have complete authority over any airport or landing field jointly acquired by the several governmental bodies represented on said board. Provided that said board or the individual members thereof shall have no authority to pledge the credit of any of said governmental units. The said board shall have authority to deal with the Civil Aeronautics Authority of the United States Government and any other representative of said Federal Government relative to the grading, constructing, equipping, improving, maintaining, and operating of airports or landing fields established under the authority of this Act. A majority of said board shall control its decisions. At the first meeting of said board and annually thereafter it shall elect a chairman from among its members. Each member of said board, including the chairman, shall have one vote. The said authority shall meet at such place and time as the chairman of said authority shall designate. The members of said board shall serve without compensation and shall take an oath of office administered by the resident

Term.

Board designated  
Aeronautics  
Authority.Vacancy  
appointments.Appointment of  
representatives  
within 30 days  
after ratification  
of Act.Term of municipal  
appointments.Term of county  
appointments.Powers and  
authority of board.Election of  
chairman.

Meetings.

Members to serve  
without compen-  
sation.

Oath.

judge having jurisdiction over the governmental unit which the member represents. Members of said authority shall not be personally liable in any manner for their acts as members of the authority, except for misfeasance or malfeasance.

Limitations on personal liability of members.

Application of Act.

SEC. 8. This Act shall apply only to the City of Raleigh, City of Durham, County of Durham, and the County of Wake.

Partial invalidity clause.

SEC. 9. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The General Assembly expressly declares that it would have passed the remaining parts of this Act, if it had known that such part or parts thereof would be declared unconstitutional.

SEC. 10. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

H. B. No. 556

## CHAPTER 169

### AN ACT RELATIVE TO JURY TRIAL IN RECORDER'S COURT IN DARE COUNTY.

*The General Assembly of North Carolina do enact:*

Transfer of Recorder's Court cases to Superior Court upon demand for jury trial, Dare County.

SECTION 1. That in all trials in Recorder's Court in Dare County, upon demand for a jury by the defendant or the Prosecuting Attorney representing the State, the Recorder shall transfer said trial to the Superior Court of Dare County, and the defendant shall execute a new bond in such amount as named by the Recorder for his appearance at the next term of Superior Court of Dare County, and the Recorder of said court shall immediately transfer the case to the Superior Court of Dare County, without requiring any deposit from the defendant for the privilege of a jury trial.

New bond.

No Recorder's Court fees taxed in final bill of cost.

SEC. 2. No Recorder's fee or Prosecuting Attorney's fee for said Recorder's Court shall be taxed in the final bill of costs where any case is transferred to the Superior Court of Dare County, under the provisions of this Act, but this Act shall not affect said fees in other cases.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

H. B. No. 335

## CHAPTER 170

AN ACT REGULATING THE SALE OF WINE AND BEER  
IN JOHNSTON COUNTY ON SUNDAY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any wine and/or beer within three hundred yards of any church or place of public worship located outside the limits of any incorporated town in Johnston County during the hours usually designated as "Church and Sunday School Hours."

Sunday sales of wine and beer regulated, Johnston County.

SEC. 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Violations made misdemeanor.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 10th day of March, 1939.

H. B. No. 411

## CHAPTER 171

AN ACT TO FIX THE TERM OF OFFICE OF CERTAIN  
OFFICIALS OF JACKSON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the term of office of the present Board of Commissioners of Jackson County, viz: T. Walter Ashe, Cleve Fisher and R. C. Howell, is hereby extended to the first Monday in December, one thousand nine hundred and forty-two, and until their successors are elected and qualified.

Extension of term of office of present County Commissioners, Jackson County.

SEC. 2. That the term of office of the present Register of Deeds of Jackson County, viz: Glenn Hughes, is hereby extended to the first Monday in December, one thousand nine hundred forty-two and until his successor is elected and qualified.

Extension of term of office of present Register of Deeds.

SEC. 3. That the term of office of the present County Surveyor of Jackson County, viz: Lyman Stewart, is hereby extended to the first Monday in December, one thousand nine hundred forty-two and until his successor is elected and qualified.

Extension of term of office of present County Surveyor.

SEC. 4. That in the general election of one thousand nine hundred forty-two and quadrennially thereafter, there shall be elected by the qualified voters of Jackson County, a Register of Deeds, a County Surveyor, and three persons

Four-year terms for County Commissioner, Register of Deeds and County Surveyor, Jackson County.

to serve as County Commissioners for said county, whose term of office shall be four years from the first Monday in December thereafter.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1939.

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H. B. No. 434                      CHAPTER 172

AN ACT TO REPEAL CHAPTER SIX HUNDRED AND NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 609, Public-Local Laws, 1937, relating to resisting officers, etc., Warren County, repealed.

SECTION 1. That Chapter six hundred and nine of the Public-Local Laws of one thousand nine hundred and thirty-seven entitled "An Act to Amend Section Four Thousand Three Hundred and Seventy-eight of Consolidated Statutes, Relating to Resisting Officers in Warren County," be, and the same is, hereby repealed.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 10th day of March, 1939.

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H. B. No. 458                      CHAPTER 173

AN ACT TO EXTEND THE TERM OF OFFICE FOR REGISTER OF DEEDS IN HYDE COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year term for Register of Deeds, Hyde County.

SECTION 1. That at the general election for the year one thousand nine hundred and forty-two and quadrennially thereafter, there shall be elected in the County of Hyde by the qualified voters of the said county a Register of Deeds for said county, who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Register of Deeds for said county, elected at the general election held in the year one thousand nine hundred and thirty-eight, shall hold office for a term of four years and until his suc-

cessor is elected at the general election to be held in the year one thousand nine hundred and forty-two, and qualified.

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

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

In the General Assembly read three times and ratified, this the 10th day of March, 1939.

## H. B. No. 520                    CHAPTER 174

AN ACT TO REGULATE BILLS OF COST IN CIVIL ACTIONS TRIED AND DETERMINED IN ANY OF THE COURTS OF DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all civil actions tried and determined in any of the courts of Duplin County wherein a writ of claim and delivery is issued, injunction or temporary restraining order is issued, or a receiver is appointed, and a bond is required to be given, any of the parties required to give such bond, may give such bond in any of the surety companies doing business in the State of North Carolina, and the premium or premiums, so paid for such bond shall be taxed in the bill of costs, and against the party required by final judgment in said action to pay the costs. Bond premiums to be taxed in bill of cost in certain civil actions, Duplin County.

SEC. 2. This Act shall apply only to Duplin County.

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

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

In the General Assembly read three times and ratified, this the 10th day of March, 1939.

## H. B. No. 534                    CHAPTER 175

AN ACT FOR BETTER ENFORCEMENT OF THE THEFT LAWS IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the conviction of any defendant for larceny of hog meat or beef, there shall be charged against said defendant the sum of ten dollars, to be taxed in the bill of costs for the use of the Sheriff or officer making the arrest. Arrest fees allowed in certain larceny cases, Caswell County.

SEC. 2. That this Act shall apply to Caswell County only.

Conflicting laws  
repealed.

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.

In the General Assembly read three times and ratified, this the 10th day of March, 1939.

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H. B. No. 535.                    CHAPTER 176

AN ACT TO ALLOW THE REGISTER OF DEEDS OF CASWELL COUNTY COMPENSATION FOR CLERK HIRE.

*The General Assembly of North Carolina do enact:*

Additional Allow-  
ance to Register  
of Deeds, Caswell  
County, for  
employment of  
assistants.

SECTION 1. That the Board of County Commissioners of Caswell County is hereby ordered and directed to pay, out of the General County Fund, to the Register of Deeds of Caswell County the sum of one hundred dollars (\$100.00) per year, to be used by said Register of Deeds of said Caswell County for the purpose of hiring help in his office. That the said payment to said Register of Deeds shall be made on the first Monday in December of the year one thousand nine hundred thirty-nine and on the first Monday in December of each and every year thereafter.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 10th day of March, 1939.

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S. B. No. 227                    CHAPTER 177

AN ACT TO RATIFY THE ACTS OF G. D. DAVIDSON AND E. G. JONES, JUSTICES OF THE PEACE OF ANSON COUNTY.

Preamble:  
Appointment of  
G. D. Davidson  
and E. G. Jones as  
Justices of Peace,  
Anson County.

*Whereas*, G. D. Davidson and E. G. Jones were duly appointed Justices of the Peace of Wadesboro township and Gulledge township, respectively, in Anson County by Chapter three hundred ninety-six of the Public Laws of one thousand nine hundred thirty-seven; and

Acts performed  
before qualification.

*Whereas*, the said G. D. Davidson and E. G. Jones did not qualify within the ninety day period provided for in Section one of said Act, but acted as Justices of the Peace in their

respective townships in said county for several months prior to the time they were sworn in in such capacity; Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the acts and duties performed by G. D. Davidson and E. G. Jones, acting as Justices of the Peace in Anson County, be, and the same are hereby in all respects ratified and confirmed.

Acts of G. D. Davidson and E. G. Jones as Justices of Peace, Anson County, validated.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## S. B. No. 238                      CHAPTER 178

AN ACT TO PERMIT MOORE COUNTY TO CONVEY TO MOORE COUNTY HOSPITAL, INCORPORATED, CERTAIN REAL ESTATE AND PROPERTY UPON WHICH MOORE COUNTY HOSPITAL IS SITUATED.

Whereas, by deed dated the third day of August, one thousand nine hundred thirty-eight and recorded in the office of the Register of Deeds of Moore County in Book of Deeds No. 127 at page 361, Moore County Hospital, Incorporated, conveyed to the County of Moore nine and two hundred sixty-six one-thousandths (9.266) acres of land in Moore County upon which Moore County Hospital is situate and the only consideration for said conveyance was the agreement upon the part of Moore County to aid in securing funds from the Federal Administration of Public Works to aid in the construction of hospital buildings on said property, and

Preamble:  
Conveyance of hospital property to Moore County.

Whereas, the continued operation of said hospital is of great public advantage and the County of Moore is without funds, and is likely to continue to be without funds, available for the operation of said hospital in the future, and Moore County Hospital, Incorporated, upon securing title to said property, will be able to continue its operation by means which it can provide for such purpose:

County without funds to continue operation of hospital.

Moore County Hospital, Inc., able to provide means for continued operation.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Moore County be and they are hereby authorized and empowered, in the discretion of said board, to convey title to the lands aforesaid referred to and described in behalf of the County

Conveyance of property to Moore County Hospital, Inc., by County Commissioners, authorized.

of Moore to Moore County Hospital, Incorporated, and the deed so made on behalf of the County of Moore, pursuant to the resolution of the Board of Commissioners of Moore County authorizing such conveyance, shall have the force and effect of conveying to said Moore County Hospital, Incorporated, title in fee simple to said lands.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

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## H. B. No. 232                    CHAPTER 179

### AN ACT TO PROHIBIT THE DREDGING OF OYSTERS IN BAY RIVER IN PAMLICO COUNTY.

*The General Assembly of North Carolina do enact:*

Dredging of oysters, Bay River, Pamlico County, prohibited.

SECTION 1. That the dredging of oysters by motorboat, sailboat or by any other kind of boat in Bay River in Pamlico County is hereby prohibited.

Application of Act.

SEC. 2. That the provisions of this Act shall apply to Jones Bay, Middle Bay and Mouth's Harbor Bay.

Penalty for violation.

SEC. 3. That the penalty for violation of this Act shall be payment of a fine of one hundred dollars.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

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## H. B. No. 244                    CHAPTER 180

### AN ACT TO FIX THE SALARIES OF THE OFFICERS OF YADKIN COUNTY AND TO PROVIDE FOR THE APPOINTMENT OF A JAILER FOR SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Yadkin County officers placed on salary basis in lieu of fees, etc.

SECTION 1. That beginning with the first day of April, one thousand nine hundred and thirty-nine, the officers of Yadkin County shall be placed on a salary basis in lieu of all commissions, fees and other emoluments of their respective offices.



SEC. 2. That the Clerk of the Superior Court of Yadkin County shall receive an annual salary of two thousand dollars (\$2,000.00) payable in equal monthly installments. He shall also act as Judge of the Juvenile Court of Yadkin County for which he shall receive such sum as the County Commissioners may deem advisable.

Compensation of  
Clerk Superior  
Court.

SEC. 3. That the Register of Deeds of Yadkin County shall receive an annual salary of two thousand dollars (\$2,000.00) payable in equal monthly installments. The Register of Deeds shall serve as secretary to the Board of County Commissioners and for such service he shall receive such sum as the County Commissioners may deem advisable.

Compensation of  
Register of Deeds.

SEC. 4. That the Sheriff of Yadkin County shall receive an annual salary of two thousand, two hundred and fifty dollars (\$2,250.00) payable in equal monthly installments. He shall also be allowed all process fees and the other fees of his office as now provided by law.

Compensation of  
Sheriff.

Allowance of fees.

SEC. 5. That the County Accountant and Tax Supervisor of Yadkin County shall receive an annual salary of fifteen hundred dollars (\$1,500.00) payable in equal monthly installments and he shall also receive an allowance of three hundred dollars (\$300.00) for preparing the tax books of the county.

Compensation of  
County Accountant  
and Tax Collector.

SEC. 6. That D. N. Vestal is hereby appointed jailer of Yadkin County to serve until the first Monday in December, one thousand nine hundred and forty-two, at which time, and biennially thereafter, the County Commissioners shall appoint some person to serve as jailer for said county. That the said jailer shall receive an annual salary of one thousand three hundred and eighty dollars (\$1,380.00) payable in equal monthly installments. All provisions required for feeding prisoners in said jail shall be furnished by the county. The said jailer shall possess all the powers of a peace officer and be entitled to process fees and shall give a bond of ten thousand (\$10,000.00) dollars to be approved by the County Commissioners.

Appointment of  
jailer.

Compensation of  
jailer.

Bond required.

SEC. 7. That the officers of said county shall continue to collect all fees, commissions, allowances and costs heretofore collected by virtue of such office and, except as herein otherwise provided, such fees so collected shall be turned over to the County Accountant or paid into the treasury of said county, and each officer shall render to the County Accountant of Yadkin County weekly, a full and complete itemized statement of all such fees so collected by him.

Disposition of fees,  
commissions, etc.,  
collected.

Statements to  
County Accountant.

SEC. 8. That no certified public accountant who has within the past eight years audited any books or office of Yadkin County more than one time shall be employed to audit such books or offices for a period of four years from the ratification of this Act.

Regulations for  
auditing of county  
books by certified  
public accountant.

Conflicting laws  
repealed.

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

Effective date.

SEC. 10. That this Act shall be in full force and effect from and after the first day of the month following its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## H. B. No. 363

## CHAPTER 181

AN ACT AUTHORIZING AND EMPOWERING THE GOVERNING BODY OF THE CITY OF DURHAM TO APPOINT SOME PERSON, OTHER THAN AN OFFICER OF THE CORPORATION, AS DELINQUENT TAX COLLECTOR, AND FIX HIS DUTIES AND RESPONSIBILITIES.

*The General Assembly of North Carolina do enact:*

Appointment of  
Delinquent Tax  
Collector, City of  
Durham.

SECTION 1. That the governing body of the City of Durham, North Carolina, be, and it is hereby, authorized and empowered to appoint and designate some person, other than an officer of said municipal corporation, as Delinquent Tax Collector of the City of Durham.

Compensation.

SEC. 2. That the governing body of the City of Durham is authorized and empowered to fix the salary or compensation of the said person so appointed and designated as Delinquent Tax Collector, and the said governing body of the City of Durham is further authorized and empowered to fix the term of office of such person, either for a definite number of years, or at will, as in the discretion of the said governing body such term should be fixed; and the said governing body is authorized and empowered to require such bond of the said Delinquent Tax Collector as it deems necessary to properly guarantee to the City of Durham the responsibility for the proper accounting for all monies collected and the faithful performance of all other duties imposed by law upon the said Delinquent Tax Collector.

Term.

Bond.

Duties of  
Delinquent Tax  
Collector.

SEC. 3. That all certificates of sale evidencing purchases by the City of Durham which are hereafter made shall immediately, upon being allowed as a credit in the settlement with the Tax Collector, be delivered to the said Delinquent Tax Collector, and it shall be the duty of such Delinquent Tax Collector to collect the same. The said Delinquent Tax Collector, upon his appointment and qualification, shall be charged with the same duties and responsibilities in the collection of delinquent taxes as are now provided by law respecting the duties and responsibilities for persons charged with the duty of collecting delinquent

taxes; and the official bond of said Delinquent Tax Collector shall be responsible for the proper accounting for all monies so collected and the faithful performance of all other duties herein and elsewhere imposed upon him by law.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws  
Repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## H. B. No. 431      CHAPTER 182

### AN ACT TO PROVIDE FOR THE COLLECTION OF THE DELINQUENT TAXES IN PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The County Commissioners of Pitt County and the governing agencies of the several municipalities therein are hereby authorized, empowered and directed to accept payment for taxes for the years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty, one thousand nine hundred and twenty-nine, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-seven, and all prior years at the face value of the tax sale certificates issued for the respective years, less all costs, penalties, interest charges, attorney's fees and advertising costs; *Provided*, the delinquent taxes for the aforesaid years are paid on or before January first, one thousand nine hundred and forty; *Provided, further*, that before the taxpayer shall be entitled to the benefits hereunder the County Commissioners and other governmental agencies may require the payment of the taxes owing by said delinquent taxpayer for the years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred thirty-eight.

Adjustment of  
delinquent taxes,  
Pitt County and  
municipalities  
therein, authorized.

Payment of  
adjusted amount  
before Jan. 1st,  
1940, required.

Payment of  
delinquent taxes  
for certain years as  
condition precedent.

SEC. 2. All taxes owing to Pitt County or any tax-levying authority within Pitt County levied for the year one thousand nine hundred and thirty-three or any year prior to one thousand nine hundred and thirty-three which have not been paid prior to January first, one thousand nine hundred and forty, shall after that date bear interest at the rate of six per cent, which interest shall be computed on the amount

Interest rate on  
taxes for 1933 and  
prior years.

of tax as originally levied and shall be in lieu of all other penalties, interest or costs of any kind which have since accrued.

Settlement of taxes for 1932-3 at face amount.

SEC. 3. The action of the Tax Collector of Pitt County and the tax collecting authorities and municipalities in Pitt County in accepting payment of taxes for the year one thousand nine hundred and thirty-three and prior years without requiring payment of the penalties, interest, costs or attorney's fees is ratified, and where payment of the face amount of said taxes for the year one thousand nine hundred and thirty-two and prior years has been made such payment shall constitute a full settlement and discharge of the tax liability for said years.

Construction of Act.

SEC. 4. Nothing contained in this Act shall be construed as prohibiting the county or other tax-levying agencies from proceeding at any time with actions to foreclose the right or equity of redemption of the property owner, and the provisions of Sections one and two of this Act shall only apply in those cases where there has been no final foreclosure of the right or equity of redemption of the property owner. When sold in an action or proceeding for the collection of the tax and to foreclose the property owner's equity of redemption therein, the county or other tax-levying authority shall have the right to collect the full amount of the tax, penalties, interest, costs, attorney's fees and other charges as provided by law.

Collection of full amount of tax, penalties, etc., on foreclosed property.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

H. B. No. 437

CHAPTER 183

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE ADJUSTMENT OF DELINQUENT TAXES IN PENDER COUNTY AND CREATING A COMMISSION FOR EFFECTING SUCH ADJUSTMENTS.

*The General Assembly of North Carolina do enact:*

Ch. 356, Public-Local Laws, 1937, amended to extend time limitation on delinquent tax adjustments, Pender County.

SECTION 1. That Section one of Chapter three hundred and fifty-six of the Public-Local Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby amended by striking out the word "thirty-nine" in line five and inserting in lieu thereof the word "forty-one."

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

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

H. B. No. 453      CHAPTER 184

AN ACT TO CREATE THE OFFICE OF TAX COLLECTOR FOR THE COUNTY OF CLEVELAND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Cleveland County are authorized and empowered, in their discretion, to establish the office of Tax Collector of Cleveland County. Whenever they may deem it advisable, they may select, or appoint a competent person as tax collector, who shall hold said office during the pleasure of said board, and may make such further appointments as may become necessary in case of vacancies in such office due to death, resignation, removal or otherwise. They may, in their discretion, appoint such assistant or assistants, and provide such clerical help as may be necessary. The board shall furnish an office for the use of the tax collector, and such equipment and fixtures as may be necessary.

Appointment of Tax Collector, Cleveland County, authorized.

Vacancy appointments.

Appointment of assistants authorized.

SEC. 2. The tax collector and assistants shall be paid an annual salary, to be fixed by the board, and paid in equal monthly installments.

Compensation of collector and assistants.

SEC. 3. The said tax collector shall, before entering upon the discharge of the duties of his office, give such bond or bonds, for the faithful performance of his duties as shall be required by the Board of Commissioners. The premiums on said bond or bonds shall be paid by the County of Cleveland.

Bond required.

Premiums paid by county.

SEC. 4. The tax collector shall succeed to and exercise all powers and duties now, or hereafter vested in the Sheriff, with reference to collection, or payment over to the proper authorities, of any and all taxes, and of all special assessments collected as taxes, levied by law. He shall have full power and authority to do all things necessary to enforce payment of taxes, including the authority of distraint, levy, garnishment or other process, and the execution of tax sales and certificates. He may take all necessary actions and institute suits, in his official capacity, to perfect tax deeds. He shall perform such further duties and make such further report or reports to the board as may be required

Powers and duties of Tax Collector.

Transfer of records  
and funds from  
Sheriff to Tax  
Collector.

by said board. The Sheriff shall, upon direction of the Board of Commissioners, turn over to the said tax collector the tax lists which are now or may hereafter be required of sheriffs when performing the duties of tax collector, and all funds which are now or may hereafter come into his hands in the performance of any duty as tax collector.

Accounting by  
Sheriff as to collec-  
tions made by him.

SEC. 5. Nothing herein contained shall be construed as relieving the Sheriff from accounting for any taxes collected by him, or which should have been collected by him, prior to the creation of the office of tax collector.

Authority of County  
Commissioners to  
abolish office of tax  
collector.

SEC. 6. At any time after the office of tax collector may have been created in Cleveland County, as above provided, the Board of County Commissioners may, if it appears advisable, for economy to the county and for efficiency in the collection of taxes, abolish the office of tax collector and return the duty of collecting all taxes and special assessments to the Sheriff of the county, as is now or may hereafter be provided by law.

Conflicting laws  
repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## H. B. No. 485

## CHAPTER 185

AN ACT TO REPEAL CHAPTER ONE HUNDRED TWENTY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, AND CHAPTER TWO HUNDRED NINE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE, AND TO GRANT THE COMMISSIONERS OF CARTERET COUNTY THE POWER TO FIX ALL SALARIES OF EMPLOYEES.

*The General Assembly of North Carolina do enact:*

Ch. 128, Public-  
Local Laws, 1935,  
and Ch. 209,  
Public-Local Laws,  
1931, repealed.

SECTION 1. That Chapter one hundred twenty-eight, Public-Local Laws of one thousand nine hundred thirty-five, and Chapter two hundred nine, Public-Local Laws of one thousand nine hundred thirty-one, relating to salaries in Carteret County, are hereby repealed.

Compensation of  
county employees,  
etc., Carteret  
County, fixed by  
County  
Commissioners.

SEC. 2. The Board of Commissioners of Carteret County is authorized and empowered to employ and fix the compensation of all employees, assistants, and deputies in the several county offices.

SEC. 3. That nothing in this Act shall apply to any official elected by vote to any county office.

Act inapplicable to county officials elected by vote.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

H. B. No. 489

### CHAPTER 186

AN ACT TO AMEND CHAPTER TWO HUNDRED THIRTEEN OF THE PRIVATE LAWS OF NINETEEN HUNDRED THREE, ALLOWING COMPENSATION TO THE COUNCILMEN OF THE TOWN OF PLYMOUTH AND INCREASING THE SALARY OF THE MAYOR OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five of Chapter two hundred and thirteen of the Private Laws of one thousand nine hundred and three be amended by striking out the words "one hundred and fifty dollars" in line ten of said section and inserting in lieu thereof the words "three hundred dollars."

Ch. 213, Private Laws, 1903, amended to increase salary of mayor, Town of Plymouth.

SEC. 2. That each councilman shall receive the sum of three dollars for each meeting attended by him to be paid out of the general fund of said town.

Compensation of councilmen.

SEC. 3. That the increase in the mayor's salary and the payment of compensation to the councilmen, hereinabove provided, shall both be payable until the expiration of the present term of the mayor and councilmen of said town.

Compensation payable until expiration of present terms.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## H. B. No. 494

## CHAPTER 187

AN ACT TO AMEND SECTION TWO OF CHAPTER SIX HUNDRED AND EIGHTY-ONE OF THE PUBLIC-LOCAL LAWS OF NINETEEN HUNDRED TWENTY-SEVEN AUTHORIZING THE EMPLOYMENT OF A PART-TIME CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ALAMANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 681, Public-Local Laws, 1927, amended, as to election of Chairman of Board of Commissioners, Alamance County.

Chairman to act as administrative head of county government.

Chairman may be either full time or part time in discretion of Board.

Compensation.

Compensation of present Chairman, for additional duties.

Construction of Act.

SECTION 1. That Section two of Chapter six hundred eighty-one of the Public-Local Laws of nineteen hundred twenty-seven of North Carolina be, and the same is hereby amended by adding at the end of said Section two the following: *Provided* that the Board of Commissioners of Alamance County are hereby authorized and empowered, in the discretion of the board, to elect one of its own members as chairman of the said board, which said chairman shall be the administrative head of the county government and shall be responsible for the administration of all the departments of the county government which the Board of Commissioners has authority to control, and the said Board of Commissioners are hereby authorized, in the discretion of the board, to impose upon the said chairman the duties of a full-time chairman; but the said Board of Commissioners is authorized and empowered, in the discretion of the board, to impose upon the said chairman only the duties of a part-time chairman, and he shall perform such duties as may be imposed upon him by the Board of Commissioners of Alamance County, and he shall be entitled to such reasonable compensation for his services as such Board of Commissioners may determine.

SEC. 2. The Board of Commissioners of Alamance County are hereby authorized and empowered, in the discretion of the board, to pay to the present chairman of the Board of Commissioners of Alamance County, who has performed the duties of administrative head of the County of Alamance since the first Monday in December, one thousand nine hundred thirty-eight, such reasonable compensation for his service since the first Monday in December, one thousand nine hundred thirty-eight, as the board, in its discretion, may determine.

SEC. 3. This Act shall not be construed as repealing any portion of Chapter six hundred eighty-one of Public-Local Laws of nineteen hundred twenty-seven, but shall authorize and empower the Board of Commissioners of Alamance County to elect its chairman and impose upon him the duties of a part-time chairman and pay him reasonable compensation for such duties; the board may, in its discretion,



impose upon its chairman the duties of a whole-time chairman, or it may, in its discretion, impose upon him the duties of a part-time chairman; it is authorized to pay him reasonable compensation for the duties as a part-time chairman if only the duties of a part-time chairman are imposed upon him and to pay him reasonable compensation as a full-time chairman if the duties of a full-time chairman are imposed upon him.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## H. B. No. 495                      CHAPTER 188

### AN ACT TO PROVIDE FOR ADDITIONAL DUTIES FOR THE TAX COLLECTOR OF ALAMANCE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Alamance County are hereby authorized and empowered, in the discretion of the board, to confer upon the Tax Collector of Alamance County the duty of collecting all delinquent taxes, fees, penalties, and other revenues due the County of Alamance in addition to the collection of current taxes as he is now required to do, and when the said Board of County Commissioners of Alamance County shall have conferred upon the Tax Collector of Alamance County by resolution the duty of collecting all delinquent taxes, fees, penalties, and other revenues, the said Tax Collector of Alamance County shall be vested with all the powers and authority and shall be responsible for all duties as are now, or may hereafter be, provided by law for sheriffs of the State of North Carolina in the collection of taxes and levy and sale of land and personal property for taxes in the County of Alamance, and any such Tax Collector shall be vested with authority to collect delinquent as well as current taxes, and shall be vested with power and authority to make levy and sale of real property and personal property for delinquent taxes, fees, penalties and revenues.

Collection of  
delinquent taxes,  
etc., by Tax  
Collector,  
Alamance County.

Additional powers  
granted to Tax  
Collector.

SEC. 2. That when the Board of Commissioners of Alamance County shall have conferred upon the Tax Collector of Alamance County the duty of collecting delinquent taxes, fees, penalties, and other delinquent revenues in and for the said County of Alamance as herein provided for, the Accountant for Alamance County, upon full settlement of taxes up to the date of the transfer of the collecting of taxes to such Tax Collector, shall be relieved of all further duties

County Accountant  
relieved of tax  
collection duties.

in connection therewith and therefrom the said Accountant for Alamance County and his surety shall be discharged from further liability with reference to the collecting of delinquent taxes for Alamance County.

Construction of Act.

SEC. 3. That this Act shall not be construed as restricting the powers and duties of the Tax Collector of Alamance County, but shall be construed as authorizing and empowering the Commissioners of Alamance County to confer upon said Tax Collector additional powers and duties.

Conflicting laws repealed.

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

SEC. 5. That this Act shall be in force and effect from and after the day of its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

H. B. No. 503

CHAPTER 189

AN ACT TO ESTABLISH A SCHEDULE OF FEES FOR THE JUSTICES OF THE PEACE OF SCOTLAND COUNTY.

*The General Assembly of North Carolina do enact:*

Schedule of fees for Justices of Peace, Scotland County.

SECTION 1. That Justices of the Peace of Scotland County shall receive the following fees and none other:

Affidavit, including certificate.....	\$ .25
Attachment papers, including trial, judgment and order to seize property.....	2.00
Additional defendants in same cause, each.....	.10
Allotting widow's years allowance, issuing notices to commissioners and making returns.....	2.00
Bond or undertaking.....	.25
Capias and order, each defendant.....	.75
Certificate .....	.25
Continuance .....	.25
Commitment, each defendant.....	.25
Certification of any document or other paper writing to be a copy of the original.....	.25
Claim and Delivery, issuing all necessary papers, including trial and judgment.....	2.50
Additional defendants in same cause, each.....	.25
Additional copies in same cause, each.....	.25
Execution of Judgment.....	.25
Filing and docketing labor's lien, one owner.....	.50
Additional owners, each in same cause.....	.25
Motion, entry and record of.....	.25
Notices, each .....	.25

Notice of Publication.....	.25
Notice Sci Fa, each.....	.50
Nisi, judgment of, each.....	.50
Orders, each .....	.25
Order of arrest in civil action, each.....	.25
Order of Publication .....	.35
Order of removal of cause.....	.50
Order to seize property.....	.35
Probate of deed, deed of trust, crop lien, chattel mortgage, or any other paper writing, acknowledged by the signers, each.....	.25
Recognizance, each party where no bond is taken.....	.25
Recognizing witnesses, each.....	.25
Return to notice of appeal.....	.50
Subpoena, each name.....	.10
Summons, in civil action.....	.50
Each additional defendant in same cause.....	.15
Each additional copy thereof in same cause.....	.15
Summons for a jury for venire of twelve jurymen.....	.50
Drawing jury from box.....	.50
Impaneling jury .....	.25
Summary Proceedings in ejectment to recover possession of land from tenant who holds over.....	1.50
Each additional copy in same cause.....	.50
Transcript of judgment.....	.25
Transcript of any matter of record or papers on file, per copy sheet.....	.25
Trial and judgment.....	1.00
Trial and entering verdict.....	.50
Trial by jury and entering verdict.....	1.00
Taking deposition, for each copy sheet.....	.20
Taxes, garnishment of, with certificate of returns.....	.50
Writ of seizure of personal property.....	.50
Warrant of commitment.....	.25

That when the trial of a cause shall have been removed from before the Justice of the Peace issuing the said papers, the Justice of the Peace sitting in trial of such cause shall receive fifty cents (50c) for such trial and judgment.

FEEs IN CRIMINAL ACTIONS

Affidavit .....	\$ .25
Warrant .....	.50
Subpoenas, each .....	.15
Commitment, each defendant.....	.50
Recognizance, each .....	.25
Bonds, each .....	.25
Judgment, not contested, each defendant.....	.75
Judgment, contested, each defendant.....	1.50
Order of Removal.....	.50

Fees in criminal actions.

Capias and order, each defendant.....	1.00
Jury trial and entering verdict, each defendant.....	1.00
Judgment nisi, each defendant.....	.50
Drawing jury from box.....	.50
Impaneling jury .....	.25

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

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H. B. No. 543                      CHAPTER 190  
 AN ACT RELATIVE TO TAX FORECLOSURE SUITS IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

Foreclosure of tax sales certificates not barred by prior proceedings.

SECTION 1. That in any action to foreclose tax sales certificates instituted in Wayne County under the provisions of Consolidated Statutes seven thousand nine hundred ninety, or eight thousand and thirty-seven, the fact that a tax foreclosure proceeding has *formerly* been instituted for delinquent taxes upon the property being foreclosed shall not be pleaded in bar of a recovery under the proceedings so instituted.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

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H. B. No. 548                      CHAPTER 191  
 AN ACT TO FIX THE COMPENSATION OF THE CORONER OF CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of Coroner, Caldwell County.

SECTION 1. That the Coroner of Caldwell County shall receive the following compensation, payable from the general fund of Caldwell County: (1) For making any investigation into the cause of death when such investigation is made upon a proper complaint, as required by law, and no inquest held, five dollars; (2) for holding an inquest to determine the cause of death, when such inquest follows an investigation upon a proper complaint, ten dollars.

SEC. 2. That the provisions of Consolidated Statutes three thousand nine hundred and five, in so far as the same conflict with the provisions of this Act, shall not apply to Caldwell County, but the provisions of said section not in conflict with, or repugnant to, this Act, shall continue to apply to said county.

Application of Consolidated Statutes, Section 3905.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## H. B. No. 628 CHAPTER 192

AN ACT TO AMEND HOUSE BILL NUMBER ONE HUNDRED AND EIGHTY-ONE, RATIFIED THE FOURTEENTH DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED THIRTY-NINE, RELATING TO JURY TRIALS IN RECORDER'S COURT IN UNION COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of House Bill number one hundred eighty-one, ratified the fourteenth day of February, one thousand nine hundred thirty-nine, be amended by inserting after the comma following the word "court" and before the word "and" in line six, the following: "except that the names of the jurors shall be drawn from the general county box without regard to the township of their residence or the township in which the defendant resides."

Ch. 50, Public-Local Laws, 1939, relating to jury trials, Recorder's Court, Union County, amended.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## H. B. No. 631 CHAPTER 193

AN ACT VALIDATING SALES OF REAL PROPERTY BY THE GOVERNING BODY OF THE TOWN OF ROXBORO FOR DELINQUENT TAXES FOR THE YEAR ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AND PRECEDING YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all cases wherein the governing body of the Town of Roxboro has caused the advertisement and

Delinquent tax sales by Town of Roxboro, validated.

sale of real property in said municipality, for delinquent taxes levied for the year one thousand nine hundred and thirty-seven, and/or for any preceding year, such advertisement and sale having been made in the manner provided by law, but on a day or days later than was then provided by law, all such advertisements and sales, and certificates issued in consequence thereof, are validated, and they shall have the same legal effect as if said sales had been held in every instance on the date provided by law.

Tax sales certificates validated.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

S. B. No. 218

CHAPTER 194

AN ACT TO AMEND SECTION FOUR OF CHAPTER EIGHTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE AND MAKE A MAYOR OF THE CITY OF NEW BERN ELIGIBLE FOR ELECTION AS HIS OWN SUCCESSOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter eighty-two of the Private Laws of one thousand eight hundred and ninety-nine be amended by striking out the words "and no person who has been elected mayor for two full terms shall be eligible as his own immediate successor" so, as amended, said section shall read as follows:

Ch. 82, Private Laws 1899, amended.

"SEC. 4. That no person shall be eligible as mayor unless he shall be a qualified voter for a member of the General Assembly of this State, and shall have been a resident of the City of New Bern for twelve months immediately preceding his election."

Charter of Town of New Bern, amended as to qualifications of mayor.

SEC. 2. That Section one of this Act shall go into effect if a majority of the votes cast on said amendment at the election hereinafter provided for shall be "For Amendment to City Charter."

Election on amendment.

SEC. 3. That in the regular primary election to be held in said city on the fourth day of April, one thousand nine hundred and thirty-nine, an election shall be held to determine whether the provisions of this Act shall become effective. Said election shall be conducted and held by the same officers and under the same rules and regulations as said primary election. At each election precinct there shall be a ballot box provided for the purpose of said election which shall be labeled "For or Against Amendment to City Char-

Rules and regulations for conduct of election.

ter." At said election every qualified voter shall have the right to vote a printed ballot bearing the words "For Amendment to City Charter" or bearing the words "Against Amendment to City Charter." The votes cast at said election shall be counted, canvassed and reported under the same rules and regulations as the vote in said primary election. If a majority of the votes cast on said amendment be "For Amendment to City Charter" then this Act shall be in force and in said primary election any candidate for the nomination for mayor, who has been elected mayor for two full terms, shall be eligible as a candidate for the nomination for mayor as his own immediate successor.

Ballots.

Results.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 192                      CHAPTER 195

AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY AND TO FIX THEIR TERMS.

Whereas, in the primary election held in Currituck County on June fourth, one thousand nine hundred thirty-eight, Carl P. White received the highest number of votes for membership on the County Board of Education for Currituck County, and E. W. Addison received the next highest number of votes for membership on the said board, and I. T. Corbell received the next highest number of votes for membership on said board; *Now, therefore,*

Preamble: Election of members, County Board of Education, Currituck County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Carl P. White, E. W. Addison and I. T. Corbell are hereby appointed members of the County Board of Education of Currituck County and shall serve on said board for the terms indicated after their names, as follows:

Appointment of members of County Board of Education, Currituck County.

- Carl P. White, for a term of six years.
- E. W. Addison, for a term of four years.
- I. T. Corbell, for a term of two years.

Terms.

SEC. 2. That the members of the County Board of Education of Currituck County shall qualify by taking the oath of office on or before the first Monday in April, one thousand nine hundred thirty-nine, and shall hold office for the terms indicated after their names in Section one of this Act and until their successors are elected and qualified.

Qualification.

Conflicting laws  
repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 303

## CHAPTER 196

### AN ACT TO APPOINT TRUSTEES OF THE TRYON-SALUDA ADMINISTRATIVE SCHOOL UNIT.

*The General Assembly of North Carolina do enact:*

Appointment of  
trustees, Tryon-  
Saluda City Admin-  
istrative School  
Unit.

SECTION 1. That J. N. Jackson, Jr., James Lankford and Douglas S. Blois of Tryon; Mae I. Flentye of Lynn, North Carolina, and A. M. Salley, H. G. Laughter and W. G. Egerton, Jr., of Saluda, North Carolina, be, and they are hereby appointed trustees of the Tryon-Saluda City Administrative School Unit for a term of two years from the date of the expiration of the term of office of present trustees of said school district or until their successors are appointed and qualified. Any vacancy occurring in said Board of Trustees during said term shall be filled by the State School Commission or its successors in office. The trustees herein appointed shall be subject to the provisions of the State School Administrative Act governing trustees.

Terms.

Vacancy  
appointments.

Allotment of  
teachers.

SEC. 2. That the State School Commission shall allot teachers for each school in said Tryon-Saluda City Administrative School Unit on the same pupil average attendance basis, as they allot teachers for the Polk County School Unit.

Conflicting laws  
repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 304

## CHAPTER 197

### AN ACT TO REGULATE THE OPERATION OF POOL OR BILLIARD PARLORS IN THE TOWN OF HAYESVILLE.

*The General Assembly of North Carolina do enact:*

Licenses for pool  
rooms and billiard  
parlors, Town of  
Hayesville.

SECTION 1. That the Town of Hayesville through its governing body shall have the licensing and regulation of pool rooms and billiard parlors within its corporate limits.



SEC. 2. That before any person, firm or corporation shall operate a pool room or billiard parlor in the town of Hayesville he shall apply to the Mayor and Board of Town Commissioners for a license for such operation, setting forth the name of the individual, firm or corporation in whose name the same is supposed to be operated, together with the name of the person or persons to be in active charge or management of such pool room or billiard parlor; and if the individual or individuals named in the application for license who is to be in active charge and management of such pool room or billiard parlor shall be found by such board to be of good moral character the Board shall issue such license, but if any such person be found in the opinion of such board not to be of good moral character it may refuse such license; that said license shall not be transferable, and no change shall be made in the person in active charge and management of said pool room or billiard parlor without the consent in writing of the said board having jurisdiction.

Application for license.

Contents.

Issuance of license.

SEC. 3. That no pool room or billiard parlor shall be operated on Sunday, nor between the hours of eleven o'clock P. M. and seven o'clock A. M., nor shall any person under the age of sixteen years be permitted to play at pool or billiards or hang out, loiter or loaf in any pool room or billiard parlor.

Regulations for operation.

SEC. 4. That in addition to the license hereinbefore provided any person, firm or corporation operating a pool room or billiard parlor in the Town of Hayesville shall also apply for and obtain the usual Schedule B license applicable to counties, cities and towns as provided by the general law.

State license required.

SEC. 5. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty days, and upon any such conviction and before any appeal in such case shall have been decided, if such appeal be taken, the Town Board shall have full power and authority to revoke the license theretofore granted for the conduct of such pool room or billiard parlor.

Violations made misdemeanor.

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

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 371

## CHAPTER 198

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF LUMBERTON RELATING TO ITS CORPORATE LIMITS.

*The General Assembly of North Carolina do enact:*

Ch. 343, Private  
Laws, 1907,  
amended.

SECTION 1. That Chapter three hundred forty-three of the Private Laws of one thousand nine hundred and seven, be amended by striking out all of Section two of the said Act which said section is entitled, "Boundaries," and all of Section three of the said Act which said section is entitled, "Official Map," and substituting in lieu thereof the following:

Corporate limits,  
Town of Lumber-  
ton, re-defined.

"SEC. 2. The corporate limits and boundaries of the said Town of Lumberton shall be as follows to-wit: Beginning at a point in the center line of Elm Street, said point being North four degrees fifteen minutes East, four thousand eight hundred and eighty-seven feet from the stone monument at the intersection of the center lines of Elm and Sixth Streets, and runs thence South eighty-five degrees, forty-five minutes East, two thousand six hundred and seventy feet to the Northeast edge of Second Avenue in the New Liberia Subdivision; thence with the Northeast edge of said Second Avenue South thirty-six degrees, thirty minutes East, two thousand one hundred feet to a stake on the Southeast side of the Elizabethtown Highway; thence South four degrees, fifteen minutes West, two thousand six hundred feet to a stake, said stake being four hundred feet North of the center line of Seventh Street; thence South eighty-five degrees, forty-five minutes East, parallel with, and four hundred feet North of the center line of Seventh Street about one thousand one hundred and thirty feet to a stake; thence South four degrees, fifteen minutes West, perpendicular to Seventh Street, one thousand nine hundred and thirty-five feet to an iron stake in the South right-of-way line of United States Highway number seventy-four (Whiteville Highway); said iron stake being the North corner of the Mansfield Mills property, and also the North corner of the R. A. Stone lot; thence South fifty-seven degrees, forty-eight minutes West, with and beyond the line of the said Mansfield Mills property, and crossing the Seaboard Air Line Railway three thousand nine hundred and twenty-five feet to a stake, said stake being one thousand two hundred feet measured perpendicular from the center of the main track of the said Seaboard Air Line Railway; thence North sixty-four degrees, seventeen minutes West, parallel with, and one thousand two hundred feet South of the center of the main track of the Seaboard Air Line Rail-

way, five thousand five hundred and sixty feet to a stake, Pink Campbell property; thence North four degrees, fifteen minutes East, four thousand two hundred and twenty-five feet to a stake on the North bank of Lumber River; thence up the North bank of said Lumber River about eight hundred and twenty-five feet to a stake, said stake being the South corner of the Jennings Mill property; thence North twenty-three degrees, eleven minutes East with the Southeast line of the Jennings Mill property to and with the Southeast line of the Virginia and Carolina Southern Railroad about two thousand three hundred and eighty feet to a stake; thence South eighty-five degrees, forty-five minutes East, three thousand one hundred and fifty feet to the beginning.”

“SEC. 3. That the Mayor and the Commissioners of the Town of Lumberton shall immediately following the ratification of this Act, authorize some competent Civil Engineer to make a new map of the Town of Lumberton showing the boundaries set out herein which said map shall upon its approval and adoption by the Mayor and Board of Commissioners of the Town of Lumberton, and after June the thirtieth, one thousand nine hundred thirty-nine, be and constitute the official map of the Town of Lumberton and it shall be duly recorded upon the Books of the Office of the Register of Deeds of Robeson County. However, the map of the Town of Lumberton made by J. E. Purcell, Civil Engineer, bearing date November the first, one thousand nine hundred and four, and approved and adopted by the Mayor and Board of Commissioners of the Town of Lumberton at a regular meeting of said board held on May the second, one thousand nine hundred and five, shall be preserved for reference as to original streets and property lines.”

Preparation of new official map of town authorized.

Recordation.

Preservation of old map.

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

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after June the thirtieth, one thousand nine hundred thirty-nine.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 397                      CHAPTER 199

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN  
OF ZEBULON AND AUTHORIZE THE ISSUANCE OF  
REFUNDING AND FUNDING BONDS OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

Bonds issued for  
necessary expenses,  
Town of Zebulon,  
validated.

SECTION 1. There are hereby validated and declared to be valid and binding obligations of the Town of Zebulon, the following bonds of said town, all of which were issued to secure funds for necessary expenses of said town:

\$8,000 6% Electric Light and Street Improvement Bonds, dated January 1, 1916.

\$1,100 6% Funding Bonds, dated July 1, 1917.

\$37,000 6% Water Bonds, dated May 1, 1919.

\$1,000 6% Sewer Bonds, dated May 1, 1919.

\$48,700 6% Water and Sewer Bonds, dated July 1, 1920.

\$25,500 6% Water Bonds, dated December 1, 1921.

\$25,000 6% Street Improvement Bonds, dated November 1, 1925.

Funding and  
refunding bonds  
authorized.

SEC. 2. The governing body of the Town of Zebulon is hereby authorized and empowered to issue in the name of the Town of Zebulon, at one time or from time to time, in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the town for the purpose of refunding and funding all or any part of the principal of said bonds, and the interest which shall accrue thereon to the date of the bonds issued to fund the same.

Tax levy authorized.

SEC. 3. All the taxable property in said town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

Powers herein  
granted declared  
additional.

SEC. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said town.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 424

## CHAPTER 200

AN ACT TO AMEND CHAPTER TWO HUNDRED NINETY-FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, AS AMENDED BY CHAPTER TWO HUNDRED SIXTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATIVE TO THE CHARTER OF THE TOWN OF HERTFORD, BY PROVIDING FOR THE ADDITION OF ONE COMMISSIONER, MAKING THE TOTAL FOUR, AND PROVIDING FOR THE NOMINATION OF THE MAYOR AND COMMISSIONERS BY PRIMARY, AND PROVIDING THAT THE MAYOR MAY ALSO ACT IN THE CAPACITY OF CITY MANAGER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter two hundred and ninety-five, Private Laws of one thousand nine hundred and three, be amended by striking out in line two the word "three" and inserting in lieu thereof the word "four."

Ch. 295, Private Laws, 1903, amended to provide additional Commissioner, Town of Hertford.

SEC. 2. That in Section three of Chapter two hundred and ninety-five, Private Laws of one thousand nine hundred and three, be amended by striking out in line four the word "three" and inserting in lieu thereof the word "four."

SEC. 3. That Section six of Chapter two hundred and ninety-five, Private Laws of one thousand nine hundred and three, be amended by striking out in line two the word "three" and inserting in lieu thereof the word "four."

SEC. 4. That nomination of candidates for the offices of Commissioners and Mayor for the Town of Hertford shall be by primary election, conducted and regulated in the same manner and form as set out in Consolidated Statutes of North Carolina, Chapter fifty-six, Subsection two, Section two thousand eight hundred and eighty-four.

Nomination of candidates for Commissioners and Mayor.

SEC. 5. That the mayor may also act in the capacity of city manager, and receive compensation therefor, as determined by the Board of Commissioners.

Mayor to act as city manager.

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

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 425

## CHAPTER 201

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF NORTHAMPTON COUNTY TO FIX THE ALLOWANCE TO TAX COLLECTORS FOR TAX SALES CERTIFICATES AND TO LEVY A SPECIAL TAX FOR MAINTENANCE OF THE SUPERIOR COURT, THE RECORDER'S COURT AND THE COUNTY JAIL.

*The General Assembly of North Carolina do enact:*

Allowance to tax collectors for issuance of tax sales certificates, Northampton County.

SECTION 1. That the Board of Commissioners of Northampton County be, and they are hereby authorized to fix the amount allowed tax collectors for issuing tax sales certificates, which amount shall in no event exceed the sum of one dollar and a half (\$1.50) for each such certificate.

Special tax levy authorized for maintenance of Superior Court, Recorder's Court and jail.

SEC. 2. That the Board of Commissioners of Northampton County be, and they are hereby authorized and empowered to levy a special tax annually on the one hundred dollars valuation of property in said county as follows:

For maintaining the Superior Court and the Recorder's Court, not exceeding seven cents; for maintaining the county jail, not exceeding three cents and said tax so levied and collected shall be used for no other purpose whatsoever than herein enumerated.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 432

## CHAPTER 202

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

*The General Assembly of North Carolina do enact:*

Ch. 150, Private Laws, 1929, amended.

SECTION 1. That Section one of Chapter one hundred fifty, of the Private Laws of one thousand nine hundred twenty-nine, be stricken out and the following substituted in lieu thereof:

"SECTION 1. That Section three of Chapter one hundred and fifty-eight of the Private Laws of one thousand nine hundred and three, be and the same is hereby amended to read as follows:

“SEC. 3. That the government of said town shall be composed of a mayor and five aldermen chosen as follows: On Tuesday after the first Monday in May, one thousand nine hundred thirty-nine, and biennially thereafter, there shall be elected by the qualified voters of the Town of Ahoskie a mayor and five aldermen whose terms of office shall be for a period of two years’.”

Governing body,  
Town of Ahoskie.

SEC. 2. The said election shall be held under the general law governing town elections, as set forth in the chapter on “Municipal Corporations” in the Consolidated Statutes, except that the candidates for office shall not be nominated by popular vote in a primary, but they and each of them shall be nominated by convention, according to the law governing conventions and primaries in municipal elections.

Election of Mayor  
and Aldermen.

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

Conflicting laws  
repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 435

## CHAPTER 203

### AN ACT FOR THE RELIEF OF W. G. HARRISON AND WIFE, DESSER ROBERTS HARRISON, OF WARREN COUNTY.

*Whereas*, W. G. Harrison and wife, Desser Roberts Harrison, were lawfully married by license issued by the Register of Deeds of Warren County on February twenty-third, one thousand nine hundred and twenty-one, and

Preamble:  
Marriage of W. G.  
Harrison and  
Desser Roberts  
Harrison, Warren  
County.

*Whereas*, it has been ascertained that W. G. Harrison and Desser Roberts, in said license, have been classified as members of the colored race, when in truth and fact W. G. Harrison and Desser Roberts are members of the white race, and

W. G. Harrison  
and wife classified  
as members of  
colored race.

*Whereas*, said classification of W. G. Harrison and Desser Roberts as members of the colored race, in the issuance of said marriage license, was an error on the part of the Register of Deeds of Warren County; *Now, therefore*,

Classification an  
error.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Register of Deeds of Warren County be, and he is hereby authorized and empowered to correct the marriage records of Warren County to the effect that W. G. Harrison and Desser Roberts shall appear thereon as members of the white race.

Correction of  
marriage records  
authorized.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 438

CHAPTER 204

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CASWELL COUNTY TO LEVY A SPECIAL TAX FOR THE SUPPORT OF THE POOR, MAINTENANCE OF COUNTY HEALTH WORK, FOR OPERATING THE COURTS AND FOR AN INVENTORY OF TAX BOOKS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Special tax levy  
authorized,  
Caswell County.

SECTION 1. That the Board of County Commissioners of Caswell County be, and is hereby authorized and empowered to levy a special tax of eight cents on the one hundred dollars valuation of property in said county for the year one thousand nine hundred and thirty-nine and the year one thousand nine hundred and forty, the amount of said tax so levied and collected to be used in providing for the poor of the county, maintaining the county health work, operating the courts of said county, and for having an inventory of the tax books of said county, and for no other purpose whatsoever.

Purpose of tax.

Inventory of tax  
books.

SEC. 2. That the Board of County Commissioners shall use as much as two cents on the one hundred dollars valuation of property of said county for the purpose of having a Certified Public Accountant make an inventory of the tax books of said county: Provided that if the entire two cent levy is not necessary for said inventory, the commissioners may use the balance for the other things specified in this Act.

Conflicting laws  
repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.



H. B. No. 448

## CHAPTER 205

AN ACT TO AMEND CHAPTER FIVE HUNDRED FIFTY-NINE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, RELATING TO THE ISSUANCE OF SCHOOL BUILDING BONDS IN BEHALF OF SCHOOL DISTRICTS AND SPECIAL BOND TAX UNITS AND THE LEVY OF TAXES WITHIN SUCH DISTRICTS AND UNITS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter five hundred fifty-nine, Public-Local Laws of one thousand nine hundred thirty-five, be, and the same is hereby amended by adding a section thereto to be numbered ten-A and to be as follows:

Ch. 559, Public-Local Laws, 1935, amended.

"SEC. 10-A. If, after any school district shall have been created as authorized by this Act, a petition signed by not less than ten per centum (10%) of the qualified voters of such school district, shall be presented to the County Board of Education of the county in which such school district is located representing that the issuance of additional bonds on behalf of such school district is necessary for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such districts, or for any one or more of said purposes, the County Board of Education may petition the Board of County Commissioners to order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds for the purpose or purposes set forth in such petition to the County Board of Education and levying a sufficient tax for the payment thereof. The other provisions of this Act relating to the calling and holding of an election, giving of notice, and making, canvassing and certifying the returns of such election, and relating to the statement of the results of the election, and to the issuing of bonds, and levying taxes to pay the principal thereof and the interest thereon, shall be followed and shall apply to the issuance of such bonds as nearly as the same can be made adaptable and applicable thereto."

Petition for issuance of school district bonds, Cleveland County.

Special election by order of Board of County Commissioners.

Election procedure.

Issuance of bonds, and levy of taxes.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 451

## CHAPTER 206

## AN ACT VALIDATING A CERTAIN NOTE OF THE TOWN OF GRAHAM AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN TO FUND SAID NOTE.

Preamble:  
 Issuance of \$7,000 note to extend water works system, Town of Graham.

*Whereas*, the Board of Commissioners of the Town of Graham under date of May fifteenth, one thousand nine hundred and thirty-five issued a seven thousand dollar (\$7,000.00) note of said town, the proceeds of which, being not less than par and accrued interest, were used to extend the existing water works system of the town by drilling a deep well; and

Issuance of renewal and extension notes.

*Whereas*, new notes were issued from time to time in renewal and extension of such note, and the indebtedness evidenced thereby has been reduced to five thousand dollars (\$5,000.00) by payments thereon aggregating two thousand dollars (\$2,000.00); and

\$5,000 balance evidenced by note dated January 14, 1939.

*Whereas*, the balance of such indebtedness is now evidenced by a five thousand dollar (\$5,000.00) note, dated January fourteenth, one thousand nine hundred and thirty-nine and maturing four months after date; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

\$5,000 note validated and declared subsisting indebtedness of town.

SECTION 1. That the five thousand dollar (\$5,000.00) note dated January fourteenth, one thousand nine hundred and thirty-nine and mentioned in the foregoing preambles, be and the same is hereby validated and confirmed and declared to evidence valid subsisting indebtedness of said Town of Graham incurred for the purpose of extending the existing water works system of said town, and the Board of Commissioners of said town is hereby authorized and empowered to issue, in accordance with the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the Town of Graham for the purpose of funding the indebtedness now evidenced by said note dated January fourteenth, one thousand nine hundred and thirty-nine, and any renewals and extensions thereof, and it shall not be necessary to submit the question of issuing said bonds to the vote of the qualified voters of said town.

Issuance of bonds for purpose of funding existing indebtedness.

SEC. 2. That when the bonds to fund such note indebtedness have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Graham, and, as required by the Municipal Finance Act, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in the town sufficient to pay the principal and interest of said bonds as such principal and interest become due.

Bonds to constitute valid obligation of town.

Tax levy authorized.

SEC. 3. Any action or proceeding in any court to obtain any relief upon the grounds that the note to be funded is invalid, and any action or proceeding in any court to restrain or enjoin the issuance of the bonds to fund such note indebtedness, or to enjoin the levy of the tax provided for in Section two hereof, must be commenced within thirty days after the ratification of this Act. After the expiration of said period of limitation, no right of action or defense founded upon the invalidity of the note to be funded, or questioning the power or the authority to issue the bonds, or the levy of the tax provided for in Section two hereof shall be asserted, nor shall the validity of said note, or the power or authority to issue the bonds or levy said tax be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

Time limitation on actions to contest validity of note, issuance of bonds or levy of tax.

SEC. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of the Town of Graham.

Powers herein granted declared additional.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 454

## CHAPTER 207

AN ACT TO CREATE THE OFFICE OF JAILER IN CLEVELAND COUNTY AND PROVIDE FOR THE OPERATION OF THE JAIL UNDER THE SUPERVISION OF THE BOARD OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created in Cleveland County the Office of Jailer. That the jailer shall be the keeper of the common jail of the county, and he shall be responsible for the custody, control, and care of all prisoners placed in said jail until they have been released or discharged as provided by law. That the jailer shall also have charge of the operation of said jail and the boarding or feeding of prisoners, subject to the supervision of the Board of Commissioners of Cleveland County.

Office of Jailer, Cleveland County, created.

SEC. 2. That the Board of Commissioners of Cleveland County shall, on the first Monday in June of each year, appoint some suitable and competent person, who shall be a citizen and resident of Cleveland County, to the Office of Jailer for a term of twelve months, beginning on the first day of July in each year; and the Board of Commissioners

Appointment of Jailer.

Term.

Compensation.

Power of County Commissioners to declare office vacant.

Vacancy appointments.

Purchase of supplies and equipment, etc.

Payment of expenses of operation, etc.

Jail fees paid into general county fund.

Conflicting laws repealed.

shall fix the salary to be paid the jailer, and when it becomes necessary, shall employ and fix the wages or compensation of such assistants and helpers as may be required to properly operate said jail. That the Board of Commissioners of Cleveland County shall have the power and authority at any time during the term of the jailer to declare said office to be vacant, and appoint a successor, when it shall appear to them that the jailer has been guilty of misconduct in office, or is not a suitable and proper person for said office. In the event of a vacancy in said office from any cause, the Board of Commissioners shall appoint some suitable and proper person to serve the remainder of the term.

SEC. 3. That all food for the use of prisoners in jail, and all supplies and equipment necessary for the operation of said jail shall be purchased by or under the direction of the Board of Commissioners of Cleveland County. That all expenses incurred in the operation of the jail, including the salary of the jailer and his assistants and helpers, shall be paid out of the general fund of the county. That all fees charged for board and/or keeping of prisoners in said jail shall, when collected, be paid into the general fund of the county.

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 459

## CHAPTER 208

AN ACT AMENDING CHAPTER ONE HUNDRED NINE, PRIVATE LAWS ONE THOUSAND NINE HUNDRED THIRTY-THREE AS AMENDED, THE SAME BEING ENTITLED "AN ACT RELATING TO SPECIAL ASSESSMENTS LEVIED BY THE CITY OF GREENSBORO."

*The General Assembly of North Carolina do enact:*

Extension of time for payment of special assessments upon resolution of City Council, City of Greensboro.

SECTION 1. The time for payment of any or all special assessments or installments of special assessments heretofore levied by the City of Greensboro for local improvements, together with all or any part of the interest accrued thereon, may be extended by resolution of the City Council of said city adopted before July first, one thousand nine hundred forty-one, upon such terms and conditions as may be prescribed by such resolution, so that such special assess-

ments, installments and interest shall become due and payable in not more than ten equal annual installments, payable in each year on the same date that such assessments were payable under the original resolution confirming such assessments beginning in the year one thousand nine hundred thirty-nine, with interest on deferred installments at the same rate as originally prescribed: *Provided, however*, first, that such extension shall not prevent the payment of any assessment or interest at any time: *Provided*, second, that all assessments contained in the same assessment roll may be extended without discrimination in favor of or against any property, except that assessments in arrears may be extended without extending assessments not in arrears.

SEC. 2. Upon default in the payment when due of any special assessment, installment thereof or interest thereon, thereinbefore or hereafter levied by the City of Greensboro, the entire unpaid balance of such special assessment shall then become due and payable, and the said city may enforce the same through the procedure prescribed by law for the collection of delinquent taxes, or, in the discretion of its governing body, may institute suit in the Superior Court of Guilford County and enforce the collection of the total unpaid balance of such special assessment, with interest, in the manner prescribed for the foreclosure of mortgages: *Provided, however*, that the said city may bid on and become the purchaser of any property sold through foreclosure proceedings as herein authorized; *Provided, further*, that said city may accept deed from the owner or owners of any property on which taxes or municipal assessments are due, conveying such property to City of Greensboro in satisfaction of taxes and municipal assessments. All conveyances heretofore made to City of Greensboro in satisfaction of taxes and municipal assessments are hereby declared valid.

Acceleration clause.

Suit for collection.

City may become purchaser of property foreclosed.

Conveyance of property in settlement of taxes and assessments authorized.

Prior conveyances validated.

SEC. 3. All special assessments heretofore levied by the City of Greensboro for local improvements are hereby validated; *Provided*, that nothing in this Act shall affect litigation pending at the time of its ratification.

Prior assessments validated.

Pending litigation unaffected.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 470                      CHAPTER 209

AN ACT EMPOWERING THE TOWN OF BLOWING ROCK  
TO REGULATE SEASONAL BUSINESSES AND DE-  
FINING SAME.*The General Assembly of North Carolina do enact:*

Regulation of  
operation of sea-  
sonal businesses,  
auction houses and  
peddlers, Town of  
Blowing Rock.

SECTION 1. That the Town of Blowing Rock, in the Counties of Watauga and Caldwell, shall have the power and authority to adopt and enforce ordinances to license, tax and regulate the operation of seasonal businesses, auction houses and peddlers, and adopt ordinances providing for appropriate fines and penalties for the enforcement of such regulations or collection of such tax or license.

"Seasonal bus-  
ness" defined.

SEC. 2. That for the purpose of this Act a seasonal business is defined as one that operates and is open for business only during the season between April first and November first. An auction house is defined as one that conducts auction sales on more than three days per month. A peddler is defined as any person who offers goods for sale but who has no fixed place of business in the town other than a room for personal occupancy or the display of goods or samples.

"Auction house"  
defined.

"Peddler" defined.

Powers herein  
granted declared  
additional.

SEC. 3. That this power and authority shall be in addition to the power given to said town to levy and collect privilege taxes under the general law and by the general Acts of the legislature.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 484                      CHAPTER 210

AN ACT TO AMEND CHAPTER ONE HUNDRED AND  
EIGHTY-SEVEN, PRIVATE LAWS OF ONE THOUSAND  
NINE HUNDRED AND TWENTY-FIVE, SAME BEING  
"AN ACT TO CHANGE THE CORPORATE LIMITS OF  
THE CITY OF MONROE," SO AS TO CORRECT AND  
RE-DEFINE THE CORPORATE LIMITS OF THE CITY  
OF MONROE, AND TO PRESCRIBE PUNISHMENT FOR  
DISTURBING MARKERS PLACED THEREON BY THE  
CITY OF MONROE.*The General Assembly of North Carolina do enact:*

Ch. 187, Private  
Laws, 1925,  
amended.

SECTION 1. That Section one, Chapter one hundred and eighty-seven of the Private Laws of one thousand nine hundred and twenty-five be, and the same is hereby amended

by striking out all of said section after the word "follows" in line five, and inserting in lieu thereof the following:

"Beginning at a point on the West side of the Griffith Road, a corner of the city limits as established by Chapter forty-one, Private Laws of one thousand nine hundred and five, and formerly marked by a stone but now marked by a concrete marker with bronze disc imbedded therein bearing the inscription 'Monroe City Limits—1925—Penalty for Disturbing' and a crossed arrow pointer thereon, and being located sixty (60) feet West of Griffith Road, nine (9) feet five (5) inches West of Northwest pier of porte-cochere of John Williams' house, and twenty-nine and one-half (29½) feet Southwest of twenty-four (24) inch twin oak tree, and running thence North 41 degrees 55 minutes West one thousand six hundred eighty-eight and one-tenths (1688.1) feet to a concrete marker, crossing Lancaster Road; thence North 16 degrees 35 minutes West two thousand eight hundred sixty-five and fifty-five one-hundredths (2865.55) feet to a concrete marker located nineteen (19) feet seven (7) inches North of center line of Waxhaw Road, and twenty-two and one-half (22½) feet West of center line of Welsh Street; thence North 29 degrees 30 minutes East seven hundred thirteen (713) feet to a concrete marker in a field; thence North 45 degrees 15 minutes East two thousand two hundred thirty-three and eight-tenths (2233.8) feet to a marker in the center of Seaboard Air Line Railway tracks to Charlotte, a corner of the corporate limits of West Monroe; thence with the center line of railroad South 44 degrees 21 minutes East six hundred ninety-six and forty-five one-hundredths (696.45) feet to a concrete marker located in center of Bear Skin Creek; thence along the various courses of Bear Skin Creek North 54 degrees 10 minutes East one hundred seventeen (117) feet; North 79 degrees 20 minutes East fifty (50) feet; South 68 degrees 56 minutes East twenty-five (25) feet; South 56 degrees 43 minutes East eighty-five (85) feet; South 54 degrees .06 minutes East one hundred sixty-five (165) feet; South 53 degrees 44 minutes East two hundred thirty-five (235) feet; South 50 degrees 36 minutes East two hundred sixty (260) feet; South 49 degrees 0 minutes East one hundred (100) feet; South 86 degrees 5 minutes East forty-five (45) feet; North 63 degrees 3 minutes East sixty (60) feet; North 27 degrees 40 minutes East three hundred thirty-five (335) feet; North 6 degrees 6 minutes West sixty-five (65) feet; North 44 degrees 45 minutes West thirty (30) feet; North 29 degrees 26 minutes East eighty (80) feet; North 4 degrees 23 minutes East fifty (50) feet; North 20 degrees 33 minutes East one hundred fifty (150) feet; North 8 degrees 0 minutes East two hundred (200) feet; North 37 degrees 21 minutes

Corporate limits,  
City of Monroe,  
re-defined.

East eighty (80) feet; North 66 degrees 44 minutes East one hundred thirty-nine (139) feet; North 56 degrees .04 minutes East two hundred fifty (250) feet; North 47 degrees 45 minutes East two hundred forty-four and nine-tenths (244.9) feet to a concrete marker in the center of Bear Skin Creek forty-six (46) feet ten (10) inches North-east of a twenty-four (24) inch sweet gum and thirty-one (31) feet ten (10) inches North of a forty-eight (48) inch oak tree; thence North 1 degree 33 minutes West with the corporate line of Benton Heights, along the West side of Boundary Street one thousand sixty-two (1062) feet to a concrete marker in the Benton Heights corporate line on the North side of street leading to Benton Heights School; thence North 88 degrees 15 minutes East with the North side of said street seven hundred seventy-two and six-tenths (772.6) feet to a concrete marker located on the Northeast side of the intersection of a farm road and said street leading to Benton Heights School; thence South 65 degrees 45 minutes East four thousand nine hundred forty-six and three-tenths (4946.3) feet to a concrete marker located in the center of the intersection of Morgan Mill Road and Purser Avenue; thence South 54 degrees 23 minutes East two thousand eight hundred seventy and three-tenths (2870.3) feet to a concrete marker located in the center line of Southerland Avenue one hundred and two-tenths (100.2) feet North of center of Seaboard Air Line Railway tracks to Wadesboro, North Carolina; thence along the various courses of Southerland Avenue South 6 degrees 35 minutes East one hundred twenty (120) feet; South 9 degrees 45 minutes East one thousand nineteen and seventy-five one-hundredths (1019.75) feet; South 12 degrees 45 minutes West one hundred (100) feet; South 32 degrees 11 minutes West one hundred (100) feet; South 41 degrees 57 minutes West two thousand one hundred seventy-six and three-tenths (2176.3) feet; South 38 degrees .05 minutes West one hundred (100) feet; South 34 degrees 15 minutes West one hundred ten (110) feet; South 8 degrees 55 minutes West one hundred thirty-one and one-tenth (131.1) feet to a concrete marker located on the South side of Wadesboro Avenue (United States Highway number seventy-four), also a corner in the Sikes Subdivision (lot number twelve, section two); thence with the property line of a lot in the Sikes Subdivision South 13 degrees 0 minutes West four hundred thirty-six (436) feet to a concrete marker located in a field, also a corner of a lot in the Sikes Subdivision (lot number sixteen, section two); thence along the proposed line of the Sikes Subdivision North 77 degrees 15 minutes West two thousand five hundred fifty-two and eight-tenths (2552.8) feet to a concrete marker located in a hedge row, the property line of Wilson



and Earnhardt; thence along the South side of a street, also the property line of Wilson and Worley, North 84 degrees 55 minutes West one thousand ninety-three and eight-tenths (1093.8) feet to a concrete marker located on the South side of intersection of said street and Griffin Street; thence South 1 degree 25 minutes East one thousand three hundred eighty-three and seven-tenths (1383.7) feet to a concrete marker located in the edge of a pine thicket; thence South 74 degrees 35 minutes West three thousand thirteen and eight-tenths (3013.8) feet to a concrete marker located on the West side of Parker Street (old Wolfe Pond Road) in Earnhardt's driveway; thence North 55 degrees 15 minutes West two thousand two hundred five and six-tenths (2205.6) feet to the beginning."

SEC. 2. That it shall be unlawful for any person, firm, corporation, partnership, or any employee thereof, to move, remove, deface, or in any manner tamper with or disturb the concrete markers referred to in the foregoing description of the corporate limits of the City of Monroe, or any of the concrete markers placed at points along the corporate limit lines, or on the edge of streets crossing the corporate limit lines, all of which markers have a bronze disc imbedded in them bearing the inscription "Monroe City Limits—1925—Penalty for Disturbing" with a crossed arrow pointer thereon. That the violation of this section shall be a misdemeanor and any person, firm, corporation, or partnership, or any employee thereof, convicted of the violation of this Act shall be punished by a fine of not less than fifty dollars, or thirty days imprisonment, or both.

Tampering with or removing markers of corporate limits prohibited.

Violations made misdemeanor.

SEC. 3. That all of that portion of the City of Monroe lying North of the Seaboard Air Line Railway tracks (Carolina Central Railroad) shall be Ward Number One.

Ward No. 1.

That all of that portion of the City of Monroe lying South of the Seaboard Air Line Railway tracks (Carolina Central Railroad) and East of Hayne Street to its intersection with Windsor Street, and North of Windsor Street to its intersection with the Wadesboro Road, and thence North of Wadesboro Road, shall be Ward Number Two.

Ward No. 2.

That all of that portion of the City of Monroe lying North of Windsor Street and South of the Seaboard Air Line Railway tracks (Carolina Central Railroad) and West of Hayne Street shall be Ward Number Three.

Ward No. 3.

That all of that portion of the City of Monroe lying South of Windsor Street and West of Hayne Street shall be Ward Number Four.

Ward No. 4.

That all of that portion of the City of Monroe lying South of Windsor Street to its intersection with Wadesboro Road and South of the Wadesboro Road and East of Hayne Street shall be Ward Number Five.

Ward No. 5.

Conflicting laws repealed.

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

SEC. 5. That this Act shall be in full force and effect from and after its day of ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 501

CHAPTER 211

AN ACT TO FURTHER AMEND CHAPTER TWO HUNDRED NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED SEVEN AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT.

Preamble: Surplus power made available by enlargement of Municipal Power Plant, City of Rocky Mount.

*Whereas*, the City of Rocky Mount has recently enlarged its Municipal Power Plant and has available an abundance of surplus power, the sale of which will materially enhance the profits from its said plant to the benefit of the citizens and taxpayers of the City of Rocky Mount; and

Use of profits to develop market for power advisable.

*Whereas*, it is deemed advisable to use a portion of the profits from the said plant to develop a larger market for its power; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Ch. 209, Private Laws, 1907, amended.

SECTION 1. That Chapter two hundred nine of the Private Laws of one thousand nine hundred seven entitled, "An Act to revise and consolidate the Charter of the Town of Rocky Mount to be hereafter known as the City of Rocky Mount," as amended, shall be and the same is hereby further amended by adding as Subdivision thirty-nine of Section forty thereof the following:

Appropriation from Municipal Power Plant revenues to advertise facilities of city, authorized.

"(39). To appropriate annually from revenues received from the Municipal Power Plant an amount not exceeding the sum of six thousand dollars, to be used for advertising the facilities of the City of Rocky Mount, and particularly in securing customers for its municipal power, which said undertaking is hereby declared to be for a public purpose. The money so appropriated may be expended either directly by the Board of Aldermen or through the facilities of such agency as the board may select and used in such manner as will in the opinion of the Board of Aldermen best serve the purposes herein set forth."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 502

## CHAPTER 212

AN ACT TO AMEND CHAPTER ONE HUNDRED THIRTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE RELATING TO THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred thirty-two, Public-Local Laws of one thousand nine hundred thirty-five, be, and the same is hereby amended by striking out in lines five and six, after the word "county" in line five, the following words: "may pay the clerk of the court a salary not to exceed," and inserting in lieu thereof, the following: "shall pay the clerk of the court a salary of."

Ch. 132, Public-Local Laws, 1935, amended as to compensation, Clerk Superior Court, Currituck County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 526

## CHAPTER 213

AN ACT TO AMEND CHAPTER THREE HUNDRED ONE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, RELATING TO THE APPOINTMENT OF RURAL POLICEMEN IN ROBESON COUNTY, AND TO PROVIDE FOR AN OFFICE DEPUTY FOR THE SHERIFF OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one, Chapter three hundred one, Public-Local Laws of North Carolina, session one thousand nine hundred thirty-five, be and the same is hereby amended by striking out the word "nine" in line two of said Section one and inserting in lieu thereof the word "ten."

Ch. 301, Public-Local Laws, 1935, amended, to increase maximum number of rural policemen, Robeson County.

SEC. 2. The Sheriff of Robeson County shall appoint a deputy sheriff who shall be on duty in the office of the Sheriff and shall be assigned to the duties of court officer and such other duties as the Sheriff may designate. The salary of such office deputy shall be paid from the general funds of the county at an amount to be fixed by the Board of Commissioners of Robeson County, such salary to be not less than seventy-five dollars (\$75.00) per month.

Appointment of office deputy.

Compensation.

Conflicting laws repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 537

CHAPTER 214

AN ACT TO RATIFY AND CONFIRM THE ACTS OF THE TRUSTEES OF THE TROY SCHOOL DISTRICT AND THE BOARD OF EDUCATION OF MONTGOMERY COUNTY IN CONVEYING TITLE TO CERTAIN PROPERTY IN MONTGOMERY COUNTY.

Preamble: Title to certain land, Troy Township, in Trustees of Troy Academy.

*Whereas*, for a long period of years the title to a plot of land in Troy Township in Montgomery County, North Carolina, has been owned by the Trustees of the Troy Academy; and

Establishment of Troy School District.

*Whereas*, the Troy School District was established by an Act of the General Assembly in one thousand nine hundred and three, giving authority to the board of trustees of said graded school district to acquire, hold, exchange, mortgage, or sell real estate; and

Title to property in Troy Township placed in Board of Graded School Trustees by legislative enactment.

*Whereas*, the title to said property by legislative enactment was placed in the Board of Graded School Trustees by the Private Acts of the General Assemblies of one thousand nine hundred eleven and one thousand nine hundred thirteen; and

Title placed in Troy Graded School Trustees by judgment Superior Court.

*Whereas*, a judgment of the Superior Court of Montgomery County placed the title to the said property in Troy Graded School Trustees; and

Conveyance of portion of property to Montgomery County by Troy School District Trustees.

*Whereas*, on the seventh day of February, one thousand nine hundred thirty-nine, the trustees of the Troy School District by deed conveyed a portion of said property to Montgomery County; and

Quitclaim deed from County Board of Education to Montgomery County.

*Whereas*, the Board of Education of Montgomery County, by a quitclaim deed duly executed by said board, deeded this portion of said property to Montgomery County; and

Conveyance to Montgomery County, by Trustees, Troy School District.

*Whereas*, the Trustees of the Troy School District, by deed dated the eighth of February, one thousand nine hundred thirty-nine, conveyed that portion of said land now being used for school purposes to the Board of Education of Montgomery County; and

*Whereas*, that portion of said land which was deeded to Montgomery County is not necessary for the use, nor is it being used for public school purposes; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the acts of the Trustees of the Troy School District and the acts of the Montgomery County Board of Education, in executing the deeds referred to and described in the preamble to this Act, be, and the same are hereby in all respects ratified and confirmed.

Execution of deeds by Troy School District Trustees and Montgomery County Board of Education validated.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 558

### CHAPTER 215

#### AN ACT PROVIDING FOR THE APPOINTMENT OF A TAX COLLECTOR FOR SCOTLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the office of Sheriff and Tax Collector of Scotland County as now existing may be separated when and as hereinafter provided.

Separation of office of Sheriff and Tax Collector, Scotland County.

SEC. 2. That the Board of Commissioners of Scotland County may appoint a tax collector for Scotland County who shall qualify and be responsible for the collection and settlement, as provided by law, for all taxes, whether general, special and privilege taxes in Scotland County, or such taxes as may be placed in his hands for collection by the said Board of Commissioners.

Appointment of Tax Collector authorized.

SEC. 3. That the Board of Commissioners of Scotland County shall have the power to direct such taxes as said tax collector shall be authorized to collect and whose duty it shall be to collect, whether all of the taxes in Scotland County or a part thereof and, with respect to such taxes as he shall be directed to collect by said Board of Commissioners, the tax collector hereunder provided for shall have all of the powers and shall discharge all the duties and be subject to all of the penalties heretofore conferred and imposed upon the Sheriff of Scotland County in his capacity as tax collector by law with respect to such taxes, and all such powers, duties and penalties shall be transferred to said tax collector upon his appointment and qualification, to be exercised and performed by him.

County Commissioners to designate taxes to be collected by Tax Collector.

Powers, duties and penalties.

SEC. 4. That the Board of County Commissioners of Scotland County shall have complete control over the tax collector, if and when he shall be appointed and qualified, and over his office, with power to discontinue said office at

Supervision of office of Tax Collector by County Commissioners.

Compensation of  
Tax Collector.

will and to discharge without notice, at any time said board may deem it wise; that said Board of County Commissioners shall fix the compensation of said tax collector by allowing him such commissions upon taxes collected by him or by fixing the salary of said tax collector, either or both, as said board may see fit from time to time and may change his compensation from salary to commissions or from commissions to salary, or both, and may in any manner change the compensation of said tax collector from time to time and during his term of office, which compensation shall be paid out of the general fund of Scotland County, and said board shall provide the necessary office space and equipment and assistants as it may deem proper and shall pay therefor out of the general fund of said county. The term of office of said tax collector shall commence and run for such time as said board may determine but may be determined at the will of said board.

Office space,  
equipment and  
assistants.

Bond required.

SEC. 5. That said tax collector, before entering upon the discharge of his duties, shall be required to give and shall give a bond in such sum and with such sureties as may be required by said board for the faithful discharge of his duties, the premium on such bond to be paid out of the general fund of said county.

Premium to be paid  
by county.

Conflicting laws  
repealed.

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

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 562

## CHAPTER 216

AN ACT TO MAKE THE PER DIEM OF THE MEMBERS OF THE BOARD OF EDUCATION OF WAYNE COUNTY EQUAL TO THAT OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

Per diem of  
members of Board  
of Education,  
Wayne County.

SECTION 1. That the per diem of the members of the Board of Education of Wayne County be, and it is hereby, made the same as the per diem of the members of the Board of County Commissioners. In addition thereto, the members of said board shall receive the same mileage allowance per mile traveled in the discharge of their duties as that allowed the members of the Board of County Commissioners; *Provided*, that the amount paid by the State shall not exceed the amount allocated in the School Machinery Act for Wayne County.

Mileage  
allowance.

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 563                      CHAPTER 217

### AN ACT INCREASING THE BOARD OF EDUCATION OF MACON COUNTY FROM THREE TO FIVE MEMBERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the membership of the Board of Education of Macon County be and the same is hereby increased from three to five members, and C. Tom Bryson, James L. Hauser, W. E. Mozeley, Lassie Kelly, and Mrs. Fred M. Slagle are hereby appointed as members of the Board of Education of Macon County, to serve for a two-year term, beginning the first Monday in April, one thousand nine hundred and thirty-nine, or until their successors are elected and qualified. Board of Education, Macon County, increased to five members.  
Appointment.  
Terms.

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 571                      CHAPTER 218

### AN ACT TO AMEND CHAPTER ONE HUNDRED NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE TAX COLLECTOR OF PENDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred nine of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following: Ch. 109, Public-Local Laws, 1937, amended to provide for appointment of Tax Collector, Pender County, by County Commissioners.

"SECTION 1. That on the first Monday in October one thousand nine hundred and forty, and every year thereafter, there shall be appointed by the County Commissioners of Pender County a County Tax Collector, who shall take

Term.

office on the date of his appointment, and who shall serve for a period of one year, or until his successor is appointed and qualified."

Chapter further amended as to compensation and commissions of collector.

SEC. 2. That Section two of Chapter one hundred nine of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, amended by striking out all of said section following the semi-colon in line two of said section and inserting in lieu thereof the following: "And his salary as tax collector shall be twenty-four hundred (\$2400.00) dollars per year, to be paid in monthly installments of two hundred (\$200.00) dollars per month; and in addition to the salary of twenty-four hundred (\$2400.00) dollars per year said tax collector shall receive a commission of five per cent on all current ad valorem taxes collected by him in excess of eighty-two per cent of the total levy charged to him, and a commission of five per cent on all delinquent ad valorem taxes collected by him in excess of the sum of ten thousand (\$10,000.00) dollars."

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

## H. B. No. 572

## CHAPTER 219

### AN ACT TO AMEND CHAPTER EIGHTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE AUDITOR OF PENDER COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 81, Public-Local Laws, 1937, amended, to provide for appointment of Auditor, Pender County, by County Commissioners.

SECTION 1. That Section one of Chapter eighty-one of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended, by striking out all of said section and inserting in lieu thereof the following:

Term.

"SECTION 1. That on the first Monday in December, one thousand nine hundred and forty, and every two years thereafter, there shall be appointed by the County Commissioners of Pender County a County Auditor who shall hold his office for a term of two years or until his successor is appointed and qualified."

Conflicting laws repealed.

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



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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

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H. B. No. 573                      CHAPTER 220

AN ACT TO FIX THE SALARY OF THE TAX COLLECTOR OF THE TOWN OF KELFORD, BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Tax Collector for the Town of Kelford, Bertie County, be, and he is hereby, allowed for his services an annual compensation of ten per cent of all taxes collected, or equivalent of same. Compensation of Tax Collector, Town of Kelford, Bertie County.

SEC. 2. That all amounts heretofore paid for the collection of taxes for the Town of Kelford, be, and the same are hereby, validated. Prior payments for collections validated.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

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H. B. No. 577                      CHAPTER 221

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF ANSON COUNTY TO APPOINT A SPECIAL OFFICER FOR THE ANSON COUNTY GOLF ASSOCIATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That from and after the ratification of this Act, the Board of County Commissioners of Anson County shall have the power and authority to appoint a Special Officer for the Anson County Golf Association whose duties shall be the same as are now imposed on the Peace Officers for the State of North Carolina; the duties of the Peace Officer, however, to be confined to the properties and recreational facilities of the Anson County Golf Association. Appointment of Special Officer for Anson County Golf Association.

Duties.

SEC. 2. That the Board of County Commissioners of Anson County shall have the power and authority to prescribe the compensation to be paid such Special Officer. Compensation.

Conflicting laws  
repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

H. B. No. 642

CHAPTER 222

AN ACT RELATIVE TO ELECTIONS IN THE TOWN OF SPENCER, FIXING DATES FOR PRIMARY ELECTIONS AND REGISTRATION PERIOD.

*The General Assembly of North Carolina do enact:*

Time of primary  
elections,  
Town of Spencer.

SECTION 1. The primary election for nomination of candidates in the Town of Spencer shall be held in said Town of Spencer on the second Tuesday preceding all general municipal elections. Such primary election shall be conducted, as far as practicable, in all things and in all details, in accordance with the general laws of this State governing State and county primary elections, except where the provisions of same are inconsistent with this Act.

Election procedure.

Registration for  
primary elections.

SEC. 2. The registration books for the primary, to be held on the second Tuesday preceding the general municipal election, shall be opened on the fourth Saturday preceding the primary, and shall be closed on the second Saturday before the primary; the Saturday before the primary shall be challenge day for the primary. The registration book for the general municipal election shall be opened for registration of voters whose names are not already on the registration books on the second Saturday preceding the general municipal election and shall stay open for one Saturday. The Saturday immediately preceding the general election shall be challenge day, at which time challenges shall be heard.

Registration for  
general election.

Challenge day.

Registration of  
new voters.

SEC. 3. During the period the registration book is open, for either the primary election or the general municipal election, all qualified voters, whose names are not already on the registration book, may apply to the registrar for registration between the hours of nine o'clock A. M., and five o'clock P. M., and on each Saturday during the period the registration book is open the registrar shall attend the polling places with the registration book between the hours of nine o'clock A. M. and nine o'clock P. M. On challenge day the election officials will meet at the polling places and hear all challenges, if any, between the hours of nine o'clock A. M. and three o'clock P. M.

Hearing of  
challenges.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1939.

S. B. No. 186                      CHAPTER 223

AN ACT TO PROVIDE FOR A RURAL POLICE FORCE AND MORE EFFICIENT LAW ENFORCEMENT IN BURKE COUNTY.

Whereas, the County of Burke has a population of approximately forty thousand people, of which approximately twenty-five thousand live in rural communities with no adequate police protection, other than that provided by the Sheriff and part-time and/or fee deputies; and

Preamble: Rural communities of Burke County without adequate police protection.

Whereas, in an effort to provide a more efficient system of police protection to the citizens living in rural communities, and to provide for a more adequate enforcement of the criminal laws in the said County of Burke;

Desire for more efficient system of police protection.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Burke County is hereby authorized and empowered to establish, and upon thirty (30) days notice, abolish a Rural Police Force in Burke County, and the Sheriff of Burke County, by and with the consent and approval of the Board of County Commissioners of Burke County, may appoint such number of rural policemen as in the judgment of the Board of County Commissioners and the Sheriff of Burke County may be necessary to carry out the provisions of this Act, and to commission them "Rural Policemen of Burke County," and the said rural policemen, when so commissioned as aforesaid, shall receive compensation to be fixed by the Board of County Commissioners, payable in equal monthly installments.

Establishment of rural police force, Burke County, by County Commissioners.

Appointment of rural policemen by Sheriff.

Compensation.

SEC. 2. The Sheriff is hereby empowered and directed to remove any rural policeman at any time in his discretion, and appoint, by and with consent and approval of the Board of Commissioners of Burke County, any other in his place; the said policemen, when appointed, shall serve at the pleasure of the Sheriff of said County; that the said rural policemen shall serve under the direction and control of the Sheriff of said county, and it shall be the duties of said officers, and they are hereby authorized and directed to be diligent in the enforcement of the criminal laws of the State

Power of Sheriff as to removals and vacancies.

Supervision of rural policemen.

Powers and duties of rural police officers.

of North Carolina and said county, and they shall have the same powers and charged with the same duties of the Sheriff of said county in the enforcement of said laws; they shall patrol and police said county, to the end that the violation of the criminal laws of the State of North Carolina in said county may be discouraged and that violators of said law may be speedily apprehended; they shall have the authority and it shall be the duty of said officers to serve all criminal and civil processes directed to them and issued by any lawful authority; it shall be their duty to search for, apprehend and arrest any and all persons charged with the violation of any criminal law, to make arrests upon their own initiative, as well as upon information and complaint, to obtain warrants for and arrest and prosecute all persons charged with violation of any of the criminal laws of the State. They shall have authority and it shall be their duty for any freshly committed crime, whether a witness to the commission thereof or have knowledge thereof, upon prompt information or complaint, to arrest without warrant, and when arrest is made without warrant, the person so arrested shall be forthwith carried before a trial officer of said county and a warrant of arrest procured, to the end that the person charged may be dealt with promptly according to law, and they shall have the power and authority to deputize other persons to assist them in making arrests and in the discharge of their other duties whenever in their judgment the circumstances demand such action.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

S. B. No. 259

## CHAPTER 224

AN ACT TO FIX THE STATUS OF TITLE TO THE COMMUNITY HOSPITAL, LOCATED IN THE CITY OF WILMINGTON, IN SAID CITY AND COUNTY OF NEW HANOVER.

Preamble: Joint ownership and maintenance by City of Wilmington and New Hanover County of Community Hospital prior to Sept. 22, 1938.

*Whereas*, the City of Wilmington and the County of New Hanover prior to the twenty-second day of September, one thousand nine hundred and thirty-eight, jointly owned the property and facilities situated in the City of Wilmington known as the Community Hospital, and the said city and county prior to said date had both contributed, from time to time, to the support and maintenance of said hospital

for the purpose of caring for the colored indigent sick and afflicted poor in said city and county; and

*Whereas*, the said city and county found that the existing facilities so named and operated were inadequate to provide the necessary and proper maintenance and care of the colored indigent sick and afflicted poor, and that it was necessary and desirable to increase and enlarge said facilities for such purpose and to acquire in connection therewith a new location and a larger site and to construct thereon the necessary improvements; and

Existing facilities of hospital found to be inadequate.

Necessity for new location and improved facilities.

*Whereas*, the city and county filed joint application for a grant of forty-five per cent of the cost thereof with the Federal Emergency Administration of Public Works, and the said city and county were thereafter advised that the Federal Emergency Administration of Public Works would consider making the grant to one or either of said municipal bodies but would not entertain and consider making the grant upon the joint application of both municipal bodies; and

Joint application for PWA grant.

*Whereas*, upon being so advised an agreement was made between the city and county that the application should be made in the name of the City of Wilmington only, and that upon obtaining approval of said application and grant the County of New Hanover would contribute its agreed part of the balance of the funds for the construction of the said facilities and the acquirement of said new site, all of which has been done; and

Regulations of PWA requiring application to be made in name of City of Wilmington.

*Whereas*, pursuant to the foregoing the new site upon which the facilities are now being constructed and provided was acquired by and in the name of the City of Wilmington; and

New site acquired in name of City of Wilmington.

*Whereas*, pursuant to the agreement aforesaid upon the completion of said structures and the providing of said facilities, the said city and county agreed that they would take appropriate steps to convey and transfer to New Hanover County an undivided one-half interest in the real and personal property known as and held for the purpose of the Community Hospital, and the said city and county now desire to carry out and faithfully perform the requirements of said agreement between them to the end that each may have, own and hold an undivided one-half interest in and to all of said real and personal property; *therefore*,

Desire of city to perform agreement to convey one-half interest in property to New Hanover County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at any time on and after the completion of the structures and facilities constituting and known as the Community Hospital in the City of Wilmington, the said City of Wilmington and the proper officers thereof are

Conveyance, etc., at private sale of one-half undivided interest in property to New Hanover County, authorized.

hereby authorized, empowered and directed to sell, convey, transfer and assign, at private sale, to New Hanover County, North Carolina, an undivided one-half interest in and to all of the real and personal property situated in said City of Wilmington owned and operated as and for the Community Hospital; and the proper officers of said city are further authorized, empowered and directed to cause to be prepared, executed and delivered such deeds, bills of sale and instruments in writing as may be necessary, proper and expedient to convey, transfer and assign the said interest in the property as aforesaid to the County of New Hanover. In order to make the transfer and conveyance of said property it shall not be necessary for the said City of Wilmington or its officers to advertise or conduct a public sale of said property, but the private sale and conveyance herein authorized shall be sufficient to vest in the County of New Hanover the undivided one-half interest in said property herein authorized.

Public sale of property declared unnecessary.

Conflicting laws repealed.

SEC. 2. All laws or parts of law in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

### S. B. No. 293

### CHAPTER 225

#### AN ACT RELATING TO THE COLLECTION OF TAXES IN GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Graham County be, and they are hereby authorized in their discretion to appoint some suitable person in Graham County as Tax Collector for said county who shall serve at the pleasure of the County Commissioners and shall be paid a salary to be fixed by the said Commissioners.

SEC. 2. Should the County Commissioners appoint a Tax Collector, as herein provided, such Tax Collector, before entering upon the discharge of his duties, shall take and subscribe an oath, as is taken by other officers of the county, to truthfully and faithfully and impartially discharge the duties of Tax Collector to the best of his skill and ability; and he shall give the bond so required by law for Sheriffs acting as Tax Collector. Upon such appointment, all of the powers, duties and liabilities now relating to the Sheriff of the County as Tax Collector, with regard to the collection, custody and disposition of the taxes, turning over and

Appointment of Tax Collector, Graham County.

Compensation.

Oath of office.

Bond required.

Powers and duties.

accounting for the same, distraint, advertisement, sale, and in all other respects relating to said matters which are now or may hereafter be given, designated, or required of Sheriffs in the performance of similar duties, shall be conveyed upon, given to, and required of said Tax Collector; and he shall make all reports and be subject to the same rules and regulations as are now or may hereafter be required of the Sheriff of said County acting as Tax Collector.

SEC. 3. Should the County Commissioners of Graham County in their discretion appoint a Tax Collector, as herein provided, all duties which are now by law required of Sheriffs in the collection of taxes shall, upon such appointment, be transferred to the Tax Collector so appointed.

Tax collection duties of Sheriff transferred to Tax Collector.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

H. B. No. 472

## CHAPTER 226

### AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF DAVIE COUNTY TO LEASE OR SELL ABANDONED SCHOOL PROPERTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Education of Davie County be, and they are hereby authorized and empowered to lease, sell, and convey by deed, or otherwise dispose of all school property which is now abandoned and no longer used for school purposes, and title to which is now vested in fee simple in the said Board of Education. Any sale of a school house or a schoolhouse site, or other school property for which said Board of Education shall receive any money or remuneration, said sale shall be by public sale in accordance with the provision of Chapter four hundred and ninety-four of Public Laws of one thousand nine hundred and thirty-three, as amended. The Chairman and Secretary of the Board of Education shall execute any deed, lease or other paper writing of conveyance, and the proceeds shall be paid to the Treasurer of the County School Fund.

Disposal of abandoned school property, Davie County, by County Board of Education, authorized.

Public sale required.

Execution of deeds, etc., by Chairman and Secretary of Board of Education.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

H. B. No. 552                      CHAPTER 227

AN ACT TO EXEMPT FOX HOUNDS FROM TAXATION IN MARTIN COUNTY.

*The General Assembly of North Carolina do enact:*

Exemption of fox hounds from taxation by Martin County, and municipalities therein, authorized.

SECTION 1. That the County Commissioners and the several municipalities of Martin County shall have the power and authority to exempt from taxation in their discretion fox hounds owned by any person or persons which are hunted together as a pack consisting of eight or more hounds exclusively for the purpose of chasing and destroying foxes.

Conflicting laws repealed.

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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

H. B. No. 574                      CHAPTER 228

AN ACT TO EXTEND THE TERMS OF OFFICE OF REGISTER OF DEEDS, COUNTY COMMISSIONERS AND COUNTY SURVEYOR OF ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

Four-year terms for Register of Deeds, County Commissioners and County Surveyor, Alexander County.

SECTION 1. That the Register of Deeds, County Commissioners and County Surveyor, now holding office in Alexander County, shall serve in such capacity until the first Monday in December, one thousand nine hundred forty-two.

SEC. 2. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Alexander County by the qualified voters thereof a Register of Deeds, three County Commissioners and a County Surveyor, whose terms shall be for four years from the first Monday in December after their election, or until their successors are elected and qualified.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

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H. B. No. 578                      CHAPTER 229

AN ACT TO ALLOW HUNTING OF FOXES AT ANY TIME IN ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and forty-four, Public-Local Laws, one thousand nine hundred and twenty-nine, entitled "An Act to Protect Foxes in Anson County," be, and the same is hereby repealed.

Ch. 244, Public-Local Laws, 1929, repealed, to permit fox hunting at any time, Anson County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

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H. B. No. 588                      CHAPTER 230

AN ACT TO REQUIRE PAYMENT OF POLL TAX PRIOR TO OBTAINING ANY HUNTING OR FISHING LICENSE IN GATES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That before any person liable for poll tax shall be issued any hunting or fishing license in Gates County, such person so applying for hunting or fishing license shall be required to produce a receipt showing payment of poll tax for the preceding fiscal year, and unless such receipt is so exhibited, no hunting or fishing license shall be so sold to such person.

Payment of poll tax required prior to obtaining hunting or fishing license, Gates County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

## H. B. No. 608

## CHAPTER 231

AN ACT TO AMEND CHAPTER ONE HUNDRED FORTY-FOUR OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE CIVIL SERVICE COMMISSION OF THE CITY OF HIGH POINT.

*The General Assembly of North Carolina do enact:*

Sec. 13, Ch. 144,  
Public-Local Laws,  
1937, amended.

SECTION 1. That Section thirteen be stricken out and the following inserted in lieu thereof as Section thirteen:

Employment,  
promotion and  
dismissal of city  
employees.

"SEC. 13. Every person appointed or promoted to the head of a department shall be appointed or promoted by the City Manager and shall be on probation for a period of six months before such promotion or appointment is made complete. If the City Manager fills a vacancy by promotion, the employee so promoted shall not be dismissed by the City Manager unless the dismissal is made with the approval of the Civil Service Commission, but the employee so promoted by the City Manager may be reduced to the position from which promotion was made at any time during the six months probation without the approval of the Civil Service Commission.

Approval of Civil  
Service Commis-  
sion.

"Persons appointed or promoted, other than department heads, shall be appointed or promoted by the head of the department in which the vacancy exists. Such person appointed or promoted shall be on probation for six months before promotion is made complete. Any person so promoted shall not be dismissed by the department head during the six months probation period except with the approval of the Civil Service Commission, but may be reduced to the position from which promoted by the Department head at any time during probation without the approval of the Civil Service Commission.

"If a new employee is appointed by a department head, the department head may dismiss such employee any time during the six months period of probation without the approval of the Civil Service Commission."

Section 14,  
amended.

SEC. 2. That Section fourteen be amended by striking out the words, "When an appointment is to be made by the City of High Point, the City Manager shall notify the Secretary of the Civil Service Commission who shall promptly certify to the City Manager the names and addresses of three eligibles on the list for the class or grade to which such position belongs. The City Manager shall appoint to such position one of the persons whose names are so certified, and so such appointment shall be submitted to the City Council for approval," between the period in

line sixteen in said section and the period at the end of said section, and insert in lieu of the portion so stricken out the following:

“When an appointment is to be made by the City of High Point, the Secretary of the Civil Service Commission shall be notified by the appointing authority as set out in Section thirteen and he shall certify to the City Manager or the department head, as the case may be, the names and addresses of three eligibles on the list for the class or grade to which such position belongs. One of the persons so certified shall be appointed to fill the vacancy. No appointment of a department head made by the City Manager shall be submitted to the City Council for approval and no appointment made by department heads shall be submitted to the City Council or City Manager for approval.”

Appointments by city manager and head of departments.

SEC. 3. That Section fifteen be and the same is hereby amended by striking from said section the words, “With the approval of the Secretary of the Civil Service Commission, and make such disposition of the matter, as in his opinion, the good of the service may require, and such disposition shall be final,” between the word “shall” in the twenty-third line of said section and the period in the twenty-sixth line of said section and insert in lieu thereof the following:

Sec. 15, amended.

“Comply with the decision of the Civil Service Commission and the decision of such commission shall be final.”

Final disposition of questions arising in connection with dismissal of employees.

SEC. 4. That Section seventeen be stricken out and in lieu thereof the following be inserted as Section seventeen:

“SEC. 17. The promotion of any employee of the Fire or Police Departments of the City of High Point shall be made on a strictly competitive basis and then only upon written recommendation of the head of the department in which the person is at the time employed. The promotion of any other city employee of the City of High Point is either his or her present department, or to any other department of the municipal government, shall be made only upon written recommendation of the department head in the department in which the person is at the time employed and such promotion shall then be made only with the approval of the City Manager and the Civil Service Commission.”

Promotion on competitive basis required only in fire and police departments.

SEC. 5. The amendments set forth in this Act shall be subject to amendment or repeal in accordance with the provisions of Article twenty, Chapter fifty-six, of the Consolidated Statutes of North Carolina, entitled, “Amendment and Repeal of Charter,” but the provisions of said Article twenty of Chapter fifty-six shall not be invoked to repeal or amend the amendments set forth in this Act before the

Application of C.S. Ch. 56, Art. 20.

Elections on amendments.

lapse of fifteen months following the ratification of such amendments; nor after the expiration of twenty months following ratification of these amendments. All elections held on such amendments shall be initiated, called and conducted only by the Municipal Board of Elections of the City of High Point as provided for by the City Charter of the City of High Point, being Chapter one hundred seven of Private Laws of one thousand nine hundred thirty-one as amended.

Conflicting laws repealed.

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

SEC. 7. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

## H. B. No. 612

## CHAPTER 232

### AN ACT GRANTING ADDITIONAL POWERS AND AUTHORITY TO THE MAYOR AND TOWN COUNCIL OF THE TOWN OF RUTHERFORDTON.

Preamble: Town Council, Town of Rutherfordton, authorized to accept bonds in payment of certain delinquent taxes and assessments.

*Whereas*, the General Assembly of North Carolina, did on the eighteenth day of April, one thousand nine hundred thirty-five, pass and ratify an Act, the same being Chapter one hundred seventy, Private Laws of the General Assembly of one thousand nine hundred thirty-five, empowering and directing the Town Council of the Town of Rutherfordton to accept bonds in payment of street and sidewalk assessments, also for taxes due for the year one thousand nine hundred thirty-two and prior years; and

*Whereas*, some of the taxpayers of said town, pursuant to said Act, have paid their taxes and assessments with bonds; and

Decrease in funds for general operating purposes caused by payment of taxes by bonds.

*Whereas*, a part of the taxes so paid by said bonds were levied for general purposes and the payment of said taxes having been made with bonds under the provisions of said Act, the funds of the town for general purposes have been decreased and made insufficient to pay the operating expenses of said town and to meet the purposes for which said taxes were levied; and

Necessity of transfer of funds in debt service account to general expense account.

*Whereas*, it is necessary that some of the funds held by said town in its debt service account shall be transferred to the general expense account of said town in order to take care of the deficit so created in the general fund account by reason of said payment of taxes with said bonds; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Mayor and Town Council of the Town of Rutherfordton be, and they are hereby authorized and empowered to transfer from the debt service account of said town any funds held by the town in said account not in excess of the amount represented by taxes levied for general purposes which have been by the surrender and cancellation of bonds and interest coupons under and by virtue of the provisions of the Act of the General Assembly of one thousand nine hundred thirty-five, Private Laws, Chapter one hundred seventy.

Transfer of funds from debt service account by Mayor and Town Council, authorized.

SEC. 2. That the Mayor and Town Council are authorized to adopt a suitable resolution in conformity with the provisions of this Act, authorizing and directing the Secretary-Treasurer of said town to transfer the funds hereinbefore referred to from the debt service account of said town to the general operating or expense account of said town, which said authority is hereby granted notwithstanding any statutory provisions contrary thereto.

Resolution of transfer authorized.

SEC. 3. That all laws and parts of law in conflict herewith are hereby repealed as same may affect the matters and things provided in this Act.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

H. B. No. 660

CHAPTER 233

AN ACT TO PERMIT THE NORTH CAROLINA RAILROAD COMPANY AND THE BOARD OF ALDERMEN OF THE CITY OF BURLINGTON TO REMOVE BODIES TO THE CITY OF BURLINGTON COLORED CEMETERY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the North Carolina Railroad Company and the Board of Aldermen of the City of Burlington, Alamance County, be and they are hereby authorized to remove, or cause to be removed, the bodies now buried in the old colored cemetery near Graves Street in said city embracing two hundred (200) bodies more or less, to the City of Burlington Colored Cemetery nearby in said county: *Provided*, that before the removal of said graves notice of such action shall be published in some newspaper published in Alamance County for four successive weeks.

Removal of bodies from old colored cemetery to City of Burlington Colored Cemetery, authorized.

Notice of removal.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

H. B. No. 744

CHAPTER 234

AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF RALEIGH UPON THE QUESTION OF HAVING A CITY MANAGER.

Preamble:  
Expediency of calling election in City of Raleigh on City Manager form of government, without petition therefor.

Whereas, it is deemed empedient that an election as hereinafter provided for shall be called and held in the City of Raleigh, as hereinafter provided, without the filing of a petition therefor as provided by Section six, of Sub-Chapter sixteen, of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen; *Now, therefore,*

*The General Assembly of North Carolina do enact:*

County Board of Elections, Wake County, authorized to call election.

SECTION 1. That the County Board of Elections of Wake County shall call an election as provided by Section eight, Sub-Chapter sixteen, Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen in the same manner as if a petition signed by twenty-five per cent of the qualified voters of the City of Raleigh had been filed calling for such election, which election shall be held during the months of October or November, one thousand nine hundred and forty, on a date to be fixed by the said board; and at said election there shall be submitted for determination by the qualified voters of the City of Raleigh voting in such election the question of the adoption of a form of government for the City of Raleigh defined as Plan D in part five of Sub-Chapter sixteen, of Chapter one hundred and thirty-six, of the Public Laws of one thousand nine hundred and seventeen, as amended, which plan provides for a mayor, a city council and a city manager.

Date of election.

Issue submitted.

Conduct of election.

SEC. 2. Said election shall be advertised and conducted and the result thereof determined and declared and be effective in all respects as provided in said Chapter one hundred thirty-six of the Public Laws of one thousand nine hundred and seventeen, as amended; *Provided, however,* that if the said election shall be carried in favor of the adoption of the said Plan D, the first election of officers under said plan shall be held at such time that the new

Election of officials, in event of a majority vote for City Manager form of government.

form of government shall be effective and the officers elected under said Plan D shall take office in May, one thousand nine hundred and forty-one, at the end of the two-year terms of the mayor and commissioners who shall have been elected at the regular election to be held in the year one thousand nine hundred and thirty-nine under the present city charter.

SEC. 3. That all laws and clauses of laws which may be in conflict with the provisions of this Act are hereby to the extent of such conflict repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1939.

S. B. 224

### CHAPTER 235

AN ACT TO DECLARE THE PURPOSES FOR WHICH THE TOWN OF LUMBERTON HOLDS TITLE TO CERTAIN REAL ESTATE AND TO ESTABLISH A BOARD OF TRUSTEES TO CONTROL AND MANAGE THE PUBLIC GOLF COURSE AND RECREATIONAL GROUNDS OWNED BY THE TOWN OF LUMBERTON.

*Whereas*, the Town of Lumberton owns, in fee simple, a certain tract of land, by virtue of a warranty deed dated November seventh, one thousand nine hundred and thirty-five, executed by O. Clinton Norment to the Town of Lumberton, duly filed for registration on the eighth day of November, one thousand nine hundred and thirty-five, and recorded in the Public Registry of Robeson County, in Book 8-0, Page 189, on the eighth day of November, one thousand nine hundred and thirty-five; and,

Preamble: Fee simple title to certain real estate vested in Town of Lumberton.

*Whereas*, the aforesaid lands were purchased by the Town of Lumberton for a Municipal Golf Course and Recreational Grounds; and,

Lands purchased for Municipal Golf Course and Recreational Grounds.

*Whereas*, by virtue of various gifts made by the people of the town and appropriations made by the United States Government through the Works Progress Administration, sums of donated money have been spent upon the said premises to develop and build a golf house and club center, public golf course and recreational grounds for the promotion of the health and welfare of the citizens of the Town of Lumberton and the civic betterment of its people.

Expenditures in development of lands.

*Now, therefore,*

*The General Assembly of North Carolina do enact:*

SECTION 1. That said lands and premises conveyed to the Town of Lumberton, by virtue of the aforesaid deed, shall

Permanent title to lands vested in Town of Lumberton.

Premises declared to be a public trust.

forever be held by the Town of Lumberton for a public golf course and recreational grounds for the benefit and use of the people of said Town of Lumberton, and the lands and premises are forever impressed with a public trust to be used exclusively for public golf course and recreational grounds, and for no other purpose.

Board of Trustees created.

SEC. 2. That a Board of Trustees is hereby created to be known as The Board of Trustees of the Public Golf Course and Recreational Grounds of the Town of Lumberton and the following named persons shall constitute the Board of Trustees, to-wit:

Members.

E. M. Johnson, J. R. McLeod, A. T. McLean, J. E. Johnson, Israel Weinstein, J. A. Sharpe, Jr., H. B. Jennings, Dickson McLean, J. W. Spruill, L. R. Varsar, H. A. McKinnon, Harold Collins.

Term of office.

SEC. 3. The trustees shall serve for life or until their resignation is accepted. In case of a vacancy, the surviving trustees shall fill the vacancy. The trustees shall have power and authority to control and operate the golf course and recreation grounds so held in trust and to receive and accept gifts of property both real and personal and to hold such gifts under the same trust as that established by this Act. The trustees shall hold possession of the property and shall have authority to employ agents and other employees and to promulgate rules and regulations relating to the management of the premises. The income derived from the aforesaid property shall be used by the trustees for its upkeep and maintenance and for such other purposes relating to the trust as the trustees may deem proper.

Power and authority of Trustees.

Use of income derived from property.

Trustees exempt from personal liability in performance of duties.

SEC. 4. The trustees shall have no personal liability in the performance of their duties as trustees under this Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of law in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

## S. B. 235

## CHAPTER 236

### AN ACT TO REGULATE THE GRAND JURY OF GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

Selection of grand jury, Granville County.

SECTION 1. That at the first term of court for the trial of criminal cases in Granville County after the first day of July, one thousand nine hundred and thirty-nine, there shall be chosen a grand jury as now provided by law, and



the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter at the first term of criminal court, after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one year.

Terms of office.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

S. B. 240

### CHAPTER 237

AN ACT TO AMEND CHAPTER ONE HUNDRED FIFTEEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED NINETY-NINE OF NORTH CAROLINA, RELATING TO THE CHARTER OF THE TOWN OF GREENVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the official name of the Town of Greenville, a municipal corporation situate in Pitt County, North Carolina, be, and the same is hereby, changed to "City of Greenville," and the word "town," wherever it appears in Chapter one hundred fifteen, Private Laws of one thousand eight hundred ninety-nine, and all Acts amendatory thereto, be, and the same is hereby, stricken out and the word "city" is hereby inserted in lieu thereof: *Provided*, this section shall not affect pending litigation.

Official name of Town of Greenville changed to "City of Greenville."

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

Pending litigation unaffected.

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

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

S. B. 257

CHAPTER 238

AN ACT TO PREVENT THE OPERATION OF CARNIVALS AND OTHER AMUSEMENT DEVICES ON SUNDAY WITHIN ONE-HALF MILE OF THE OUTSIDE BOUNDARIES OF THE MUNICIPAL PARK OF THE CITY OF HIGH POINT, LOCATED IN JAMESTOWN TOWNSHIP, GUILFORD COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Sunday operation of dance halls, etc. within certain area of Municipal Park of City of High Point prohibited.

SECTION 1. That it shall be unlawful for any person, firm or corporation or group of persons to operate on Sunday any dance hall, billiard parlor, pool room, bowling alley, shooting gallery, skating rink, race track, boxing or wrestling match, circus, show, carnival and/or riding device within one-half mile of the outside boundaries of the Municipal Park of the City of High Point, which park is located in Jamestown Township, Guilford County, North Carolina.

Violations made misdemeanor.

SEC. 2. That any violation of this Act shall be a misdemeanor and each separate Sunday such firm or corporation or group of persons shall operate any of said businesses shall constitute a separate offense.

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

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

H. B. 358

CHAPTER 239

AN ACT TO CREATE A JURY COMMISSION FOR BUNCOMBE COUNTY AND TO REGULATE THE DRAWING OF JURORS.

*The General Assembly of North Carolina do enact:*

Jury Commission, Buncombe County, created.

Members.

Chairman.

Secretary.

SECTION 1. In addition to the powers and duties of their respective offices already in existence, and as a part of the duties of their respective offices, the Chairman of the Board of County Commissioners of Buncombe County, the Clerk of the Superior Court of Buncombe County, the Sheriff of Buncombe County, and the Register of Deeds of Buncombe County, and their successors in office, are hereby, ex officio designated as a Jury Commission for the said County of Buncombe. The Clerk of Superior Court shall be chairman of said commission; and the Register of Deeds of Buncombe County shall be secretary of said commission; said commission shall be vested with all powers and authority heretofore given to the Board of County Commissioners by

Chapter forty-five of the Consolidated Statutes of North Carolina, and as changed, modified and amended by this Act.

SEC. 2. The aforesaid commission shall have full, complete and absolute control of the jury system of Buncombe County, and shall be the custodians of the jury box for said county and shall be charged with placing all names within the said box for jury service and shall likewise be charged with the supervision of drawing all names from said jury box for jury duty as hereinafter provided.

Powers and duties.

SEC. 3. That immediately after the effective date of this Act, it shall be the duty of the commission to revise the jury box for Buncombe County in the following manner: Said commission shall cause to be prepared a list of the names, together with the township of residence, of every taxpayer of Buncombe County as appears from the official books of the office of the Tax Collector of Buncombe County and as compiled for the year one thousand nine hundred and thirty-eight, and from said list said commission shall select the names of all of said persons who are good and lawful citizens and residents of Buncombe County and who do not then stand indicted in the courts on any charge; thereupon the commission shall strike out all names which may then be found within said box and place in lieu thereof the names selected by said commission as hereinbefore provided. That in placing said names so selected in said jury box, each name shall be typewritten, together with the township of residence, on scrolls of paper of equal size.

Revision of jury box.

Procedure.

SEC. 4. That said jury box shall be divided into two compartments, one of which shall be marked number one and the other of which shall be marked number two, and each of said compartments shall be locked with a separate lock, the key to compartment number one shall be carried by the Chairman of the Board of said Jury Commission, and the key to compartment number two shall be carried by the secretary of said commission. It shall be the duty of said commission, in placing said names in said jury box, to place all of said names in compartment number one, where they shall remain until drawn out as herein provided.

Division of jury box into two compartments.

SEC. 5. It shall be the duty of the Jury Commission to meet in the office of the Clerk of Superior Court on the second Monday in May, one thousand nine hundred and thirty-nine and on the second Monday of each calendar month thereafter: Provided, however, that in the event a majority of the members of said commission are prevented by illness or other disability from being present, then such meeting shall be postponed from day to day until a majority of said commission can be present, and on said day and at

Time of drawing juries.

Number of jurors drawn.

said place and between the hours of ten and eleven o'clock, A.M., the said commission shall proceed to draw the juries for the Superior Court of Buncombe County and for the General County Court of Buncombe County for the month succeeding the date of such drawing. The commission shall draw the names of thirty-two (32) jurors for each week of Superior Court scheduled to be held for the month so drawn, with the exception of the juries drawn for the months of January and July, and for which months twenty-four (24) additional names shall be drawn for the first week of criminal court of said months; that in addition to the jurors drawn for Superior Court as herein provided, the commission shall at the same time and in like manner draw the names of twenty-four (24) jurors for each week for which the commission has received a request from the Judge of the General County Court for jurors for service in the General County Court for the month succeeding such drawing. That in drawing said names, same shall be drawn from compartment number one by a child not over ten years of age and after a list of said names has been taken by the secretary of the commission, same shall then be deposited in compartment number two. In the event the names in compartment number one shall at any time become exhausted, then the names so deposited in compartment number two shall be returned into compartment number one and drawn out again as herein directed. At all of said drawings of jurors as hereinbefore provided, any member of the general public may be present but take no part in any manner in the proceedings.

Procedure for drawing of jurors.

Scrolls containing names of persons known to be dead or otherwise disqualified, destroyed.

SEC. 6. At the time of said drawing, as hereinbefore directed, if any of the persons drawn to serve as jurors are known to a majority of the members of the commission to be dead, removed out of the county or otherwise disqualified to serve as jurors, the scrolls with the names of such persons shall be destroyed, a list of said names so destroyed being preserved and filed with the permanent records of said Jury Commission, and in such cases the names of other persons shall be drawn in their stead.

List of destroyed names preserved and filed with permanent records.

Procedure for drawing of juries in event of absence of majority of members of Jury Commission.

SEC. 7. In the event of illness or other disability of members of the Jury Commission whereby a majority of said members are prevented from drawing juries, as herein provided, within fifteen (15) days prior to the beginning of the term of any court for which juries are to be drawn, then such juries may be drawn by one member of said commission in the presence of and assisted by a Deputy Clerk of the Superior Court of Buncombe County, duly designated by the Clerk of Superior Court of Buncombe County to perform such duty, such jury or juries to be drawn in the manner herein directed.

SEC. 8. That after said juries have been drawn, as herein provided, it shall be the duty of the secretary of the commission to make and certify a copy of same to the Sheriff of said county for the purpose of serving same; to furnish a copy of the juries drawn for the Superior Court to the Clerk of the Superior Court and a copy of the juries drawn for the General County Court to the Clerk of the General County Court, and to retain a copy of all of such juries so drawn as a part of the permanent records of said Jury Commission.

Notice of jury selections.

SEC. 9. It shall be the duty of the Sheriff of Buncombe County, upon receipt of a list of the jurors drawn for service as herein provided, to serve summons upon such jurors personally and such service shall not be by mail or telephone.

Service upon jurors

SEC. 10. If at any time the judge holding the courts in Buncombe County deems a special venire necessary, then in that event the jury box, together with the names as therein contained, shall be subject to such orders respecting the use of said box, the names therein and the drawing of the same, as may be issued by such judge.

Special venire.

SEC. 11. That the Clerk of the Superior Court shall be the custodian of said jury box, and shall keep said box under lock and key at all times and permit no person whomsoever to have access thereto, except for the purposes of this Act.

Clerk Superior Court to be custodian of jury box.

SEC. 12. That on the first Monday in May, one thousand nine hundred and forty-one and biennially thereafter, said jury list shall be revised by said Jury Commission; said names shall be selected from the names of the taxpayers as taken from the tax books of the preceding year, and the same rules as are herein provided for the preparation of the first list going into said box shall govern the revising of said jury list.

Biennial revision of jury list.

SEC. 13. If, in the opinion of said commission, it becomes necessary to employ clerical help in the preparation or in the revision of the jury list as herein provided to be prepared and revised, then such clerical help may be employed to prepare or revise said list under the supervision of said commission, and the expense of such clerical help shall be paid out of the general funds of Buncombe County.

Clerical help authorized.

SEC. 14. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed insofar as the same apply to Buncombe County.

Conflicting laws repealed.

SEC. 15. That this Act shall be in full force and effect from and after the first day of May, one thousand nine hundred and thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

## H. B. 392

## CHAPTER 240

AN ACT TO AMEND CHAPTER ONE HUNDRED THIRTY-TWO, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, SO AS TO RATIFY THE ACTION OF THE GOVERNING BODY OF THE CITY OF ASHEVILLE IN NAMING AN ELECTION BOARD, AND TO NAME SAID ELECTION BOARD, AND TO PROVIDE FOR THE PROPER REGISTRATION OF VOTERS IN THE CITY OF ASHEVILLE, AT THE NEXT MUNICIPAL ELECTIONS.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 132,  
Public-Local Laws,  
1937, amended.

SECTION 1. That Section one of Chapter one hundred thirty-two of the Public-Local Laws of one thousand nine hundred thirty-seven be amended by striking out all of said Section one and inserting in lieu thereof the following:

Appointment of  
municipal Board of  
Elections by  
governing body,  
City of Asheville,  
ratified.

“SECTION 1. That the action of the Governing Body of the City of Asheville in naming a city election board to conduct the city primary to be held on the eighteenth day of April, one thousand nine hundred thirty-nine, and the general election to be held on the ninth day of May, one thousand nine hundred thirty-nine, and to act as a Municipal Board of Elections for a period of two years, be and the same is hereby ratified, the action of said governing body by resolution being recorded in City of Asheville Minute Book 29 at page 393; and that Silas G. Bernard, C. Fred Brown, and Charles F. Crow be, and they are hereby, named as a Municipal Board of Elections for a period of two years or until their successors are appointed and qualified.”

Members.

Sec. 3, amended.

SEC. 2. That Section three of Chapter one hundred thirty-two be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

Use of 1938  
registration books  
in future city  
elections.

“SEC. 3. That at the next primary and general election to be held on the third Tuesday in April and second Tuesday in May, one thousand nine hundred and thirty-nine, respectively, and at all future primaries and elections held in said city, the registration books used in the general state, county and nation election in November, one thousand nine hundred thirty-eight, and in all subsequent elections thereafter, shall be and the same are hereby declared to be the registration books for the respective precincts in said city; that the custodian of said registration books shall turn the same over to the proper city election officials for the purpose of holding the city election and for the purpose of permitting registration at the time required by law, and all persons who shall register for said city election when

Delivery of books  
to proper officials  
for further  
registrations.

said books are in the hands of said city registrars shall be deemed to be registered upon said books both for said city election and for the general state and county elections thereafter. That immediately following the elections held in the City of Asheville said registration books shall be returned to the custody of the proper officials as provided by the general election law."

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

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

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

H. B. 597

### CHAPTER 241

#### AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That when it shall appear to the satisfaction of the Board of Commissioners of Alexander County that any real or personal property has been listed for taxes at an excessive valuation for the year one thousand nine hundred thirty-nine and prior years, the said board is hereby authorized and empowered to make said reduction or settlement with the taxpayer or other interested party for the taxes due Alexander County on said property for said years as in their judgment is fair and just and which will best subserve the interest of the county. All such taxes shall be payable in cash only and no reduction shall be made unless the taxpayer at the time of such reduction is in position to and does pay the amount fixed by the commissioners as fair and just. When said money is paid, the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable. The provisions of this section shall not apply to any taxpayer, unless, at the time of such reduction or settlement and payment, such taxpayer pays in full all taxes due on such property for the current year in which such reduction and settlement is made.

Adjustment of delinquent taxes, Alexander County.

Adjustments payable in cash only.

Full settlement receipt.

SEC. 2. That when it shall appear to the satisfaction of the Board of County Commissioners of Alexander County that there is outstanding delinquent taxes on any real or personal property, said board is hereby authorized and empowered to make such reduction or settlement of accrued penalties and interest on said taxes with the taxpayer or

Adjustment of tax penalties and interest.

other interested party, as, in their judgment, is fair and just to such delinquent taxpayer or other interested party, which will best subserve the interest of the county. No such reduction of penalties and interest shall be made under the terms of this section unless at the time of such reduction all such delinquent taxes shall be paid in cash, and when such taxes are paid, the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable.

Time limitation.

SEC. 3. The provisions of this Act shall become void and inoperative at the expiration of one year from the date of its ratification.

Prior adjustments validated.

SEC. 4. All reductions or settlements with taxpayers in Alexander County heretofore made by the county accountant, with the approval of the Board of County Commissioners of said county are hereby in all respects approved and validated.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 17th of March, 1939.

## H. B. 604

## CHAPTER 242

### AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF POLICE OFFICERS OF THE CITY OF ASHEVILLE.

*The General Assembly of North Carolina do enact:*

Establishment of Asheville Policemen's Pension and Disability Fund.

SECTION 1. That there shall be established a pension fund for the Police Department of the City of Asheville, said fund to be known as the Asheville Policemen's Pension and Disability Fund, and said fund shall be made up and established as follows:

Deduction of 2% from monthly salaries of police officers.

(a) The City Accountant of the City of Asheville is hereby authorized and empowered to deduct on the first day of each calendar month, and beginning on the first day of the month after the ratification of this Act, two (2%) per cent of the monthly salary of each and every man on the city pay roll in the Police Department of the City of Asheville.

City Accountant to pay into fund an amount equal to 2% of total salaries.

(b) That, after deducting the two (2%) per cent set out in Subsection (a) of this section, the City Accountant shall pay over to the Policemen's Pension Fund the amount equal



to two (2%) per cent of the total salaries set out in the above paragraph.

(c) That the City of Asheville shall on the first day of July, one thousand nine hundred thirty-nine, and every twelve months thereafter, pay to the Policemen's Pension Fund an amount equal to two (2%) per cent of the total pay roll of the Police Department for the twelve months of the succeeding fiscal year, said amount to be compiled by the City Accountant of the City of Asheville in accordance with the budget pay roll of the City of Asheville for the succeeding twelve months as set out above.

Annual payment to fund by City of Asheville of amount equal to 2% of total pay roll of Police Dept.

(d) That upon the ratification of this Act, and the deduction of the two (2%) per cent from the policemen's salaries as set out in Subsection (a), the City of Asheville shall on the first day of July, one thousand nine hundred thirty-nine, pay into the Pension Fund an amount equal to that amount which has been deducted from the salaries of the policemen since the ratification of this Act.

Payment by City of Asheville of amount equal to that deducted from salaries of police officers.

SEC. 2. That the Mayor of the City of Asheville is hereby designated as custodian of the Policemen's Pension Fund, as set out in Section one of this Act, and shall pay to the policemen on the first day of each month any monies in his possession that they may be entitled to as set out in the succeeding paragraphs of this Act.

Custodian of Policemen's Pension Fund.

SEC. 3. That any person who is now a member of the Asheville Police Department, as shown by the records of the City of Asheville, or who becomes a member of the Police Department on and after the date of the ratification of this Act, and who has a service of twenty years with said Police Department, and who has arrived at the age of sixty years shall have the right to retire from service from the Police Department of the City of Asheville and receive the benefits of retirement as set out in this Act.

Payment of benefits.

Eligibility for retirement benefits.

SEC. 4. That any person who becomes a member of the Police Department of the City of Asheville on and after the date of the ratification of this Act, and has served in said Police Department for twenty years, and has arrived at the age of sixty-six years shall retire from active service in the Police Department of the City of Asheville and receive the benefits of the Asheville Policemen's Pension Fund, as set out in this Act: *Provided, however,* that this section does not affect any man who is now a member of the Police Department, as shown by the records of the City of Asheville.

Compulsory retirement.

Present members of department excepted.

SEC. 5. That any member of the Police Department who wishes to retire under the specifications set out in Section three of this Act, and who has become sixty years of age, and has a total service of twenty years, shall receive an-

Payment of benefit on basis of 3 1/2% of total salary received for last 20 years of service.

Benefits payable  
in monthly  
installments.

nually from the Pension Fund, as set out in this Act, a sum equal to three and one-half (3½ %) per cent of the total salary that he has received for the last twenty years of service with the department, said three and one-half (3½ %) per cent shall be paid in monthly installments by the custodian of the Policemen's Pension Fund: *Provided, however,* that if the officer coming under the specifications of this section shall die, then his widow if he be married, so long as she remains unmarried, shall receive fifty (50 %) per cent of what he should have received should he have lived.

SEC. 6. That any person coming under the specifications of Section four of this Act and having reached the age of sixty-six years, and acquired a service record of twenty years, shall receive the same pension as set out in Section five of this Act.

Benefit payments  
for disability during  
active service.

SEC. 7. That if and in the event any member of the Asheville Police Department qualifying under this Act shall become disabled while acting in the line of his police duties and is unable to work, he shall receive each month during such disability an amount equal to his full monthly salary as paid by the City of Asheville: *Provided, however,* that if under the North Carolina Workmen's Compensation Act he shall receive any payments due to such disability, then the amount of such compensation payments shall be deducted from the amount of his monthly salary, and there shall be paid from the Policemen's Pension Fund only such amount as may be required to make up his full monthly salary: *Provided, further,* that if such member of the Asheville Police Department shall die as a result of his disability as defined in this section, his widow, if he be married, shall receive so long as she remains unmarried the same monthly payment as he would have received under this section: *Provided, further,* that if, under the Workmen's Compensation Act, such widow elects to take a lump sum settlement of the amount due on account of the death of her husband, then such widow so long as she remains unmarried shall receive from the Policemen's Pension Fund each month a sum equal to the difference between the monthly payment she would have received under the Workmen's Compensation Act and the amount of her deceased husband's monthly salary, and such payments from the Policemen's Pension Fund shall continue so long as she remains unmarried.

Procedure for  
disability payments  
in event of award  
under N. C. Work-  
men's Compensation  
Act.

Monthly payments  
to widow in event  
of death as result  
of disability.

Lump sum settle-  
ment under Work-  
men's Compensation  
Act.

Benefit payments  
for disability during  
inactive service.

SEC. 8. That if any member of the Asheville Police Department, as set out in this Act, becomes disabled not in line of duty, he shall receive annually a sum equal to three and one-half (3½ %) per cent of his total earnings from the beginning of his service on the Asheville Police Depart-

ment to the time of his disability: *Provided, however*, that three years service on the Asheville Police Force is required before any member thereof can take advantage of this section: *Provided, further*, that if he should die from disability not received in line of duty, his widow shall receive one-half of the pension paid him at the time of his death so long as she remains unmarried.

Three year service requirement.

Payments to widow in event of death from disability.

SEC. 9. That the Mayor of the City of Asheville shall be the Chairman of a Board of Examiners to determine the officer's claims under this Act; that the City Health Officer shall be a member of said Board, and the Police Department of the City of Asheville shall elect for a period of three years a citizen of the City of Asheville to be the third member of said Board; that the election of the policemen's representative on this Board shall take place on the first day of July, one thousand nine hundred thirty-nine, and every three years thereafter; and that said Board shall have the power and authority to determine the claims of said policemen coming under the provisions of this Act, and their decision shall be final.

Board of Examiners for determination of claims.

SEC. 10. That in no event shall any policeman coming under the provisions of this Act receive annually more than three and one-half ( $3\frac{1}{2}\%$ ) per cent of his total salary for a period of twenty years, as set out in Sections five, six and eight of this Act.

Payments in excess of  $3\frac{1}{2}\%$  of total salary for 20 years prohibited.

SEC. 11. That if and in the event the Policemen's Pension Fund ever decreases to an amount insufficient to take care of the policemen's pensions or disability claims, or their widows, then the City of Asheville shall pay out of its general fund an amount sufficient to take up the deficit herein mentioned.

Payments from general fund of City of Asheville in event of deficiency in Policemen's Pension Fund.

SEC. 12. Any person who has been in the employ of the City of Asheville as a member of the Asheville Fire Department and has been transferred to employ in the Asheville Police Department shall receive credit, for the purpose of retirement as set out in this Act, for the number of years service that he had as a member of the Asheville Fire Department.

Credit for service of employee of City Fire Dept. in event of transfer to Police Dept.

SEC. 13. That the custodian of the Policemen's Pension Fund, namely the Mayor of the City of Asheville, shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina, as surety, in a sum equal to one and one-fourth ( $1\frac{1}{4}$ ) times the maximum amount calculated and expected to be in his possession as such custodian at any time within the fiscal year for which bond is given; the condition of said bond shall be that said custodian shall faithfully perform his duties, and shall faithfully keep, preserve, spend as

Bond required of Mayor as custodian of funds.

Condition of bond.

herein provided, and account for, all funds and property coming into his hands as such a custodian; and the premium on such bond shall be paid out of the Policemen's Pension Fund.

Premium paid from Policemen's Pension Fund.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 15. That this Act shall take effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

## H. B. 605

## CHAPTER 243

### AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF ASHEVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be established a pension fund for the Fire Department of the City of Asheville, said fund to be known as the Asheville Firemen's Pension and Disability Fund, and said fund shall be made up and established as follows:

Establishment of Firemen's Pension Fund for City of Asheville.

(a) The City Accountant of the City of Asheville is hereby authorized and empowered to deduct on the first day of each calendar month, and beginning on the first day of the month after the ratification of this Act, two (2%) per cent of the monthly salary of each and every man on the city pay roll in the Fire Department of the City of Asheville.

Deduction of 2% from monthly salaries of Firemen.

(b) That, after deducting the two (2%) per cent set out in Subsection (a) of this section, the City Accountant shall pay over to the Firemen's Pension Fund the amount equal to two (2%) per cent of the total salaries set out in the above paragraph.

City Accountant to pay into Fund an amount equal to 2% of total salaries.

(c) That the City of Asheville shall on the first day of July, one thousand nine hundred thirty-nine, and every twelve months thereafter, pay to the Firemen's Pension Fund an amount equal to two (2%) per cent of the total pay roll of the Fire Department for the twelve months of the succeeding fiscal year, said amount to be compiled by the City Accountant of the City of Asheville in accordance with the budget pay roll of the City of Asheville for the succeeding twelve months as set out above.

Annual payment to fund by City of Asheville of amount equal to 2% of total pay roll of Fire Department.

(d) That upon the ratification of this Act, and the deduction of the two (2%) per cent from the firemen's salaries as set out in Subsection (a), the City of Asheville shall on the first day of July, one thousand nine hundred thirty-nine, pay into the Pension Fund an amount equal to that amount which has been deducted from the salaries of the firemen since the ratification of this Act.

Payment by City of Asheville of amount equal to that deducted from salaries of Firemen.

SEC. 2. That the Mayor of the City of Asheville is hereby designated as Custodian of the Firemen's Pension Fund, as set out in Section one of this Act, and shall pay to firemen on the first day of each month any moneys in his possession that they may be entitled to as set out in the succeeding paragraphs of this Act.

Mayor designated as custodian of Firemen's Pension Fund.

Payment of benefits.

SEC. 3. That any person who is now a member of the Asheville Fire Department, as shown by the records of the City of Asheville, or who becomes a member of the Fire Department on and after the date of the ratification of this Act, and who has a service of twenty years with said Fire Department, and who has arrived at the age of sixty years shall have the right to retire from service from the Fire Department of the City of Asheville and receive the benefits of retirement as set out in this Act.

Eligibility for retirement benefits.

SEC. 4. That any person who becomes a member of the Fire Department of the City of Asheville on and after the date of the ratification of this Act, and has served in said Fire Department for twenty years, and has arrived at the age of sixty-six years shall retire from active service in the Fire Department of the City of Asheville and receive the benefits of the Asheville Firemen's Pension Fund, as set out in this Act: *Provided, however,* that this section does not affect any man who is now a member of the Fire Department, as shown by the records of the City of Asheville.

Compulsory retirement.

Present members of Department excepted.

SEC. 5. That any member of the Fire Department who wishes to retire under the specifications set out in Section three of this Act, and who has become sixty years of age, and has a total service of twenty years, shall receive annually from the Pension Fund, as set out in this Act, a sum equal to three and one-half (3½%) per cent of the total salary that he has received for the last twenty years of service with the department, said three and one-half (3½%) per cent shall be paid in monthly installments by the Custodian of the Firemen's Pension Fund: *Provided, however,* that if the fireman coming under the specifications of this section shall die, then his widow if he be married, so long as she remains unmarried, shall receive fifty (50%) per cent of what he would have received should he have lived.

Payment of benefit on basis of 3½% of total salary received for last 20 years of service.

Benefits payable in monthly installments.

SEC. 6. That any person coming under the specifications of Section four of this Act and having reached the age of sixty-six years, and acquired a service record of twenty years, shall receive the same pension as set out in Section five of this Act.

Benefit payments for disability during active service.

SEC. 7. That if and in the event any member of the Asheville Fire Department qualifying under this Act shall become disabled while acting in the line of his duties and is unable to work, he shall receive each month during such disability an amount equal to his full monthly salary as paid by the City of Asheville: *Provided, however*, that if under the North Carolina Workmen's Compensation Act he shall receive any payments due to such disability, then the amount of such compensation payments shall be deducted from the amount of his monthly salary, and there shall be paid from the Firemen's Pension Fund only such amount as may be required to make up his full monthly salary: *Provided, further*, that if such member of the Asheville Fire Department shall die as a result of his disability as defined in this section, his widow, if he be married, shall receive so long as she remains unmarried the same monthly payments as he would have received under this section: *Provided, further*, that if, under the Workmen's Compensation Act, such widow elects to take a lump sum settlement of the amount due on account of the death of her husband, then such widow so long as she remains unmarried shall receive from the Firemen's Pension Fund each month a sum equal to the difference between the monthly payment she would have received under the Workmen's Compensation Act and the amount of her deceased husband's monthly salary, and such payments from the Firemen's Pension Fund shall continue so long as she remains unmarried.

Procedure for disability payments in event of award under N. C. Workmen's Compensation Act.

Monthly payments to widow in event of death as result of disability.

Lump sum settlement under Workmen's Compensation Act.

Benefit payments for disability during inactive service.

SEC. 8. That if any member of the Asheville Fire Department, as set out in this Act, becomes disabled not in line of duty, he shall receive annually a sum equal to three and one-half (3½%) per cent of his total earnings from the beginning of his service on the Asheville Fire Department to the time of his disability: *Provided, however*, that three years service on the Asheville Fire Department is required before any member thereof can take advantage of this section: *Provided, further*, that if he should die from disability not received in line of duty, his widow shall receive one-half of the pension paid him at the time of his death so long as she remains unmarried.

Three year service requirement.

Payments to widow in event of death from disability.

Board of Examiners for determination of claims.

SEC. 9. That the Mayor of the City of Asheville shall be chairman of a Board of Examiners to determine the firemen's claims under this Act, that the City Health Officer shall be a member of said board, and the Fire Department

of the City of Asheville shall elect for a period of three years a citizen of the City of Asheville to be the third member of said board; that the election of the firemen's representative on this board shall take place on the first day of July, one thousand nine hundred and thirty-nine, and every three years thereafter; and that said board shall have the power and authority to determine the claims of said firemen coming under the provisions of this Act, and their decision shall be final.

SEC. 10. That in no event shall any fireman coming under the provisions of this Act receive annually more than three and one-half (3½ %) per cent of his total salary for a period of twenty years, as set out in Sections five, six and eight of this Act.

Payments in excess of 3½ % of total salary for 20 years prohibited.

SEC. 11. That if and in the event the Firemen's Pension Fund ever decreases to an amount insufficient to take care of the firemen's pensions or disability claims, or their widows, then the City of Asheville shall pay out of its general fund an amount sufficient to take up the deficit herein mentioned.

Payments from general fund of City of Asheville in event of deficiency in Firemen's Pension Fund.

SEC. 12. Any person who has been in the employ of the City of Asheville as a member of the Asheville Police Department and has been transferred to employ in the Asheville Fire Department shall receive credit, for the purpose of retirement as set out in this Act, for the number of years of service that he had as a member of the Asheville Police Department.

Credit for Service of employee of City Police Dept. in event of transfer to Fire Dept.

SEC. 13. That the Custodian of the Firemen's Pension Fund, namely the Mayor of the City of Asheville, shall be required to give bond with an indemnity company authorized to do business in the State of North Carolina, as surety, in a sum equal to one and one-fourth (1¼) times maximum amount calculated and expected to be in his possession as such custodian at any time within the fiscal year for which bond is given; the condition of said bond shall be that said custodian shall faithfully perform his duties and shall faithfully keep, preserve, spend as herein provided, and account for all funds and property coming into his hands as such custodian; and the premium on such bond shall be paid out of the Firemen's Pension Fund.

Bond required of Mayor as Custodian of Fund.

Condition of bond.

Premium paid from Firemen's Pension Fund.

SEC. 14. That B. F. Burnett and W. A. Burnett, two fire wardens now in the employ of the City of Asheville, shall have the right to participate in and take advantage of the provisions of this Act, provided they, or either of them, elect to participate in said Firemen's Pension Fund and so notify the Firemen's Pension Board, in writing, within thirty (30) days from the ratification of this Act: *And provided, further,* that said Firemen's Pension Board shall de-

Eligibility of B. F. and W. A. Burnett, Fire Wardens, for participation in Firemen's Pension Fund.

Notice.

termine that said B. F. Burnett and W. A. Burnett, or either of them, have met all the requirements of this Act.

Conflicting laws repealed.

SEC. 16. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 17. That this Act shall take effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

## H. B. 618

## CHAPTER 244

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF COMMISSIONERS OF BERTIE COUNTY TO SELL LANDS ACQUIRED THROUGH TAX FORECLOSURE SALES FOR THE YEARS ONE THOUSAND NINE HUNDRED TWENTY-EIGHT, ONE THOUSAND NINE HUNDRED TWENTY-NINE, ONE THOUSAND NINE HUNDRED THIRTY, ONE THOUSAND NINE HUNDRED THIRTY-ONE, ONE THOUSAND NINE HUNDRED THIRTY-TWO, AND ONE THOUSAND NINE HUNDRED THIRTY-THREE.

*The General Assembly of North Carolina do enact:*

Sale, etc., of lands acquired through tax foreclosures for years 1928 through 1933, Bertie County, authorized.

SECTION 1. That the Board of Commissioners of Bertie County be, and it is hereby, authorized and empowered, in its discretion, to sell, convey, lease, or otherwise dispose of all lands, or any particular part thereof, acquired through tax foreclosure sales for the years one thousand nine hundred twenty-eight, one thousand nine hundred twenty-nine, one thousand nine hundred thirty, one thousand nine hundred thirty-one, one thousand nine hundred thirty-two, and one thousand nine hundred thirty-three, upon such terms and conditions and for such price as in its discretion will best subserve the interest of the county: *Provided*, such sales are made in accordance with Section two thousand six hundred eighty-eight of the Consolidated Statutes and Acts amendatory thereto.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 17th day of March, 1939.



H. B. 619

**CHAPTER 245**

AN ACT TO VALIDATE SALE OF LANDS FOR UNPAID TAXES OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, ONE THOUSAND NINE HUNDRED THIRTY, ONE THOUSAND NINE HUNDRED THIRTY-ONE, ONE THOUSAND NINE HUNDRED THIRTY-TWO, ONE THOUSAND NINE HUNDRED THIRTY-THREE AND ONE THOUSAND NINE HUNDRED THIRTY-FOUR MADE BY COMMISSIONER DULY APPOINTED IN FORECLOSURE ACTIONS BROUGHT BY THE COUNTY AGAINST VARIOUS PROPERTY OWNERS, WHETHER SAID SALES WERE MADE ON DAYS OTHER THAN THE FIRST MONDAY OF EACH MONTH OR THE FIRST THREE DAYS OF A SESSION OF THE SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the action of the commissioner duly appointed in actions brought by the County of Bertie against owners of lands in said county or against parties listed as the owners of said lands in said county during the years one thousand nine hundred twenty-nine, one thousand nine hundred thirty, one thousand nine hundred thirty-one, one thousand nine hundred thirty-two, one thousand nine hundred thirty-three and one thousand nine hundred thirty-four in advertising and making sale of said lands on days other than the first Monday of each month or on the first three days of a session of the Superior Court, and any and all actions taken by the Board of Commissioners of Bertie County relative to said lands so sold, be and the same are hereby in all respects validated and confirmed: *Provided*, that this shall not apply to any actions now pending.

Sale of land for delinquent taxes for years 1929 through 1934 on day other than provided, Bertie County, validated.

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

Pending litigation unaffected.

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

Conflicting laws repealed.

In the General Assembly read three time and ratified, this the 17th day of March, 1939.

H. B. 623

**CHAPTER 246**

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF TRUSTEES OF THE RALEIGH CITY ADMINISTRATIVE SCHOOL UNIT TO USE FUNDS SECURED FROM SALE OF UNUSED SCHOOL PROPERTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Trustees of the Raleigh City Administrative School Unit is hereby authorized and empowered to use funds secured from the sale of certain

Use of funds from sale of unused school property to improve and supplement present school facilities, Raleigh Township.

properties held by the Raleigh Township Public Schools, and no longer used for school purposes, for improving and supplementing the present school facilities in Raleigh Township.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

## H. B. 674

## CHAPTER 247

### AN ACT TO VALIDATE CERTAIN SALES OF LAND FOR TAXES IN GREENE COUNTY, AND CERTIFICATES ISSUED IN PURSUANCE THEREOF AND TO EXTEND THE TIME FOR TAX FORECLOSURE.

*The General Assembly of North Carolina do enact:*

Delinquent tax sales, 1937 and 1938, by Greene County and municipalities, on day other than provided by statute, validated.

SECTION 1. That all sales of land for failure to pay taxes, held or conducted by any tax collector of Greene County or the Town of Snow Hill, or any city, town or other municipality in said county during the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight, on any day subsequent to or other than the day required by law, be, and the same are hereby approved, confirmed, validated and declared to be proper, valid and legal sales of such land and legally binding in all respects, and all certificates of sales made and issued upon and in accordance with such sales, be, and they are hereby approved and validated to all intents and purposes, and with such full force and legal effect as if said sales had been held and conducted on said day as required by law.

Certificates of sales validated.

SEC. 2. That the time for the institution of tax foreclosure suits upon certificates issued for the years one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight be and the same is hereby extended to January first, one thousand nine hundred and forty.

Extension of time for institution of tax foreclosure suits upon certificates issued for 1937 and 1938.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 17th day of March, 1939.

## S. B. 222

## CHAPTER 248

AN ACT TO MAKE THE CHAIRMAN OF THE COUNTY BOARD OF CHARITIES AND PUBLIC WELFARE A MEMBER OF THE COUNTY BOARD OF HEALTH IN WAYNE COUNTY, AND TO PAY A PER DIEM TO MEMBERS OF THE COUNTY BOARD OF CHARITIES AND PUBLIC WELFARE IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Chairman of the County Board of Charities and Public Welfare in Wayne County, and his successor in office, shall, as a part of his duties as Chairman and a member of the County Board of Charities and Public Welfare, serve as a member of the County Board of Health in Wayne County, in addition to the other members thereof designated by Consolidated Statutes of one thousand nine hundred nineteen, Section seven thousand and sixty-four, as amended. As a member of the said County Board of Health, such Chairman of the County Board of Charities and Public Welfare shall have the same duties and functions as any other member thereof.

Chairman of County Board of Charities and Public Welfare, Wayne County, to serve as member of County Board of Health.

Duties.

SEC. 2. That each member of the County Board of Charities and Public Welfare of Wayne County shall be paid the sum of five dollars (\$5.00) per day for each meeting of the said board upon which such members shall be in attendance: *Provided, however*, that said per diem shall not be paid except for one day in each month of the year, and, provided further, that no mileage or expense shall be paid to said members. The said per diem shall be paid entirely from county funds and the Board of County Commissioners of said county is authorized to include the cost of such per diem in the appropriations made for paying the expenses of said board.

Compensation of members of County Board of Charities and Public Welfare.

Limitation.

Compensation payable from county funds.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## S. B. 247

## CHAPTER 249

AN ACT TO VALIDATE CERTAIN SALES OF LAND FOR TAXES IN CRAVEN COUNTY AND CERTIFICATES ISSUED IN PURSUANCE THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all sales of land in Craven County for failure to pay taxes, held or conducted by the Sheriff or any other tax collector of said Craven County, or any city,

Delinquent tax sales, 1937 and 1938, by Craven County and municipalities therein on day other than provided, validated.

town, or other municipality in said county during the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight on any day subsequent to or other than the first Monday in September of said year, be, and the same hereby are approved, confirmed, validated and declared to be proper, valid and legal sales of such land, and legally binding in all respects, and all certificates of sale made and issued in accordance with such sales be, and they are hereby approved and validated to all intents and purposes, and with such full force and legal effect as if such sales had been held and conducted on said first Mondays of September, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight.

Certificates of sale validated.

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

In the General Assembly read three times and ratified this the 20th day of March, 1939.

S. B. 248

CHAPTER 250

AN ACT TO PERMIT PAYMENT WITH BONDS OF DELINQUENT TAXES IN CRAVEN COUNTY FOR ONE THOUSAND NINE HUNDRED THIRTY-TWO AND TO FURTHER FACILITATE THE COLLECTION OF DELINQUENT TAXES IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Bonds acceptable in payment of delinquent taxes, etc., for year 1932, Craven County.

SECTION 1. That the Board of Commissioners of Craven County, with the consent and approval of the Local Government Commission of the State of North Carolina, is hereby authorized and empowered to accept in payment of delinquent taxes, costs and interest, tax sales certificates tax foreclosure judgments, or tax installment notes for taxes for the year one thousand nine hundred thirty-two, the bonds and accrued interest of said Craven County at par: *Provided*, the taxpayer shall pay in cash the outstanding taxes, if any, due for the years one thousand nine hundred thirty-three and one thousand nine hundred thirty-four, and shall pay and satisfy the delinquent taxes for any and all prior years remaining unpaid, with interest and costs.

Payment of outstanding taxes for years 1933, 1934, and prior years, condition precedent.

Allocation of bonds to county funds.

SEC. 2. That the bonds, and coupons, or interest, so received by the county for the one thousand nine hundred thirty-two taxes, interest and costs shall become the property of and be allocated to the various funds of said county represented by the tax levy for said year.

Sale of bonds and application of funds.

SEC. 3. That the County Auditor of said county with the consent and approval of the Local Government Commission

and if so directed by the Board of Commissioners, is hereby authorized to make tenders of any bonds heretofore or hereafter received and held by the county for the various funds of the county, at such price or prices as may be determined by said board, when and as call for tenders for the purchase of said County's Refunding Bonds may be made pursuant to the provisions of said county's agreement with the Bondholders Refunding Committee dated July first, one thousand nine hundred thirty-six, and such monies as may be received from any such sale of said bonds shall be applied and paid into the various funds of the county in the same proportions that said bonds were held for said funds. Any such bonds so tendered and purchased shall be retired.

SEC. 4. That the time within which suits may be instituted for the foreclosure of tax lien notes taken and now held by Craven County under the provisions of Chapter one hundred eighty-one of the Public Laws of one thousand nine hundred thirty-three, as amended, or under the provisions of Chapter two hundred sixty of the Public-Local Laws of one thousand nine hundred thirty-five, is hereby extended, and such suits may be instituted at any time within five years after the maturity of the last installment of said note.

Extension of time for institution of suits to foreclosure tax lien notes.

SEC. 5. That Chapter two hundred sixty of the Public-Local Laws of one thousand nine hundred thirty-five, it being an Act to facilitate the collection of delinquent taxes in Craven County, North Carolina, be amended by striking out in the eighth line of Section three thereof, the words "one thousand nine hundred thirty-five" and inserting in place thereof the words, "one thousand nine hundred forty-one."

Ch. 260, Public-Local Laws, 1935, amended to extend time within which landowners may give installment note for delinquent taxes prior to 1933.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act, so far as Craven County is concerned, are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## S. B. 265

## CHAPTER 251

AN ACT TO AMEND CHAPTER SIX HUNDRED FIVE OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, PASSED BY THE GENERAL ASSEMBLY AT ITS SESSION OF ONE THOUSAND NINE HUNDRED FIFTEEN, WHICH CREATED THE OFFICE OF AUDITOR OF ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 605, Public-Local Laws, 1915, amended.

SECTION 1. That Section six of Chapter six hundred five of the Public-Local Laws of one thousand nine hundred fifteen be, and the same is hereby repealed.

Four-year term for County Auditor, Rowan County.

SEC. 2. That at the general election for the year one thousand nine hundred forty-two and quadrennially thereafter, there shall be elected in the County of Rowan by the qualified voters thereof a County Auditor who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The County Auditor of Rowan County elected at the general election held in the year one thousand nine hundred thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred forty-two. The election of the County Auditor shall be conducted as near as may be under the same rules and regulations governing the election of other county officers. Any vacancy in the office of auditor is to be filled by the Board of Commissioners for Rowan County.

Election procedure.

Vacancy appointments.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## S. B. 268

## CHAPTER 252

AN ACT TO PROVIDE FOR THE ELECTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SHELBY, AND FOR FIXING THEIR TERM OF OFFICE.

*The General Assembly of North Carolina do enact:*

Ch. 194, Private Laws, 1901, amended.

SECTION 1. That Chapter one hundred ninety-four of the Private Laws of one thousand nine hundred one, be, and the same is hereby amended by striking out Section six of the said chapter, and inserting in lieu thereof the following:

Election of mayor and aldermen, City of Shelby.

“That there shall be an election by the qualified voters of the said city on the first Tuesday, after the first Monday

of May, one thousand nine hundred thirty-nine, and on the first Tuesday after the first Monday of May, every two years thereafter, and at the election held on Tuesday after the first Monday in May, one thousand nine hundred thirty-nine, that a mayor and four aldermen shall be elected, one alderman for each, and from each of the four wards of the said city.

“Any person desiring to become a candidate for the office of mayor or alderman shall, at least eighteen days prior to the first Tuesday, after the first Monday of May, in each year in which an election for such office is to be held, file with the City Clerk a statement of such candidacy, in which shall be included statement of residence, the office for which he is a candidate, the date on which the election is to be held, and the request that his name be printed upon the official ballot. Each person filing such notice shall pay to the clerk, to be turned over to the City Treasurer, the sum of five dollars.

Notice of candidacy filed with City Clerk.

Contents.

Filing fee.

“At the election to be held on the first Tuesday after the first Monday of May, one thousand nine hundred thirty-nine, there shall be submitted to the qualified voters of the said city the question whether the term of office of mayor and aldermen shall be two or four years. The electors favoring adoption of a four year term for mayor shall vote a ballot on which shall be written or printed the words ‘For Making Term of Office of Mayor Four Years’, and those opposed shall vote a ballot on which shall be written or printed the words ‘For Making Term of Office of Mayor Two Years’. If a majority of the votes cast on this question shall be for a four year term, the term of office of mayor shall thenceforth be four years and the candidate for mayor who shall receive the greatest number of votes at this election and at each election every four years thereafter shall be elected mayor and shall hold office for a term of four years. If a majority of the votes cast shall be for a two year term, the term of office of mayor shall be two years and the candidate for mayor who shall receive the greatest number of votes at this election and at each election held every two years thereafter shall be elected mayor and shall hold office for a term of two years.

Issue as to four-year or two-year terms for mayor and aldermen submitted at 1939 election.

Ballots for election of mayor.

“The electors favoring adoption of a four year term for aldermen shall vote a ballot on which shall be printed the words ‘For Making Term of Office of Alderman Four Years’, and those opposed shall vote a ballot on which shall be written or printed the words ‘For Making Term of Office of Alderman Two Years’. If a majority of the votes cast on this question shall be for a four year term, the term of office of alderman shall thenceforth be four years and the two successful candidates for alderman who shall receive the greatest number of votes at this election shall hold

Ballots for election of aldermen.

office for a term of four years. The two successful candidates who shall receive the next greatest number of votes shall hold their office for a term of two years. At the expiration of such term and at the election to be held on the first Tuesday after the first Monday in May one thousand nine hundred and forty-one, and at each election every four years thereafter they or their successors shall be elected for a term of four years. If a majority of the votes cast on the question of term of office shall be for a two year term for alderman, the term of office of alderman shall thenceforth be two years, and each of the four successful candidates shall serve for a term of two years.

“Each mayor and alterman elected as above prescribed shall hold office until his successor is elected and qualified.”

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## S. B. 273

## CHAPTER 253

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN RELATING TO THE CHARTER OF THE CITY OF STATESVILLE.

*The General Assembly of North Carolina do enact:*

Sec. 4, Ch. 243, Private Laws, 1911, amended.

SECTION 1. That Section four of Chapter two hundred and forty-three of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended to read as follows:

Nomination of mayor and aldermen, City of Statesville.

“SECTION 4. That at the regular municipal primary to be held in the City of Statesville for the nomination of candidates in the year one thousand nine hundred and forty-one, there shall be nominated a mayor and eight aldermen and biennially thereafter there shall be nominated a mayor and four aldermen.

Election of mayor and aldermen.

That on Tuesday after the first Monday in May, one thousand nine hundred and forty-one, there shall be elected a mayor of said city and two aldermen from each ward.

Terms of aldermen.

The terms of said eight aldermen shall be divided and four of said aldermen, at least one of whom shall reside in each ward, shall be elected for a term of four years and four for a term of two years. At the first election held under this amendment, of the two aldermen elected from each



ward, the one receiving the highest number of votes as certified by the board of elections, shall be deemed to be elected for four years and the other for two years, biennially thereafter there shall be elected four aldermen who shall serve for a term of four years and a mayor who shall serve for a term of two years.

Term of mayor.

That the candidates hereinabove provided for shall be nominated in the primary and voted upon in the election by the voters of the entire City of Statesville."

SEC. 2. That Section eight of Chapter two hundred and forty-three of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended to read as follows:

Sec. 8, amended.

"SECTION 8. The Board of Aldermen of the City of Statesville shall be composed of eight members, two of whom shall be elected from each of the four wards of the city by the qualified voters of the said city. The said aldermen so elected shall form one board and the majority of the board, duly assembled, shall be competent to perform all the duties prescribed in this Act."

Board of Aldermen.  
City of Statesville.

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

Conflicting laws  
repealed.

SEC. 4. That this Act shall be in full force and effect from and after the first day of August, one thousand nine hundred and thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

S. B. 275

## CHAPTER 254

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY TO CONTRACT WITH THE SHERIFF OF SAID COUNTY FOR SERVICES RENDERED BY DEPUTY SHERIFFS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Rockingham County are hereby authorized and empowered to enter into contract with the Sheriff of said county for services rendered by his deputy sheriffs for which the county might be liable, and any contract or agreement heretofore made by the County Commissioners with the Sheriff of said county for services of his deputies be and the same is hereby in all respects validated.

Contracts with  
Sheriff, for service  
of Deputies, Rock-  
ingham County.

Prior contracts  
validated.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## H. B. 402

## CHAPTER 255

## AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HICKORY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate limits of the City of Hickory shall be extended by adding to the area now embraced within the corporate limits the following territory:

“Beginning at the City Monument marking a boundary of the present Eastern city limits in place between the Southern Railroad right of way and United States Highway Number seventy, and runs from said monument South 44 degrees and 30 minutes East three hundred ninety-three and three tenths (393.3) feet to a stake in the Southeast margin of Holly Avenue and in the Northern margin of the Southern Railroad right of way; thence South 23 degrees and 17 minutes West crossing the Southern Railroad one hundred forty-two and nine tenths (142.9) feet to a stake; thence South 12 degrees 46 minutes East seventy-five (75) feet; thence South 38 degrees East with the Eastern margin of Sweetwater Road six hundred thirty (630) feet; thence crossing said road and continuing South 63 degrees 40 minutes West one thousand three hundred thirty-nine and four tenths (1339.4) feet; thence North 85 degrees 23 minutes West seven hundred fifty-two and two tenths (752.2) feet to a stake in the Western margin of Company Street; thence with the Western margin of Company Street North 18 degrees 42 minutes East eight hundred fifty-three (853) feet to a stake; thence North 72 degrees 52 minutes West one hundred eighty-four (184) feet; thence South 23 degrees 28 minutes West seventy-nine and nine tenths (79.9) feet; thence South 15 degrees and 58 minutes West one hundred thirty-seven and seven tenths (137.7) feet; thence South 15 degrees West eighty-seven (87) feet; thence North 89 degrees .07 minutes West four hundred sixty-two (462) feet; thence South 8 degrees .05 minutes West five hundred eighty-seven and five tenths (587.5) feet; thence North 85 degrees and 40 minutes West three hundred fifty (350) feet; thence North 74 degrees and 20 minutes West one hundred sixty (160) feet to the center of a branch; thence with the center of the branch North 33 degrees and 13 minutes East two hundred eighty-eight (288) feet; North 43 degrees and 58 minutes East one hundred (100) feet; North 8 degrees

Corporate limits of City of Hickory extended.

Annexed territory defined.

and 46 minutes East one hundred (100) feet; North 29 degrees and 16 minutes East two hundred forty-one (241) feet; thence leaving the branch North 64 degrees and 50 minutes West three hundred six (306) feet; thence North 26 degrees 47 minutes East ninety-five (95) feet to a point in the intersection of the present City of Hickory boundary line and Shuford Mill Village line near House Number seventy-six of said village; thence with the present City of Hickory boundary line a Northeasterly course to the beginning.”

SEC. 2. The territory embraced within the boundary set out in Section one hereof is hereby annexed to the City of Hickory and is in all respects made a part thereof. All laws and ordinances relating to the City of Hickory as it existed at and prior to the passage of this Act shall apply to said city as enlarged by this Act.

Application of municipal laws and ordinances to annexed territory.

SEC. 3. The territory thus annexed to the City of Hickory is hereby made a part of Ward Four of said city.

Annexed territory made part of Ward Four.

SEC. 4. That all qualified voters residing in the above described area shall be eligible to register and vote in the City of Hickory primary and regular election following same to be held in May and June respectively in the year one thousand nine hundred thirty-nine.

Eligibility of voters in annexed territory to participate in municipal elections.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

H. B. 414

## CHAPTER 256

### AN ACT TO CREATE AND ESTABLISH THE FAIRMONT ADMINISTRATIVE UNIT AND PROVIDING FOR THE ADMINISTRATION AND CONTROL THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. Fairmont Administrative Unit Created. The Fairmont School District of Robeson County as has been defined and established by the Board of Education of Robeson County and the State School Commission, the boundaries of same being as follows:

Fairmont School Administrative Unit, Robeson County, created.

“Beginning at the intersection of Ashpole Swamp with the South Carolina line and runs thence up the various courses of Ashpole Swamp, same being White House Township line, to the intersection of Hog Swamp with the Ashpole Swamp; thence up the run of Hog Swamp, same being Fairmont Township line to old Atkinson Mill Pond, to and beyond Highway number forty-one, the head of Hog Swamp; thence a direct line from the head of Hog Swamp

Boundaries.

to a crossroads, said crossroads being an intersection of the road leading from Small's crossroads to United States Highway number three hundred one with the McDonald road; thence with the McDonald road to the intersection of the road leading from Pleasant Hope Church; thence a direct line to the intersection of a road leading from the Iona-McDonald road with the road leading from the old Fairmont-Rowland road to Reedy Branch, near Turner Branch; thence with the road leading from the Iona-McDonald road as above stated to the said Iona-McDonald road; thence down the Iona-McDonald road to the old Fairmont-Rowland road near Iona Church; thence with the old Fairmont-Rowland road to Horse Swamp; thence down the run of Horse Swamp to Ashpole Swamp; thence down the various courses of Ashpole Swamp, same being Gaddys Township line, to Highway number seventy-one; thence Highway number seventy-one to the Five Forks; thence the old Marion Stage road to the South Carolina line; thence the South Carolina line to the beginning"; is hereby declared to be an administrative unit within the contemplation of the Acts of the General Assembly of North Carolina, and the control and operation of the public schools within said district shall be vested in the Board of Trustees as provided for city administrative units.

Change of boundaries authorized.

SEC. 2. Change of boundaries. The boundaries of said administrative unit may be changed from time to time by the recommendation of the Board of Education of Robeson County and the approval of the State School Commission, and without the approval of the trustees of said administrative unit.

Board of Trustees of Unit.

Members.

SEC. 3. Members of Board; appointment, election, qualifications. The Board of Trustees of the Fairmont Administrative Unit shall be composed of five members, who shall be elected as hereinafter set out in this section. Until the election of the said trustees the Board of Education of Robeson County shall appoint five members to said board to serve until the first day of July, one thousand nine hundred forty-one, or until their successors are duly elected and qualified.

Election of trustees.

(a) At the next general primary and election five trustees shall be elected to serve for a period of two years, or until their successors are elected and qualified, and thereafter the said Board of Trustees shall be elected biennially.

Special registration.

(b) There shall be a special registration of the residents of the Fairmont Administrative Unit to be held immediately prior to the next general primary as provided by law. All persons entitled by law to vote in the regular primary and election residing North of Ashpole Swamp in the Fairmont Administrative Unit shall be entitled to register and vote

in the precinct or precincts in Fairmont Township, and a special book containing the names of all qualified voters shall be kept by the registrars and judges of election of the aforesaid precinct or precincts.

(c) All persons entitled by law to vote in the regular primary and election residing South of Ashpole Swamp in the Fairmont Administrative Unit shall be entitled to register and vote in the precinct or precincts in Marietta Township, and a special book containing the names of all qualified voters shall be kept by the registrars and judges of election of the aforesaid precinct or precincts.

Registration of voters in Marietta Township.

(d) The said Board of Trustees shall be elected as provided by law for the election of county officers.

Trustees elected as are county officers.

(e) The said trustees shall have the qualifications prescribed by law for members of the Board of Robeson County and there shall be no qualifications as to residents except that the trustees shall reside within the said administrative unit.

Qualifications of trustees.

SEC. 4. Powers, duties, etc. Said Board of Trustees of Fairmont Administrative Unit is hereby vested with all authority, rights, powers and duties which are now or may hereafter be granted to city administrative units under the general school laws of North Carolina, except as hereinafter restricted in Section five of this Act.

Powers, duties, etc. of Board of Trustees.

SEC. 5. Restrictions. Said Fairmont Administrative Unit shall levy no taxes of any description.

Tax levy by Unit prohibited.

(a) The title to all school property in said Fairmont Administrative Unit shall remain vested in the Board of Education of Robeson County.

Title to school property in Unit vested in County Board of Education.

(b) That this Act shall not apply to, affect or include Indians residing in said unit or any Indian school therein and no Indian voter shall be entitled to vote in the primary or general election of trustees, as therein provided.

Indians exempt from application of Act.

That all Indian schools now or hereafter operated within the boundaries of the said administrative unit shall continue to be and shall be operated as heretofore, unaffected by this Act.

Prior operation of Indian schools continued.

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

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect on or after the first day of July, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## H. B. 456

## CHAPTER 257

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINE OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND FIVE.

*The General Assembly of North Carolina do enact:*

Ch. 209, Private Laws, 1905, amended.

SECTION 1. That Chapter two hundred and nine of the Private Laws of North Carolina, session one thousand nine hundred and five, amending the charter of the City of Randleman, formerly known and designated as the "Town of Randleman," shall be and the same is hereby amended by striking out the whole of Section three, and inserting in lieu thereof a new Section three, reading as follows:

Biennial election of mayor and aldermen, City of Randleman.

"SEC. 3. There shall on the first Monday in May, nineteen hundred and thirty-nine, and every second year thereafter, be elected a mayor and four aldermen for the said city; one of said aldermen shall be chosen from each ward, and the administration and government of the said city shall be vested in such mayor as principal officer and four aldermen as aforesaid, and such offices as are or may by law be provided for."

Chapter further amended as to election of aldermen by Wards.

SEC. 2. That Section six, of Chapter two hundred and nine, of the Private Laws of North Carolina, session one thousand nine hundred and five, be amended by striking out the words "and the two persons from the respective wards," immediately following the comma in the seventh line of said section, and inserting in the place thereof, the following: "and one person from each and every one of the four wards."

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## H. B. 601

## CHAPTER 258

AN ACT TO REPEAL CHAPTER FIVE HUNDRED EIGHTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, SAME BEING "AN ACT RELATING TO THE ESTABLISHMENT OF LIQUOR STORES IN CERTAIN TOWNSHIPS IN HAYWOOD COUNTY."

*The General Assembly of North Carolina do enact:*

Ch. 589, Public-Local Laws, 1937, relating to establishment of liquor stores, Haywood County, repealed.

SECTION 1. That Chapter five hundred eighty-nine of the Public-Local Laws of one thousand nine hundred thirty-seven, same being "An Act relating to the establishment of

liquor stores in certain townships in Haywood County," be, and the same is hereby, repealed.

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

H. B. 638

**CHAPTER 259**

AN ACT TO EXTEND THE TERM OF OFFICE OF THE JUDGE OF THE RECORDER'S COURT OF CAMDEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Judge of the Recorder's Court now holding that office in Camden County shall serve in such capacity until the first Monday in December, one thousand nine hundred forty-two.

Four-year term for Judge of Recorder's Court, Camden County.

SEC. 2. That at the general election to be held in the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Camden County by the qualified voters thereof a Judge of the Recorder's Court of Camden County whose term shall be for four years from the first Monday in December after his election, or until his successor is elected and qualified.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

H. B. 661

**CHAPTER 260**

AN ACT TO AMEND CHAPTER SIXTY-ONE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATING TO THE SALARY AND FEE FUND CONTAINED THEREIN, AND TRANSFER OF SALARY AND FEE FUNDS TO GENERAL FUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the salary and fee fund contained in Chapter sixty-one, Public-Local Laws of North Carolina, session one thousand nine hundred and fifteen, and all parts of said salary and fee fund, are hereby repealed; and that all fees collected by the Sheriff, other than ad valorem tax, be deposited in the general fund; also all fees collected by the Register of Deeds and the Clerk of Superior Court which are now deposited with the fee fund be de-

Ch. 61, Public-Local Laws, 1915, providing for salary and fee fund, Pasquotank County, repealed.

Transfer of fees heretofore paid to fee fund to general fund.

posited to the general fund; and all other fees collected by any officer of Pasquotank County, and under Chapter sixty-one, that were deposited to the fee fund hereafter shall be deposited to the general fund; and that each county fund shall receive the gross amount of the ad valorem taxes, poll taxes, dog taxes and penalties for not listing, as are due each fund by the rate of taxation and laws, without deducting five per cent and two and one-half per cent for commission on the collection of taxes as heretofore.

Certain county officers unaffected by repeal of salary and fee fund.

SEC. 2. That in repealing the salary and fee fund in Chapter sixty-one mentioned above, nothing shall be construed to affect in any manner the following officers: County Auditor, Sheriff, Register of Deeds and Clerk of Superior Court of Pasquotank County, and that the duties of these officers as are still in force under this Chapter sixty-one, shall continue in force as heretofore.

Payment of certain salaries unaffected by repeal of salary and fee fund.

SEC. 3. That in the repealing of Chapter sixty-one mentioned above, nothing shall prevent the paying of the following salaries: Sheriff of Pasquotank County, Register of Deeds of Pasquotank County, Clerk of Superior Court of Pasquotank County, County Auditor of Pasquotank County, and the county accountant, created by Public Laws of North Carolina session of one thousand nine hundred twenty-seven, Chapter one hundred forty-six; and that their salaries shall be paid as now provided under Public-Local, Public Laws, and some salaries under the discretion of the Pasquotank County Commissioners; that the salaries here-in mentioned shall be paid out of the general fund; and that the premiums on the above mentioned officers' bonds, as stated in Chapter sixty-one, Section sixteen of the above mentioned chapter, in lieu of being paid out of the fee fund shall be paid out of the general fund.

Transfer of cash balance in fee fund to Board of Education.

SEC. 4. That the cash balance in the fee fund as of June thirtieth, one thousand nine hundred thirty-nine, shall be transferred to the Board of Education of Pasquotank County, as provided in Section fifteen of Chapter sixty-one.

SEC. 5. That all penalties and interest collected on taxes be deposited to the general fund; also all discounts for the collection of taxes be charged against the general fund.

Penalty for non-payment of taxes.

SEC. 6. That the penalty for the non-payment of all taxes shall be charged at the same rate each year; and that the penalty shall be one-half of one per cent added each month, this penalty to begin in February of each year after the tax assessment is made for the given year's taxes; and this one-half of one per cent penalty added each month until all taxes are paid. This penalty shall apply to the taxes for the year one thousand nine hundred thirty-eight and all years thereafter; also, this penalty shall apply to all years

Application of penalty.



prior to the year one thousand nine hundred thirty-eight, taxes for which have not been paid, beginning with one-half per cent penalty in February after each year's tax assessment is made; and this one-half of one per cent per month penalty shall be all the penalty and interest that Pasquotank County shall collect in interest and penalties. Pasquotank County shall discontinue the collection of eight per cent interest on certain years as heretofore collected.

Collection of 8% interest discontinued.

SEC. 7. That in lieu of the five per cent commission that the county attorney receives in tax foreclosure suits there shall be paid a flat rate of not less than one dollar (\$1.00) and not more than two dollars and fifty cents (\$2.50) for each suit for foreclosure, said rate to be determined by the Board of County Commissioners of Pasquotank County.

Payment of fee to county attorney in tax foreclosure suits in lieu of 5% commission.

SEC. 8. That the balance in the Federal Emergency Fund shall be transferred to the general fund and all sums deposited in said Emergency Fund be placed in the general fund.

Transfer of balance in Federal Emergency Fund.

SEC. 9. That the salary and fee fund shall continue in full force and effect until the thirtieth day of June, one thousand nine hundred thirty-nine; and that the said change in the penalty and interest rate with respect to taxes, and all other penalties and interest charged on any fees or funds, shall take effect upon ratification of this Act.

Continuation of salary and fee fund until June 30, 1939.

Effective date of penalty and interest rate.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

H. B. 662

## CHAPTER 261

AN ACT TO AMEND HOUSE BILL NUMBER ONE HUNDRED AND EIGHTY-THREE, PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATIVE TO THE VALIDATING OF PROCEEDINGS TO FORECLOSURE FOR DELINQUENT TAXES IN PASQUOTANK DRAINAGE DISTRICT NUMBER ONE OF PASQUOTANK COUNTY AND TO REMIT PENALTIES AND INTERESTS ON DELINQUENT TAXES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That House Bill number one hundred and eighty-three, being An act of this General Assembly of one thousand nine hundred and thirty-nine and ratified on the seventh day of February one thousand nine hundred and thirty-nine for the purpose of validating certain proceedings instituted for the collection of taxes and to remit penal-

H. B. 183, Ch. 29, Public-Local Laws, 1939, amended, to repeal power of Commissioners of Pasquotank Drainage District No. 1 to remit interests and penalties.

ties and interests upon taxes due in said Pasquotank Drainage District number one be amended by striking out in toto Section two of said Act so as to repeal any power or authority given in said Act to the aforesaid Commissioners of Pasquotank Drainage District number one to remit interests and penalties.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

H. B. 680

CHAPTER 262

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CABARRUS COUNTY TO REGULATE THE USE OF FIREARMS.

*The General Assembly of North Carolina do enact:*

Regulation of use of firearms, Cabarrus County.

SECTION 1. That the County Commissioners of Cabarrus County be, and they are hereby authorized to regulate, control, restrict, and prohibit the use and discharge of any and all firearms of every kind, nature, make, or description in all that territory situated outside the corporate limits of any and all municipalities in Cabarrus County.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

H. B. 692

CHAPTER 263

AN ACT EXTENDING THE TERM OF OFFICE OF THE COUNTY COMMISSIONERS, THE RECORDER AND THE SOLICITOR OF THE RECORDER'S COURT OF CARTERET COUNTY FROM TWO TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year term for County Commissioners, Recorder and Solicitor of Recorder's Court, Carteret County.

SECTION 1. That the members of the Board of County Commissioners of Carteret County, the recorder and the solicitor of the Recorder's Court of said county, elected at the general election held in said county in the year one thousand nine hundred and thirty-eight, shall serve for a

term of four years and their successors to be elected in one thousand nine hundred and forty-two and quadrennially thereafter shall serve for a term of four years, it being the intent and purpose of this Act to increase the term of said officers from two to four years.

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

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

H. B. 694

## CHAPTER 264

AN ACT TO AMEND CHAPTER FIVE HUNDRED SIXTY-FOUR, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTEEN, RELATING TO THE RECORDER'S COURT OF RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter five hundred sixty-four of the Public-Local Laws of one thousand nine hundred thirteen be, and the same is hereby amended by striking out Section seven thereof and inserting in lieu thereof, the following: Sec. 7, Ch. 564, Public-Local Laws, 1913, amended.

"SEC. 7. That upon written request made before entering upon the trial of any case before any Justice of the Peace of Rutherford County, made by either party in any criminal or civil action, for the removal of said cause to the Recorder's Court of Rutherford County, it shall be mandatory upon said Justice of the Peace to remove the said cause to the Recorder's Court of Rutherford County for trial and transfer of papers in connection therewith to said Recorder's Court. That upon the failure of any Justice of the Peace of Rutherford County to comply with the provisions of this section after request has been made upon him in writing to remove said cause, as herein provided, he shall be guilty of a misdemeanor and shall be fined not to exceed twenty-five dollars (\$25.00); and any further proceedings in said court of the Justice of the Peace shall be null and void." Transfer of cases from Justice of Peace to Recorder's Court, Rutherford County.  
Failure of Justice of Peace to transfer case made misdemeanor.

SEC. 2 That Section eight of Chapter five hundred sixty-four of the Public-Local Laws of one thousand nine hundred thirteen be amended by striking out Section eight thereof and inserting in lieu thereof, the following: Sec. 8, amended.

"SEC. 8. That either plaintiff or defendant in all actions in said court, both civil and criminal, may demand and have a trial by jury. If a trial by jury is demanded, the recorder shall continue the cause until a day to be set by Right of jury trial in Recorder's Court.

Drawing of jurors.

Juror fees.

Provision for payment of jury tax.

Conflicting laws repealed.

him for trials by jury. The recorder shall fix a day in each month on which shall be begun the trial of causes pending to be heard by the jury, such trials to continue until all cases so pending shall have been disposed. He shall cause a jury of not less than eighteen and not more than twenty-four men to be drawn for each week set for the hearing of cases by jury, and the juries shall be drawn in the same manner as is now provided for the drawing of juries for the Superior Court. All jurors in the Recorder's Court shall receive two dollars (\$2.00) per day for their attendance upon court and mileage at the rate of five cents per mile while coming to the county seat and returning home, the said distance to be computed by the usual route of public travel."

SEC. 3. That no deposit for jury tax shall be required of any party litigant demanding a jury trial: *Provided, however,* there shall be assessed against the losing party taxed with the cost a jury tax not to exceed the sum of four dollars (\$4.00) in any and all cases where a jury trial has been demanded.

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

SEC. 5 That this Act shall go into effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## H. B. 729

## CHAPTER 265

### AN ACT TO EMPOWER THE CITY COUNCIL OF THE CITY OF GREENSBORO TO RELIEVE RICHARDSON MEMORIAL HOSPITAL OF MUNICIPAL ASSESSMENTS.

*The General Assembly of North Carolina do enact:*

Cancellation of municipal assessments due by Richardson Memorial Hospital, City of Greensboro, authorized.

SECTION 1. That the City Council of the City of Greensboro be and it is hereby authorized and empowered, in its discretion, to cancel the indebtedness or any part thereof due by the Richardson Memorial Hospital for sidewalk, curb and gutter, street paving, water, sewer, storm sewer or other municipal assessments and to relieve said Richardson Memorial Hospital of the payment of the same: *Provided, however,* that the provisions of this Act shall apply only to the indebtedness now due and shall in no wise affect the payment and collection of any assessments hereafter levied.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## H. B. 735                      CHAPTER 266

AN ACT TO EXTEND THE TERMS OF OFFICE OF THE REGISTER OF DEEDS, SURVEYOR AND THE BOARD OF COUNTY COMMISSIONERS OF ASHE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Register of Deeds, the Surveyor and the members of the Board of County Commissioners, now holding office in Ashe County, shall serve in such capacities until the first Monday in December, one thousand nine hundred forty-two.

Four-year term for Register of Deeds, County Commissioners and Surveyor, Ashe County.

SEC. 2. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Ashe County by the qualified voters thereof a Register of Deeds, a Surveyor and three members of the Board of County Commissioners, who shall serve for terms of four years each from the first Monday in December after their election or until their successors are elected and qualified.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## H. B. 748                      CHAPTER 267

AN ACT TO AMEND SECTION ONE HUNDRED FIFTY-FIVE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE AS AMENDED BY CHAPTER FOUR HUNDRED NINETY-EIGHT PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN RELATING TO THE BOND OF A. J. FAGG, FORMER CLERK OF SUPERIOR COURT OF STOKES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred fifty-five, Public-Local Laws of one thousand nine hundred thirty-five as amended by Chapter four hundred ninety-eight, Public-

Ch. 150, Public-Local Laws, 1935, amended.

Local Laws of one thousand nine hundred thirty-seven be further amended by adding the following sections thereto:

Settlement of actions on official bond of A. J. Fagg, former Clerk Superior Court, Stokes County.

“SEC. 1¼. That the said A. J. Fagg is hereby authorized and directed to pay into the office of the Clerk of Superior Court of Stokes County an amount equal to fifty per cent of said funds and shall at the same time file with the Clerk of Superior Court of Stokes County a certified list of all the names of all wards, et cetera, and the amount due each, and take his receipt for the same and that said receipt when so issued to the said A. J. Fagg by the Clerk of Superior Court of Stokes County shall operate as a release in favor of the said A. J. Fagg and the sureties on his official bond.”

Receipt of funds by J. Watt Tuttle, Clerk Superior Court, authorized.

“SEC. 1½. That J. Watt Tuttle, Clerk of Superior Court of Stokes County is hereby authorized and directed to receive said funds as Clerk of Superior Court of Stokes County and is further authorized and directed to disburse said funds to various wards on the basis of fifty per cent in accordance with the certified list so filed with him.”

Disbursement of funds.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

## H. B. 764

## CHAPTER 268

AN ACT TO AMEND CHAPTER FIFTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN ENTITLED “AN ACT TO PROVIDE FOR THE RAISING AND MANAGING OF PENSION FUNDS FOR THE POLICE DEPARTMENT OF THE CITY OF WILMINGTON” AS AMENDED BY CHAPTER TWO HUNDRED AND TWENTY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE.

*The General Assembly of North Carolina do enact:*

Ch. 55, Private Laws, 1915, amended.

SECTION 1. That Chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen entitled “An act to provide for the raising and managing of Pension Funds for the Police Department of the City of Wilmington, as amended by Section three, Chapter two hundred and twenty-eight of the Private Laws of one thousand nine hundred and twenty-three and all acts amendatory thereof be and the same are hereby amended as follows:

By striking out in Section twelve, Subsection three in line twenty-one after the word "retirement" and before the word "all" the "period" and inserting in lieu thereof a "semicolon" and adding the following: "*Providing, however, that when a member of the Wilmington Police Department has served as a police officer for a period of ten years, and shall become more than fifty per cent disabled physically or mentally, so as to be unfit to perform police duty, his name shall be placed upon the pension roll and he shall receive a pension equal to the sum of fifty per cent of the amount of pension which he would be entitled to receive if he retired at twenty years service, the said amount of pension to be computed upon the average amount of salary received by the officer during the preceding six months before retirement. Should a police officer who has served more than ten years as a police officer of the Wilmington Police Department and less than twenty years become more than fifty per cent disabled physically or mentally so as to be unfit to perform police duty his name shall be placed upon the pension roll and be retired and shall receive in addition to the amount of pension for ten years service as heretofore stated, an additional amount of pension graduated on years of service up to and including twenty years but in no instance, however, shall the amount of pension exceed one-half of the salary such member was receiving from the department at the time of such disability.*"

Pensions to police officers, City of Wilmington.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 20th day of March, 1939.

S. B. 219

## CHAPTER 269

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND NINETY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE ELECTION OF THE COUNTY COMMISSIONERS FOR RICHMOND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and ninety-seven of the Public-Local and Private Laws of one thousand nine hundred and thirty-one regulating the election of Commissioners for Richmond County be and the same is hereby repealed.

Ch. 297, Public-Local Laws, 1931, relating to election of County Commissioners, Richmond County, repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## S. B. 250

## CHAPTER 270

AN ACT REQUIRING THE COUNTY BOARD OF ELECTIONS FOR RICHMOND COUNTY, NORTH CAROLINA, TO REQUIRE A NEW REGISTRATION OF ALL QUALIFIED VOTERS BEFORE THE DEMOCRATIC PRIMARY IN RICHMOND COUNTY, NORTH CAROLINA, IN THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY.

*The General Assembly of North Carolina do enact:*

New registration,  
Richmond County,  
prior to 1940  
Democratic  
Primary.

SECTION 1. That it shall be the duty of the County Board of Elections for Richmond County, North Carolina, to require a new registration of all qualified voters prior to the Democratic Primary in Richmond County, North Carolina, in the year one thousand nine hundred and forty.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## S. B. 255

## CHAPTER 271

AN ACT TO VALIDATE AND CONFIRM CERTAIN STREET AND SIDEWALK ASSESSMENTS IN CITIES AND TOWNS IN CATAWBA COUNTY.

*The General Assembly of North Carolina do enact:*

Certain assessments  
for permanent  
improvement of  
streets and side-  
walks by municipa-  
lities of Catawba  
County, validated.

SECTION 1. In all cases where the governing body of any municipality has caused permanent improvements to be made upon any streets or sidewalks within the limits of the municipality, and has had prepared and deposited in the office of the clerk of the municipality for the inspection by interested parties, assessment rolls designating the lots or parcels of lands assessed for such improvements, the amount assessed against each, and setting forth the name of at least one of the persons owning an interest in each lot of land or designating the ownership thereof in such manner as fairly to give notice to the actual owners, and has caused to be published a notice of ten days or more of the completion of the assessment roll, setting forth a description in general terms of the local improvement and the time fixed for the meeting of the governing body for the hearing of the allegations and objections in respect to the assessments, the assessments levied against such lots or parcels of land are hereby validated and shall be deemed and considered for all purposes to have been confirmed at the time of the meeting for the hearing of objections mentioned in the



notice, notwithstanding the failure to name or record accurately all or any owners of lots or parcels of land abutting on such street or sidewalk so improved and notwithstanding the fact that the minutes of the governing body may fail to contain any record of the confirmation of the assessments.

SEC. 2. This Act shall only apply to the cities and towns located in Catawba County.

SEC. 3. This Act shall not affect pending litigation.

Pending litigation unaffected.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## S. B. 262

## CHAPTER 272

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE COUNTY OF WILKES AND THE COMMISSIONERS OF THE TOWN OF NORTH WILKESBORO, WILKES COUNTY, NORTH CAROLINA, TO APPROPRIATE CERTAIN SUMS OF MONEY FOR THE PURPOSE OF COOPERATING WITH THE PROGRAM TO ADVERTISE NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Wilkes County be, and it is hereby, authorized and empowered, in its discretion, to appropriate from the general county fund of Wilkes County, the sum of five hundred (\$500.00) dollars for the year one thousand nine hundred and thirty-nine, and five hundred (\$500.00) for the year one thousand nine hundred and forty, for the purpose of advertising the County of Wilkes.

Appropriation by Wilkes County for purpose of advertising county.

SEC. 2. That the Board of Commissioners of the Town of North Wilkesboro be, and it is hereby authorized and empowered, in its discretion, to appropriate, from the general funds of said town, or municipality, the sum of five hundred (\$500.00) dollars for the year one thousand nine hundred and thirty-nine, and five hundred (\$500.00) for the year one thousand nine hundred and forty to be used for the purpose of advertising the County of Wilkes.

Appropriation by Town of North Wilkesboro for purpose of advertising Wilkes County.

SEC. 3. That the Board of Commissioners of Wilkes County and the Commissioners of the Town of North Wilkesboro shall appoint a committee of three or more members agreeable to both the county and town commissioners, to be known as the "Wilkes County Advertising Committee" whose duty it shall be to use the money herein provided for advertising the natural resources of Wilkes

Appointment of Wilkes County Advertising Committee.

Duties.

Monthly reports.

County, its advantages as to climate, soil and industry, with and by the approval of both of said boards. The said advertising committee shall make monthly reports to the chairman of each of the said boards showing the amount expended, the amount contracted to be spent and for what purpose and no money shall be paid to said advertising committee except on the approval of said county and town commissioners.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

### S. B. 269

### CHAPTER 273

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO PAY THE PREMIUM ON SURETY BONDS GIVEN TO THE CLERK OF THE SUPERIOR COURT OF FRANKLIN COUNTY BY THE DEPUTY CLERK OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Payment of premium on bond of Deputy Clerk of Superior Court, Franklin County, from general county fund.

SECTION 1. That it shall be the duty of the County Commissioners of Franklin County to pay from the general fund of said county the premium on all annual surety bonds hereafter given as the official bond to the Clerk of the Superior Court of Franklin County by the Deputy Clerk of the Superior Court of said county.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

### S. B. 284

### CHAPTER 274

AN ACT TO PRESCRIBE THE FEES FOR PROBATE AND REGISTRATION OF CERTAIN RIGHT-OF-WAY DEEDS IN DUPLIN, PENDER, SAMPSON AND BLADEN COUNTIES.

Preamble: Establishment and purpose of Four County Electric Membership Corp.

*Whereas*, the Four County Electric Membership Corporation has been organized and formed for the purpose of supplying electric energy to its members only in the Counties of Sampson, Bladen, Pender and Duplin; and

Whereas, the governing authorities in said counties are favorable to the establishment of a special fee for the probate and registration of the particular form of deed adopted by said corporation covering the grants of rights-of-way for the construction and maintenance of its electric distribution system: Now, therefore,

Desire for special probate and registration fees for form deeds adopted by corporation covering grants of rights-of-way.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in the Counties of Sampson, Bladen, Pender and Duplin the fee for the probate and registration of deeds covering grants of rights-of-way for the construction and maintenance of electric distribution systems in the form adopted by the Four County Electric Membership Corporation shall be as follows:

Probate and registration fees for Sampson, Bladen, Pender and Duplin Counties.

Superior Clerk's fee for probate, each deed ten cents.

Register of Deeds for recording each deed, thirty cents.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

S. B. 350

## CHAPTER 275

AN ACT TO EXTEND THE TERMS OF OFFICE OF COUNTY COMMISSIONERS OF SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners, now holding office in Swain County, shall serve in such capacity until the first Monday in December, one thousand nine hundred forty-two.

Four-year term for County Commissioners, Swain County.

SEC. 2. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Swain County by the qualified voters thereof three County Commissioners, whose terms shall be for four years from the first Monday in December after their election, or until their successors are elected and qualified.

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

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## H. B. 28

## CHAPTER 276

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND NINE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN WHICH PROVIDED FOR THE CREATING OF AN AGRICULTURAL, BREEDERS' AND RACING COMMISSION IN THE COUNTY OF ROWAN IN THE STATE OF NORTH CAROLINA, AND AN ELECTION THEREON.

*The General Assembly of North Carolina do enact:*

Ch. 409, Public-Local Laws, 1937, creating Rowan County Agricultural Breeders' and Racing Commission, repealed.

SECTION 1. That Chapter four hundred and nine of the Public-Local Laws of one thousand nine hundred and thirty-seven, which provided for the creating of an Agricultural, Breeders' and Racing Commission in the County of Rowan in the State of North Carolina, and an election thereon, be, and same is hereby repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## H. B. 141

## CHAPTER 277

AN ACT PROVIDING FOR A SPECIAL LEVY IN BRUNSWICK COUNTY FOR SPECIAL PURPOSES.

*The General Assembly of North Carolina do enact:*

Special tax levy, Brunswick County, authorized.

SECTION 1. That the Board of County Commissioners of Brunswick County are hereby authorized to levy such special property taxes as may be necessary, on the one hundred dollars valuation, for the following special purposes respectively, as more fully hereinafter set out, in addition to any taxes now allowed by law for such or any other special purposes, and in addition to the rate allowed by the Constitution of North Carolina:

Purposes of levy.

(1) For the expenses of holding County Recorder's Courts of the county and all expenses incident thereto, ten cents.

(2) For the expense of County Accountant's office, such as salary of County Accountant and assistant and all other expenses incident thereto, ten cents.

(3) For the care of the county poor, ten cents.

(4) For the expense of County Farm Agent's office, five cents.

Partial invalidity clause.

SEC. 2. That if any of the items or taxes levied for the purposes above set forth in this Act be decided to be unconstitutional or invalid, the same shall not affect the validity of the remaining special taxes, levied in this Act or the

validity of the Act as a whole, or any other part thereof other than the part so decided to be unconstitutional and invalid.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

H. B. 559

**CHAPTER 278**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ZEBULON TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF ZEBULON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate limits of the Town of Zebulon may be extended to include that area which is described as follows: Proposed extension of corporate limits of Town of Zebulon.

Beginning at the South side of Sycamore Street in the Western boundary line of the Town of Zebulon; thence along the Southern boundary line of Sycamore Street South 68 degrees West eight hundred (800) feet; thence North 25 degrees West one thousand four hundred twenty (1420) feet to the North side of Glenn Street; thence North 65 degrees East one thousand nine hundred ninety (1990) feet along the Northern boundary of Glenn Street to the Northwest intersection of Glenn and Church Streets; thence along the Western boundary of Church Street North 25 degrees West four hundred fifty (450) feet to the Northwest intersection of Church and Lee Streets; thence along the Northern boundary of Lee Street North 65 degrees East five hundred (500) feet to a point in the Northern boundary of Lee Street which said point is one hundred fifty (150) feet from the Northwest intersection of Arendell Avenue and Lee Street; thence North 25 degrees West one thousand three hundred fifty (1350) feet parallel with Arendell Avenue to a point in the northern boundary of Judd Street which said point is one hundred fifty (150) feet West of the Northwest intersection of Arendell Avenue and Judd Street; thence along the Northern boundary of Judd Street North 65 degrees East three hundred sixty (360) feet to a point in the Northern boundary line of Judd Street; thence South 25 degrees East one thousand three hundred fifty (1350) feet parallel with Arendell Avenue to a point in the Northern boundary line of Lee Street which said point is one hundred fifty (150) feet East

of the Northeast intersection of Arendell Avenue and Lee Street; thence North 65 degrees East along the Northern boundary of Lee Street five hundred (500) feet to the Northeast intersection of Poplar and Lee Streets; thence South 78 degrees East one thousand four hundred forty (1440) feet to the Northeast corner of the present boundary of the Town of Zebulon; thence Westward and parallel with North Street three thousand six hundred (3600) feet; thence South and parallel with Wakefield Street one thousand forty (1040) feet.

Election on proposed extension.

SEC. 2. That the Commissioners of the Town of Zebulon shall call an election to be held, during the year one thousand nine hundred thirty-nine, to determine whether or not such territory shall be annexed to said Town of Zebulon.

Resolution for election.

SEC. 3. That such election shall be called by resolution of the Board of Commissioners of the Town of Zebulon, which shall:

Contents.

(a) Describe the territory proposed to be annexed to the Town of Zebulon as set out in Section one hereof;

(b) Provide that the matter of annexation of such territory shall be submitted to the qualified voters of said town and of the territory proposed to be annexed, voting together;

(c) Provide for a special registration of voters in said election both in the Town of Zebulon and in the territory proposed to be annexed;

(d) Designate the voting place for such election;

(e) Name the registrar and judges of such election;

(f) And make all other necessary provisions for the holding and conducting of such election, the canvassing of the returns and the declaration of the results of such election. Said resolution shall be published in some newspaper published in the Town of Zebulon or some newspaper published in the County of Wake once a week for four weeks prior to said election.

Ballots.

SEC. 4. That at such election those qualified voters who present themselves to the election officials at the voting place shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension." If at such election a majority of the votes cast shall be "For Extension," and after a proper canvass of said votes it shall be determined that the majority has been cast for extension, then from and after midnight of the second Monday succeeding said election in the year of one thousand nine hundred thirty-nine, the territory described in Section one hereof and its citizens and property shall

Corporate limits extended in event of a majority vote therefor.

be subject to all the laws, ordinances and regulations in force in said town and shall be entitled to the same privileges and benefits as other parts of said town.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## H. B. 622

### CHAPTER 279

AN ACT TO AMEND HOUSE BILL TWENTY, RATIFIED JANUARY NINETEEN, ONE THOUSAND, NINE HUNDRED AND THIRTY-NINE, ENTITLED "A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JONES COUNTY TO EMPLOY DELINQUENT TAXES FOR THE CONSTRUCTION OF A NEW COURTHOUSE AND JAIL."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of House Bill twenty, ratified January nineteen, one thousand, nine hundred and thirty-nine, entitled "A bill to be entitled an Act to authorize the Board of Commissioners of Jones County to employ delinquent taxes for the construction of a new courthouse and jail," be and the same is hereby amended by inserting between the word "be" and the word "at" in line eight of said section the words "through private negotiations or public sale."

Ch. 5, Public-Local Laws, 1939, amended as to method of borrowing funds for construction of courthouse and jail, Jones County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## H. B. 651

### CHAPTER 280

AN ACT FOR RELIEF OF TAXPAYERS OF CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two (2) of Chapter four hundred fifty-seven (457) of Public-Local and Private Laws, session nineteen hundred thirty-seven, be and same is amended by striking out at end of said section the words

Ch. 457, Public-Local Laws, 1937, amended as to delinquent tax adjustments, Carteret County.

“for years subsequent to one thousand nine hundred thirty-five” and inserting in lieu thereof the words “year nineteen hundred thirty-seven and subsequent years.”

SEC. 2. That Sections four (4) and five (5) of said Chapter four hundred fifty-seven be and same are stricken out.

Conflicting laws  
repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## H. B. 699

## CHAPTER 281

AN ACT VALIDATING THE ELECTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF KENLY AND THE ACTS PERFORMED BY SAID BOARD AND INCREASING THE NUMBER OF MEMBERS OF SAID BOARD FROM THREE TO FIVE.

Preamble: Election  
of Board of  
Commissioners,  
Town of Kenly.

*Whereas*, some question has arisen as to the lawful election of the Board of Commissioners of the Town of Kenly and the validity of the acts performed by said board as now constituted; and

*Whereas*, it appears that the election of the members of the present board was duly and regularly conducted under the rules governing the election of officers of the Town of Kenly and that since said election each of said members so elected had duly qualified for the office to which he was elected; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Election of Board of  
Commissioners,  
Town of Kenly,  
validated.

SECTION 1. That the election of each and every member of the said Board of Commissioners of the Town of Kenly is hereby approved, ratified, affirmed and validated and the members of the said board as now constituted shall hold office until their successors are elected and qualified under the provisions governing the elections of said commissioners and as hereinafter provided.

Biennial election of  
members of Board.

SEC. 2. That from and after the ratification of this Act, the Board of Commissioners of the Town of Kenly shall be composed of five members and at the next general election for officers of the Town of Kenly, and biennially thereafter, there shall be elected five members of said board by the qualified voters of said town.

Acts of Board of  
Commissioners  
validated.

SEC. 3. That all orders, resolutions, ordinances, and other acts passed and performed by the Board of Commissioners of the Town of Kenly in their official capacity, be and they



are hereby approved, confirmed, ratified and in all respects validated.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

H. B. 760

## CHAPTER 282

### AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE OFFICERS OF THE TOWN OF ROCKINGHAM, RICHMOND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Town of Rockingham, Richmond County, shall on Tuesday after the first Monday in April, one thousand nine hundred and thirty-nine and biennially thereafter, nominate its candidates for mayor, members of the board of aldermen and of the school board in a primary in the manner now provided in the State Primary Law. Nomination and election of Mayor, Board of Aldermen and School Board, Town of Rockingham.

SEC. 2. That the person receiving the highest number of votes cast for the office of mayor and the five persons receiving the highest number of votes for the office of alderman or member of the school board shall be declared the nominees for such offices by the town board of elections, to be voted on in the regular municipal election.

SEC. 3. That any qualified elector residing in the Town of Rockingham shall have the right to become a candidate for nomination in said primary; *provided*, he shall file and pay over to the Clerk of the Town of Rockingham a fee of five dollars (\$5.00) five days prior to the date of said primary. Qualification of candidates.  
Filing fee of candidates.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

## H. B. 819

## CHAPTER 283

AN ACT TO AMEND CHAPTER SIX HUNDRED AND SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATIVE TO THE COMPENSATION OF SHERIFF AND TAX COLLECTOR OF SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 607, Public-Local Laws, 1937, amended.

SECTION 1. That Section one of Chapter six hundred and seven, Public-Local Laws one thousand nine hundred and thirty-seven, be, and the same is hereby stricken out, and the following is substituted in lieu thereof:

Compensation of Sheriff and Tax Collector, Swain County.

“That the sheriff of Swain County shall receive the fees of his office as Sheriff, and the Sheriff as tax collector shall receive in lieu of any salary the following commission on taxes collected: on the first fifty thousand dollars collected the Sheriff shall receive four and one-half per cent; on the second fifty thousand dollars collected the Sheriff shall receive three per cent; and on collections in excess of one hundred thousand dollars the Sheriff shall receive three and one-half per cent. It is expressly provided that this Act shall include all money collected from taxes made by taxpayers on advanced payments paid to the county accountant for the current year before the books are made up and turned over to the Sheriff; and shall include all monies collected by the Sheriff and turned into the county treasury or the official depository for Swain County up to the settlement of the Sheriff with the County Board of Commissioners of Swain County as now provided by law. It is further provided that in said settlement the Sheriff shall not receive any commission on tax sale certificates; but in lieu thereof shall receive the regular compensation now allowed Sheriffs and tax collectors, under the Public Laws of the State, for preparing and making up said land sale certificates.

Application of Act.

SEC. 2. That this Act shall apply to all taxes collected by said tax collector for the year one thousand nine hundred thirty-eight.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

H. B. 820

**CHAPTER 284****AN ACT TO REGULATE THE SALARY OF THE JUDGE OF THE JUVENILE COURT OF SWAIN COUNTY.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Judge of the Juvenile Court of Swain County shall receive as compensation for his services the sum of sixty dollars (\$60.00) per month to be paid out of the General Funds of the County of Swain. That said compensation shall be paid monthly; and such compensation shall be independent of any compensation which may be paid to him as Clerk of Superior Court.

Compensation of Judge of Juvenile Court, Swain County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 22nd day of March, 1939.

S. B. 300

**CHAPTER 285****AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND THIRTY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, CREATING RECORDER'S COURT AT BELHAVEN.***The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter seven hundred and thirty-five, Public-Local Laws of one thousand nine hundred and nine, creating Recorder's Court at Belhaven, and acts amendatory thereof and supplemental thereto, be and the same hereby is amended by adding thereto the following: "The Board of County Commissioners of Beaufort County are hereby authorized and empowered in their discretion to appoint a prosecuting attorney in said court and who shall appear for the State in all cases in said court. Said attorney shall receive for his services a fee of two dollars for each and every case in said court in which one or more defendants are convicted or submit, to be taxed as part of the costs, provided no compensation in such cases will be paid to said attorney unless the costs are taxed against said defendant or defendants and collected. In all cases appealed to the Superior Court, or bound over to that court, in which the defendants are convicted or submit, there shall be included and taxed the costs incurred in the Recorder's Court, including a fee of two dollars to said prosecuting attorney."

Ch. 735, Public-Local Laws, 1909, amended.

Appointment of prosecuting attorney, Recorder's Court, Belhaven.

Compensation of prosecuting attorney.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

### S. B. 302

### CHAPTER 286

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BEAUFORT COUNTY TO EMPLOY EXTRA CLERICAL ASSISTANCE IN THE OFFICES OF THE CLERK OF SUPERIOR COURT AND THE REGISTER OF DEEDS.

*The General Assembly of North Carolina do enact:*

Employment of clerical assistance in offices of Clerk Superior Court and Register of Deeds, Beaufort County, authorized.

SECTION 1. That the Board of County Commissioners of Beaufort County be and they are hereby authorized and empowered, in their discretion, to employ in the offices of the Clerk of Superior Court and the Register of Deeds, at the expense of the county, such extra or additional clerical assistance as may in the opinion of said board be necessary for the proper handling of the business of said offices.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

### S. B. 303

### CHAPTER 287

AN ACT TO EXTEND TIME FOR FORECLOSURE OF TOWN OF AULANDER TAX SALES CERTIFICATES.

*The General Assembly of North Carolina do enact:*

Foreclosure of tax sales certificates, Town of Aulander, Bertie County.

SECTION 1. That the Board of Commissioners of the Town of Aulander, Bertie County, North Carolina, is hereby empowered, authorized and directed to foreclose all tax sales certificates which have been issued to the said town as purchaser at the sale of land for Town of Aulander taxes.

Prior foreclosures validated.

SEC. 2. That all acts of the Board of Commissioners of the Town of Aulander, Bertie County, North Carolina, and all acts done under direction of or pursuant to authority granted by said commissioners, relating to the foreclosure of tax sales certificates issued to the said Town of Aulander as purchaser at the sale of land for Town of Aulander taxes are hereby in all respects validated, ratified and confirmed.

SEC. 3. That none of the tax sales certificates now owned by the Town of Aulander, including interest, penalties and costs on the same, shall, for any reason whatsoever, become barred from foreclosure before the first day of January, one thousand nine hundred forty-one.

Extension of time of foreclosure.

SEC. 4. If any part of this Act shall be declared unconstitutional it shall not affect any other part of the Act.

Partial invalidity section.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

S. B. 305

### CHAPTER 288

AN ACT TO AMEND CHAPTER EIGHTY-FOUR, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED EIGHTY-FIVE, AND CHAPTER NINETY-FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE, RELATING TO THE ELECTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF AULANDER, BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of Chapter eighty-four, Private Laws of the session of one thousand eight hundred and eighty-five, and Chapter ninety-five, Private Laws of the session of one thousand nine hundred and thirty-three, be and the same are hereby repealed.

Sec. 4, Ch. 84, Private Laws, 1885, and Ch. 95, Private Laws, 1933, repealed.

SEC. 2. That until the expiration of their terms on the first day of July, one thousand nine hundred and thirty-nine, as herein provided, the following named persons shall continue as the duly elected and qualified officers of the Town of Aulander, in Bertie County: John R. Jenkins, Jr., as Mayor, and W. A. Cooke, W. V. Hoggard and Roy A. Hollowell as Commissioners.

Mayor and Commissioners, Town of Aulander.

SEC. 3. That the Mayor and the three Commissioners of the Town of Aulander, in Bertie County, shall hold office for a term of two years; that the next term for the said officers shall commence on the first day of July, one thousand nine hundred and thirty-nine; that the said mayor and commissioners shall be nominated and elected as herein-after provided; and that they and their successors shall take office and the oaths of their respective offices, as provided by the Municipal Corporations Act, on the first day of July, one thousand nine hundred and thirty-nine, and biennially thereafter.

Terms of office.

General election.

SEC. 4. That there shall be a general election for the Mayor and three Commissioners of the Town of Aulander, in Bertie County, on the first Tuesday in June, one thousand nine hundred and thirty-nine, and biennially thereafter; and that except as herein provided the said election shall be conducted as provided for municipal elections in the Municipal Corporations Act.

Town convention method for nomination of candidates abolished.

SEC. 5. That the town convention method of nominating candidates for Mayor and Commissioners for the Town of Aulander be and the same is hereby abolished; and that candidates for the said offices shall be nominated by a primary election as herein provided.

Primary election for nomination of candidates.

SEC. 6. That a primary election for the nomination of candidates for the offices of Mayor and Commissioners of the Town of Aulander shall be held on the second Tuesday immediately before the first Tuesday in June, one thousand nine hundred and thirty-nine, and biennially thereafter; that the number of candidates for the said offices in the primary election shall be unlimited; that all persons shall be eligible to run as candidates for the said offices who are qualified voters of the Town of Aulander and who shall have filed notice of their candidacy as herein provided; that no person may be candidate for both mayor and commissioner at the same primary or election; that the two candidates for mayor receiving the largest number of votes cast shall be declared the nominees of the primary for mayor, and the five candidates for commissioners receiving the largest number of votes cast shall be declared the nominees of the primary for commissioners, and their names shall be placed on the official ballots for the general municipal election to be held on the first Tuesday in June, one thousand nine hundred and thirty-nine, and biennially thereafter: *Provided*, that when not more than two persons file notice of their candidacy for the office of mayor and not more than five persons file notice of their candidacy for commissioners, the persons so filing shall be declared the nominees, and no primary election shall be held.

Eligibility of voters.

SEC. 7. That persons shall be eligible to vote and hold office in the Town of Aulander who are qualified voters under the general laws of North Carolina, who have resided in the Town of Aulander for four months preceding the primary election at which they seek to vote or to be candidates for office, and who at the time of said primary election and said general election are residents of the Town of Aulander: *Provided*, that the term of office of any person who shall be an office holder of the Town of Aulander and who shall move outside the incorporate limits of said town shall thereupon terminate.

SEC. 8. That all vacancies in the office of Mayor and Commissioners of the Town of Aulander, whether caused by death or resignation or otherwise, shall be filled by the appointment of the Board of Commissioners of said town.

Vacancy appointments of Mayor and Commissioners.

SEC. 9. That said general election and said primary election shall be conducted by the board of elections, which shall consist of the mayor, the commissioners and the town clerk; that the mayor shall be ex officio chairman and the town clerk shall be ex officio secretary of the said board of elections; and that three (3) members of said board shall constitute a quorum.

Board of Elections.

Chairman and Secretary.

SEC. 10. That the board of elections shall select and appoint one person to act as registrar of voters and two persons to act as judges of election, for the general and the primary elections; that insofar as practicable the same persons shall serve as registrar and judges of election for both said elections; that the said registrar and judges of election shall be advised of their appointment by a notice issued by the board of elections and served by a constable or police officer; and that before entering upon the discharge of their duties the said registrar and judges of election shall take an oath to conduct the said election, either primary or general, faithfully and impartially and according to the laws of the State of North Carolina.

Appointment of registrar and judges of election.

Notice of appointment.

Oath of office.

SEC. 11. That a new registration of voters shall be made for the Town of Aulander for the elections of the year one thousand nine hundred and thirty-nine, and every ten years thereafter; and that the registration books shall be open in the hands of the registrar for four weeks preceding every primary election and for two weeks preceding every general election, and the registrar shall register all qualified voters who shall apply: *Provided*, that the registration books shall close at six o'clock, P. M., on the Saturday immediately preceding the election, primary and general elections, respectively; and that the registration books shall be open for challenge of any registered voter on the Monday immediately preceding any election, primary and general elections, respectively.

New registration of voters.

SEC. 12. That the board of elections shall fill by its appointment any vacancy which may occur in the offices of registrar and judges of elections.

Vacancy appointment of registrar and judges of election.

SEC. 13. That the judges of election shall open the polls and superintend the same until the close of the election; that each of the two judges of election shall keep a separate poll book and shall enter therein the name of each person who shall vote; and that at the close of the election they shall certify said books under their proper signatures and seals and deposit them with the board of elections.

Duties of judges of election.

- Voting polls. SEC. 14. That the voting place or polls for the primary and general elections shall be the Town Hall of Aulander or such other place as may be designated by the board of elections upon at least ten (10) days notice to be given in the same manner as provided in Section twenty-three herein for notices of candidates and nominees.
- Hours of opening and closing of polls. SEC. 15. That the polls shall be open on the day of each primary and general election from the hour of six o'clock, A. M., until the hour of seven o'clock, P. M., and that each person whose name may be registered shall be entitled to vote and no other.
- Preparation, etc., of ballots. SEC. 16. That all ballots to be used in the primary election and the general election shall be prepared by or under the supervision of the board of elections, and no ballot shall be counted other than those prepared and furnished by the said board of elections.
- Determination of results of election. SEC. 17. That when the primary and the general elections shall have been closed the registrar and the judges of elections shall open the ballot boxes, count the ballots and certify the results of the voting to the board of elections; and that the registration books, the poll books, the ballot boxes and the ballots cast shall be deposited with the secretary of the board of elections as soon as the ballots have been counted.
- Board of canvassers. SEC. 18. That the board of elections shall constitute the board of canvassers, that they shall have the power and authority to pass upon judicially all the votes cast in the primary and general elections and shall determine and declare the results of the same, and that the said board of canvassers shall meet on the day following the primary election and on the day following the general election at twelve o'clock noon in the mayor's office to canvass and determine the results of said elections.
- Duties. SEC. 19. That the names of the candidates nominated in said primary elections, and their names only, shall be certified and placed upon the ballots provided for the general elections.
- Certification of names of nominees. SEC. 20. The one candidate for mayor and the three candidates for commissioner who shall receive the largest number of votes cast in the general election shall be elected.
- General election. SEC. 21. That all persons who shall seek the nomination for mayor or commissioner in any primary election shall file written notice of their candidacy with the secretary of the Board of Elections for the Town of Aulander, as herein created, and shall pay to the secretary of said board of elections a filing fee of five dollars (\$5.00) before six o'clock, P. M., on the second Tuesday immediately preceding the day set herein for said primary elections; that the
- Notice of candidacy for Mayor or Commissioner.
- Filing fees.



notices herein required shall be signed by the candidate and witnessed by the secretary of the board of elections; and that only the names of such persons who shall have filed such notice and paid such filing fee shall be placed on the official ballots for said primary election.

SEC. 22. That the members of the board of elections shall receive no compensation; that the registrar and judges of election shall receive such compensation as shall be determined by the board of elections; that the filing fees of candidates shall be employed to defray the expenses of the elections, and any surplus thereof shall be placed in the general fund of the Town of Aulander, and any additional amount which may be required to defray the expenses of said elections shall be paid by the Town of Aulander from its general fund.

Board of Elections to serve without compensation.

Compensation of registrars, etc.

Disbursement of filing fees.

SEC. 23. That the Board of Elections of the Town of Aulander shall post the names of all candidates for the offices of Mayor and Commissioners at the Aulander Town Hall, at the Aulander Post Office and at three other public places in said town for at least ten (10) days immediately preceding said primary election and shall publish said notice at least twice in some newspaper published in Bertie County and circulating in the Town of Aulander; that separate notices of nominees for the offices of mayor and commissioners shall be published before the general election in the same manner and time as herein provided for primary election notices.

Posting of names of candidates.

Publication of notice of candidacies.

SEC. 24. That if any part of this Act shall be declared unconstitutional it shall not affect any other part of the Act.

Partial invalidity section.

SEC. 25. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 26. That this Act shall be in force and effect from its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

S. B. 307

## CHAPTER 289

### AN ACT TO AUTHORIZE MUNICIPALITIES IN WAKE COUNTY TO SELL LANDS ACQUIRED BY FORECLOSURE AT PUBLIC OR PRIVATE SALE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the governing body of any municipality in Wake County shall have the power to sell either at public or private sale any real estate which may be acquired by it through the foreclosure of any tax lien or paving assessment lien, or by other means: *Provided, however,* that no

Public or private sales by municipalities in Wake County of lands acquired through foreclosures.

Public sales of land used for municipal purposes.

real estate which is used for municipal purposes may be sold except at public sale as is now allowed by law; and, *provided further*, that in no event may any real estate be sold either at public or private sale until an appropriate resolution to make such shall have been passed by a majority vote of the members of the governing body at a regular meeting or at a special meeting called for that purpose.

Conflicting laws repealed.

SEC. 2. That all laws or clauses of laws inconsistent with the provisions of this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 477

### CHAPTER 290

AN ACT TO PERMIT THE TOWN OF ROCKINGHAM TO TURN OVER FRANKLIN STREET IN SAID TOWN TO THE HIGHWAY COMMISSION.

*The General Assembly of North Carolina do enact:*

Relinquishment of right to Franklin St., Town of Rockingham, to State Highway Commission.

SECTION 1. That the Town of Rockingham shall relinquish all right to Franklin Street in said town, beginning at the Methodist Parsonage and running South to Caroline Street, and turn same over to the State Highway Commission, without cost to said commission.

Payment of expense of moving buildings from right of way.

SEC. 2. That the Town of Rockingham shall, at the option of the property owners beyond Caroline Street who have donated such property, shall pay such expense as is necessary to move buildings from the right of way.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 512

### CHAPTER 291

AN ACT TO CLASSIFY COTTON FOR TAXATION IN GASTON COUNTY UNDER THE AUTHORITY OF SECTION THREE ARTICLE FIVE OF THE CONSTITUTION.

Preamble: Gaston County as textile manufacturing center.

*Whereas*, Gaston County is a textile manufacturing center and it is for the best interest of the cotton textile industry for a large supply of cotton to be available at all times; and

Cotton stored outside of State to escape local taxation.

*Whereas*, cotton is not taxed in most of the southern states and unless some relief is given to the local bonded warehouses and textile plants, a substantial part of the cotton

stored in local bonded warehouses in Gaston County and in private warehouses in the county will be stored in warehouses outside the State of North Carolina, in order to escape the local tax; and

*Whereas*, it is the opinion of the Board of Commissioners of Gaston County, North Carolina, that the best interest of the citizens and taxpayers of Gaston County, North Carolina, will be served by segregating cotton for the purpose of taxation in Gaston County by the county and the cities and towns therein, in accordance with the provisions of the Constitution, and the levying of a tax substantially less than the ad valorem rate on real estate and other personal property: *Now, therefore*,

Necessity for segregating cotton for taxation.

*The General Assembly of North Carolina do enact:*

SECTION 1. That cotton in bales is hereby segregated for the purpose of taxation by Gaston County, and the cities and towns therein, under the authority contained in Section three, Article five of the Constitution.

Cotton segregated for taxation in Gaston County and municipalities.

SEC. 2. That the Board of Commissioners of Gaston County be and it is hereby authorized and empowered to levy a tax on cotton in its discretion lower than the ad valorem rate fixed each year on real estate and other personal property.

Levy of tax.  
Tax on cotton.

SEC. 3. This Act shall not apply to cotton in the process of manufacture.

Exemption.

SEC. 4. Cities and towns in Gaston County shall not levy a tax on cotton in excess of the rate fixed by the Board of County Commissioners for the county.

Taxation by municipalities.

SEC. 4½. That all cotton stored in bonded warehouses in Gaston County at any time within three months before the annual tax listing date is hereby defined to be "cotton in transit," and the Board of Commissioners of Gaston County be and they are hereby authorized and empowered, in their discretion, to declare said cotton to be exempt from ad valorem taxation.

"Cotton in transit" defined.

Exemption from ad valorem taxation.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

## H. B. 644

## CHAPTER 292

AN ACT TO AUTHORIZE A REVALUATION OF REAL PROPERTY FOR TAX PURPOSES IN LINCOLN COUNTY IN ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

Revaluation of real property for tax purposes, Lincoln County, as of April 1, 1939.

SECTION 1. The Board of County Commissioners of Lincoln County is hereby authorized and empowered, in its discretion, to provide for a revaluation of real property for tax purposes in said county as of April first, one thousand nine hundred and thirty-nine, in accordance with the provisions of this Act. Said board shall examine the existing assessed valuations for tax purposes of real property in the various townships in said county and, if it finds that said valuations in one or more townships represent the true value of said property as defined by the general laws of this State, may direct that in one thousand nine hundred and thirty-nine, in such township or townships, only such real property shall be revalued as may be permitted to be revalued in years other than quadriennial years by the Machinery Act of one thousand nine hundred and thirty-nine. If it shall find that the valuations of real property in one or more townships do not represent the true value of said property, it may direct that all real property in such township or townships shall be revalued as of April first, one thousand nine hundred and thirty-nine, either by actual appraisal or by horizontal increase or decrease in the valuation thereof; and such option as to method may be exercised separately as to each township in which said real property is revalued, in accordance with the findings of said board as to what adjustment is necessary to make the assessed valuation of real property in said township reflect the true value of said property.

Application of Machinery Act.

Except as herein provided, the listing and assessing of property for tax purposes in Lincoln County in one thousand nine hundred and thirty-nine shall be governed by the provisions of the Machinery Act as of one thousand nine hundred and thirty-nine, and the provisions of said Act with respect to assessment of real property in quadrennial years shall apply to the one thousand nine hundred and thirty-nine assessment of real property in such townships of Lincoln County as may be ordered to be revalued by the Board of County Commissioners under the provisions hereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 650

**CHAPTER 293**

**AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR EMPLOYEES OF THE CITY OF RALEIGH OTHER THAN THE POLICE AND THE FIRE DEPARTMENTS.**

*The General Assembly of North Carolina do enact:*

SECTION 1. There is hereby created a Civil Service Commission of the City of Raleigh, which Commission shall be composed of three members, who shall be appointed by the governing body of the City of Raleigh within ten (10) days after the ratification of this Act. One of the members so to be appointed by the governing body of the City of Raleigh shall be nominated by the Board of directors of the Raleigh Merchants Association and another of said members shall be by nomination of the employees of the City of Raleigh who shall be covered by the provisions of this Act, but in no event to be a member of such group of employees or related by blood or marriage to any of such group, which nomination by such employees shall be by a majority vote of such group of employees at a meeting to be called for such purpose within five (5) days after the ratification of this Act by the Commissioner of Public Works of the City of Raleigh. The third member shall be nominated and appointed by the City Commissioners. The said members nominated respectively by the board of directors of the Raleigh Merchants Association and by the employees of the City of Raleigh shall be duly appointed by the governing body of the city as members of the Civil Service Commission. The members of said Commission shall serve terms of three (3) years each, and at the end of said terms of office their successors shall be appointed by the governing body of the City of Raleigh, but all such re-appointments as to two of said members of said commission shall be upon nomination as in this section provided.

Civil Service Commission of City of Raleigh created.

Appointment of members.

Terms of office.

SEC. 2. Within three (3) days after their appointment the three commissioners shall meet and elect one of their number to act as chairman of said commission. The commission shall as soon as may be possible after its organization is perfected appoint a secretary, such appointment to be made from the membership of the commission. Upon completion of its organization the commission shall notify the Mayor of the City of Raleigh that it is ready for the transaction of any and all business which the commission is authorized to transact under the provisions of this Act.

Organization of Commission.

Notice to Mayor of organization.

Compensation of members of Commission.	SEC. 3. The compensation of each member of the Civil Service Commission shall be one hundred dollars (\$100.00) per year, except that the Compensation of the secretary shall be two hundred and fifty dollars (\$250.00) per year.
Qualifications of members.	SEC. 4. The members of said commission shall possess the general qualifications now required of an elector of the City of Raleigh and shall take a similar oath or affirmation of office as is now required of the Commissioners of the City of Raleigh, the same to be administered by the Judge or assistant Judge of the Municipal Courts of the City of Raleigh.
Oath of office.	
Quorum.	SEC. 5. Any two members of the said commission shall constitute a quorum for the transaction of business. At any meeting of said commission a majority of the members of the commission shall decide any matter coming before the commission. The commission may adopt rules of procedure governing the conduct of its meetings in accordance with the provisions of this Act. The chairman of the commission shall have the right to vote upon any matter presented at any meeting. The commission shall prescribe rules governing the meetings of said commission.
Rules of procedure.	
Commission to maintain minutes of proceedings, etc.	SEC. 6. The Civil Service Commission shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement of rules and regulations made by the commission. The commission shall have the power to make rules with reference to the classified service of the employees of the City of Raleigh, which rules, among other things, shall provide:
Rules of Commission.	(a) For the standardization and classification of all positions and employments in the classified service of the city. Such classification into groups and subdivisions shall be based upon and graded according to the duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.
Provisions of rules.	(b) For open competitive examinations to ascertain the fitness of all applicants for appointments in the competitive class.
Classification of positions and employments.	(c) For the creation of eligible lists upon which shall be entered the names of the successful applicants.
Competitive examinations.	(d) For the rejection of applicants or eligibles who do not satisfy reasonable requirements as to age, sex, race, physical conditions and moral character or who have attempted deception or fraud in connection with any examination or their application therefor.
Eligible lists created.	
Rejection of applicants or eligibles.	
Employees subject to Act.	SEC. 7. That this Act shall include and apply to all employees of the City of Raleigh except the following: (a) Officials elected by vote of the people; (b) members of the

police department and members of the fire department, the said police and fire departments being already under civil service under the provisions of Chapter fifty, Private Laws of one thousand nine hundred thirty-five, and the members of which departments will continue to be subject to said Chapter fifty, Private Laws of one thousand nine hundred thirty-five; (c) city clerk, city attorney, city purchasing agent and city physician; (d) secretaries of the commissioners of the city; (e) superintendent of the water department and chemist of the water department, and chief engineer of the pumping station; (f) superintendent, street department; (g) superintendent, sanitary department; (h) superintendent of parks; (i) city engineer; (j) building inspector and plumbing inspector; (k) superintendent of market and superintendent and employees of city abattoir; (l) collector, water department; (m) head of the tax collecting department; (n) such employees as shall be classified by the Civil Service Commission as laborers.

SEC. 8. Nothing in this Act shall be construed to confer upon the Civil Service Commission the power to create any office, job, position or employment except as herein provided.

SEC. 9. All applicants for positions of employment with the City of Raleigh, except such offices and positions as are excluded from the application of this Act, shall be subject to an examination by the Civil Service Commission, which examinations shall be free to all persons possessing the right of suffrage and meeting the requirements of said commission, including reasonable and proper limitations as to residence, age, health and moral character. The examinations shall be practical in their character and shall relate to those matters tending fairly to test the capacity and qualifications of the applicant to discharge proficiently the duties of the position sought by the applicant, and shall include examination as to physical and mental qualifications as well as general fitness; but no applicant shall be examined concerning his or her political or religious opinions or affiliations. Before giving any examination the commission shall make inquiry of the heads of the respective departments in connection with which departments such examination is to be given, with respect to the qualifications essential for the work in connection with which such examination is to be given, and upon such inquiry the heads of such departments shall give full information to the commission; and the commission in making or giving such examination to such applicants shall include in such examination questions designed to test the ability of the applicant with respect to the qualifications contained in such reports by the various department heads. The said Civil Service Commission shall suggest such necessary and proper regulations relating to

Examination of applicants for positions of employment.

Nature of examinations.

the morality, health and character of all applicants for positions with the City as it deems expedient, to the end that all persons certified by the Civil Service Commission to the governing body of the city as eligible for employment by said city shall be persons of good character as well as possessing the necessary mental and physical qualifications.

Forfeiture of right of eligibility by false statement.

SEC. 10. Any applicant for any office or employment who shall knowingly make any false statement in connection with any test shall thereby forfeit his right to be entered upon the eligible register, and in case he has been appointed to an office or employment he shall forfeit it and shall not within three years thereafter be eligible to appointment to any office or employment in the service of the city, nor shall he during that time be entitled to take any civil service examination.

Forfeiture of employment.

Gratuities prohibited.

SEC. 11. No applicant for a civil service examination shall, either directly or indirectly, give, render or pay or promise to give, render, or pay any money, service or other valuable thing to any person for or on account of, or in connection with, his examination, appointment or proposed appointment, nor shall he ask for or receive any recommendation or assistance from any person in the service of the city other than a statement regarding any previous service to the city as a subordinate under such officer or employee and a testimony as to his or her character.

Recommendation or assistance from employees of city prohibited.

Six months' probation period.

SEC. 12. Every person appointed or promoted to an office or position with the City of Raleigh by the Mayor or Commissioners of the City as herein provided shall be on probation for a period of six months before the appointment or promotion is made complete, during which period an appointed probationer may be discharged or a promoted probationer may be reduced to a lower grade of employment at the will of the commissioner making such appointment, upon recommendation of the department head in which department the probationer is employed. After such period of probation no employee shall be reduced in rank, removed or discharged except as provided in this Act.

Notice of time and place of examinations.

SEC. 13. Notice of time and place of every examination shall be given by the Civil Service Commission by publication of such notice once a week for two successive weeks immediately preceding the examination in a daily newspaper published in the City of Raleigh, and such notice shall be posted in a conspicuous place in the office of the Civil Service Commission and on the bulletin boards in the Municipal Building of the City of Raleigh for at least two weeks next preceding such an examination. The said Civil Service Commission, through its secretary, shall prepare and keep as a permanent record of the commission a register of all persons successfully passing such examina-

Posting of notice.

Permanent record of eligibles.



tions to be known as the register of eligibles. The names of such eligibles shall be arranged in classified lists according to the type of employment sought. The name of no person shall remain on the register of eligibles for more than one year without a new application and a new examination. When any appointment is to be made by any commissioner of the City of Raleigh or by the Commissioners as a body, such commissioner or commissioners shall notify the secretary of the Civil Service Commission, who shall promptly certify to the commissioner or commissioners the names and addresses of three eligibles on the list for the class or grade to which such position belongs. The commissioner or commissioners shall appoint to such position one of the persons whose names are so certified.

Provision for new examinations.

Procedure for appointments.

SEC. 14. Any employee of the city coming under the provisions of this Act may be laid off, suspended or removed from office or employment by the commissioner or head of the respective department or division. Verbal or written notice of the lay-off, suspension or removal given to such employee, or written notice mailed to his usual place of residence, shall be sufficient to put any such lay-off, suspension or removal into effect unless the person so notified shall within five days after such notice demand the right to be heard before the Civil Service Commission. Upon such demand the commissioner or official of the city making the lay-off, suspension or removal shall file with the secretary of the Civil Service Commission a written statement of the grounds for such lay-off, suspension or removal, and the commission shall fix a time and place for a hearing of the charges, and such hearing must be held within ten days after such request. Following the hearing and such investigation as the Civil Service Commission may see fit to make, the commission shall report its findings and recommendations to the Commissioners of the City of Raleigh or to the commissioner responsible for the lay-off, suspension or removal, within thirty days after the date of such notice. Thereupon the officer making the lay-off, suspension or removal shall with the approval of the Civil Service Commission make such disposition of the matter as in his opinion the good of the service may require and such disposition shall be final. Copy of the written statement of the reasons given for any lay-off, suspension or removal and a copy of any written reply thereto by the officers or employees involved, together with a copy of the decisions of the authority shall be filed as a part of the records in the office of the secretary of the Civil Service Commission. No statement made in good faith by the authority making such lay-off, suspension or removal shall constitute defamation of character or libel, or serve as a basis for any action or

Suspension, removal, etc., of employees.

Notice.

Employee's right of hearing.

Hearing.

Report of findings and recommendations by Commission.

Final disposition.

Record of proceedings.

Statements shall not constitute basis for libel actions.

proceeding, civil or criminal in its nature, alleging defamation of character or libel.

Duties of secretary of Commission.

SEC. 15. It shall be the duty of the secretary of the said Civil Service Commission to supervise, under the direction of the commission, the execution of the provisions of this Act and of the rules made thereunder, and it shall be the duty of the secretary to keep the minutes of all meetings of the said commission, and the secretary shall be custodian of all papers pertaining to the business of said commission. The secretary shall keep a record of all examinations held and perform any and all other such duties said commission may prescribe. There shall be kept by the secretary of the Civil Service Commission an application register, in which shall be entered the names and addresses in the order and date of application of all applicants for civil service examination and the office or employment which they seek. All applications shall be upon forms prescribed by the Civil Service Commission.

Annual report by Civil Service Commission.

SEC. 16. The Civil Service Commission shall make an annual report of its proceedings during the preceding year to the Commissioners of the City of Raleigh. This report shall also include the opinions of the Civil Service Commission as to the practical effects of the rules, plan and system in use, and said annual report shall be kept in the office of the said commission and a copy thereof in the office of the Mayor of the City.

Contents.

Payment of necessary expenses of Commission by city.

SEC. 17. The City of Raleigh shall pay all necessary expense of the Civil Service Commission incident to its operations, such as to provide office equipment, office supplies, printing costs, advertising costs, compensation of commissioners and the like, and the governing body of the city shall provide funds therefor in accordance with the provisions of the Local Government Act.

Transfer of employees.

SEC. 18. Transfers of employees may be made from one position to another in the same class in accordance with rules established by the Civil Service Commission. Whenever a reduction in employees is required because of a shortage of funds or work or material change in duties or organization, employees may be laid off in inverse order to length of service in the class, in accordance with the rules of the Civil Service Commission; *provided, however*, that it shall be within the discretion of the Commissioners of the City of Raleigh, or within the discretion of the commissioner in whose department employees are laid off, to make exceptions in the manner of laying off employees as herein provided, when in the opinion of such commissioner or commissioners the public good would be served by such exception or exceptions so made.

Reduction in employees.

SEC. 19. Employees of the City of Raleigh, covered by the provisions of this Act, who have been employed continuously by the city for at least six months prior to the ratification of this Act shall not be required to take the examination herein provided, but the employment of such employees shall continue, subject to the right of lay-off, suspension and removal under the provisions of this Act.

Present employees exempt from examination requirements.

SEC. 20. No person in the city's service or seeking admission thereto shall be appointed, reduced in pay, removed, or demoted or in any way favored or discriminated against because of political, religious or labor affiliations, or because of sex or marital status.

Political, religious, etc., discrimination prohibited.

SEC. 21. No employee covered by the provisions of this Act shall be solicited to contribute funds or other gifts of value to any candidate or to any political party or political group or faction, or for any political purpose, and there shall be no assessment or attempted assessment, directly or indirectly, against such employees for the purpose of raising any campaign funds or for other political purposes.

Soliciting of funds from employees for political purposes prohibited.

SEC. 22. Any person who shall violate any of the provisions of this Act or of the rules of the Civil Service Commission promulgated in pursuance hereof, shall be guilty of a misdemeanor.

Violations made misdemeanor.

SEC. 23. That in event any part, section or subdivision of this Act shall be held 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 be continued in full force and effect notwithstanding such holding.

Partial invalidity section.

SEC. 24. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 25. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 698

**CHAPTER 294**

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF COUNTY COMMISSIONERS OF MITCHELL COUNTY TO PAY THE PREMIUM ON THE OFFICIAL BOND OF THE CLERK OF THE SUPERIOR COURT OF MITCHELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Mitchell County is hereby authorized and directed to pay the premium on the official bond of the Clerk of the Superior Court of Mitchell County.

Payment of premium on official bond of Clerk Superior Court, Mitchell County.

Refund to Clerk for premium paid.

SEC. 2. That said board shall refund to the Clerk of the Superior Court the amount of said premium that was paid after taking office since the first Monday in December, one thousand nine hundred thirty-eight.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

### H. B. 703

### CHAPTER 295

AN ACT TO REPEAL CHAPTER THREE HUNDRED OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE IMPORTATION OF HOGS INTO GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 300, Public-Local Laws, 1931, repealed.

SECTION 1. That Chapter three hundred of the Public-Local Laws of one thousand nine hundred and thirty-one, be and the same is hereby repealed.

Ch. 375, Public-Local Laws, 1925, as to importation of hogs, Granville County, re-enacted.

SEC. 2. That Chapter three hundred and seventy-five of the Public-Local Laws of one thousand nine hundred and twenty-five be and the same is hereby re-enacted and the provisions of said chapter made applicable to Granville County and of the same effect as they were prior to the enactment of Chapter three hundred, Public-Local Laws, one thousand nine hundred and thirty-one.

SEC. 3. That this Act shall apply to Granville County only.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 706

## CHAPTER 296

AN ACT TO ALLOW THE GOVERNING BODY OF THE CITY OF WINSTON-SALEM TO ESTABLISH BY ORDINANCE A RETIREMENT OR PENSION FUND FOR EMPLOYEES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the retirement or pension fund which may hereafter be established by the governing body of the City of Winston-Salem under the provisions of this Act shall be known, and is hereafter referred to, as Winston-Salem Employees Retirement Fund.

Winston-Salem  
Employees  
Retirement Fund.

SEC. 2. That the governing body of the City of Winston-Salem may establish, by ordinance, a retirement fund which provides for the payment of benefits to employee members of the Winston-Salem Employees Retirement Fund, or to their beneficiaries, in the following cases:

Establishment of  
fund.

- (1) Retirement because of age,
- (2) Disability,
- (3) Death.

Basis of benefits.

Said ordinance may also provide for a refund of contributions by employees on such basis as may be designated by the ordinance.

Membership may be compulsory for such officers and employees of the City of Winston-Salem as shall be so designated in the ordinance. The City of Winston-Salem and such members shall contribute jointly to the Winston-Salem Employees Retirement Fund in such proportion as shall be stated in the ordinance, in order to meet the liabilities accruing against such fund because of personal service rendered to said city by such members after the establishment of such fund; *Provided, however,* that the ordinance may provide benefits which are based, partly or entirely, upon personal services rendered to the City of Winston-Salem prior to the establishment of said fund, and the municipality may contribute the entire cost of benefits based on any such prior service. The expense of administering the fund shall be paid as designated in the ordinance, and the governing body of said city shall provide and appropriate each year sufficient revenue to cover its portion of the expense of the administration and its share of contributions as designated in the ordinance.

Membership  
compulsory for  
designated officers  
and employees.

Joint contribution  
by city and  
members.

Payment of expense  
of administering  
fund.

SEC. 3. That the Winston-Salem Employees Retirement Fund shall be maintained on a solvent actuarial reserve basis for all benefits beginning at the date of the inauguration of the fund, excepting the present value of benefits based on prior service.

Maintenance of  
fund.

Collection of contributions.

Appointment of retirement board of trustees.

Membership.

Functions of City of Winston-Salem in establishment, administration, etc., of fund.

SEC. 4. That the contributions required to cover the cost of benefits based on prior service shall be sufficient to fund the liability for such prior service in not more than forty years from the date of the establishment of such fund. The ordinance shall provide that required contributions by such members as hereinbefore mentioned shall be collected by deducting the amounts so required from the salary or wages due such members. The ordinance may provide for the appointment or election of a retirement board or board of trustees, and for the delegation to such board of such powers and duties as may be deemed necessary to carry out the intent and purpose for which said fund is established. If such retirement board or board of trustees is provided for by ordinance, the said board shall consist of a member or members of the governing body of the City of Winston-Salem, an employee or employees entitled to participate in said fund, and one or more citizens of the State of North Carolina not officially connected with the governing body of any municipality or entitled to participate in the benefits of said fund.

SEC. 5. That the City of Winston-Salem may provide for the payment of one or more of the benefits enumerated in Section two of this Act by contracting with the governing body of any other municipality or municipalities within the State, with the United States Government, or with State Departments or other competent agencies, or may contract with any insurance company, person or other corporation for the performance of any service in connection with the establishment of said fund, or for the investment, care or administration of said fund, or for any other service relating thereto.

SEC. 6. That after the effective date of the ordinance which may hereafter be adopted under and by virtue of the authority of this Act, the City of Winston-Salem shall not contribute to any pension or retirement fund except under the provisions contained in said ordinance, and in accordance therewith.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 708

**CHAPTER 297**

AN ACT TO AMEND CHAPTER FOUR HUNDRED EIGHTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN RELATING TO THE SALE AND USE OF FIREWORKS IN STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter four hundred eighty-seven of the Public-Local Laws of one thousand nine hundred thirty-seven be, and the same is hereby, stricken out and the following substituted in lieu thereof:

Ch. 487, Public-Local Laws, 1937, amended.

“SECTION 1. That the County Commissioners of Stanly County be, and they are hereby, authorized to regulate, control, restrict and prohibit the use, sale or explosion of firecrackers, torpedoes, cap pistols, skyrockets, Roman candles, dynamite, or other explosives or fireworks of any and every kind, whether included in the above enumeration or not, and all noises, amusements, or other practices or performances tending to annoy or frighten persons or teams in all that territory situate outside the corporate limits of any and all municipalities in Stanly County.”

Regulation of sale and use of fireworks, Stanly County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 711

**CHAPTER 298**

AN ACT TO AMEND CHAPTER THREE HUNDRED SEVENTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED NINETEEN, RELATING TO THE COMPENSATION OF THE COUNTY COMMISSIONERS OF LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Chairman and each member of the Board of County Commissioners of Lenoir County shall be paid the sum of fifteen dollars (\$15.00) per month, and mileage as allowed by law, in lieu of per diem compensation as heretofore provided.

Compensation of Chairman and members of Board of County Commissioners, Lenoir County.

SEC. 2. That this Act shall in no way affect or diminish the compensation now allowed, or as may hereafter be allowed, the Chairman of said Board of County Commissioners for extra services performed by him.

Compensation of Chairman for extra services unaffected.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 713

CHAPTER 299

AN ACT TO CREATE A BOARD OF TRUSTEES FOR THE CITY OF WILMINGTON EMPLOYEES' PENSION FUND, AND TO ESTABLISH A FUND TO BE KNOWN AS THE "CITY OF WILMINGTON EMPLOYEES' PENSION FUND."

*The General Assembly of North Carolina do enact:*

City of Wilmington Employees' Pension Fund created.

SECTION 1. In order to provide a means of support and assistance to superannuated employees of the City of Wilmington and to provide pensions for said employees of advanced age, whose terms of service entitle them to the benefits herein provided, there is hereby established a pension fund for employees of the City of Wilmington, other than those hereby expressly excluded, to be known as the "City of Wilmington Employees' Pension Fund," and there is hereby created a Board of Trustees in the City of Wilmington to be known as the "Board of Trustees for the City of Wilmington Employees' Pension Fund." The board shall consist of four members, two of whom shall be selected by the employees of the City of Wilmington entitled to the benefits of this Act, and one of whom shall be selected by the Commissioners of the City of Wilmington. The City Clerk and Treasurer of the City of Wilmington is hereby designated as a member of said Board of Trustees, without voting power. The trustees, as selected, shall be appointed by the Board of City Commissioners of the City of Wilmington within thirty days after the ratification of this Act, and to serve until the first day of January, one thousand nine hundred and forty; and thereafter on the first day of January, one thousand nine hundred and forty, and biennially thereafter, the members comprising said board, who shall serve without compensation, shall be selected and appointed as herein above provided. The City Clerk and Treasurer of the City of Wilmington shall be, and he is hereby, appointed Clerk and Treasurer of the Board of Trustees of the City of Wilmington Employees' Pension Fund, and shall receive for his services such compensation as may be allowed by said board.

Board of Trustees.

Members.

Terms of office.

Clerk and Treasurer of Board.

Compensation.



SEC. 2. (a) Any employee of the City of Wilmington not herein expressly excluded from the provisions of this Act, who attains or who has attained the age of sixty-five years while so employed, and whose continuous term of employment by said city shall cover a period of twenty-five years or more, shall have the right to retire from said employment and to be placed on the pension roll herein described and to receive from the pension fund herein established, a monthly pension during the remainder of his life, equal to one-half of the monthly compensation received from said city by said employee at the time of retirement; said pension shall not, however, exceed the sum of ninety dollars (\$90.00) per month.

Retirement at age of sixty-five.

(b) Any employee of the City of Wilmington, not herein expressly excluded from the provisions of this Act, who while in the performance of the duties of his employment, shall, without misconduct on his part, become permanently disabled from performing the duties of his employment by reason of injury by accident arising out of and in the course of such employment, and who shall be certified by a physician appointed by the Board of Trustees herein created as being permanently disabled by reason of such injury from performance of the duties of his employment, shall be entitled to be placed on the pension roll herein described and to receive from the pension fund herein established a monthly pension during the remainder of his life or disability equal to one-third of the monthly compensation received from said city by said employee at the time of such permanent disability, said pension shall not, however, exceed the sum of fifty dollars (\$50.00) per month: *Provided, however,* that no employee shall be entitled to the benefits provided in this section whose term of continuous employment by the City of Wilmington at the time of the disability herein referred to shall not exceed fifteen years: *Provided, further,* that no benefits shall be paid under this section to any employee so long as he or she receives benefit payments from the North Carolina Industrial Commission.

Permanent disability benefits.

(c) Upon the death of any employee, qualified as provided in Subsection (a) above to receive the benefits of this Act, the widow of said employee shall be paid from said pension fund the total sum of two hundred dollars (\$200.00).

Payment of death benefits.

(d) No employee or official of the City of Wilmington who holds office by virtue of election thereto, and no employee or member of the Fire or Police Departments of the City of Wilmington shall be subject to or included within the provisions of this Act, and this Act shall in no manner affect any pension fund or funds now existing for the benefit of the members or employees of said Fire and Police Departments.

Certain officials and employees exempt from provisions of Act.

Right of qualified employee to obtain exemption.

(e) Any employee, otherwise qualified to be included within the provisions of this Act, who notifies the City Clerk and Treasurer of the City of Wilmington, in writing, prior to the effective date of this Act, of his or her desire to be exempted and excluded from the provisions hereof, may be so exempted and excluded, and may not thereafter share in the benefits accruing thereunder.

Deductions from salaries of employees.

SEC. 3. From and after the effective date of this Act, the City Clerk and Treasurer of the City of Wilmington shall deduct from the monthly salary of each employee of the City of Wilmington qualified to be included within the provisions of this Act and not excluded therefrom by reason of Section two, Subsections (d) and (e) thereof, two per cent of the amount of said monthly salary, and the sum so deducted and collected shall be paid to the City of Wilmington Employees' Pension Fund, to be held and distributed as herein provided.

Power of Board of Trustees to acquire and dispose of property, etc., for use of fund.

SEC. 4. (a) The Board of Trustees, as herein created, may take and receive any gift, grant, bequest, or devise of any real or personal property, or other things of value for and as the property of said pension fund, and shall hold, invest, and disburse the same for the uses of said fund, in accordance with the provisions of this Act.

Investment of pension funds authorized.

(b) The Board of Trustees, herein established and provided for, shall have the power to invest and reinvest, from time to time, the pension fund or any part thereof, in the name of the "Board of Trustees of the City of Wilmington Employees' Pension Fund," in interest bearing bonds of the United States, of the State of North Carolina, or of the City of Wilmington. Should such pension fund or any part thereof be deposited, by order of said board or otherwise, in any bank or banking institution, all interest accruing on said deposit shall belong to and constitute a part of said fund, as well as any other income arising from any investments made under this Act.

Rules and regulations for management of fund.

(c) The Board of Trustees of the pension fund herein created shall have power to make all necessary rules and regulations for the management of said pension fund, not inconsistent with the provisions of this Act, and said board shall hear and pass upon all applications for pensions under this Act, and its decisions on such applications, except where they are in conflict with the provisions of this Act, shall be final and conclusive. The board shall cause to be kept a record of all of its meetings and proceedings, and shall also cause to be kept by the city clerk and treasurer a record which shall contain personnel data concerning all employees of the City of Wilmington, which record shall show the name, the date of birth, the date of first employment, and the date of discharge of such employee as may

Board to hear and pass upon applications for pensions.

Maintenance of records by Board.

have been discharged since the effective date of this Act, and shall contain also the salary wage of each of said employees. There shall also be kept in the records of said Board of Trustees a book to be known as the "List of Retired Employees of the City of Wilmington Employees' Pension Fund." This book shall contain a full and complete record of all actions taken by said Board of Trustees in retiring any and all persons under this Act, and shall record also the name, date of commencement of service, the date of retirement or pensioning, and the reason therefor, of any and all persons retired or pensioned under this Act.

(d) The Board of Trustees, as herein provided for, shall semi-annually make a full report of the status of said Pension Fund to the Commissioners of the City of Wilmington, and said report shall be kept on file by the said city clerk and treasurer and available for the inspection of any employee of the City of Wilmington entitled to the benefits of this Act.

Semi-annual report  
by Board to City  
Commissioners.

SEC. 5. It shall be the duty of the City Attorney of the City of Wilmington to advise said Board of Trustees, upon request, in all matters pertaining to their duties under this Act. He shall represent and defend said board as its attorney in all litigation concerning it, and shall institute such action in behalf of said board that may be required by it.

Duties of City  
Attorney.

SEC. 6. The Commissioners of the City of Wilmington are hereby authorized to appropriate from the general funds of the City of Wilmington, such sums of money as may from time to time be necessary in order to carry out the provisions and intent of this Act, said sums to be paid to the Treasurer of the Board of Trustees of the City of Wilmington Employees' Pension Fund.

Appropriations  
from general funds  
of City for purpose  
of Act, authorized.

SEC. 7. The pension fund herein created and provided for shall be exempt from taxation.

Pension Fund  
exempt from  
taxation.

SEC. 8. The Board of Trustees created hereunder shall hold all funds collected upon the trust and for the purposes set out in this Act, and shall be clothed with all the power and authority herein conferred, and shall be subject to all the duties and restrictions imposed in this Act.

Powers of Board.

SEC. 9. No benefit payments provided for in this Act shall be paid hereunder until two years after the effective date of this Act.

Time limitation on  
payment of benefits.

SEC. 10. Any employee of the City of Wilmington subject to the provisions of this Act and entitled to the benefits herein provided, and not herein expressly excluded from the provisions of this Act, who voluntarily terminates his employment by the City of Wilmington, shall be entitled

Payment to em-  
ployee in event of  
termination of  
employment with  
city.

to receive back one-half of the amount of the contributions made by him to the pension fund by reason of the deductions provided for in Section three of this Act.

Payment to  
employee in event  
of involuntary  
discharge.

SEC. 11. Any employee of the City of Wilmington subject to the provisions of this Act and entitled to the benefits herein provided, and not herein expressly excluded from the provisions of this Act, who is involuntarily discharged from his employment by the City of Wilmington, shall be entitled to receive back the full amount of the contributions made by him to the pension fund by reason of the deductions provided for in Section three of this Act.

"Employee of City  
of Wilmington"  
defined.

SEC. 12. The term, "employee of the City of Wilmington," as used in this Act, shall be construed to include also persons who are employed jointly by the City of Wilmington and the County of New Hanover.

Partial invalidity  
clause.

SEC. 13. If any section of this Act shall be declared unconstitutional or invalid, it shall in no way invalidate any other section hereof.

Conflicting laws  
repealed.

SEC. 14. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 15. The effective date of this Act shall be the sixtieth day from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

## H. B. 715

## CHAPTER 300

AN ACT TO REPEAL CHAPTER FOUR HUNDRED FIFTY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, RELATIVE TO THE SALE OF FIREWORKS IN PENDER COUNTY; AND TO REGULATE THE SHOOTING OF FIREWORKS IN PENDER COUNTY.

*The General Assembly of North Carolina do enact:*

Regulation of use  
of fireworks,  
Pender County.

SECTION 1. That it shall be lawful for any person or persons to shoot firecrackers, torpedoes, cap pistols, sky rockets, Roman candles or other articles commonly known as fireworks on their own property in the County of Pender: *Provided, however,* no person or persons shall shoot fireworks of any kind on any public grounds or in or about any public buildings or on any street without first obtaining permission from the governing body of said county, or the governing body of any municipality in said county in which said fireworks are to be used.

Violations made  
misdemeanor.

SEC. 2. That anyone violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished, in the discretion of the court, by a fine of not more

than fifty dollars or not more than thirty days imprisonment.

SEC. 3. That this Act shall apply only to Pender County.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 722

### CHAPTER 301

#### AN ACT REGULATING THE OPERATION OF POOL ROOMS IN NASH COUNTY ON SUNDAYS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate any pool room within the limits of Nash County from twelve o'clock midnight, Saturday night, until twelve midnight, Sunday night. Sunday operation of pool rooms, Nash County, prohibited.

SEC. 2. That any person violating 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. Violations made misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 732

### CHAPTER 302

#### AN ACT TO EXTEND THE TERM OF THE AUDITOR OF PASQUOTANK COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term of the Auditor of Pasquotank County is hereby extended from two to four years, from March the first, one thousand nine hundred and thirty-nine, and that at the general election to be held in one thousand nine hundred and forty-two, and quadrennially thereafter, an auditor for said county shall be voted for and elected for a term of four years, beginning the first day of March following said election. Four-year term for Auditor, Pasquotank County.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

## H. B. 763

## CHAPTER 303

### AN ACT TO EXTEND THE TERMS OF OFFICE OF TREASURER, SURVEYOR, RECORDER, AND SOLICITOR OF CLEVELAND COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year terms for Treasurer, Surveyor, Recorder and Solicitor, Cleveland County.

SECTION 1. That at the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Cleveland County by the qualified voters thereof, the following officers, to wit: A County Treasurer, a County Surveyor, a County Recorder, and a County Solicitor, which officers shall serve for a term of four years from the first Monday in December after their election, and until their successors are elected and qualified. The Treasurer of Cleveland County, the Surveyor of Cleveland County, the Recorder of Cleveland County, and the Solicitor of Cleveland County elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold or continue in office for a term of four years, or until their successors are elected and qualified in the year one thousand nine hundred and forty-two.

Ch. 243, Public-Local Laws, 1911, creating office of Recorder, amended to conform with provisions of Act.

Ch. 435, Public-Local Laws, 1921, creating office of Solicitor, likewise amended.

SEC. 2. That Chapter two hundred and forty-three of the Public-Local Laws of one thousand nine hundred and eleven, creating the office of Recorder of Cleveland County, be, and the same is hereby amended so as to conform to the provisions of this Act, and provide for a four year term for the office of recorder. That Chapter four hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and twenty-one, creating the office of County Solicitor for Cleveland County, be, and the same is hereby amended so as to conform to the provisions of this Act, and provide for a four year term for the office of County Solicitor. That Section one thousand three hundred and eighty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, in so far as the same applies to Cleveland County, is hereby amended so as to conform to the provisions of this Act and provide for a four year term for the office of County Treasurer in Cleveland County. That Section one thousand three hundred and eighty-three of the Consolidated Statutes of one thousand nine hundred

and nineteen, in so far as the same applies to Cleveland County, is hereby amended so as to conform to the provisions of this Act and provide for a four year term for the office of County Surveyor in Cleveland County.

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

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 779

### CHAPTER 304

#### AN ACT TO REGULATE THE FEES TO BE COLLECTED BY THE CLERK OF SUPERIOR COURT OF SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Clerk of Superior Court of Swain County shall collect and receive for his services the schedule of fees set forth under Chapter one hundred and one of the Public-Local Laws of one thousand nine hundred and thirty-three. Schedule of fees, Clerk Superior Court, Swain County.

SEC. 2. That Chapter one hundred and one of the Public-Local Laws of one thousand nine hundred and thirty-three, be, and the same is hereby made applicable to the County of Swain. Ch. 101, Public-Local Laws, 1933, made applicable to Swain County.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

H. B. 780

### CHAPTER 305

#### AN ACT RELATIVE TO THE APPOINTMENT OF A TAX SUPERVISOR OF THE COUNTY OF SWAIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the present accountant of the County of Swain is hereby appointed tax supervisor for said County of Swain for the duration of the term of office of the present Board of Commissioners of Swain County. County Accountant, Swain County, to serve as Tax Supervisor.

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

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

## H. B. 817

## CHAPTER 306

AN ACT TO EXTEND THE TERMS OF OFFICE FOR  
JUDGE OF RECORDER'S COURT IN DARE COUNTY  
TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year term for  
Judge of Recorder's  
Court, Dare County.

SECTION 1. At the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Dare County by the qualified voters thereof a Judge of Recorder's Court who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Judge of Recorder's Court for Dare County elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred and forty-two.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.

## H. B. 818

## CHAPTER 307

AN ACT TO FIX AND DETERMINE BOND FOR THE TAX  
COLLECTOR OF CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

Bond of Tax  
Collector,  
Carteret County.

SECTION 1. That from and after the taxable year of one thousand nine hundred and thirty-eight the Tax Collector for Carteret County, as a condition requisite and precedent to his having placed into his hands for collection the tax list for the year one thousand nine hundred and thirty-nine and years subsequent, shall execute and deliver a corporate surety bond in the penal sum of ten thousand dollars (\$10,000.00) regularly conditioned as now provided by law for the faithful and true performance of all the duties of his office and for the true accounting of all funds coming into his hands by virtue of his office as Tax Collector.

Conditions of bond.

SEC. 2. That all laws and clauses of laws, general or special, in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 23rd day of March, 1939.



S. B. 281

**CHAPTER 308**

AN ACT TO REQUIRE ALL PERSONS BUYING POULTRY, CATTLE, SWINE AND HOME CURED MEATS TO KEEP A RECORD OF PURCHASES AND PREVENTING PURCHASES AFTER SUNDOWN IN PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to purchase, barter or exchange, for the purpose of resale, any poultry, cattle, swine and home cured meats in Pitt County, unless such person shall keep in book form a record of all such purchases, showing therein the name of the person from whom the purchase is made, the date of the purchase, the number of poultry, cattle, swine and home cured meats purchased, and a reasonable description thereof, (including the colors and types of poultry, cattle and swine) purchased. Said record shall be open for inspection by any peace officer of Pitt County at any time, and it shall be unlawful for any person to purchase for resale any poultry, cattle, swine and home cured meats in Pitt County after sundown and before sunrise. Any person violating the provisions of this Act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Records required of purchases for resale of poultry, cattle, etc., Pitt County.

Contents.

Purchases after sundown prohibited.

Violations made misdemeanor.

SEC. 2. That the provisions of this Act shall apply only to Pitt County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 482

**CHAPTER 309**

AN ACT TO REPEAL CHAPTER ONE HUNDRED NINETEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATING TO PUBLIC ROADS IN HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and nineteen of the Public-Local Laws of one thousand nine hundred and twenty-three entitled "An Act to Build and Maintain a System of Roads in Haywood County" is hereby repealed.

Ch. 119, Public-Local Laws, 1923, as to public roads in Haywood County, repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## H. B. 553

## CHAPTER 310

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
CRESWELL IN WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 276, Private  
Laws, 1907,  
amended.

Power of Commis-  
sioners, Town of  
Creswell, to levy  
tax for general  
corporation  
purposes.

SECTION 1. That Section thirty-three of Chapter two hundred seventy-six of the Private Laws of one thousand nine hundred seven be and the same is hereby amended so as to read as follows: "That the Board of Commissioners of the town shall have the power, not oftener than annually, to impose, levy and collect a tax for general corporation purposes, not exceeding one dollar and fifty cents on one hundred dollars assessed valuation upon all real and personal property within the corporate limits of said town, and on all taxable polls residing in said town on the day as of which taxes are listed pursuant to law, a tax not exceeding one dollar and fifty cents."

Chapter further  
amended as to  
power of Commis-  
sioners to enter  
contracts with State  
Highway and  
Public Works  
Commission.

SEC. 2. That Section seventeen of Chapter two hundred seventy-six of the Private Laws of one thousand nine hundred seven be and the same is hereby amended by adding at the end of said section the following: "The Board of Commissioners shall also have power to negotiate and enter into contracts with the State Highway and Public Works Commission providing for the maintenance and construction of streets in the said town either by said State Highway and Public Works Commission independently or jointly with the Board of Commissioners, and shall have full power and authority to give to the State Highway and Public Works Commission such control over any such streets as they may determine."

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## H. B. 580

## CHAPTER 311

AN ACT TO PROHIBIT THE OPERATION OF DANCE  
HALLS IN NORTHAMPTON COUNTY ON SUNDAY.

*The General Assembly of North Carolina do enact:*

Sunday operation of  
dance halls, etc.,  
Northampton  
County, prohibited.

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate a dance hall or dance pavilion, or for any one to engage in public dancing in Northampton County between the hours of twelve o'clock Saturday night and twelve o'clock Sunday night: *Provided*, this shall not prohibit dancing in private homes or apartment houses.

SEC. 2. That any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned not more than sixty days.

Violations made misdemeanor.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 596

CHAPTER 312

AN ACT TO AMEND CHAPTER EIGHTY-SIX, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, RELATIVE TO THE CHARTER OF THE TOWN OF TAYLORSVILLE, ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter eighty-six, Private Laws of one thousand eight hundred and eighty-seven, be and the same is hereby amended to read as follows:

Sec. 2, Ch. 86, Private Laws, 1887, amended.

“SEC. 2. The administration and government of said town shall be vested in one principal officer, styled the mayor, a board of three commissioners and such other officers as are hereinafter provided for. No elective officer of said town shall be employed in any official capacity connected with the town government, except that one member may be designated to act as town clerk and treasurer of said town.”

Governing body of Town of Taylorsville.

SEC. 2. That Section twelve of Chapter eighty-six of the Private Laws of one thousand eight hundred and eighty-seven, be and the same is hereby amended by striking out the first two sentences of said paragraph and inserting in lieu thereof the following:

Section 12, amended.

“SEC. 12. The mayor shall be elected by the qualified voters of the Town of Taylorsville for the term of two years and until his successor shall be elected and qualified. The town commissioners may, in their discretion, allow said mayor an annual salary not exceeding two hundred dollars (\$200.00), to be paid out of the town treasury. The town commissioners may receive, in the discretion of the said board, two dollars (\$2.00) for each regular meeting attended and one dollar (\$1.00) for each special meeting.”

Election of mayor.

Compensation of mayor and town commissioners.

SEC. 3. That the police jurisdiction of the Town of Taylorsville is hereby extended one-half a mile beyond the present corporate limits of the said town and the mayor and police shall have the same powers and jurisdiction in

Police jurisdiction extended.

Limitation on extended jurisdiction.

the extended territory as they now exercise within the corporate limits of said town: *Provided*, such jurisdiction shall extend only in cases where the police are called by persons within the extended territory: *Provided, further*, the police shall have no authority or jurisdiction to enter dwellings or places of business for purposes of making investigations or arrests, except on the request or express permission of the owner or occupant, but may pursue offenders into such extended territory for purposes of making arrest.

Purchase of automobile for use by police authorized.

SEC. 4. That as soon as practicable, giving due consideration to the financial condition of the town, the commissioners shall purchase an automobile to be used by the police of the Town of Taylorsville for patrol duty only.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 6. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## H. B. 617

## CHAPTER 313

### AN ACT TO VALIDATE TAX SALES IN BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

Delinquent tax sales, Bertie County, validated.

SECTION 1. That all acts and things done by the Board of County Commissioners of Bertie County relating to the sale of lands of delinquent taxpayers for taxes due said county for unpaid taxes for years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight be, and the same are, hereby in all respects validated.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this the 24th day of March, 1939.

## H. B. 640

## CHAPTER 314

### AN ACT TO AMEND THE CHARTER OF THE CITY OF ELIZABETH CITY.

*The General Assembly of North Carolina do enact:*

Four-year terms for Mayor and Board of Aldermen, Elizabeth City.

SECTION 1. That the term of office of all members of the Board of Aldermen and of the Mayor of the City of Elizabeth City shall expire on the first Monday in June, one

thousand nine hundred thirty-nine, and that at the next regular municipal election following the ratification of this Act, and every four years thereafter, there shall be elected two members of the Board of Aldermen from each of the four wards of said city by the electors of the city at large.

SEC. 2. That Section four of Chapter fifteen of the Private Laws of one thousand nine hundred twenty-three be, and the same is hereby, amended by striking out in line twenty-eight of said section the word "two" and inserting in lieu thereof the word "four."

Sec. 4, Ch. 15,  
Private Laws, 1923,  
amended.

SEC. 3. That Section twelve of Chapter fifteen of the Private Laws of one thousand nine hundred twenty-three be, and the same is hereby, amended by striking out in line twelve thereof the words "at the polling places."

Sec. 12, amended.

SEC. 4. That Section fifteen of Chapter fifteen of the Private Laws of one thousand nine hundred twenty-three be, and the same is hereby, amended by striking out in line two thereof the words "at each polling place."

Sec. 15, amended.

SEC. 5. That Section twenty of Chapter fifteen of the Private Laws of one thousand nine hundred twenty-three be, and the same is hereby, amended to read as follows:

"SEC. 20. The polls shall be open on the day of election from seven o'clock A.M. until seven o'clock P.M. and no longer."

Sec. 20, amended  
as to hours of  
election.

SEC. 6. That Section twenty-seven of Chapter fifteen of the Private Laws of one thousand nine hundred twenty-three be, and the same is hereby, amended as follows: That all of said section after the words "Elizabeth City" in line twelve thereof, down to and including the words "fourth ward" in line twenty of said section, be stricken out and the following substituted in lieu thereof: "The two persons from each ward of the city receiving the largest number of votes for the office of alderman from the electors at large in the city, shall be declared aldermen from said ward. In the event there is only one candidate for the office of mayor, a separate ballot for the office of mayor shall not be required, and in such event, the name of the candidate for mayor shall be placed upon a ballot provided for the names of candidates for the Board of Aldermen."

Sec. 27, amended,  
as to election of  
City Aldermen and  
Mayor.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## H. B. 646

## CHAPTER 315

AN ACT TO AMEND CHAPTER THIRTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, RELATING TO THE CHARTER OF THE TOWN OF BESSEMER CITY.

*The General Assembly of North Carolina do enact:*

Sec. 4, Ch. 30,  
Private Laws, 1913,  
amended.

SECTION 1. That Section four, Chapter thirty, Private Laws of one thousand, nine hundred and thirteen, be, and it is hereby, amended as follows, by striking out all of said section and inserting in lieu thereof the following:

Term of office of  
present Board of  
Commissioners,  
Town of Bessemer  
City.

“SEC. 4. That the Board of Town Commissioners, now in office in said town, shall continue in such office until the first Monday in July, one thousand nine hundred and thirty-nine.”

Sec. 6, amended.

SEC. 2. That Section six of Chapter thirty of the Private Laws of one thousand nine hundred and thirteen be further amended by striking out all of said section and inserting in lieu thereof the following:

Biennial election of  
Commissioners.

“SEC. 6. That said commissioners shall be elected by the qualified voters of said town, and that the next election for Commissioners for the Town of Bessemer City shall be held on the last Monday in June, one thousand nine hundred and thirty-nine, and biennially thereafter.”

Sec. 7, amended.

SEC. 3. That Chapter thirty of the Private Laws of one thousand nine hundred and thirteen be further amended by striking out all of Section seven and inserting in lieu thereof the following:

Terms of office of  
Commissioners.

“SEC. 7. That the term of office of commissioners, so elected, shall begin on the first Monday in July next succeeding their election, and they shall hold office for two years and until their successors shall have been elected, and until the last four of their successors shall have qualified. Every person elected a commissioner shall qualify as such on the first Monday in July next after his election, or within thirty days thereafter, and in case that such person elected shall fail to qualify within said period, then said office, to which he has been elected, shall be deemed to be vacant, which vacancy may be filled by the commissioners then acting.”

Qualification of  
Commissioners.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 658

**CHAPTER 316**

AN ACT TO PLACE BACK SWAMP TOWNSHIP, ROBESON COUNTY, IN THE COUNTY COMMISSIONER'S DISTRICT CONTAINING BRITTS, LUMBERTON, ORRUM, STERLINGS, WISHARTS AND SMYRNA TOWNSHIPS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Back Swamp Township, Robeson County, be removed from the County Commissioner's district now consisting of Alfordsville, Maxton, Pembroke, Smiths and Back Swamp Townships.

Transfer of Back Swamp Township, Robeson County, as to Commissioner's Districts.

SEC. 2. That Back Swamp Township, Robeson County, be and same is hereby added to the County Commissioner's district embracing the following Townships: Britts, Lumberton, Orrum, Sterlings, Wisharts, and Smyrna.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 682

**CHAPTER 317**

AN ACT REGULATING SUNDAY SALES OUTSIDE OF INCORPORATED TOWNS IN COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to keep open any store or other place of business within three hundred yards of a church or Sunday school, for the sale of goods, wares or merchandise during the hours usually designated as church and Sunday school hours on Sunday outside of any incorporated town in Columbus County.

Sunday sales outside of incorporated towns, Columbus County, regulated.

SEC. 2. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than fifty dollars or imprisoned not more than thirty days and for each subsequent offense he shall be fined not less than twenty-five nor more than fifty dollars or imprisoned not more than thirty days.

Violations made misdemeanor.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## H. B. 683

## CHAPTER 318

AN ACT TO REQUIRE THE CLERK OF THE SUPERIOR COURT OF ALEXANDER COUNTY TO FILE AND PRESERVE ALL PAPERS AND PROCEEDINGS BEFORE HIM OR BELONGING TO THE COURT, AND TO KEEP A PROPER INDEX THEREOF.

*The General Assembly of North Carolina do enact:*

Preservation of record of proceedings before Clerk Superior Court, Alexander County.

SECTION 1. That the Clerk of the Superior Court of Alexander County be, and he is hereby required to file and preserve all proceedings before him or belonging to the court, and shall keep the papers in each action in a separate roll or bundle, and at its termination, attach them together properly labeled and file them in the order of the date of the final judgment.

Record and index of proceedings.

SEC. 2. That the Clerk of the Superior Court of Alexander County be, and he is hereby required to keep in appropriate books, to be furnished by the Board of County Commissioners of Alexander County, a record of all proceedings and actions before him or before the Superior Court, and to each of such books there must be attached an alphabetical cross index securely bound in the volume referring to the entries therein by the page of the book. These books must at all proper times be open to inspection by any person.

Preservation of Books and Records.

SEC. 3. All papers, books and records required by this Act, or any other law of this State relative to the same, shall be kept and filed in the office of the Clerk of the Superior Court and shall not be taken therefrom, unless by a special order of the court or on the written consent of the attorneys of record of all the parties; but parties may, at all times, have copies thereof upon payment therefor.

Forfeiture of office upon violations.

SEC. 4. If the Clerk of the Superior Court of Alexander County shall violate any of the provisions of this Act, he shall forfeit his office.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.



H. B. 688

**CHAPTER 319****AN ACT TO PROVIDE FOR THE APPOINTMENT OF A RABIES INSPECTOR IN HYDE COUNTY AND THE COLLECTION OF DOG TAXES IN SAID COUNTY.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Hyde County be and they are hereby authorized and directed to appoint some suitable person in said county to act as rabies inspector for a term of one year or until his successor has been duly appointed.

Appointment of rabies inspector, Hyde County.

SEC. 2. That the rabies inspector for Hyde County herein provided for may, in the discretion of the Board of Commissioners, be appointed to collect all dog taxes levied in said county. That the said dog tax collector, before entering upon the performance of his duties, shall execute a bond to be fixed by the Board of Commissioners, not in excess of the amount of taxes which he shall collect. He shall receive as compensation for the collection of said tax not in excess of five per cent of his collections, to be fixed by the county commissioners, this to be in addition to his regular fee as provided by statute for vaccination of each dog.

Rabies inspector to act as dog tax collector.

Bond required.

Compensation.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 691

**CHAPTER 320****AN ACT TO VALIDATE CERTAIN SALES OF LAND FOR TAXES AND CERTIFICATES ISSUED IN PURSUANCE THEREOF IN ALAMANCE COUNTY.***The General Assembly of North Carolina do enact:*

SECTION 1. That the sale of land for failure to pay taxes held and conducted by the County Accountant of Alamance County on the first Monday in February, one thousand nine hundred and thirty-nine, be and the same is hereby approved, confirmed, validated, and declared to be a proper, valid, and legal sale of such land, and legally binding in all respects and all certificates of sale made and issued upon and in accordance with said sale be, and they are hereby approved and validated to all intents and purposes and with such full force and legal effect as if said sale had been held and conducted on the first Monday in January, one thousand nine hundred and thirty-nine.

Certain delinquent tax sales, Alamance County, validated.

Certificates of sale validated.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

### H. B. 705

### CHAPTER 321

#### AN ACT TO ENLARGE THE TERM OF OFFICE FOR REGISTER OF DEEDS IN ROWAN COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year term for Register of Deeds, Rowan County.

SECTION 1. At the general election for the year one thousand nine hundred and forty-two and quadrennially thereafter, there shall be elected in Rowan County by the qualified voters thereof a Register of Deeds who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The Register of Deeds for Rowan County elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred and forty-two, and qualified.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

### H. B. 710

### CHAPTER 322

#### AN ACT TO FACILITATE THE COLLECTION OF TAXES IN LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

Adjustment of certain delinquent taxes, Lenoir County and municipalities, authorized.

SECTION 1. The County Commissioners of Lenoir County and the governing agencies of the several municipalities therein are hereby authorized and empowered, in any case where the said commissioners or governing agencies find, or have reason to believe, that an excessive or inequitable assessment was made, and that the ends of justice would thereby be met, to make such adjustments of taxes for the years one thousand nine hundred thirty-five and all years prior thereto, as in their discretion will result in a just and proper settlement of the same, and said commissioners and governing agencies are hereby authorized to accept payment of said taxes according to the terms of such settlement.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 719

**CHAPTER 323**

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED FIFTEEN, AND AMENDMENTS THERETO, RELATIVE TO THE CHARTER OF THE TOWN OF SANFORD, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter three hundred and eighty, Private Laws of one thousand nine hundred fifteen, and amendments thereto, relative to the charter of the Town of Sanford, be, and the same is hereby, amended by adding at the end of said section the following: "All persons offering themselves as candidates for mayor or offering themselves as candidates for aldermen in any of the wards of said town shall file with the town clerk, not more than sixty or less than thirty days before the biennial election, a notice of their candidacy, and shall pay the following fees: Mayor, five dollars (\$5.00); aldermen, three dollars (\$3.00). No person except such as shall possess the qualifications provided in the charter as to age and residence, and who shall have complied with the provisions hereof within the time herein set out, shall have his name printed on the official ballot, which shall conform as near as may be with the State-wide Australian Ballot Law, and shall be attested by the facsimile signature of the town clerk thereon. Only such official ballots shall be voted at such election; and no person shall be allowed to vote other than in person, and no votes shall be cast in any municipal election in the Town of Sanford under the provisions of the absentee voter's law."

Sec. 4, Ch. 380, Private Laws, 1915 amended.

Notice and filing fees for candidates for office of mayor or aldermen, Town of Sanford.

Qualifications of candidates.

Ballots.

Qualifications of voters.

SEC. 2. That Section twenty-four of said chapter be, and the same is hereby, amended by striking out the first six words of the second sentence of said section, reading as follows: "Within five days after their election," and inserting in lieu thereof "On June thirtieth next after their election, unless said date falls on Sunday, in which case, on July first."

Sec. 24, amended as to date on which successful candidates shall take office.

SEC. 3. That Section seventy of said chapter be, and the same is hereby, amended by adding at the end thereof the following: "It shall be likewise a sufficient execution of a

Sec. 70, amended as to execution of deeds by Town.

Procedure for sale  
of lands acquired  
through foreclosure.

deed by said town if the same be executed in the name of said town and signed by the mayor and the town clerk and the town seal thereto affixed, after the same shall have been ordered by a majority of the said aldermen of the town. Upon a resolution duly passed by a majority of the board and duly entered on the minutes, the board shall have the power to order the sale and to sell at private sale at a price therein fixed any parcel of land or any interest in land acquired by the town by deed executed under a tax foreclosure, or deed executed under a foreclosure of lien for special assessments; and it shall not be necessary to sell the same at public auction. All deeds executed by the town shall be attested by the common seal of the town."

Conflicting laws  
repealed.

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.

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## H. B. 781

## CHAPTER 324

AN ACT TO EMPOWER THE WILMINGTON PORT COMMISSION TO APPLY TO THE PROPER AGENCY OF THE GOVERNMENT OF THE UNITED STATES FOR A GRANT TO THE WILMINGTON PORT COMMISSION OF THE PRIVILEGE OF ESTABLISHING, PEROPERATING AND MAINTAINING A FOREIGN TRADE ZONE WITHIN THE PORT OF WILMINGTON AND TO EMPOWER THE WILMINGTON PORT COMMISSION TO COMPLY WITH THE LAWS, RULES AND REGULATIONS PRESCRIBED BY THE GOVERNMENT OF THE UNITED STATES FOR THE ESTABLISHMENT AND MAINTENANCE OF SUCH ZONES.

*The General Assembly of North Carolina do enact:*

Wilmington Port  
Commission  
authorized to apply  
for Federal grant  
for establishment,  
etc., of foreign  
trade zone.

SECTION 1. That the Wilmington Port Commission is hereby authorized and empowered to apply to the Board established by the Act of Congress, approved June eighteenth, one thousand nine hundred thirty-four, entitled "An Act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to said Wilmington Port Commission of the privilege of establishing, operating and maintaining a foreign trade zone within the port of Wilmington, pursuant to the provisions of such Act, and if such application be granted, to accept such grant and to establish, operate and maintain such zone in accordance with law.

Operation of zone.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 855                                 **CHAPTER 325**

**AN ACT TO NAME THE MEMBERS OF THE BOARD OF EDUCATION OF NORTHAMPTON COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That Dr. John W. Parker, J. A. Shaw, W. Harry Stephenson, R. V. Beale, Dr. C. G. Parker, J. G. Madry, Claude K. Deloatch, L. F. Bradley and W. F. Nelson be, and they are hereby appointed members of the Board of Education of Northampton County for a term of two years from the first Monday in April, one thousand nine hundred thirty-nine. That at the next general primary held in Northampton County for the nomination of members of the Board of Education of Northampton County there shall be nominated by the voters of the county seven members of the Board of Education instead of five, one to be selected from each of the seven High School Districts in said county.

Board of Education, Northampton County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

S. B. 241                                 **CHAPTER 326**

**AN ACT TO AMEND CHAPTER NINETY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE RELATIVE TO SALARIES OF THE BOARD OF ALDERMEN OF THE CITY OF GREENVILLE.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter ninety-eight of the Private Laws of one thousand nine hundred and nine be amended by striking out in line four of Section one the word "five" and inserting in lieu thereof the word "ten."

Ch. 98, Private Laws, 1909, amended to increase compensation of Board of Aldermen, City of Greenville.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## S. B. 251

## CHAPTER 327

AN ACT RELATIVE TO THE TERM OF OFFICE OF THE  
JUDGE OF THE RECORDER'S COURT OF BRUNSWICK  
COUNTY.

*The General Assembly of North Carolina do enact:*

Four-year term for  
Judge of Recorder's  
Court, Brunswick  
County.

SECTION 1. That the Judge of the Recorder's Court of Brunswick County now holding that office shall serve in that capacity until the first Monday in December, one thousand nine hundred forty-two, or until his successor is elected and qualified.

SEC. 2. That at the general election to be held in the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Brunswick County by the qualified voters thereof a Judge of the County Recorder's Court who shall serve for a term of four years from the first Monday in December after his election, or until his successor is elected and qualified.

Compensation of  
Judge of Recorder's  
Court.

SEC. 3. That the salary of said Judge of said Recorder's Court shall not be less than seventy-five (\$75.00) dollars per month, nor more than one hundred twenty-five dollars (\$125.00) per month, in the discretion of the Board of County Commissioners of Brunswick County.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## S. B. 289

## CHAPTER 328

AN ACT TO AMEND CHAPTER SEVENTY-ONE OF THE  
PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE  
HUNDRED AND NINETEEN RELATIVE TO THE SAL-  
ARIES OF THE COMMISSIONERS OF CABARRUS  
COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 71, Public-  
Local Laws, 1919,  
amended as to  
salaries of Com-  
missioners,  
Cabarrus County.

SECTION 1. That Section one of Chapter seventy-one of the Public-Local Laws of one thousand nine hundred and nineteen, be and the same is hereby amended by striking out the word "five" in line six thereof and inserting in lieu thereof the word "twelve," and by striking out the word "four" in line nine and inserting in lieu thereof the word "ten."

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

S. B. 301

### CHAPTER 329

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN CREATING RECORDER'S COURT AT AURORA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and forty-seven of the Public-Local Laws of one thousand nine hundred and eleven, creating the Recorder's Court at Aurora, and acts amendatory thereof and supplementary thereto, be and the same is hereby amended by adding thereto the following: "The Board of County Commissioners of Beaufort County are hereby authorized and empowered in their discretion to appoint a prosecuting attorney in said court and who shall appear for the State in all cases in said court. Said attorney shall receive for his services a fee of two dollars for each and every case in said court in which one or more defendants are convicted or submit, to be taxed as part of the costs, provided no compensation in such cases will be paid to said attorney unless the costs are taxed against said defendant or defendants and collected. In all cases appealed to the Superior Court, or bound over to that court, in which the defendants are convicted or submit, there shall be included and taxed the costs incurred in the Recorder's Court, including a fee of two dollars to said prosecuting attorney."

Ch. 147, Public-Local Laws, 1911, amended.

Appointment of prosecuting attorney for Recorder's Court at Aurora, authorized.

Fees allowed prosecuting attorney

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

## S. B. 319

## CHAPTER 330

## AN ACT FIXING THE SALARIES OF THE SHERIFF AND DEPUTIES OF BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

Rural police force, Brunswick County, abolished.

SECTION 1. That the office created under Chapter two hundred and eighty-three, Public-Local Laws Session one thousand nine hundred and thirty-five be and the same is hereby repealed.

Sheriff, Brunswick County, to receive fixed salary in lieu of fees, etc.

SEC. 2. That the salary of the Sheriff of Brunswick County shall be fixed by the Board of County Commissioners of Brunswick County, provided nevertheless, that said salary shall not be less than twenty-two hundred and fifty dollars, per annum, nor more than twenty-five hundred per annum, and provided that said salary paid shall be in lieu of all fees and travel expense except that the Sheriff shall be paid necessary travel expense for such travel as is necessary outside the boundaries of Brunswick County. *Provided further*, that the Sheriff and/or his deputies shall receive a process fee of fifty cents for each person for whom a summons is issued and served, wherein the County of Brunswick, or any political subdivision thereof is plaintiff, and that the same shall be due and payable at the completion of the service.

Process fees allowed.

Appointment and compensation of Deputy Sheriffs.

SEC. 3. That the Sheriff shall have authority to appoint five regular deputies, all shall be paid by the Board of County Commissioners, four of whom shall receive not less than thirty nor more than fifty dollars monthly, and one shall receive not less than fifty nor more than seventy-five dollars monthly. And that this salary shall be in lieu of all fees and travel expense paid said deputies by Brunswick County, except as those allowed in Section two above. That the deputies shall receive all the fees now allowed by statute in cases where the defendant is found guilty and is required to pay the costs.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1939.



S. B. 326

**CHAPTER 331**

AN ACT TO PROHIBIT DANCING IN A PUBLIC PLACE  
IN CASWELL COUNTY BETWEEN MIDNIGHT, SATUR-  
DAY NIGHT, AND SUNRISE, MONDAY MORNING.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate a public dance hall and to allow dancing, therein, in Caswell County, between midnight, Saturday night and sunrise, Monday morning.

Sunday operation of  
dance halls,  
Caswell County,  
prohibited.

SEC. 2. That anyone violating the provisions of this Act shall be guilty of a misdemeanor and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Violations made  
misdemeanor.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 714

**CHAPTER 332**

AN ACT TO AMEND CHAPTER ONE HUNDRED FORTY-  
FOUR OF THE PRIVATE LAWS OF NORTH CARO-  
LINA OF ONE THOUSAND NINE HUNDRED THIR-  
TEEN RELATIVE TO THE JURISDICTION OF THE  
MAYOR OF NORTH WILKESBORO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine of Chapter one hundred forty-four of the Private Laws of one thousand nine hundred thirteen, as amended, be amended by striking out all of said section after the comma following the word "thereof" in line twenty-eight, and inserting in lieu thereof the following: "And in all criminal cases arising within its jurisdictional limits which are now or may hereafter be given to a justice of the peace, and, in addition thereto, shall have exclusive original jurisdiction of all other criminal offenses committed therein below the grade of a felony, as now defined by law, and the same are hereby declared to be petty misdemeanors."

Ch. 144, Private  
Laws, 1913,  
amended as to juris-  
diction of Mayor,  
Town of North  
Wilkesboro.

SEC. 2. That Senate Bill number forty-two of the one thousand nine hundred thirty-nine session of the General Assembly, ratified on the twenty-sixth day of January, one thousand nine hundred thirty-nine, be, and the same is hereby repealed.

S. B. 42, Ch. 8,  
Public-Local Laws,  
1939, repealed.

Chapter further amended.

SEC. 3. That Chapter one hundred forty-four of the Private Laws of one thousand nine hundred thirteen be further amended by adding a new section at the end thereof to read as follows:

Jury trials in Mayor's Court.

"In all trials in this court, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the mayor shall try the same as is now provided in actions before justices of the peace, wherein a jury is demanded, and the same procedure as is now provided by law for jury trials before a justice of the peace shall apply."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 762

CHAPTER 333

AN ACT TO AUTHORIZE THE LENOIR CITY ADMINISTRATIVE UNIT, A SPECIAL BOND TAX UNIT LOCATED IN CALDWELL COUNTY, TO HOLD SPECIAL ELECTIONS ON THE QUESTION OF ISSUING SCHOOL IMPROVEMENT BONDS AND THE LEVYING OF SUFFICIENT TAXES TO PAY THE PRINCIPAL AND INTEREST ON SUCH BONDS UPON THE TERMS AND CONDITIONS HEREIN SET OUT.

Preamble: Establishment of Lenoir City Administrative Unit under School Machinery Act of 1933.

Whereas, in compliance with Section four of the School Machinery Act of one thousand nine hundred thirty-three, the Lenoir City Administrative Unit, the same being a Special Bond Tax Unit located in Caldwell County, was set up and established and certified by the State School Commission on the twenty-sixth day of June, one thousand nine hundred thirty-three, said State School Commission fixing and describing the boundary lines of said Lenoir City Administrative Unit as follows: "Beginning at a point one mile North of the center of the public square of the Town of Lenoir, said point being represented by a marker upon the Confederate Monument in the public square of said town; thence running West one mile; South two miles; East two miles; North two miles and West one mile to the place of beginning, containing four square miles, more or less": Now, therefore,

Boundaries described.

The General Assembly of North Carolina do enact:

Board of Trustees authorized to petition for election on issuance of bonds for school improvements.

SECTION 1. The Board of Trustees of the Lenoir City Administrative Unit shall be and they are hereby authorized to petition the Board of Commissioners of Caldwell County, as the tax-levying authorities of said county, to call a special election to vote upon the issuance of bonds, the pro-

ceeds of which shall be used for school improvement purposes for and within the said Lenoir City Administrative Unit, upon the terms and conditions hereinafter set out.

SEC. 2. Whenever the Trustees of the Lenoir City Administrative Unit, a Special Bond Tax Unit located in Caldwell County, shall so petition the Board of Commissioners of Caldwell County, said Board of Commissioners of Caldwell County shall order a special election to be held in the said Lenoir City Administrative Unit for the purpose of voting upon the question of issuing bonds and of levying a sufficient tax for the payment of the principal and interest thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing site, or sites, in such unit, or for any one or more of said purposes. In all elections called and held by the authority contained in this Act, the Board of Commissioners of Caldwell County shall designate the polling place, or places, appoint the registrar and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in the Lenoir City Administrative Unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of the Lenoir City Administrative Unit, the maximum amount of bonds to be issued, the purpose or purposes for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the Lenoir City Administrative Unit for the payment of the principal and interest of such bonds. The first publication of the notice shall be at least thirty days before the election.

Board of Commissioners, Caldwell County, to order special election.

Election procedure.

Notice of election.

Contents.

SEC. 3. A new registration of the qualified voters of the Lenoir City Administrative Unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in said unit at least thirty days before the close of the registration books. This notice of new registration may be considered one of the three required notices of the election. Such published notice of registration shall state the days on which the books will be open for the registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and, except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections.

New registration of voters of Lenoir City Administrative Unit.

Notice of new registration.

Challenge day.

Issues submitted.

SEC. 4. The form of the question shall be stated upon the form of the ballot as follows: "For the issuance of \$..... Caldwell County School Bonds and the levying of a sufficient tax on all taxable property in the Lenoir City Administrative Unit for the payment of the principal and interest thereof", and "Against the issuance of \$..... Caldwell County School Bonds and the levying of a sufficient tax on all taxable property in the Lenoir City Administrative Unit for the payment of the principal and interest thereof". The affirmative and negative form shall be printed upon one ballot, containing squares immediately to the left of the affirmative and negative forms, in one of which squares the voter may make a cross mark.

Ballots.

Determination of results of election.

SEC. 5. At the close of the polls in such elections as are held under authority contained in this Act, the election officers shall count the votes and make the returns thereof to the Board of Commissioners of Caldwell County, which Board of Commissioners shall within ten days meet and canvass the said returns and declare the results thereof and shall record such results in the minutes of said Board of Commissioners.

Declaration of results.

Time limit on actions to contest validity.

SEC. 6. If no exceptions or controversy be filed with the Board of Commissioners of Caldwell County to the said election or the results as declared by said commissioners within thirty days after the results of said election have been so declared, then no right of action shall exist in favor of any person to contest the legality of said election or of such bonds as may be issued pursuant thereto when said bonds have been duly authorized by a resolution of the Board of Commissioners of Caldwell County.

Resolution for issuance of bonds.

SEC. 7. If a majority of the qualified voters of the Lenoir City Administrative Unit shall vote in favor of the issuance of such bonds and the levying of such tax, then the Board of Commissioners of Caldwell County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name of Caldwell County, but they shall be made payable, both principal and interest, exclusively out of taxes to be levied on property lying within the boundaries of the Lenoir City Administrative Unit, said boundaries being hereinbefore described, except the Board of Commissioners of Caldwell County may pay from county funds any part of the principal and interest of such bonds. Such bonds shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of Commissioners of Caldwell County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or

Issuance of bonds.

Form, denomination and provisions of bonds.

divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by the Board of Commissioners of Caldwell County. The bonds shall be signed by the Chairman of the Board of Commissioners of Caldwell County, and the seal of Caldwell County shall be affixed to or impressed upon each bond and attested by the Clerk of said Board of Commissioners; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Maturity.

Interest rate.

Execution of bonds.

Delivery of bonds.

SEC. 8. The Board of Commissioners of Caldwell County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property within the Lenoir City Administrative Unit sufficient to pay the principal and interest, when due, on such bonds as may be issued pursuant to the authority contained in this Act. Such special tax shall be in addition to all other taxes authorized to be levied in the Lenoir City Administrative Unit. The taxes provided for in this section shall be collected by the county officer collecting other taxes and shall be applied solely to the payment of principal and interest of such bonds.

Special tax levy authorized for payment of bonds.

Collection and application.

SEC. 9. No bonds shall be issued on behalf of the Lenoir City Administrative Unit under this Act which, including indebtedness for schools thereof then outstanding, and a proportionate part of the indebtedness of Caldwell County for school purposes, including indebtedness for school purposes assumed by said county, shall exceed ten per cent of the assessed valuation of the taxable property in the Lenoir City Administrative Unit. A proportionate part of the school indebtedness of the county for the purpose of this section shall be that proportion of such indebtedness which the valuation of the taxable property in the Lenoir City Administrative Unit bears to the total valuation of the taxable property of the county.

Limitation on amount of bonds to be issued.

Powers conferred  
declared  
supplemental.

SEC. 10. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant nor repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of monies provided for such payment.

Act constitutes  
authority for  
powers authorized.

SEC. 11. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds shall be paid out only upon order of the Board of Commissioners of Caldwell County.

Application of Act.

SEC. 12. This Act shall apply only to Caldwell County and to the Lenoir City Administrative Unit, a special bond tax unit located in Caldwell County.

Conflicting laws  
repealed.

SEC. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

S. B. 150

## CHAPTER 334

### AN ACT TO AMEND CHAPTER TWENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATIVE TO THE CHARTER OF THE TOWN OF CAROLINA BEACH.

*The General Assembly of North Carolina do enact:*

Ch. 21, Private  
Laws, 1935,  
amended.

SECTION 1. Amend Chapter twenty-one of the Private Laws of one thousand nine hundred and thirty-five by striking out all of Section one and inserting in lieu thereof the following:

Biennial appoint-  
ment of Mayor and  
Aldermen, Town of  
Carolina Beach.

"SECTION 1. That on the first Tuesday in October, one thousand nine hundred and thirty-nine, and on the first Tuesday in October every two years thereafter, the Governor of the State of North Carolina shall appoint a mayor and four aldermen for the Town of Carolina Beach, who shall possess and be vested with all powers and duties which are now or may hereafter be given by law to the governing bodies of cities and towns in the State of North

Powers and duties.

Carolina: *Provided, however,* that two of the persons on said governing body shall be legal residents of the Town of Carolina Beach, and three shall be non-residents of said town.”

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

S. B. 280

**CHAPTER 335**

**AN ACT TO VALIDATE CERTAIN STREET AND SIDE-WALK PAVING ASSESSMENTS IN THE TOWN OF LITTLETON IN HALIFAX AND WARREN COUNTIES AND TO EXTEND THE TIME IN WHICH ACTIONS MAY BE INSTITUTED TO COLLECT SAID ASSESSMENTS.**

*Whereas,* the Town of Littleton, in the Counties of Halifax and Warren, North Carolina, has heretofore paved certain streets and sidewalks in the Town of Littleton, pursuant to petitions filed and resolutions adopted by the governing body thereof on April the seventh, one thousand nine hundred and twenty-four, and March the sixteenth, one thousand nine hundred and twenty-five, and September the eighth and nineteenth, one thousand nine hundred and twenty-seven, and assessment roll dated May the twenty-ninth, one thousand nine hundred and twenty-eight, and has assessed part of the cost thereof against the abutting real property or the owners thereof; and

Preamble: Paving of certain streets in Town of Littleton.

*Whereas,* the said property owners have received and are enjoying the benefit of said improvements; and

Assessment of cost.

Benefits to adjoining property owners.

*Whereas,* there may be some question as to whether the records of the Town of Littleton show that proper petitions were filed for said assessments in all of said local improvements and proceedings had or conducted in the manner as required by statute; and

Question as to validity of records and proceedings for assessments.

*Whereas,* in some of said assessment proceedings, the governing body of said town failed to provide and record proper assessment rolls and proceedings in the manner as provided by statute; and

*Whereas,* the said assessments in all other respects are proper and valid; and

*Whereas,* it is the purpose hereof to validate all of said assessments so far as the lack of proper petitions, resolutions, assessment rolls and proceedings thereon would affect it, and no further; and

Desire to validate assessments.

*Whereas*, it is desired that said Town of Littleton shall have until the first day of June, one thousand nine hundred and forty-two, in which to institute proper actions or proceedings to collect all delinquent sidewalk and street paving assessments due said town in each and all of said assessment proceedings, *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Assessments for sidewalk and street improvements, Town of Littleton, validated.

SECTION 1. That the action of the Board of Commissioners of the Town of Littleton in levying assessments on adjoining or abutting real property, or the owners thereof, for sidewalk and street paving improvements, as above mentioned, set forth and described, are hereby validated, notwithstanding the lack of providing and recording proper petitions, resolutions, assessment rolls and proceedings thereon in the manner as provided by statute, where the said assessments are otherwise valid and the adjoining or abutting property owners have received and are enjoying the benefit of said improvements.

Time for institution of actions for collection of delinquent assessments.

SEC. 2. That the said Town of Littleton shall have until the first day of June, one thousand nine hundred and forty-two, in which to institute proper actions or proceedings to collect all delinquent sidewalk and street paving assessments in each and all of said assessment proceedings mentioned, set forth and described in the preamble and Section one of this Act, by action to foreclose its lien on the real property abutting said sidewalks and streets, or the owners thereof, for the balance of the assessments due thereon.

Partial invalidity section.

SEC. 3. That if any one of said assessment proceedings for sidewalks and street paving improvements in said town, as mentioned, set forth and described in the preamble and Section one of this Act, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, or the remainder of said assessment proceedings mentioned, but shall be confined in its operation to the particular proceeding thereby affected.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.



S. B. 297

**CHAPTER 336**

AN ACT TO PROVIDE AN ELECTION TO DETERMINE THE QUESTION AS TO WHETHER OR NOT IREDELL COUNTY SHOULD LEVY TAXES AND ISSUE BONDS FOR THE PURPOSE OF ACQUIRING, ERECTING, ENLARGING, ALTERING, OR EQUIPPING SCHOOL BUILDINGS FOR ANY SCHOOL DISTRICT IN IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Upon receipt of a petition signed by not less than ten per cent (10%) of the qualified voters of Iredell County, praying that an election be called in said county to determine the question as to whether or not the county should issue bonds and levy a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering, and equipping school buildings, and purchasing sites in any school district or administrative unit described in the petition in said county, or for any one or more of said purposes, the Board of County Commissioners shall order a special election to be held in the county for the purpose of voting upon such question.

Special election on question of bond issue and tax levy for school improvement purposes, Iredell County.

SEC. 2. In all such elections the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in the county. The notice shall state the date of the election, the place or places at which the election will be held, the maximum amount of bonds to be issued, the purpose or purposes for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the county for the payment of the principal and interest of the bonds. The first publication of the notice shall be at least thirty days before the election. Such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be in substantially the words: "For the issuance of \$..... School Bonds and the levying of a sufficient tax for the payment thereof," and "Against the issuance of \$..... School Bonds and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (x) mark.

Conduct of election.

Notice of election.

Contents of notice.

Issues submitted.

Ballots.

- Returns.**                    **SEC. 3.** At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners as aforesaid and the other filed with the Clerk of the Superior Court of Iredell County. The election officers shall incorporate in the returns not only the number of votes cast for and against the question, but also the number of voters registered and qualified to vote at the election, and the Board of County Commissioners shall include in their canvass not only the number of votes cast for and against the question, but also the number of voters registered and qualified to vote at the election. The Board of County Commissioners shall prepare a statement showing the number of votes cast for and against the question, and the number of voters registered and qualified to vote at the election, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in Iredell County.
- Results determined and declared.**
- Contents of returns.**
- Statement of results by County Commissioners.**
- Publication.**
- Time limit on actions to contest validity.**                    **SEC. 4.** No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken, nor shall the validity of such election or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding section.
- Issuance of bonds authorized.**                    **SEC. 5.** If a majority of the qualified voters of such county shall vote in favor of the issuance of such bonds and the levy of such tax, then the Board of County Commissioners shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name of the county, but they shall be made payable exclusively out of taxes to be levied in the county, except the Board of County Commissioners may pay from county funds any part of the principal and interest of said bonds. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said Board of County Commissioners may determine, subject to the limitations and restrictions of this Act.
- Payment of bonds.**
- Form, denomination and provisions of bonds.**

SEC. 6. The Board of County Commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in Iredell County, sufficient to pay the principal and interest of the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in said county. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds.

Special tax levy for payment of bonds authorized.

Collection and application.

SEC. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of monies provided for such payment.

Powers conferred declared supplemental.

SEC. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsement of such approval upon bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds shall be paid out only upon order of the County Board of Education.

Act constitutes authority for powers authorized.

Application of Local Government Act.

SEC. 9. This Act shall apply only to Iredell County.

Application of Act.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

S. B. 329

CHAPTER 337

AN ACT TO REGULATE THE HUNTING OF FOXES IN GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be lawful to hunt foxes at any time in Granville County from the first day of October to the fifteenth day of January, inclusive, and foxes may also be hunted at night only from the first day of September to the first day of October, inclusive, and from the fifteenth day of January to the fifteenth day of February, inclusive.

Fox hunting regulated, Granville County.

Closed season on  
fox hunting.

SEC. 2. That the closed season during which foxes shall not be hunted either during the day or night, in Granville County, shall be from the fifteenth day of February to the first day of September and it shall be unlawful to trap or shoot foxes at any time except when committing depredations.

Violations made  
misdemeanor.

SEC. 3. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten nor more than fifty dollars or imprisoned not more than thirty days.

Ch. 411, Public-  
Local Laws, 1935,  
repealed.

SEC. 4. That Chapter four hundred and eleven of the Public-Local Laws of one thousand nine hundred and thirty-five, and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

### S. B. 334

### CHAPTER 338

#### AN ACT TO ESTABLISH A SCHEDULE OF FEES FOR THE JUSTICES OF THE PEACE OF PASQUOTANK AND CAMDEN COUNTIES.

*The General Assembly of North Carolina do enact:*

Schedule of fees for  
Justices of the  
Peace, Pasquotank  
and Camden  
Counties.

SECTION 1. That Justices of the Peace of Pasquotank and Camden Counties shall receive the following fees and none other:

Affidavit, including certificate .....	\$ .35
Attachment papers, including trial, judgment and order to seize property .....	2.50
Additional defendants in same cause, each.....	.25
Allotting widow's years allowance, issuing notices to Commissioners and making returns.....	2.00
Bond or undertaking .....	.25
Capias and order, each defendant.....	.75
Certificate .....	.25
Continuance .....	.25
Commitment, each defendant .....	.25
Certification of any document or other paper writing to be a copy of the original.....	.25
Claim and Delivery, issuing all necessary papers including trial and judgment .....	2.50
Additional defendants in same cause, each.....	.25
Additional copies in same cause, each.....	.25
Execution of Judgment .....	.50
Filing and docketing labor's lien, one owner.....	.50

Additional owners, each in same cause.....	.25
Motion, entry and record of.....	.25
Notices, each .....	.25
Notice of Publication .....	.25
Notice Sci Fa, each.....	.50
Nisi, judgment of, each.....	.50
Orders, each .....	.25
Order of arrest in civil action, each.....	.25
Order of Publication .....	.35
Order of removal of cause.....	.50
Order to seize property.....	.35
Probate of deed, deed of trust, crop lien, chattel mort- gage, or any other paper writing, acknowledged by the signers, each.....	.25
Recognizance, each party where no bond is taken.....	.25
Recognizing witnesses, each .....	.25
Return to notice of appeal.....	.50
Docketing of appeal .....	.50
Subpoena, each name .....	.15
Summons, in civil action.....	.50
Each additional defendant in same cause.....	.25
Summons for a jury for venire of twelve jurymen.....	.50
Drawing jury from box.....	.50
Impaneling jury .....	.25
Summary proceedings in ejectment to recover posses- sion of land from tenant who holds over.....	1.50
Each additional copy in same cause.....	.50
Transcript of judgment .....	.25
Transcript of any matter of record or papers on file per copy sheet .....	.25
Trial and judgment .....	1.00
Trial and entering verdict .....	.50
Trial by jury and entering verdict.....	1.00
Taking deposition, for each copy sheet.....	.25
Taxes, garnishment of, with certificate of returns.....	.50
Writ of seizure of personal property.....	.50
Warrant of commitment .....	.25

That when the trial of a cause shall have been removed from before the Justice of the Peace issuing the said papers, the Justice of the Peace sitting in trial of such cause shall receive fifty cents (50c) for such trial and judgment—50c.

#### FEEES IN CRIMINAL ACTIONS

Affidavit .....	\$ .25
Warrant .....	.50
Subpoenas, each .....	.15
Commitment, each defendant .....	.50
Recognizance, each .....	.25
Bonds, each .....	.25
Judgment, not contested, each defendant.....	.75

Judgment, contested, each defendant.....	1.50
Order of Removal .....	.50
Capias and Order, each defendant.....	1.00
Jury trial and entering verdict, each defendant.....	1.00
Judgment Nisi, each defendant.....	.50
Issuing Sci Fa, each.....	.50
Drawing jury from box .....	.50
Impaneling jury .....	.25

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

S. B. 340

CHAPTER 339

AN ACT TO REPEAL CHAPTER SIXTY-ONE, PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED THIRTY-ONE, RELATING TO THE CHARTER OF THE TOWN OF ROBBINSVILLE IN GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 61, Private Laws, 1931, repealed.

SECTION 1. That Chapter sixty-one of the Public-Local and Private Laws of North Carolina, session one thousand nine hundred thirty-one, be, and the same is hereby repealed.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

S. B. 346

CHAPTER 340

AN ACT TO AUTHORIZE THE CITY OF SHELBY, A MUNICIPAL CORPORATION, TO SELL CERTAIN REAL ESTATE.

Preamble: Old City Hall and Fire Station, City of Shelby.

Whereas, the City of Shelby owns certain real estate within the corporate limits on the North side of the Court-house Square which has been used as the city hall, fire station, storage warehouse for trucks, and the location of the storage tank for water supply, and the said property being inadequate for such purposes; and

Whereas, the city has provided and arranged to provide another location for storage tanks for adequate water supply for the city's needs, and now has under process of construction a city hall and fire station on another location at the Southwest intersection of Washington and Graham Streets, which said city hall and fire station when occupied will render the present city hall and fire station practically useless to the city; and

Construction of  
new City Hall, etc.

Whereas, the City of Shelby has been compelled to foreclose paving tax liens and acquire title to the said properties for the purpose of protecting its tax liens, to-wit: On the East side of South Lafayette Street and the corner of Morton Avenue, and small strip of land on Lee Street known as the Spangler property, and other properties now in the process of collection of its paving taxes due the said City of Shelby; and

Properties acquired  
through tax  
foreclosures.

Whereas, it is deemed best by the governing body of the City of Shelby and for the best interests of the said City of Shelby to offer the said real estate for sale: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the said City of Shelby through its governing body is hereby authorized and directed to expose to public sale after advertising the same for thirty days as the law directs in execution sales any and all of the real estate herein referred to, and the right is hereby given the governing body of the said City of Shelby to reject any and all bids to the said property for inadequacy of price, and readvertise and re-offer for sale any and all of the said lands heretofore used for governmental purposes, and such other lands as the said City of Shelby may have acquired by being the purchaser at foreclosure sales under tax liens.

Sale of property by  
City of Shelby,  
authorized.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## S.B. 353

## CHAPTER 341

## AN ACT CREATING FIVE DISTRICTS IN GRANVILLE COUNTY FOR THE SELECTION OF COUNTY COMMISSIONERS AND MEMBERS OF THE BOARD OF EDUCATION.

*The General Assembly of North Carolina do enact:*

Granville County divided into five districts for election of County Commissioners and members of Board of Education.

SECTION 1. That for the purpose of selecting the members of the Board of County Commissioners and the members of the Board of Education of Granville County, the said county is hereby divided into the following five districts: One—Oxford Township; two—Sassafras Fork and Salem Townships; three—Fishing Creek and Brassfield Townships; four—Dutchville and Hally Ho Townships; five—Walnut Grove and Oak Hill Townships.

Nomination and election of County Commissioners.

SEC. 2. That in the year one thousand nine hundred and forty and biennially thereafter, there shall be nominated and elected by the qualified voters of the entire county five members of the Board of Commissioners of Granville County, one from each of the above designated districts.

Nomination of members of Board of Education.

SEC. 3. That as the terms of office of the members of the Board of Education of Granville County expire, there shall be nominated by the voters of the entire county a member or members to fill such vacancy but no two members shall be nominated from the same district, the terms of said members so nominated to be as now provided by law.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## S. B. 360

## CHAPTER 342

## AN ACT TO AMEND CHAPTER TWO HUNDRED EIGHTEEN OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATING TO CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS OF BURKE COUNTY, AND TO PLACE HIM ON A PART-TIME BASIS.

*The General Assembly of North Carolina do enact:*

Ch. 218, Public-Local Laws, 1929, amended.

SECTION 1. That Sections three and four of Chapter two hundred eighteen of the Public-Local Laws of one thousand nine hundred and twenty-nine and amendatory Acts thereof be and the same are hereby amended by striking out Sections three and four of said Act and substituting in lieu thereof the following:



“SEC. 3. That the Board of County Commissioners of Burke County shall have the right and authority to select one member of its body as a part-time manager of the affairs of Burke County. It shall be the duty of such officer, when selected, to be the administrative head of the county government for the Board of County Commissioners of Burke County and to see that all orders, resolutions and regulations of the board are fairly executed; to recommend such measures for adoption as he may deem expedient; to make reports to the board from time to time upon the business affairs of the county and to keep the board fully advised as to the financial condition of the county and its future financial needs; to provide for the purchasing of supplies for all the different departments of the county government so as to prevent waste and duplication in purchasing and to obtain the advantage of purchasing in larger quantities when deemed necessary and best, and to perfect such other duties as may be necessary in the general supervision of the business affairs of the county. It shall also be his duty to supervise the tax listing and to see that all property liable for taxation is placed upon the tax books.”

Employment of part-time manager of affairs of Burke County authorized.

Duties of part-time manager.

“SEC. 4. That the Board of County Commissioners of Burke County is hereby authorized to fix a salary of the part-time manager herein provided for under this Act not to exceed the sum of six hundred dollars per annum, which shall be in full compensation for all services and allowances for such member of the Board of County Commissioners.”

Compensation.

SEC. 2. That the provisions herein contained shall in no manner affect the present Board of County Commissioners but is intended to apply to the county commissioners elected at the next general election and biennially thereafter.

Application of Act.

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

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after the first Monday in December one thousand nine hundred and forty.

Effective date.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 97

## CHAPTER 343

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND THIRTY-THREE OF THE PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AMENDING THE CHARTER OF THE TOWN OF ATLANTIC BEACH, CONFERRING AUTHORITY TO LEVY GENERAL PROPERTY TAXES.

*The General Assembly of North Carolina do enact:*

Sec. 3, Ch. 433, Public-Local Laws, 1937, amended to repeal provision that officers, Town of Atlantic Beach, serve without compensation.

SECTION 1. That Chapter four hundred thirty-three of the Public-Local Laws of one thousand nine hundred and thirty-seven, be and the same is hereby amended in the manner and to the extent following: Strike out the comma in line seven of Section three, and substitute a period therefor, and strike out the wording thereafter as follows: "which said officers shall serve without compensation."

Sec. 7, amended as to levy of general property tax.

SEC. 2. Amend Section seven by inserting after the word "tax" and before the word "for" in the last line of said section the word "except."

Sec. 8, amended as to petition for assessment for construction board walks, etc.

SEC. 3. Amend Section eight by striking out all of said section after the word "petition" in line twenty, and by adding in lieu thereof the words: "as provided by Section five of Chapter fifty-six of the laws of nineteen hundred and fifteen and amendments thereto."

Sec. 10, amended.

SEC. 4. Amend Section ten by adding at the end thereof the following: "The mayor and aldermen of said town shall be compensated by the payment of five dollars for each meeting held. Provided, said meetings shall not exceed twelve meetings during any calendar year, said mayor and aldermen to attend other meetings without compensation."

Compensation of mayor and aldermen.

Registration of property owners for purpose of giving notice of elections.

SEC. 5. Add an additional section to be numbered Section fifteen, as follows: "That for the purpose of giving notice of the election of officers provided for in the original Act, all property owners in the Town of Atlantic Beach shall on or before the first day of April in each year report, register and list with the town clerk their respective names and addresses, and property and lots owned in said town, and make report to said clerk of all sales, purchases and transfers of property in said town, if any, during the preceding year."

Construction and extension of streets, etc., authorized.

SEC. 6. Add an additional section to be numbered Section sixteen, as follows: "That the mayor and aldermen of said town shall have full and complete power and authority to permit the construction and extensions of all the streets, alleys and board walks within the limits of said town, for the purpose of connecting with any other developments beyond the limits of said town."

SEC. 7. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 8. That if any part of this Act shall be declared unconstitutional by any court of competent jurisdiction, it shall not affect any other part or section of this Act.

Partial invalidity section.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 239

CHAPTER 344

AN ACT TO INCREASE THE MEMBERS OF THE BOARD OF EDUCATION FOR PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the membership of the Board of Education for Pasquotank County shall and is hereby increased from three to five.

Membership of Board of Education, Pasquotank County, increased.

SEC. 2. That the following persons are hereby appointed members of the County Board of Education for Pasquotank County, each for a period of four years: A. W. Stanton, J. M. Scott, J. Heywood Bright, Buxton White and Mrs. P. F. Walston.

Members of Board.

SEC. 3. That the members of the Pasquotank County Board of Education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in May, one thousand nine hundred and thirty-nine, and shall hold office for a term of four years, or until their successors are elected and qualified. At least one member shall be elected from each of the four school districts in Pasquotank County as follows: Weeksville, Central, Elizabeth City and Newland.

Qualification of members.

Terms of office.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 390

## CHAPTER 345

AN ACT TO AUTHORIZE THE COUNTY OF CABARRUS TO ERECT AND EQUIP AN ADDITION TO CABARRUS COUNTY HOSPITAL AND TO ISSUE BONDS THEREFOR.

*The General Assembly of North Carolina do enact:*

Bond issue, Cabarrus County, authorized.

SECTION 1. Subject to the approval by the vote of a majority of the qualified voters of the county voting at an election to be called and held in the manner provided by the County Finance Act as amended, the County of Cabarrus through its Board of County Commissioners is hereby authorized and empowered to issue not exceeding one hundred thousand dollars (\$100,000.00) bonds. Said bonds shall be issued in accordance with the provisions of the County Finance Act as amended and the Local Government Act as amended.

Proceeds available to Cabarrus County Hospital for enumerated purposes.

SEC. 2. The Board of Commissioners of Cabarrus County shall when the bonds are issued, make the proceeds thereof available for the Cabarrus County Hospital, to be expended by the executive committee of the Cabarrus County Hospital for any part or all of the following purposes:

(a) To construct and equip an addition to the Cabarrus County Hospital.

(b) To construct and equip an addition to the nurses' home.

(c) To construct a garage.

(d) To construct a storage building.

(e) And for such other purposes as the executive committee may deem wise in connection with improving the hospital or any of its auxiliary buildings or equipment.

Powers herein granted declared additional.

SEC. 3. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said county.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 467

## CHAPTER 346

AN ACT AMENDING THE CHARTER OF THE TOWN OF OXFORD, GRANVILLE COUNTY, EXTENDING AND ENLARGING THE CORPORATE LIMITS THEREOF AND PROVIDING FOR A SPECIAL ELECTION TO RATIFY SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter three hundred two of the Private Laws of one thousand nine hundred thirteen (as amended), commonly known as the Charter of the Town of Oxford, be and the same is hereby amended to read as follows:

Ch. 302, Private Laws, 1913, amended.

“That the corporate limits of the Town of Oxford shall be all of the territory embraced within the following boundaries; Beginning at an iron stake one foot South of the Southeast corner of the South Side Sewage Treatment Plant fence; thence, North 63 degrees 15 minutes East two thousand eight hundred thirty-five (2,835) feet to a point three hundred (300) feet East of the Raleigh Road; thence, North 14 degrees 45 minutes East five thousand seven hundred seventy-five (5,775) feet to a point three hundred (300) feet North of the Henderson highway; thence, North 48 degrees 30 minutes West eight thousand one hundred seventeen (8,117) feet to a point in the center of the Clarks-ville highway; thence, South 65 degrees West four thousand four hundred ten (4,410) feet to a point three hundred (300) feet West of the Virgilina Road; thence, South 3 degrees 30 minutes West six thousand five hundred twenty-eight (6,528) feet to a point in the center of the Stem Road; thence, South 42 degrees 15 minutes East three thousand two hundred (3,200) feet to a point in the center of the Durham highway; thence, South 72 degrees East four thousand five hundred ninety-seven (4,597) feet to the place of beginning; said city limits containing three and two hundred twenty-five thousandths (3.225) square miles more or less.”

Corporate limits, Town of Oxford, extended.

SEC. 2. That this amendment shall become effective only when and if ratified by a majority of the qualified voters in the territory described in Section one above at an election which shall be held at the call of the Board of Commissioners of Oxford within two years of the ratification of this Act. The said election shall be called by said board by appropriate proceedings and be held within the time above mentioned and conducted in accord with the provisions of the charter and ordinances of the Town of Oxford governing municipal elections both general and special, except that said board may in its discretion order a new or special registration of all the qualified voters in the

Election on question of extension.

Election procedure.

territory described in Section one hereof, and for said new registration and said special election appoint one or more registrars, and judges of election; or said board may allow all persons qualified to vote at municipal elections in the Town of Oxford to vote at said special election without registering anew and require all persons in the territory described in Section one hereof not so qualified to register as a prerequisite to voting at said special election.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 561

## CHAPTER 347

### AN ACT TO PRESCRIBE THE FEES FOR THE OFFICE OF CLERK OF THE SUPERIOR COURT OF WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Fees and commissions to be charged by the Clerk of the Superior Court of Wayne County and the Clerk ex officio of the Wayne County Court shall be the following and none other: *Provided, however*, that when a fee is not fixed herein, the fee to be charged therefor shall be as provided and set out in the General Fee Bill of North Carolina and the fees herein set out shall be collected by the clerk as provided by law for the collection of said fees.

SEC. 2. The clerk shall not charge any fee of any public official of Wayne County for the taking of a bond for the faithful performance of his official duties when the bond is payable to the county or State.

SEC. 3. Definition of Fiduciary: When the word "fiduciary" is used in this Act, it shall include any person, association of persons, whether incorporated or not, administering any trust or estate as executor, administrator, administrator c.t.a., administrator d.b.n., administrator c.t.a., d.b.n., collector, guardian or trustee for a minor or incompetent, receiver, surviving partner, or any other person appointed by the clerk or any other court to administer a trust or estate that shall come under the jurisdiction of the clerk and/or when the clerk is required by law or by an order of any court to supervise the administration of the estate and to audit and approve the accounts filed by such person.

Conflicting laws repealed.

Schedule of fees and commissions of Clerk Superior Court, Wayne County.

SEC. 4. That there shall be levied a process tax of two dollars (\$2.00), subject to all of the provisions of Section one hundred fifty-seven and all subsections thereto of the Revenue Act of one thousand nine hundred thirty-seven.

SEC. 5. Advertising and selling property, either real or personal, under a mortgage deed, chattel mortgage or deed of trust given in lieu of bond, five per cent of the sale price.

SEC. 6. Adoption, complete, five dollars (\$5.00).

SEC. 7. Affidavit, twenty-five cents for each person, (except affidavits on inventories, annual and final accounts of fiduciaries and affidavits taken for the County of Wayne).

SEC. 8. Appeal, docketing, from clerk of other court, one dollar (\$1.00).

SEC. 9. Appeal to Supreme Court, certificate and seal, two dollars (\$2.00).

SEC. 10. Attachment, order, fifty cents.

SEC. 11. Filing inventory, one dollar (\$1.00), plus recording fee.

SEC. 12. Auditing annual accounts of executor, administrator, guardian and accounts of other fiduciaries required to render accounts. If not over three hundred dollars (\$300.00) a fee of fifty cents; from three hundred dollars (\$300.00) to one thousand dollars (\$1,000.00), a fee of one dollar (\$1.00); five cents per each one hundred dollars above one thousand dollars (\$1,000.00); plus recording fees in each instance.

SEC. 13. Auditing final account of executor, administrator, guardian or other fiduciary required to render accounts, one-half of one per cent on receipts and disbursements for all sums not exceeding one thousand dollars (\$1,000.00); for all sums exceeding one thousand dollars (\$1,000.00), one-tenth of one per cent, such fees shall not exceed twenty-five dollars (\$25.00), plus recording fees in each instance: *Provided, however,* that there shall be no duplication of commissions on amounts on which commissions have been charged in former accounts filed and audited, and in auditing a final account commissions shall be charged only on items not already audited prior thereto.

SEC. 14. Auditing final account of commissioners appointed to sell real estate; trustees and mortgagees or other persons, firms or corporations under foreclosure proceedings required by law, to render such final accounts, two dollars and fifty cents (\$2.50) plus recording fees.

SEC. 15. Bill of cost, preparing same, twenty-five cents (25c).

SEC. 16. Bond or undertaking, including justification, sixty cents (60c).

SEC. 17. Cancel notice *lis pendens* twenty-five cents (25c).

SEC. 18. *Capias*, each defendant, one dollar (\$1.00).

SEC. 19. Arrest, order of, for each defendant, one dollar (\$1.00).

SEC. 20. Caveat to a will, entering and docketing same for trial, one dollar and fifty cents (\$1.50).

SEC. 21. Certificate, twenty-five cents (25c) except where it is a charge against the county.

SEC. 22. Claim and delivery, issuing complete, two dollars (\$2.00); and twenty-five cents (25c) for each copy of same.

SEC. 23. Commission—issuing, seventy-five cents (75c).

SEC. 24. Continuance—fifty cents (50c).

SEC. 25. Commissions, five per cent shall be allowed the clerk on all fines, penalties, amercements and taxes paid him by virtue of his office.

SEC. 26. Commissions, the clerk shall receive in addition to his salary five per cent of all sums of money placed in his hands by virtue of his office except judgments, decrees and executions.

SEC. 27. Confirmation of sale, whether signed by judge or clerk, one dollar (\$1.00).

SEC. 28. Cross-indexing, ten cents (10c) for each name in each proceeding.

SEC. 29. Deed of separation or any other deed or instrument, acknowledged by husband and wife, with a special examination of wife, including probate, one dollar (\$1.00).

SEC. 30. Dower, issuing writ, one dollar (\$1.00).

SEC. 31. *Ex parte* proceeding, docketing, one dollar (\$1.00).

SEC. 32. Docketing warrant, twenty-five cents (25c) each.

SEC. 33. Docketing judgment—fifty cents (50c).

SEC. 34. Docketing summons or alias summons, each, twenty-five cents (25c).

SEC. 35. Execution and return thereon, including docketing, fifty cents (50c); and certifying return to clerk of any county where judgment is docketed, twenty-five cents (25c).

SEC. 36. Filing papers, five cents (5c) for each paper filed in each case.

SEC. 37. Fiduciaries, appointment and qualification of, including taking bond and justification and original letters, three dollars (\$3.00).



SEC. 38. Fiduciary letters, each certified copy, fifty cents (50c).

SEC. 39. Guardian, notifying solicitor of removal, one dollar (\$1.00).

SEC. 40. Guardian ad litem and next friend, appointment of each, one dollar (\$1.00).

SEC. 41. Injunction, order, one dollar (\$1.00).

SEC. 42. Indictment, including presentment, certificate and docketing, one dollar and twenty cents (\$1.20) for each defendant.

SEC. 43. Recording certificates of incorporation of corporations complete, three dollars (\$3.00).

SEC. 44. Recording certificates of dissolution of corporations, one dollar (\$1.00).

SEC. 45. Judgment, final, civil actions and special proceedings before judge or clerk, one dollar (\$1.00).

SEC. 46. Judgment, final, against each defendant in criminal actions, one dollar (\$1.00).

SEC. 47. Judgment by confession, complete, three dollars (\$3.00).

SEC. 48. Judgment and/or allotment in favor of widow's years support, including docketing, recording and indexing, three dollars (\$3.00).

SEC. 49. Judgment *nisi* and issuing *sci fa* to a defaulting witness, juror or of any bail bond or recognizance, one dollar (\$1.00) for each person for whom same is issued.

SEC. 50. Lien, docketing and indexing, one dollar (\$1.00).

SEC. 51. Minutes, recording orders and judgments whether signed by judge or clerk, each one dollar (\$1.00).

SEC. 52. Motions, entry and record of, twenty-five cents (25c).

SEC. 53. Notices, twenty-five cents (25c), and for each name over one in same paper, ten cents (10c) additional.

SEC. 54. Notary Public, qualifying and indexing, fifty cents (50c).

SEC. 55. Nurses, registering trained nurses, including certificates of registration, fifty cents (50c).

SEC. 56. Orders, enlarging time for pleading, and all interlocutory orders, twenty-five cents (25c), each.

SEC. 57. Partnership, registering certificate and indexing, fifty cents (50c). Probate, limited partnership, fifty cents (50c).

SEC. 58. Probate of a deed or other writing, proved by a witness, including the certificate, twenty-five cents (25c).

SEC. 59. Probate of deed or other writing, acknowledged by the signers or makers, including all except married

women, with the certificate thereof, twenty-five cents (25c) for each person.

SEC. 60. Privy examination of married women, twenty-five cents (25c) each.

SEC. 61. Probate of will in common form complete. Qualification of fiduciary and letters excepted, four dollars (\$4.00).

SEC. 62. Qualifying justice of the peace, twenty-five cents (25c) to be paid by the justice.

SEC. 63. Recording and copying papers, ten cents (10c) per one hundred words.

SEC. 64. Transcript of any matter on record or on file, ten cents (10c) for each one hundred words.

SEC. 65. Seal of office, when necessary, twenty-five cents (25c).

SEC. 66. Subpoena, each name, fifteen cents (15c).

SEC. 67. Summons, issuing original or alias original in any action, one dollar (\$1.00) each, and for each copy thereof, twenty-five cents (25c).

SEC. 68. Transcript of judgment, issuing, regular form, forty-five cents (45c); with ten cents (10c) per one hundred words additional for long form judgment, this in addition to the forty-five cents (45c).

Compensation of jurors.

SEC. 69. Juror's compensation, all jurors sworn, impanelled and used in any court in Wayne County, shall be entitled to the sum of two dollars (\$2.00) per day and mileage for one round trip, each week, at the rate of five cents (5c) per mile for their services: *Provided*, that any person summoned as a special venireman and not sworn, impanelled and used, shall be entitled to the same compensation of jurors sworn, impanelled and used, unless excused from service at their own request: *Provided, further*, that tales jurors, not sworn, impanelled and used, shall not be entitled to compensation unless otherwise ordered by the presiding judge. Coroner's jurors shall receive the same compensation as regular jurors used in the court. Jurors serving in special proceedings before the clerk shall be entitled to one-half the compensation allowed regular jurors, provided in the event, said jurors, shall be required to serve more than one-half day, then in that event they shall receive the same compensation as regular jurors for the days served.

Conflicting laws repealed.

SEC. 70. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 71. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 564

CHAPTER 348

AN ACT TO CONTINUE THE CORPORATE EXISTENCE OF WOODLAWN COMMUNITY, INCORPORATED.

Whereas, Woodlawn Community, Incorporated, was duly incorporated under and pursuant to the provisions of Chapter two hundred and two, Public Laws of one thousand nine hundred nineteen; and

Preamble: Incorporation of Woodlawn Community under Ch. 202, Public Laws, 1919.

Whereas, by Chapter one hundred thirty-six of the Public Laws of one thousand nine hundred twenty-three the Act above referred to was repealed; and

Act repealed in 1923.

Whereas, the said Woodlawn Community, Incorporated, has maintained its corporate existence, elected officers from time to time, purchased and owned property, has sold some, and has generally functioned as a municipal corporation; Now, therefore,

Maintenance of corporate existence.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate existence of the municipal corporation known as Woodlawn Community, Incorporated, in Alamance County, near the Town of Mebane, be, and it is hereby in all respects continued; and the officers of said corporation be, and in so far as they are authorized by the said Charter of Woodlawn Community, Incorporated, or the law creating the same, shall have authority to levy and collect taxes, buy and sell real estate, and generally function as a municipal corporation to the extent that it is permitted to do so under the charter and the law under which it was organized.

Corporate existence of Woodlawn Community, Alexander County, continued.

Powers of officers of corporation.

SEC. 2. That all actions of the officers of Woodlawn Community, Incorporated, which have heretofore been taken in their or its official capacity be, and the same is hereby in all respects ratified and confirmed.

Official actions heretofore taken, validated.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 586

## CHAPTER 349

## AN ACT TO PROVIDE A SPECIAL ANNUAL TAX LEVY FOR MECKLENBURG COUNTY FOR THE MAINTENANCE AND SUPPORT OF PUBLIC LIBRARIES.

*The General Assembly of North Carolina do enact:*

Special election on question of tax levy for maintenance and support of public libraries, Mecklenburg County, authorized.

SECTION 1. That the Board of County Commissioners for Mecklenburg County may, by a majority vote of the board, after thirty days notice at the courthouse door and publication in one or more newspapers published in Mecklenburg County, order a special election to be held at such time as they may fix, to determine the will of the people of the county as to whether or not the Board of County Commissioners of the county shall levy a special annual tax not to exceed five cents on each one hundred dollars of the assessed value of the real and personal property taxable in Mecklenburg County to be set aside and used as a fund for the maintenance and support of public libraries in Mecklenburg County. The question of levying such special annual tax shall be submitted to the qualified voters of the county at an election to be held as hereinbefore provided. In the event the Board of Commissioners for Mecklenburg County shall order a special election to determine the will of the people of the county, the question of levying such special annual tax, they may order a new registration of the qualified voters of the county for such election, and notice of such new registration shall be deemed sufficiently given by publication once in some newspaper published in said county at least thirty days before the close of the registration books. The published notice of registration shall state the days on which the books will be open for registration of voters and the places at which they will be open on Saturdays, and the names of the polling places. It shall be sufficient notice of the election if such notice is published thirty (30) days before the election. The books of such new registration shall open on the fourth Saturday before the election day and close on the second Saturday before the election day. The Saturday before the election day shall be "Challenge Day."

New registration.

Publication of notice of registration.

Contents.

Challenge day.

Ballot boxes.

Qualified voters.

Issues submitted.

SEC. 2. The Board of County Commissioners for Mecklenburg County at said special election shall cause to be placed at each voting precinct in the county a ballot box marked "Maintenance and support of Public Libraries." That at said election, all voters of the county who are duly qualified electors and have duly registered for said election may vote in such special election. Each of said voters when they come to the polling places to vote on the day of the election shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words, "For Maintenance and Support of

Public Libraries," and "Against Maintenance and Support of Public Libraries," which alternatives shall appear, separate from each other on one ballot containing, opposite and to the left of each alternative squares of appropriate size in one of which squares the voter may make a mark "X" to designate the voter's vote for or against such tax levy. Such ballots shall be printed on white paper, and the Mecklenburg County Board of Elections shall cause to be printed and delivered at each polling place in Mecklenburg County not later than the day before the election a sufficient number of said ballots to supply the voters of the precinct. If a majority of the qualified voters at said special election vote "For Maintenance and Support of Public Libraries," then the Board of County Commissioners for Mecklenburg County is authorized, in its discretion, to levy a special annual tax not to exceed five cents on each one hundred dollars of the assessed value of the real and personal property taxable in Mecklenburg County and cause same to be set aside for the use and maintenance of Public Libraries in Mecklenburg County and the City of Charlotte. The election herein referred to shall be held and conducted under the exclusive supervision of the County Board of Elections of Mecklenburg County, and except as herein otherwise provided, shall be conducted in accordance with the General Election Laws as provided for the election of the members of the General Assembly.

Ballots.

Special annual tax levy authorized in event of majority vote therefor.

Conduct of election.

SEC. 3. In case a majority of the qualified voters of Mecklenburg County approves the levying of the special annual tax for the support of public libraries of Mecklenburg County, then said public libraries shall be under the control and management of a board of eight trustees, of which four shall be appointed by the Mayor of the City of Charlotte, and the other four trustees shall consist of the Mayor of the City of Charlotte, the Superintendent of the Public School System of the City of Charlotte, the Superintendent of the Public School System of Mecklenburg County, and the Chairman of the Board of County Commissioners for Mecklenburg County. The trustees selected by the Mayor of the City of Charlotte shall each serve for a term of four years, except that the mayor shall select after the first meeting of the council subsequent to the municipal election in the year one thousand nine hundred thirty-nine, or as soon thereafter as practicable, two trustees to serve upon said board until the first Tuesday after the first Monday in May, one thousand nine hundred forty-one, or until their successors are appointed and qualified, and in addition two trustees who shall serve until the first Tuesday after the first Monday in May, one thousand nine hundred forty-three, or until their successors are appointed and qualified, and such trustees shall serve without compensation. *Pro-*

Control and management of libraries.

Appointment of trustees.

Terms of trustees.

vided that the Chairman of the Board of County Commissioners and the Superintendent of the County Public Schools shall not be entitled to membership on said board unless the county contributes to the support of public libraries in the City of Charlotte and the County of Mecklenburg with funds derived from taxation or otherwise.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, provided that if said county-wide tax herein referred to is not approved by a majority of the qualified voters at said election then, in that event, nothing in this Act shall be construed as in any wise repealing the provisions of any Public, Public-Local, or Private Act now in effect relative to the authority of the Governing Body of the City of Charlotte or Mecklenburg County to appropriate certain funds for the maintenance and operation of public libraries in the City of Charlotte.

Exception.

Application of Act.

SEC. 5. That this Act shall apply to Mecklenburg County only.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 591

## CHAPTER 350

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED EIGHTY-THREE RELATIVE TO ELECTIONS IN THE TOWN OF MAIDEN, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Ch. 103, Private Laws, 1883, amended.

SECTION 1. That Section four of Chapter one hundred and three of the Private Laws of one thousand eight hundred eighty-three be, and the same is hereby amended by adding at the end of said section the following:

Notice and filing fee of candidates for office of Mayor and Aldermen, Town of Maiden.

“That all candidates for mayor or members of the Board of Aldermen or Commissioners of the Town of Maiden, or some citizen of good moral character in behalf of the candidate, shall file with the clerk to the board written notice of their desire to become a candidate and pay to said clerk a fee of one dollar, and upon receipt of the written notice and the sum of one dollar the clerk to the board shall acknowledge same in writing: *Provided*, the notice and the one dollar are received on or before the second Monday in April, nineteen hundred thirty-nine, and on the same date each and every year thereafter.

“That on the first Monday in May nineteen hundred thirty-nine, the qualified registered voters of the Town of Maiden shall elect a mayor and five aldermen or commissioners.

Election of Mayor and Aldermen in 1939.

“The mayor shall serve during a term of one year. The two elected persons, receiving at said election the highest number of votes and the second highest number of votes, respectively, for aldermen or commissioners, shall serve during a term of two years; the other three persons elected aldermen or commissioners at said election shall serve during a term of one year.

Terms of office.

“That on the first Monday in May of each year after the year nineteen hundred thirty-nine, a mayor shall be elected for a term of one year, and two aldermen shall be elected for a term of two years and an alderman for a term of one year. The two elected persons, receiving at said election the highest number of votes and the second highest number of votes, respectively for aldermen or commissioners, shall serve during a term of two years; the other one person elected alderman or commissioner, shall serve during a term of one year.

Subsequent elections.

“The mayor and aldermen or commissioners elected for the Town of Maiden, shall from and after the ratification of this Act, meet at seven-thirty o'clock P. M. in the town hall of Maiden, North Carolina, on the first day of July, nineteen hundred thirty-nine, unless said first day falls on Sunday, and in that event on the Monday following, and annually thereafter, and be sworn in and shall enter upon their duties on that date; that the mayor and aldermen or commissioners now in office shall hold over until said first day of July nineteen hundred thirty-nine or until their successors are elected and qualified. The purpose of this Act is to make the municipal year and fiscal year concurrent.

Time of taking office.

Purpose of Act.

“No person shall be considered a candidate unless he has complied with the provisions of this Act.”

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 598

## CHAPTER 351

AN ACT TO VALIDATE CERTAIN OUTSTANDING BONDS AND INDEBTEDNESS OF THE COUNTY OF LEE, AND TO PROVIDE FOR THE REFUNDING OR FUNDING OF SUCH BONDS AND INDEBTEDNESS.

*The General Assembly of North Carolina do enact:*

Outstanding bonds issued by Lee County for construction of courthouse and jail, validated.

SECTION 1. The outstanding bonds of the County of Lee of the aggregate principal amount of twenty-one thousand dollars, dated the first day of July, one thousand nine hundred and eight, and payable the first day of July, one thousand nine hundred and thirty-eight, issued by said county to finance the construction of a courthouse and jail, are hereby legalized and validated.

Indebtedness incurred for erection of annex to county courthouse, validated.

SEC. 2. The indebtedness incurred by the County of Lee on the fifteenth day of May, one thousand nine hundred and thirty-six, and on the second day of November, one thousand nine hundred and thirty-six, for the purpose of erecting and furnishing an annex to the county courthouse of said county by the issuance of notes of the principal amount of fifteen thousand five hundred dollars and the issuance from time to time of the renewal notes to evidence said indebtedness, including the issuance of the renewal note of the principal amount of fifteen thousand five hundred dollars, dated the first day of February, one thousand nine hundred and thirty-nine, and payable the first day of April, one thousand nine hundred and thirty-nine, now outstanding, are hereby legalized and validated.

Resolutions and proceedings for issuance of funding and refunding bonds, validated.

SEC. 3. The resolutions adopted and other proceedings taken by the Board of Commissioners of said county at the meeting of said Board of Commissioners held on the third day of December, one thousand nine hundred and thirty-eight, for the purpose of authorizing the issuance of bonds of an aggregate principal amount, not exceeding thirty-six thousand five hundred dollars, to refund or fund said outstanding bonds and indebtedness, are hereby legalized and validated, and said County of Lee is hereby authorized to issue the bonds authorized by said resolutions and proceedings pursuant to such resolutions and proceedings and in conformity with the provisions of the County Finance Act of North Carolina.

Issuance of funding and refunding bonds authorized.

SEC. 4. The Board of Commissioners of said county is hereby authorized to levy and collect annually a special tax, ad valorem, on all taxable property in said county, for the special purpose of paying the principal of and interest on any bonds issued pursuant to said resolutions or other proceedings, which tax shall be in amount sufficient for said purpose and shall be in addition to all other taxes authorized to be levied by said Board of Commissioners.

Special tax levy authorized.



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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 600

## CHAPTER 352

AN ACT TO SET THE SALARY OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Chairman of the Board of County Commissioners of Madison County shall receive a salary of twenty-five dollars (\$25.00) per month to be paid from the general county fund.

Compensation of Chairman of Board of County Commissioners, Madison County.

SEC. 2. That the members of the Board of County Commissioners of Madison County shall receive as compensation the sum of five dollars (\$5.00) per day and mileage at the rate of five cents per mile each way such mileage to be paid for not exceeding one trip per month.

Compensation of members of Board.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 611

## CHAPTER 353

AN ACT TO FIX THE COMPENSATION OF THE COUNTY SURVEYOR OF RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the elected county surveyor of Rutherford County shall receive as compensation for his services either in surveying or attending court in connection with some survey the sum of five dollars (\$5.00) per day, and in addition thereto, mileage at the rate of five (5) cents per mile from his place of residence to the place of survey or to the county courthouse and return to his residence.

Compensation of County Surveyor, Rutherford County.

SEC. 2. That this Act shall apply only to Rutherford County, North Carolina.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 613

## CHAPTER 354

## AN ACT TO FACILITATE THE COLLECTION OF TAXES AND ASSESSMENTS IN CARTERET COUNTY AND ITS SUBDIVISIONS.

Preamble: Acquisition by Carteret County and subdivisions of properties through tax foreclosure.

*Whereas*, Carteret County and its subdivisions (Beaufort, Newport, and Morehead City), have acquired, are acquiring, and will have to acquire, for protection of interests, properties through foreclosure of tax liens and assessments, and prompt sale thereof is necessary to insure future taxes thereon: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Purchase in corporate name, etc., and private sale of properties acquired by tax foreclosures, authorized.

SECTION 1. That Carteret County and its subdivisions be, and each is hereby, authorized, jointly or severally, to buy in corporate name or in name of selected trustee or agent, and so sell or dispose of at private sale or sales, upon terms determined by the governing authorities to be for the greatest interest of said units, any properties so acquired, or hereafter acquired as aforesaid.

Prior purchases and sales, etc., validated.

SEC. 2. That all purchases, sales, and conveyances heretofore made as above permitted are hereby confirmed and validated.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 627

## CHAPTER 355

## AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COUNTY VETERINARIAN IN HALIFAX COUNTY AND OUTLINING HIS DUTIES.

*The General Assembly of North Carolina do enact:*

Appointment of County Veterinarian, Halifax County.

SECTION 1. That the Board of County Commissioners of Halifax County is hereby authorized to appoint a qualified veterinarian now residing in the county as county veterinarian at a salary of not less than twelve hundred dollars (\$1200.00) per annum and actual traveling expenses, said salary and expenses to be paid monthly out of the general county fund.

Compensation.

Duties of veterinarian.

SEC. 2. That it shall be the duty of the county veterinarian so appointed to investigate all outbreaks of contagious diseases and infectious disease of swine within the county, to treat with serum or serum and virus or other

agents any swine affected with or exposed to a contagious or infectious disease or other swine as in his judgment it is necessary for the protection of such swine and for the control of the disease, and said county veterinarian may quarantine any animal or animals affected with or exposed to a contagious disease in accordance with the regulations of the North Carolina Department of Agriculture. Said veterinarian shall make no charge for his services but shall collect from the owner of the swine the costs of the serum or other material used.

SEC. 3. Said county veterinarian shall also have supervision of swine brought into the county by truck or otherwise and if such swine are found to be affected with disease they shall be quarantined as provided for in Section two.

Supervision of swine brought into county.

SEC. 4. That hog cholera virus shall not be sold, distributed, or used except by said county veterinarian, or under his supervision.

Supervision of sale, etc. of hog cholera virus.

SEC. 5. That any person or persons who shall violate any section or provision of this Act shall be guilty of a misdemeanor.

Violations made misdemeanor.

SEC. 6. That this Act shall apply to Halifax County only.

SEC. 7. That Chapter three hundred sixty-three, Public Laws one thousand nine hundred thirty-one, and all other laws in conflict with this Act are hereby repealed.

Ch. 363, Public Laws, 1931, and other conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 645

## CHAPTER 356

AN ACT AUTHORIZING THE LEVY OF TAX FOR PARK AND RECREATION PURPOSES BY THE CITY OF CHARLOTTE UPON VOTE OF THE QUALIFIED VOTERS OF THE CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the governing body of the City of Charlotte, at the time of levying the taxes for the necessary purposes of running the City of Charlotte, shall levy an ad valorem tax of not more than five cents on each one hundred dollars (\$100.00) of the assessed value of the real and personal property taxable in the City of Charlotte for park and recreation purposes and said governing body shall turn over to the Charlotte Park and Recreation Commission the amount of said tax when the same shall have been collected to be used for such purposes.

Tax levy for park and recreational purposes, City of Charlotte, authorized.

- Election on proposed tax levy.**      **SEC. 2.** That for the purpose of ascertaining the will of the voters of the City of Charlotte upon the question of levying the tax as hereinabove set out, an election shall be held at all the voting precincts in the said city on the second day of May, one thousand nine hundred thirty-nine.
- Date of election.**
- Special registration ordered.**      **SEC. 3.** That a special registration is hereby ordered for said election; the registration books therefor shall be opened at nine o'clock A. M. on the first day of April, one thousand nine hundred thirty-nine, and closed at sunset on the fifteenth day of April, one thousand nine hundred thirty-nine. On each Saturday during the registration period each registrar shall attend with his registration book at the polling place of his precinct between the hours of nine o'clock A. M. and sunset for the registration of voters. Saturday, the twenty-second day of April, one thousand nine hundred thirty-nine, between nine o'clock A. M. and three o'clock P. M., is established for challenges as provided by law. The Mecklenburg County Board of Elections shall appoint the registrars and judges for such election who with the polling places shall be the same as those for the regular municipal election. The election shall be held and conducted under the exclusive supervision of said County Board of Elections, and except as herein otherwise provided, in the manner provided by law for holding regular municipal elections of the City of Charlotte.
- Registrars and judges of election.**
- Conduct of election.**
- Registrars furnished with registration books, etc.**      **SEC. 4.** That the Mecklenburg County Board of Elections shall see that the registrars of the several voting precincts in the City of Charlotte are provided in due time with the registration books for their respective precincts, a pollbook for each precinct and a sufficient number of blank forms for the returns of said election. All expenses incurred under this Act shall be paid by the governing body of the City of Charlotte.
- Qualified voters.**      **SEC. 5.** That at said election all voters of the City of Charlotte who are duly qualified electors and have duly registered for said election may vote in such special election. Each of such voters when they come to the polling place to vote on the day of the election shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words: "For Parks and Recreation Tax" and "Against Parks and Recreation Tax," which alternatives shall appear, separated from each other on one ballot containing, opposite and to the left of each alternative, squares of appropriate size, in one of which squares the voter may make a mark (x) to designate the voter's vote for or against such tax. Such ballots shall be printed on white paper and the Mecklenburg County Board of Elections shall cause to be printed and delivered at each polling
- Issues submitted.**
- Ballots.**

place in the City of Charlotte not later than the day before the election, a sufficient number of said ballots to supply the voters of the precinct.

SEC. 6. That after the polls are closed, the votes at each precinct shall be counted, and when the results of the counting of the ballots have been ascertained, such results shall be embodied in triplicate statements to be prepared by the Mecklenburg County Board of Elections and signed by the registrars and judges of election. Such officers in making the returns of the results thereof shall incorporate therein not only the number of votes cast for and against the tax but also the number of voters registered and qualified to vote in the election. One of such triplicate statements shall be placed in a sealed envelope and delivered to the registrar or judge selected by such officials for the purpose of delivering to the County Board of Elections at its meeting to be held on the second day after the said election. The other two of the triplicate statements shall be mailed by one of the other precinct election officials to the Chairman of the County Board of Elections immediately.

Returns by precinct officials.

Contents of returns.

SEC. 7. That the Mecklenburg County Board of Elections shall meet on the second day next after such special election at eleven o'clock A. M. of that day at the courthouse of Mecklenburg County, for the purpose of canvassing the votes cast in the city and the preparation of abstracts in the manner provided by law for State and county elections, with the same powers and duties therein provided for such elections. The abstracts prepared by the said County Board of Elections shall show the number of votes cast for and against such tax, the number of voters qualified to vote in the election, and declare the result of the election, which abstracts in triplicate shall be signed by the members of the said county board, and the chairman of said board shall sign an affidavit on each abstract that they are true and correct. One of each of said triplicate returns of the precinct election officials and one of said triplicate abstracts shall be delivered by said County Board of Elections not later than said second day after said special election to each of the following: To the Clerk of the City of Charlotte, who shall record the abstract in the minutes of the governing body of the City of Charlotte, and to the Clerk of the Superior Court of Mecklenburg County. A statement of the results of said special election, not later than the third day after the said election, shall be published once in a newspaper of general circulation in the City of Charlotte and posted at the usual places of posting notices at the courthouse of Mecklenburg County and the city hall of the City of Charlotte.

Canvassing of returns.

Declaration of election results.

Publication of results.

SEC. 8. That if a majority of the qualified voters at said election shall vote "For Parks and Recreation Tax" and the result shall be so declared, then the provisions of this Act shall be in full force and effect.

SEC. 9. That if a majority of the qualified voters at said election shall not vote "For Parks and Recreation Tax," then this Act shall not affect the right of the governing body of the City of Charlotte to levy the present annual tax of two cents on each one hundred dollars (\$100.00) of the assessed value of the real and personal property taxable in the City of Charlotte for park and recreation purposes, but the said governing body may continue to levy such tax as now allowed.

Notice of special registration.

SEC. 10. That sufficient notice shall be deemed to have been given of such special registration if a notice thereof, stating the time of the beginning and ending of the registration period and purpose of the election, be published once at least seventeen days before the closing of the registration books in a newspaper of general circulation published in the City of Charlotte. It shall not be necessary to specify in said notice the names of the election officials or the places of registration. A notice of such election shall be deemed sufficiently published if published once in a newspaper of general circulation in the City of Charlotte not later than twenty days before the election. Such notice shall state the date and purpose of such election.

Publication of notice.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed: *Provided*, that if a majority of the qualified voters at said election shall not vote "For Parks and Recreation Tax," then Sections eleven, twelve, and thirteen of Chapter fifty-one of the Private Laws of one thousand nine hundred twenty-seven shall remain in full force and effect, and as heretofore approved by the voters of the City of Charlotte.

Exception.

SEC. 12. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 663

## CHAPTER 357

AN ACT TO VALIDATE CERTAIN BONDS HERETOFORE ISSUED BY THE COUNTY OF CATAWBA, AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS.

*The General Assembly of North Carolina do enact:*

Issuance of certain bonds for construction of new jail, etc., Catawba County validated.

SECTION 1. The acts heretofore done and the proceedings heretofore taken by the Board of Commissioners of the County of Catawba and by other officers of said county to authorize and issue bonds of said county of the aggregate

principal amount of forty-six thousand dollars, dated the first day of October, nineteen hundred and thirty-eight, and payable three thousand dollars of bonds on October first in each of the years nineteen hundred forty-one to nineteen hundred forty-seven, inclusive, and five thousand dollars of bonds on October first in each of the years nineteen hundred forty-eight to nineteen hundred fifty-two, inclusive, and bearing interest at the rate of three per centum per annum, payable semi-annually, and consisting of forty-six bonds of the denomination of one thousand dollars each, numbered from one to forty-six, inclusive, in the order of their maturity, issued for the purpose of erecting a new jail and building to house departments of the County Government, including the acts done and proceedings taken by said Board of Commissioners in adopting resolutions providing for the issuance of said bonds on the first day of August, nineteen hundred thirty-eight, and the fifth day of September, nineteen hundred thirty-eight, and the first day of November, nineteen hundred thirty-eight, are hereby legalized and validated and said bonds are hereby declared to be valid obligations of said county.

SEC. 2. The Board of Commissioners of said county is hereby authorized to levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal of and interest on said bonds, as such principal and interest become due, and such tax shall be in an amount sufficient for said purpose and shall be in addition to all other taxes which said board is authorized by law to levy.

Special tax levy authorized for payment of bonds.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 700

## CHAPTER 358

AN ACT TO AMEND CHAPTER FORTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE, RELATING TO THE CHARTER OF THE TOWN OF CHAPEL HILL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter forty-five of the Private Laws of one thousand nine hundred thirty-one, be, and the same is hereby amended by adding a new section, to be designated as Section seventeen and one-half, as follows:

Ch. 45, Private Laws, 1931, amended.

“SEC. 17½. That the governing body of the Town of Chapel Hill is authorized and empowered to extend the sewer system of the Town of Chapel Hill outside and beyond the city limits of said town so that the residents of the terri-

Extension of sewer system beyond corporate limits, Town of Chapel Hill, authorized.

Collection of rental fees and levy of special assessments authorized.

tory surrounding said town may be provided with sewer services, and to that end the Board of Aldermen of the Town of Chapel Hill is authorized and empowered to construct sewer systems outside of the limits of said town within a distance of two miles from said town limits, and further to that end the said governing body of the Town of Chapel Hill is authorized and empowered to acquire by purchase or gift any sewer system now in existence or hereafter to be constructed within the area hereinbefore designated. That the governing body of the Town of Chapel Hill shall have the authority to charge and collect a sewer rental or fee on all houses or dwellings connected with such extension or extensions of the sewer system of said town beyond the limits of said town, and to levy special assessments as is provided by the general law, which rentals and assessments shall be deemed, and are hereby declared, a lien against the property served, and the officer charged with the collection of the same shall have the power to collect by distress and sale as provided herein for the collection of ad valorem taxes."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 712

## CHAPTER 359

### AN ACT TO FIX THE SALARY OF THE SHERIFF OF HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of Sheriff, Hertford County.

SECTION 1. From and after June thirtieth, one thousand nine hundred thirty-nine, the Sheriff of Hertford County shall receive a salary of two thousand one hundred dollars (\$2,100.00) per annum, payable in twelve equal instalments out of the general fund of said county, and, in addition thereto, shall receive all fees as are now allowed by law to sheriffs in the service of process in both criminal and civil matters.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.



H. B. 720

## CHAPTER 360

AN ACT TO CREATE THE OFFICE OF TAX COLLECTOR OF CASWELL COUNTY, AND TO FIX THE SALARIES OF THE SHERIFF AND COUNTY ACCOUNTANT OF SAID COUNTY.

Whereas, the last three grand juries of Caswell County have urged the collection of delinquent taxes; and

Whereas, the Board of County Commissioners have recommended that a tax collector be appointed in the future; and

Whereas, it appears that the majority of people of Caswell County are desirous of having a more business-like method of collecting taxes so that their tax rate may be reduced: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created the office of Tax Supervisor and Tax Collector of Caswell County upon whom there is hereby imposed all duties and powers now, or which may hereafter be, by law, imposed and conferred upon tax supervisors and tax collectors. After said Tax Supervisor and Tax Collector has qualified as hereinafter provided, he shall receive the tax books of the levy of the year one thousand nine hundred and thirty-eight, and all the prior tax books and records and all powers and duties now or hereafter imposed by law relating to the collection of taxes are hereby imposed and conferred upon him.

SEC. 2. That the Board of County Commissioners shall require the Tax Supervisor and Tax Collector to take the customary oath of office and to furnish good and sufficient bond for the faithful performance of his duties as provided by law, the amount of said bond to be fixed by the board, the premium, if any, for said bond to be paid by said Board of County Commissioners.

SEC. 3. That the County Tax Supervisor and Tax Collector shall collect all current and delinquent taxes. As Tax Supervisor, he shall supervise the listing of taxes and appoint all tax listers beginning with the year one thousand nine hundred and forty.

SEC. 4. That before turning any tax books or accounts over to the Tax Supervisor and Tax Collector for collection, the Board of County Commissioners are hereby empowered and directed to employ a Certified Public Accountant to make a complete inventory of all tax books and accounts that are to be turned over to said Tax Supervisor and Tax Collector.

Preamble: Desire for Tax Collector and efficiency in collection of taxes, Caswell County.

Office of Tax Supervisor and Tax Collector, Caswell County, created.

Tax books delivered to Collector.

Powers of Collector and Supervisor.

Oath of office.

Official bond.

Duties of Collector and Supervisor.

Inventory of tax books and accounts.

Annual audit of books and accounts of Tax Collector.

SEC. 5. That the Board of County Commissioners are hereby ordered, directed, and empowered to employ a Certified Public Accountant to make an audit of said Tax Supervisor and Tax Collector's books and accounts once a year and have a summary of said audit published for the benefit of the taxpayers of Caswell County.

Maintenance of books and accounts.

SEC. 6. That the Tax Supervisor and Tax Collector shall during regular office hours keep his books and accounts in such a manner that the County Accountant and any taxpayer in Caswell County may inform themselves about tax matters.

Compensation of Tax Supervisor and Collector.

SEC. 7. That the salary of the Tax Supervisor shall be fixed at one hundred dollars per month to be paid monthly by the Board of County Commissioners. As additional compensation the Tax Collector and Tax Supervisor shall receive a commission of five per centum on all taxes due prior to the year one thousand nine hundred thirty-eight and on all taxes collected for the years to come beginning with the levy of one thousand nine hundred thirty-eight after the first one hundred thousand dollars (\$100,000.00) has been deducted. The Tax Supervisor and Tax Collector shall receive no commission for the first one hundred thousand dollars (\$100,000.00) collected beginning with the levy of one thousand nine hundred thirty-eight. All other commissions allowed by law except those herein specified shall go into the General County fund.

Purchase of office supplies authorized.

SEC. 8. That the Tax Supervisor and Tax Collector shall have the authority to purchase his own office supplies and stationery and run all tax advertisements and notices in a county newspaper with a general circulation. After the approval by the Tax Supervisor and Tax Collector of all bills for office supplies, stationery, and newspaper advertisements, and notices, the Board of County Commissioners are hereby ordered and directed to pay the same out of the General County fund, and shall also pay to him the sum of one hundred fifty dollars (\$150.00) for clerical hire.

Tax advertisements and notices.

Clerical assistance.

Fee for calls on delinquent taxpayers.

SEC. 9. In lieu of compensation for traveling expenses, the Tax Supervisor and Tax Collector is hereby allowed the fee of one dollar for each call or visit made to a delinquent taxpayer for the purpose of collecting taxes. The said one dollar fee is to be charged to said delinquent taxpayer and made a part of his taxes: *Provided*, that the Tax Supervisor and Tax Collector shall receive no fee for a call unless the taxpayer is at least twelve months past due in the payment of his taxes: *Provided, further*, that only one fee for a call shall be taxed against a delinquent taxpayer in one year's time.

SEC. 10. That the Tax Supervisor and Tax Collector shall in his discretion assign all delinquent tax accounts over to the County Attorney of Caswell County for the purpose of bringing foreclosure proceedings and it shall be the duty of the said County Attorney to bring immediately said foreclosure proceedings. In the event that said County Attorney fails or neglects to commence said foreclosure proceedings within thirty days time it shall be the duty of said Tax Supervisor and Tax Collector to employ another attorney to bring said foreclosure proceedings. Said attorney shall have the Tax Collector and Tax Supervisor and the resident Superior Judge of the Judicial District approve his bill for said legal fees and then shall present said bill to the Board of County Commissioners and said board is hereby authorized and directed to pay said bill out of the General County fund.

Assignment of delinquent accounts to County Attorney.

Duties of County Attorney.

Employment of extra Legal Assistance.

Payment of legal fees.

SEC. 11. That the Board of County Commissioners shall pay no fee or salary to any County Attorney, Tax Supervisor and Tax Collector or deputy tax collector who is more than twelve months delinquent in the payment of his own county taxes.

Salary of delinquent officials withheld.

SEC. 12. That said Tax Supervisor and Tax Collector shall have the authority to appoint, discharge, or reappoint a deputy tax collector who shall have all the authority that is conferred upon the Tax Collector and Tax Supervisor in the collection of all taxes and giving receipts for same. That said Tax Supervisor and Tax Collector shall be responsible for the payment of all fees and salary to said deputy tax collector and that Caswell County shall not be liable for the payment of any fees or salary to said deputy tax collector.

Appointment of deputy tax collector.

SEC. 13. That the office of said Tax Supervisor and Tax Collector shall be kept open on all days excepting Sundays and legal holidays for the hours from nine o'clock A. M., to twelve o'clock noon and from the hours of one o'clock P. M., to five o'clock P. M.

Office hours.

SEC. 14. That the said Tax Supervisor and Tax Collector shall have the use of the space in the courthouse of Caswell County heretofore used and occupied by the Sheriff of said county, and it shall be the duty of the County Commissioners to provide other quarters and office space and equipment for the Sheriff in one of the two rooms now occupied by the County Welfare Department in said courthouse.

Office space and equipment.

SEC. 15. That Glen A. Rice is hereby appointed Tax Supervisor and Tax Collector of Caswell County. Said appointment is to begin as of July first, one thousand nine hundred thirty-nine and continue until the first Monday in December, one thousand nine hundred forty. That on the

Tax Supervisor and Collector designated.

Term.

Biennial election  
by Board of County  
Commissioners.

first Monday in December, one thousand nine hundred forty, and every two years thereafter, the Tax Supervisor and Tax Collector shall be chosen for a two-year term as follows: On or immediately after the first Monday in December, one thousand nine hundred forty, the Board of County Commissioners and the Board of Education shall meet in joint session to elect a Tax Supervisor and Tax Collector for Caswell County. At this joint meeting, these members of the two boards shall vote as individuals and not as boards or commissioners. A majority of the members of these two boards shall constitute a quorum and when a majority of said members present shall vote for a particular candidate, he shall be declared elected.

Salary of Sheriff.

SEC. 16. That after relieving the Sheriff and County Accountant of their duties of collecting taxes, their salaries shall be fixed as follows: The Sheriff shall receive a salary of not less than eighteen hundred dollars (\$1800.00) per year and not more than two thousand dollars (\$2000.00) per year to be fixed in the discretion of the Board of County Commissioners. The Sheriff's salary shall be payable in monthly installments from the general fund of the county. In addition to his salary, the Sheriff of said county shall receive such fees, pertaining to his duties as Sheriff of said county, as are now or may be hereafter fixed by law, but shall receive no fees or salary as or in the capacity of Tax Collector. The salary of the County Auditor shall be fixed at one hundred dollars (\$100.00) per month payable monthly out of the General County fund.

Salary of County  
Accountant.

Conflicting laws  
repealed.

SEC. 17. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 18. That this Act shall be in full force and effect from and after its ratification except as specified in the Act itself.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 723

## CHAPTER 361

AN ACT RELATING TO DRAINAGE IN THE CITY OF ROCKY MOUNT AND TO FURTHER AMEND CHAPTER TWO HUNDRED AND NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT.

Preamble: Need for  
additional drainage  
facilities in City of  
Rocky Mount.

Whereas, the public health and welfare of the citizens of the City of Rocky Mount require improvements to be made to the drain ditches in the city by the deepening, widening and dredging of the same and by protecting the same through the laying of pipes therein or the construction of culverts; and

Whereas, the covering and protection of open drain ditches through private property tends to enhance its value and a portion of the expense thereof should be borne by the owners of the abutting property: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and nine of the Private Laws of one thousand nine hundred and seven entitled "An Act to revise and consolidate the charter of the Town of Rocky Mount to be hereafter known as the City of Rocky Mount," as amended, be and the same is hereby further amended by adding a new section as follows:

Ch. 209, Private  
Laws, 1907,  
amended.

"SEC. 64 A. (a) That the owner or owners of a lot or parcel of land in the City of Rocky Mount abutting upon each side of any drain ditch in said city shall, if so ordered by the Board of Aldermen, cause to be laid in said drain ditch pipe of sufficient size to take care of the flow of water through the said ditch, which said pipe shall be adequately covered and protected or, if so ordered, shall cause to be constructed in and over the said drain ditch a culvert of sufficient size to take care of the flow of water through the same for a distance as it extends along said lot or parcel of land of not more than one-third of the drain ditch adjoining the said lot, provided that should the said drain ditch run through or divide a parcel of land and the abutting property on both sides of the said ditch be owned by the same party then such owner shall improve the same, as directed, for a distance of not more than two-thirds of the drain ditch running through his property, it being the intent hereof to require the abutting owners to bear not more than two-thirds of the cost of the improvement and the remainder to be borne by the city. Such improvements shall be made in such manner and with such material as the said board may specify and such work shall be done under the supervision and control of the city engineer or such other officer as may be designated by the board. The said board may likewise order the enlargement or repair of any drain ditch now served by inadequate culvert or piping and assess the cost thereof as herein provided.

Board of Aldermen  
authorized to direct  
property owners to  
provide drain pipes  
and culverts.

Supervision by  
city engineer.

(b) The city clerk shall cause a certified copy of any order of the Board of Aldermen requiring that such improvements be made, to be served upon the owner or any one or more owners of each lot or parcels of land embraced therein as other legal notices are served and if, with the exercise of due diligence, personal service cannot be had then service may be made by publishing the same for four successive weeks in some newspaper published in said city.

Service of certified  
copy of order of  
improvement upon  
owner.

(c) That should the owner or owners of the land embraced in the said order neglect or refuse to comply with the same for ten days after due notice thereof, the city

City officials author-  
ized to make im-  
provement, upon  
failure of owner  
to comply.

engineer or such other officer as may be charged with the supervision and control of the said improvement shall cause the said improvement to be made without further delay and the cost thereof shall be borne by the owner or owners of said land and shall constitute a lien thereon to the same extent as the municipal taxes assessed against the same constitute a lien. Should the owner or owners of the said land neglect or refuse to pay the amount charged against the same as herein provided it shall be the duty of the city tax collector to proceed to collect such amount by the advertisement and sale of such lot as is provided by law in case of nonpayment of taxes assessed against lands for municipal purposes and such sale shall be made at any time within ten years after the said assessment or charge shall become due and payable."

Foreclosure and sale under lien authorized.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 739

**CHAPTER 362**

AN ACT TO EXTEND THE JURISDICTION OF POLICE OFFICERS OF THE TOWN OF ASHEBORO, IN RANDOLPH COUNTY, TO INCLUDE ALL THAT TERRITORY SITUATE WITHIN TWO MILES OF THE CORPORATE LIMITS OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

Jurisdiction of police officers, Town of Asheboro, Randolph County, extended.

SECTION 1. That the Chief of Police and each and every member of the Police Department of the Town of Asheboro be, and they are hereby clothed with all the powers which they now have as peace officers in all that territory situate within two miles of the corporate limits of the Town of Asheboro, to the same extent that they are now clothed with such power within the corporate limits of said town.

Ordinance of Town Commissioner approving extension required.

SEC. 2. That this Act shall be effective only after there has been duly adopted by the Town Commissioners of the Town of Asheboro an ordinance approving the same, after due notice and advertisement as now required by law relative to the enactment of town ordinances.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 745

**CHAPTER 363**

AN ACT TO AMEND CHAPTER TWENTY-FIVE PRIVATE LAWS, EXTRA SESSION, ONE THOUSAND NINE HUNDRED AND THIRTEEN, RELATING TO THE TOWN OF FAIR BLUFF, IN COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter twenty-five, Private Laws of North Carolina, extra session, one thousand nine hundred and thirteen, Section thirty-one, and amendments thereto, be, and the same is amended by striking out all of said section following the word "town" in line six of said section.

Ch. 25, Private Laws, Extra Session, 1913, relating to ad valorem tax rate, Town of Fair Bluff, amended.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 746

**CHAPTER 364**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BRUNSWICK IN COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter one hundred ninety-seven of the Private Laws of one thousand nine hundred twenty-five be amended by striking out all of said section after the colon following the word "follows" in line two, and inserting in lieu thereof the following: "Beginning at a point in the center of State Highway number one hundred thirty, said point being opposite a ditch which runs to a large excavation known as the 'Clay Hole,' and runs thence in a Southwestwardly direction at right angles to said Highway number one hundred thirty and passing the aforementioned 'Clay Hole' one thousand three hundred fifty feet; thence in a Southeastwardly direction parallel with State Highway number one hundred thirty and one thousand three hundred fifty feet from the center thereof two thousand feet; thence at right angles in a Northeastwardly direction two thousand feet; thence in a Northwestwardly direction parallel with State Highway one hundred thirty and six hundred fifty feet from center thereof two thousand feet; thence at right angles in a Southwestwardly direction six hundred fifty feet to the point of beginning."

Ch. 197, Private Laws, 1925, amended to re-define corporate limits, Town of Brunswick, Columbus County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 747

CHAPTER 365

AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED ONE, BEING THE CHARTER OF THE TOWN OF LAURINBURG.

*The General Assembly of North Carolina do enact:*

Statement of candidates for office, Town of Laurinburg.

SECTION 1. That any person desiring to become a candidate in the election of officers of the Town of Laurinburg shall at least thirty days prior to said election file with the town clerk a statement of such candidacy in substantially the following form:

Form.

I, ....., hereby certify that I am a candidate for election to the office of ..... to be voted on at the next election; and request that my name be printed upon the official ballot for said election.

(Signed).....

Witness:

.....

Filing fees of candidates.

SEC. 2. That the Commissioners of the Town of Laurinburg shall have the right and power to require of each candidate thus filing to pay to the town clerk fees as follows:

For mayor .....\$5.00  
For commissioner ..... 1.00

Appointment of town treasurer.

SEC. 3. That the office of town treasurer shall not be elective hereafter, and the town treasurer shall be appointed by the commissioners of said town.

Corporate limits extended.

SEC. 4. That the present corporate limits of the Town of Laurinburg shall be enlarged by adding to the present lines and boundaries the following description:

“Beginning at the West corner of the present boundary of the Town of Laurinburg, which is situated about seven hundred feet North of United States Highway number seventy-four (Church Street), and running thence at right angle to the Seaboard Air Line Railway, crossing Church Street, to a point three hundred feet South of Church Street, or Highway number seventy-four, to a corner; thence in a Southerly direction, parallel with said highway, to within ten feet of the present Southwest town limit; thence parallel with the said present line, to the Northern edge of an alley,



which is the present line between the Peden property and the Quinn-Marshall Development; thence with the Northern edge of said alley to the East edge of Asheville Street; thence with the East edge of Asheville Street and beyond the present Asheville Street in the same direction to a point three hundred feet West of the Western boundary of Sunset Belt Drive; thence parallel to Sunset Belt Drive and three hundred feet from the Western line of Sunset Belt Drive to a point within three hundred feet of the Western line of Atkinson Street; thence in a Southerly direction, parallel with Atkinson Street and three hundred feet from its Western line, to a point within three hundred feet of the Western line of United States Highway number fifteen; thence at right angle to said highway in an Easterly direction to a point three hundred feet from the Eastern line of said highway; thence parallel with the said highway in a Northerly direction, to a point where a line running in an Easterly direction, parallel to the Seaboard Air Line Railway, will run direct to the present South corner of the boundary of the Town of Laurinburg; thence parallel with said railroad, in an Easterly direction to the South corner aforesaid; thence with the present Southwest line of the Town of Laurinburg to the beginning."

SEC. 5. That all qualified voters residing within the boundaries of said town, as extended by this Act, shall be eligible to vote at the next election to be held in said town and such qualified voters shall be eligible to hold office in said town. Upon the ratification of this Act, all qualified voters residing within the extended boundaries of said town shall be entitled to register and vote, and such qualified voters may register at any time prior to the next regular election to be held in said town.

Rights of qualified voters residing within annexed territory.

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

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 752

## CHAPTER 366

AN ACT TO CONTINUE THE INCORPORATION OF THE CITY OF CHARLOTTE AND TO CODIFY, AMEND AND COLSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF CHARLOTTE, AND TO REPEAL CERTAIN ACTS AND PORTIONS OF CERTAIN ACTS CONSTITUTING A PART OF ITS PRESENT CHARTER.

*The General Assembly of North Carolina do enact:*

*Corporation*

Incorporation of  
"City of Charlotte"  
continued.

SECTION 1. That the inhabitants of the City of Charlotte shall be, and continue as they have been, pursuant to Section one of Chapter forty of the Private Laws of one thousand eight hundred eighty-one, and Section one of Chapter three hundred forty-two of the Private Laws of one thousand nine hundred and seven, and the laws of which the same are amendatory and those amendatory thereto, a body politic and corporate, and henceforth, as heretofore, the corporation shall continue to bear the name and style "City of Charlotte" and under such name and style is hereby vested with all the powers and privileges given to municipalities by the General Law and by this Act, and those other powers which are inherent to municipalities, and under such name and style said city 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 may from time to time, sell, dispose of and invest the same, as shall be deemed advisable by the proper authorities of the corporation and as shall be in conformity with the provisions of this charter, and under such name and style shall have the power to contract or be contracted with and to sue and be sued.

Municipal powers,  
privileges and  
immunities.

*Corporate Boundaries*

Corporate limits  
defined.

SEC. 2. That the corporate limits of the City of Charlotte, as defined and set forth in Chapter two hundred twenty-seven of the Private Laws of one thousand nine hundred twenty-seven, shall be as follows, to-wit:

Beginning at a point in the center line of the Beattie's Ford Road at its intersection with the Tate property line, approximately one thousand four hundred feet North of the intersection of the center line of the Beattie's Ford Road with the present city limits line; thence in an Easterly direction to a corner monument of the present city limits at the head of the old water works pond; thence in a continuation of the same line, intersecting the center line of

the Statesville Road approximately six hundred and forty feet North of its intersection with the present city limits line, to a point two hundred feet North of the North line of Norris Street at its West end; thence in an Easterly direction parallel to and two hundred feet North of the North line of Norris Street, intersecting the center line of Hutchinson Avenue or the Derita Road approximately one thousand two hundred and sixty feet North of its intersection with the present city limits line, to a point at the East end, and two hundred feet North of the North line of Norris Street; thence in an Easterly direction to a point two hundred and thirty feet North of the center line of the Salisbury Road and two hundred and fifty feet East of the center line of East Thirty-second Street if produced; thence in a Southerly direction parallel to and two hundred and thirty feet East of the center line of East Thirty-second Street to a point in the Northern margin of the right-of-way of the Norfolk-Southern Railroad; thence with said Northern margin of the right-of-way of said Norfolk-Southern Railroad in a Southeasterly direction to the intersection of said Northern margin of said Norfolk-Southern Railroad with the center line of the Belt Road, constituting an extension of North Brevard Street; thence with the center line of said Belt Road in an Easterly direction to the intersection of said Belt Road with the center line of the Southern Railway main track; thence in a Southerly direction to a point in the center line of the Norfolk-Southern Railroad main track at its intersection with the center line of the County Home Road; thence in an Easterly direction and at right angles to the center line of the County Home Road a distance of two hundred and thirty feet to a point; thence in a Southerly direction parallel to and two hundred and thirty feet East of the center line of the County Home Road to a point that is one thousand five hundred and fourteen feet South of the center line of East Thirty-second Street if produced; thence in a Southerly direction to a point at the North end, and two hundred feet East of the East line of Daniel Street; thence in a Southerly direction parallel to and two hundred feet East of the East line of Daniel Street to a point two hundred feet North of the North line of Mecklenburg Avenue; thence in an Easterly direction parallel to and two hundred feet North of the North line of Mecklenburg Avenue to its intersection with Little Briar Creek; thence in a Southerly direction and along the center line of Little Briar Creek to its intersection with the center line of Briar Creek; thence in a Southwesterly direction and along the center line of Briar Creek to its intersection with the center line of Sharon Road; thence in a Northwesterly direction and with the center line of the old Sharon Road to its intersection with the Westerly edge of Queens

Road East; thence in a Northerly direction with the Westerly edge of Queens Road East to its intersection with the center line of Roswell Avenue; thence in a Southwesterly direction following the center line of Roswell Avenue to a point two hundred feet South of the South line of Queens Road West; thence in a Westerly direction parallel to and two hundred feet South of the South line of Queens Road West to a point in the West line of Selwyn Avenue; thence in a Northwesterly direction to the present city limits corner, approximately one thousand five hundred and sixty feet West of the center line of the main track of the Columbia Division of the Southern Railway; thence in a Northerly direction following the present city limits line to its intersection with the center line of West Tremond Avenue; thence in a Northwesterly direction to a point in the center line of the Dowd Road two hundred feet West of the West line of the Belt Road West of the Gulf Refining Company's plant; thence in a Northerly direction to a point in the center line of the Tuckaseegee Road two hundred feet West of the West line of the Belt Road, near Glenwood Church; thence in a Northerly direction to a point in the center line of the Piedmont and Northern Railway tracks, two hundred feet West of the West line of the Belt Road at its crossing; thence in an Easterly direction to the center of the Stewart's Creek Bridge on the Rozzelle's Ferry Road; thence in a Northerly direction with the center of Stewart's Creek to its intersection with the Tate property line, if produced; thence in an Easterly direction along the Tate property line to its intersection with the center line of the Beattie's Ford Road, the point of beginning.

#### *Division into Wards*

Division of city  
into Eleven Wards.

SEC. 3. That the territory comprised within the corporate limits described herein shall be, and is hereby, laid off into eleven wards, as set forth and defined in Chapter one hundred ninety-four of the Private Laws of one thousand nine hundred thirty-five, bounded and described as follows:

Ward number one.

Ward number one is bounded by lines beginning at the center of Independence Square of said city and running with North Tryon Street to the Carolina Central Railroad; thence with said railroad, Easterly, to Sugar Creek; thence down the creek to the center of the bridge on Elizabeth Avenue; thence with Elizabeth Avenue and Trade Street to the point of beginning.

Ward number two.

Ward number two is bounded by lines beginning at the center of Independence Square, and running with Trade Street and Elizabeth Avenue to the center of the bridge on Sugar Creek; thence down the creek to the center line of

East Morehead Street; thence with the line of East Morehead Street to South Tryon Street, and thence with South Tryon Street to the point of beginning.

Ward number three is bounded by lines beginning at the center of Independence Square and running with South Tryon Street to Morehead Street; thence Westerly with the line of Morehead Street to Irwin's Creek; thence up the creek to the bridge on West Trade Street; and thence with West Trade Street to the point of beginning. Ward number three.

Ward number four is bounded by lines beginning at the center of Independence Square, and running with West Trade Street to the center of the bridge on Irwin's Creek; thence up the creek to the Carolina Central Railroad; thence with said railroad Easterly to its intersection with North Tryon Street; and thence with North Tryon Street to the point of beginning. Ward number four.

Ward number five is bounded by lines beginning at the intersection of North Tryon Street and the Carolina Central Railroad, and running with North Tryon Street to the point where the limits of the city, as defined by Chapter two hundred twenty-seven of the Private Laws of one thousand nine hundred twenty-seven, cross North Tryon Street; thence Easterly with said corporate limits to The Plaza; thence with Parkwood Avenue and The Plaza to Sugar Creek; and thence with the creek to the Carolina Central Railroad; and thence with said railroad to the point of beginning. Ward number five.

Ward number six is bounded by lines beginning at the Seventh Street bridge on Sugar Creek; and running with Seventh Street to the point where the corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of one thousand nine hundred twenty-seven, cross that street; thence in a Northerly direction with said corporate limits to a point two hundred thirty (230) feet East from the center line of The Plaza; thence in a Westerly direction and at right angles to the center line of The Plaza two hundred thirty (230) feet to the center line of said The Plaza; thence in a Southerly direction with The Plaza and Parkwood Avenue to Sugar Creek; thence with that creek in a Southerly direction to the point of beginning. Ward number six.

Ward number seven is bounded by lines beginning at the Seventh Street bridge on Sugar Creek, and running with that street to the point where the corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven, cross that street; thence with said corporate limits in a Southwesterly direction to the point where said corporate limits cross Sugar Creek; and thence up the creek to the point of beginning. Ward number seven.

Ward number eight. Ward number eight is bounded by lines beginning at the point on Sugar Creek where Morehead Street crosses that creek, and running down the creek to the point where said corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven, cross that creek; thence in a Westerly direction with said limits, to the Charlotte, Columbia and Augusta Railroad; thence with that railroad to the bridge on Morehead Street; thence with Morehead Street to the point of beginning.

Ward number nine. Ward number nine is bounded by lines beginning at the Morehead Street bridge, on the Charlotte, Columbia and Augusta Railroad, and running in a Southwesterly direction with that railroad to said corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven; thence with the said limits, Westerly, to Irwin's Creek; thence up the creek to the point where Morehead Street crosses said creek; and thence with Morehead Street, in a Southeasterly direction to the point of beginning.

Ward number ten. Ward number ten is bounded by lines beginning at the bridge, or culvert, on the Carolina Central Railroad, where the railroad crosses Irwin's Creek, and running down the creek in a Southwesterly direction to the point where the said corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven, cross the creek; thence with said corporate limits in a Northerly direction to the Carolina Central Railroad; and thence with that railroad to the point of beginning.

Ward number eleven. Ward number eleven is bounded by lines beginning at the intersection of North Tryon Street and the Carolina Central Railroad, and running with North Tryon Street, to the point where the corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven, cross that street; thence Westerly with said limits to Stewart's Creek; thence with said creek in a Southerly direction to the Carolina Central Railroad; thence with said Carolina Central Railroad in an Easterly direction to the point of beginning.

#### *Governing Body*

Government by  
City Council and  
Mayor.

SEC. 4. The government of the city and the general management and control of all of its affairs shall be vested in a city council and mayor, which shall be elected as herein set forth and shall exercise its powers in conformity to the provisions of this Act, and the provisions of the General Law with reference to the powers and privileges of municipalities wherein no provision has been made in this Act with respect thereto.

*Form of Government*

SEC. 5. The form of government for the City of Charlotte shall be as set forth in Plan "D" of the General Law with reference to municipalities and as heretofore adopted by the electorate of the citizens of Charlotte, subject to the modifications set forth in this Act, and the governing body, which shall consist of a city council of eleven members and a mayor, shall be elected in accordance with the provisions of this Act, shall hold office for a period of two years and be elected as herein provided or until their successors are elected and qualified.

Form of Government.

*Elections*

SEC. 6. That on Tuesday after the first Monday in May biennially commencing in May, one thousand nine hundred thirty-nine, there shall be elected a mayor and a city council composed of eleven members; not more than two of such council shall be residents and qualified voters of any one ward in the city.

Biennial election of Mayor and City Council.

SEC. 7. All candidates to be voted for at all general municipal elections, at which time a mayor, council or other elective officers are to be elected under this section, 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.

Nomination of Candidates.

*Primary Election*

SEC. 8. The primary election for such nominations shall be held on the second Monday preceding all general municipal elections.

Date of Primary Elections.

SEC. 9. Any elector of the City of Charlotte desiring to become a candidate for nomination in the primary for the office of mayor, councilman or any other elective office shall, at least ten days prior to the primary election, file with the County Board of Elections notice of such candidacy in writing and in form substantially as follows:

Notice of Candidacy.

"State of North Carolina,  
County of Mecklenburg.

Form of notice.

I, ....., being a duly qualified elector of the City of Charlotte, do hereby give notice that I reside at....., in Ward No. ...., of the City of Charlotte; that I am a candidate for nomination to the office of ..... to be voted upon at the primary election to be held on the ..... day of ....., 19....., and I request that my name be printed upon the official ballots for the nomination and election for such office.

(Signed)....."

and he shall, at the time of filing said notice, pay to the said County Board of Elections the sum of five dollars (\$5.00) to be turned over to the city treasurer.

Filing fee.

Publication of list  
of Candidates.

SEC. 10. Upon the day following the expiration of the time for filing notice of candidacy the Chairman of the County Board of Elections shall cause to be published for three successive days in a daily newspaper of general circulation in the City of Charlotte the names of the persons as they are to appear on the primary ballot,

Ballots for  
primary elections.

SEC. 11. The Chairman of the County Board of Elections shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the ballot names of the candidates for mayor, arranged alphabetically, shall be placed, with a square at the left of each name, and immediately below the words, "Vote for One." Following thereunder, the wards of the city shall be listed in numerical order, and if more than two candidates announce from any one ward, their names likewise shall be arranged in alphabetical order, grouped under their respective wards, with a square at the left of each. Above the names of each ward group shall be printed the instructions to vote for "Not More Than Two." If a voter shall vote for more than two candidates in any one ward group, such ballot shall not be counted by the election officials as to the names composing such group in ascertaining the result of the election. A proper provision shall be made for the names of candidates for each other elective office of the city government. The ballots shall be printed upon plain white paper and shall be headed: "Candidates For Nomination of Mayor and Councilmen" and added thereto the names of any other elective office or offices as may now or hereafter be provided by law for the City of Charlotte at the primary election. The primary ballot shall contain no party designation or mark whatever as to any of the candidates and shall provide that no voter may vote for more candidates than the respective offices to be filled and if such provision is violated on any ballot such ballot shall not be counted.

Ballots supplied by  
County Board of  
Elections.

SEC. 12. The County Board of Elections shall cause to be delivered at each polling place not later than the first Saturday before the primary election a sufficient number of ballots to supply the voters of the precinct.

Qualifications  
for electors.

SEC. 13. The electors who are qualified to vote at the succeeding general election shall be qualified to vote at such primary and shall be subject to challenge, made by any elector of the city, in the manner now or hereafter provided by law for any general county election.

Nominees  
determined.

SEC. 14. In the municipal primary, the two persons receiving the highest number of votes for mayor, and the two persons receiving the highest number of votes for councilman in each ward shall be declared nominees for said offices. In the nomination of candidates for the city school board,



the candidates receiving the highest number of votes cast, who shall not exceed in number twice that of the offices to be filled shall be nominated. *Provided*, that if any one person whose name may appear on the ballot as candidate for mayor shall receive a majority of all the votes cast for the office of mayor, the person so receiving said majority of votes shall be named as the only nominee for said office. The nominees for the offices of mayor, city councilmen, members of the city school board or any other elective office or offices as hereinbefore set forth shall be the only nominees who shall be entitled to have their names placed upon the ballot for the next succeeding general municipal election.

SEC. 15. If, as a result of receiving tie votes in said primary election, more persons appear to be entitled to be nominated than there can be nominees, then the County Board of Elections shall declare the nominee or nominees.

Authority of  
County Board  
in event of  
Tie Vote.

#### *General Election*

SEC. 16. The names of the candidates nominated as herein set forth for mayor, for councilmen, for school board and for such other elective office or offices as may hereafter be provided by law for the City of Charlotte, shall be placed upon the official ballot for the following general municipal election. The County Board of Elections shall cause the ballots to be printed and they shall be headed: "Nominees for Mayor, Councilmen, Members of the School Board," and such other elective office or offices as may hereafter be created for the city. There shall be no party mark or designation whatever upon said ballots as to any of the nominees, and said ballot shall provide that no voter shall vote for more candidates than the respective offices to be filled, and if this provision is violated on any ballot such ballot shall not be counted.

General Election.

Ballots prepared  
and supplied by  
County Board of  
Elections.

SEC. 17. The County Board of Elections shall cause to be delivered at each polling place not later than the day before the general election a sufficient number of ballots to supply the voters of the precinct.

SEC. 18. The nominee receiving the highest number of votes for mayor, the eleven nominees receiving the highest number of votes for councilman and the other nominees, equal in number to the respective offices to be filled, receiving the highest number of votes for said office or offices as shown by the canvass by said County Board of Elections shall be declared elected and shall be certified as herein provided.

Certification of  
returns.

SEC. 19. If, as a result of receiving tie votes, there appear to be elected more candidates than there are offices to be filled, then the County Board of Elections shall declare which candidate or candidates shall be elected.

**Election hours.** SEC. 20. In all municipal elections, general and primary, the polls shall be open between the hours of seven A.M. and seven P. M. Eastern Standard Time; *provided*, no poll shall remain open after sunset.

**Supervision by County Board of Elections.** SEC. 21. All municipal primaries or general elections shall be held exclusively under the supervision of the Mecklenburg County Board of Elections according to the General Law as the same may now or hereafter be provided governing elections of State or county officers; *provided, however*, in no event may absentee ballots be used in either municipal primaries or municipal elections.

**Registration of Voters.** SEC. 22. In all municipal primary and general elections the registration of voters shall be conducted exclusively under the supervision of said Mecklenburg County Board of Elections and the same shall be held and conducted in all respects under and according to the laws governing the registration and qualification of voters in county and State elections as may now be provided or hereafter be enacted; *provided*, that the registration for both the municipal primary and general election shall begin at nine o'clock A.M. on the fourth Saturday before the municipal primary and end at sunset on the second Saturday before said primary, challenge day being on the Saturday next preceding said primary, and there shall be no registration for either primary or general election after such second Saturday before the primary except that if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote after the time for registration has expired he shall be allowed to register on the day of the municipal primary or election.

**Challenge day.**

**Registration Books.** SEC. 23. In any and all municipal primaries and general elections excepting special bond or tax elections in which a special registration is ordered by the said County Board of Elections at the request of the governing body of the City of Charlotte, the same registration books as are used in county and State elections with the addition of such names as are properly registered during the said registration period shall be used, and all electors of the City of Charlotte properly registered on said books and who are otherwise qualified shall be entitled to vote in said municipal primary or general election.

**Special, Special Bond and Special Tax elections.** All special, special bond, or special tax elections shall be held exclusively under the supervision of the County Board of Elections in the manner provided by law for general State and county elections and the registration therefor, whether general or special, shall be conducted by the County Board of Elections with the same registrars, judges, and polling places and at the same times provided in the case of general State and county elections. All special, special

bond, and special tax elections shall in all other respects be governed by the General Statutes and law of the State of North Carolina applying to such special, special bond or special tax elections, notwithstanding the provision in any special Act heretofore enacted.

The expense of holding said municipal primaries or general elections and any special, special bond, or special tax elections shall be paid by the City of Charlotte, and there shall be paid to the County Board of Elections and all other election officials or officers the same rate of pay as in the elections of county or State officers or in special county elections.

Payment of expense of holding elections.

That it is the intent of this Act that the Mecklenburg County Board of Elections shall appoint registrars and judges for all municipal primaries and elections either general or special, prepare and distribute ballots, supervise the conduct of all such elections, shall have the same jurisdiction and authority to change precinct boundaries, create new precincts, and fix polling places as is now conferred on said board by law governing State and county elections, and said board shall canvass the returns of said primaries or elections and certify the results thereof; that it is further the intent and purpose of this Act that only one set of registration books be used in the City of Charlotte for all primaries or elections, national, State, county, or municipal, except special registration books for special, special bond or tax election.

Authority and supervision of County Board of Elections.

SEC. 24. Immediately upon the closing of the polls in all primaries and elections the registrars and judges in each precinct shall count the ballots and ascertain the number of votes cast in such precinct for each of the candidates. When the results of the counting of the ballots have been ascertained, such results shall be embodied in duplicate statements to be prepared by the respective registrars and judges on forms provided by the County Board of Elections and certified to by said officers. Such duplicate statements of the voting in the precinct shall be placed in a sealed envelope and delivered to the registrar or judge selected by them for the purpose of delivering to the County Board of Elections within five hours after the closing of the polls; *provided* that such time for filing the returns may be extended for any precinct in the discretion of said County Board of Elections not more than two hours.

Counting of ballots and certification of results.

SEC. 25. Immediately upon the receipt of the returns of such municipal primary or election the said County Board of Elections shall meet at the courthouse of Mecklenburg County for the purpose of canvassing the votes cast therein and the preparation of the abstracts thereof. Any registrar or judge appointed to deliver the certified precinct returns

Canvassing of returns.

who shall fail to deliver such returns at the meeting of the County Board of Elections at the time prescribed shall be guilty of a misdemeanor unless for illness or good cause shown for such failure. In the event any precinct returns have not been received by the county board by the time herein provided or if any returns are incomplete or defective the said County Board of Elections shall have authority to dispatch an officer to the residence of the precinct officials failing to deliver them for the purpose of securing the proper returns for such precinct. The County Board of Elections at their said meeting required to be held as herein set forth in the presence of such electors as choose to attend shall open the returns and canvass and judicially determine the results of the voting in such primary or election, stating the number of legal ballots cast in each precinct for each candidate, the name of each person voted for and the number of votes given to each person for each different office and the number of the ward of each councilman voted for. The County Board of Elections shall make and sign duplicate abstracts thereof and the Chairman of the County Board of Elections shall sign an affidavit on each of said duplicate abstracts of the returns of the municipal primary or election that they are true and correct. At or before nine o'clock on the next day after such primary or election the County Board of Elections shall file one set of the duplicate returns of the registrars and judges and one of the duplicate abstracts of the County Board of Elections with the Clerk of the City of Charlotte. Not later than the second day after the said municipal primary or election the County Board of Elections shall make and publish in some newspaper of general circulation in the City of Charlotte at least once the results of the primary or election and also post written notice of such results in the courthouse of Mecklenburg County, North Carolina, at the place where notices are usually posted and in the city hall of Charlotte, North Carolina, at the place where notices are usually posted. If the said County Board of Elections shall deem it necessary, it may appoint special counters to assist the registrars and judges in counting the ballots cast in any municipal primary or election in any precinct; such special counters before acting shall be sworn by a member of the said County Board of Elections to perform their duties honestly and properly.

#### *Organization of Council*

SEC. 26. All the legislative powers of the city shall be vested in the mayor and the city council. The city council elected as herein provided shall meet at ten o'clock in the forenoon on Wednesday after the general municipal election, and the mayor and members of the city council whose term of office then begin shall severally make oath before

Certification of returns.

Records filed with Clerk of City of Charlotte.

Publication of results.

Appointment of Special Counters.

Organization of Council.

Oath of office.

the city clerk, a justice of the peace or Mayor of the City of Charlotte, to perform faithfully the duties of their respective offices. The city council shall thereupon elect from its members a mayor pro tempore who shall hold his office during the pleasure of the council. The organization of the city council shall take place as aforesaid notwithstanding the absence, death or refusal of one or more of the members to serve; *provided*, that at least a majority of the persons entitled to be members of the city council is present and makes oath as aforesaid. Any member entitled to make the aforesaid oath who was not present at the time fixed therefor may make oath at any time thereafter.

Mayor pro tempore.

### *Meetings of the Council*

SEC. 27. The city council shall fix suitable times for its regular meetings. The mayor, or in the absence of the mayor, the mayor pro tempore, or a majority of the members of the city council may at any time call a special meeting by causing a written notice, stating the time and place of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member or to be left at his usual dwelling or place of business at least six hours before the time of such meeting. Meetings of the city council may also be held at any time when the mayor and all members of the council are present and consent thereto.

Meetings of the Council.

Special meetings.

SEC. 28. A majority of the members of the city council shall constitute a quorum. Its meetings shall be public and the mayor, who shall be the official head of the city, shall preside, if present, but shall have no vote except in a case of a tie. Six affirmative votes of the council members, or five of such affirmative votes, together with the affirmative vote of the mayor, in case of a tie vote, shall be required for the passage of any motion, resolution or ordinance; *provided*, that no resolution or ordinance shall be finally adopted, repealed, annulled or amended on the day it is introduced unless by at least two-thirds vote of those present, and that no ordinance or resolution granting any special franchise or special privilege shall be passed until voted on at least two regular meetings of the city council. In the absence of the mayor, the mayor pro tempore shall preside and in the absence of both a chairman pro tempore shall be chosen to preside at such meeting. The city clerk shall be clerk of the city council and shall keep records of its meetings. The city council may elect an assistant clerk who shall be sworn to the faithful discharge of his or her duties and may act as clerk of the city council in the absence of the city clerk. All final votes of the city council involving the expenditure of one hundred dollars (\$100.00) or over shall be by yeas and nays and shall be entered upon the records.

Quorum.

Adoption of motions, resolutions and ordinances.

Presiding officer.

Clerk and assistant.

Method of voting.

Vacancies.

Vacancies in the office of mayor or mayor pro tempore or in the city council or any other elective office, except that of members of the school board, shall be filled by the council for the remainder of the unexpired term or terms subject to the restriction that no vacancy in the council shall be filled from any ward which already has two councilmen.

*Salaries of Mayor and Councilmen*

Salaries of Mayor and Councilmen.

SEC. 29. The mayor shall receive for his services a salary of one thousand two hundred dollars (\$1,200.00) per year, payable monthly, which shall not be increased or diminished during the term for which he is elected and he shall receive no other compensation from the city. The salary of each councilman shall be two hundred dollars (\$200.00) per year, payable monthly.

*Control of Officers and Employees*

Control of officers and employees.

SEC. 30. The heads of departments and employees of the city shall perform such duties as may be required of them by the city manager under general regulation and supervision of the city council and the employees of said city hereafter employed shall have been residents of said city at least two years prior to their employment, except that this shall not apply to technical, or specially trained, employees.

*Powers of the City*

General Municipal Powers.

SEC. 31. The city council shall continue under existing laws to have power to make and provide for the execution of such ordinances for the city as they may deem proper not inconsistent with the laws of the land, and the City of Charlotte shall have all the powers granted to municipalities by the General Laws of the State of North Carolina as the same may now or hereafter be enacted.

Express powers enumerated.

SEC. 32. In addition to the powers now or hereafter granted to municipalities under the General Laws of the State of North Carolina, the City of Charlotte shall have and retain those express powers granted to it by Section forty-eight and the subsections thereof of Chapter three hundred forty-two of the Private Laws of nineteen hundred seven which, together with certain other additional powers hereby granted to said city, are as follows:

Payment of obligations.

(1) To provide for the payment of any existing legal indebtedness and of any binding obligation that may from time to time be made by the city, and to appropriate funds for that purpose.

Construction and maintenance of sidewalks, etc.

(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 same, and to abate such nuisances and punish any person, firm or corporation for obstructing the same or encroaching thereon.

(3) To prevent excavations in any street or sidewalk, unless by permission of the council, or except under the direction of the city engineer; to prescribe and collect fees for such privileges, and to require deposit or bond as guarantee for the proper restoration of such street or sidewalk and to save the city harmless from any liability by virtue of any claim of any nature whatsoever arising therefrom.

Control of excavations in streets, etc.

(4) To provide for the lighting of the streets, public grounds and public buildings and for furnishing light to the citizens of said city by contract or otherwise, and to erect, own and operate plants, machinery, fixtures, appliances of every nature whatever necessary for the carrying out of said purposes.

Lighting of streets, public grounds, etc.

(5) To regulate the speed of all railroad trains, street cars, busses and locomotives within the city and their stops at street crossings; to require such railroad and street railway companies to keep the streets through which they run their trains or street cars in repair and to light the streets over or across which their trains or cars are operated whenever deemed necessary; to require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary unless said railroad has installed proper and duly approved automatic warning devices at said crossings.

Regulation as to speed, etc. of trains, street cars and busses.

(6) 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 good repair. To regulate and control the location of street car or railroad tracks and to require railway companies of all kinds to construct at their own expense such bridges, underpasses, turnouts, culverts, crossings and other things as the city council may find necessary.

Regulation of construction of railroad tracks, etc.

(7) To regulate the use of automobiles, motor cars, taxi cabs, motor busses, motorcycles or any other motor vehicle, to issue permits for the use of such vehicles and to require the same to be numbered and to issue city license plates and to charge therefor an amount not to exceed that permitted under the General Laws of the State of North Carolina as the same may now or hereafter exist.

Regulation of Motor Vehicles.

(8) To provide for the inspection of foods and other commodities for human consumption offered for sale in said city and to charge a reasonable inspection fee therefor, and to make such rules and regulations so as to protect the health of the citizens with respect thereto.

Inspection of Foods and other Commodities.

(9) To provide for the inspection of all dairies, inside and outside the city limits, whose products are sold within

Inspection of Dairies, etc.

the city and charge license fees for such inspection; to provide for the regulation and maintenance of a standard for the quality of milk or dairy products sold in the city and to impose penalties for the violation thereof.

Inspection of slaughter houses, and regulation of sale of meats.

(10) To regulate, license or prohibit the business of slaughtering animals in the city limits; to revoke such license for misconduct in business, to provide for the regulation and maintenance of a standard of the quality of meat sold in the city and to impose penalties for the violation thereof and to provide for inspection of all slaughtering houses, inside or outside the city limits, whose products are sold within the city limits, and to charge a reasonable inspection fee for such services; to own, lease or operate abattoirs or slaughter houses.

Inspection of food products.

(11) To, in accordance with the Public Laws, provide for the inspection of all establishments within the city limits engaged in the manufacture, preparation, distribution, sale or otherwise, of any food or food product, and to require that the same be conducted in a healthful and proper manner, and to revoke the license to do business in the City of Charlotte as to any such business where it shall appear that the same is not being carried on in a healthful and proper manner.

Supervision of public grounds.

(12) To establish and regulate public grounds and to regulate, restrain and prohibit the running at large or keeping 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 costs of the proceedings and penalty incurred, and to order the destruction of such as cannot be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance in connection therewith.

Livestock regulations.

Sunday observance.

(13) To pass ordinances for the due observance of Sunday and for maintenance of order in the vicinity of churches and schools.

Maintenance of Fire Department.

(14) To establish and own stations and other property for a fire department and to provide everything necessary for the regulation and maintenance of such department, including training facilities and all other equipment deemed necessary.

Establishment of fire districts.

(15) To establish fire limits, and prohibit the erection, building, placing, repairing or maintaining of wooden buildings within said limits; to prohibit the removal of any wooden building from one place to another within said limits and to require all buildings within said limits to be constructed with fireproof material; also to declare all dilapidated wooden buildings deemed dangerous on account of fire, nuisances, and require the same to be removed.



(16) To provide for an inspection of the construction of all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate the erection and location of all poles, whether telegraph, telephone, electric light or otherwise, in the city; to require that all wires, pipes and conduits be placed underground and to regulate the same.

Construction regulations.

(17) To enter in and upon all buildings within the city to inspect and discover whether the same are dangerous to either life or health on account of defects or their dilapidated condition and to cause all defects or unsafe conditions to be repaired or remedied, and all filth or trash in or around the same to be removed, or to condemn as unsafe and dangerous to life any such dilapidated or defective building, and if the owner of any such building which has been so condemned as unsafe and dangerous, after having been notified by the city building inspector in writing of the unsafe and dangerous character of said building, shall permit the same to stand or continue in that condition, he shall forfeit and pay a fine to be fixed by ordinance of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00) for each day said condition continues after such notice, and if the owner or owners of said building cannot be located or found, then the said City of Charlotte is authorized to enter upon said premises and remedy such unsafe and dangerous condition or demolish said building, if necessary, and to charge the costs for making any such repair or of demolishing against the owner or owners of said premises and the same shall be and remain a lien against the said premises until such costs are paid in full, and the lien herein provided may be collected or foreclosed as now provided by law for the collection of unpaid taxes, and the City of Charlotte shall not be liable in any manner for carrying out the terms and provisions of this section.

Condemnation of unfit buildings.

(18) To require the construction and proper maintenance of suitable fire escapes on or in hotels, lodging houses, factories and other buildings.

Fire escapes.

(19) To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stovepipes, boilers, furnaces and other heating apparatus, and cause the same to be made safe or removed; to define and abate nuisances arising by virtue of the emission of excessive smoke or fumes from such furnaces or other smoke producing apparatuses.

Supervision of construction of chimneys, etc.

(20) To regulate the size, number and manner of construction of doors and stairways of theatres, tenement houses, audience rooms, public halls and all buildings used

Regulations as to doors, stairways, etc.

for the gathering of the public, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fires or other casualties, and to require that such exits shall be appropriately marked.

Abatement of nuisances.

(21) To define and abate nuisances, whether on public or private property and to regulate and prohibit the carrying on of any business which may be detrimental or dangerous to the welfare of the citizens.

Establishment of incinerators and crematories

(22) To establish one or more incinerators and crematories and to provide for the removal of all filth, carcasses of dead animals, and other unhealthful substances by cremation, and to require the owners and occupants of all premises to keep them in a cleanly condition.

Regulation of private drains, sinks, etc.

(23) To require the owners of private drains, sinks and privies, to fill up, cleanse, drain, repair, fix, and improve the same, as they may be ordered by ordinance, and impose penalties upon persons failing to do the same. If there be no person in the city upon whom such order can be served, the city may have such work done, and costs of the same shall be a lien on the premises and shall be collected in the same manner as taxes are collected, and to cause all drains, toilets, sinks and all other water or sewerage facilities to be connected with the city systems.

Cemetery facilities.

(24) To own, establish, regulate or operate one or more cemeteries and to regulate the burying of the dead; to provide for the registration of births and deaths, direct keeping and returning of records of mortality, and impose penalties on physicians, funeral directors, sextons and others, for any default in the premises for failing to carry out the provisions of any ordinance enacted pursuant to this section.

Mortality records.

Establishment of sewerage systems.

(25) To establish systems of sewerage and works for sewage disposal, and to extend and build the same beyond the corporate limits when deemed necessary, to permit owners of residences or industrial plants outside the limits of the City of Charlotte to connect to the sewerage system of said City of Charlotte and to remove said sewerage through its system as is now done for residents of said city, and to make such reasonable charges for such service as may be set by the city council; and where said property is served by said sewerage system of the City of Charlotte and the city also furnishes water to said property, to add the said sewerage service to the water charges to any given premises; and to discontinue the service of water to any such user who fails to pay said sewerage charges and/or water charges within ten days from the due date thereof; and to continue to refuse to furnish water to said premises until said charges for water and sewerage services are paid in full, and where the property is served by sewerage service

Enforcing collection of charges.

but not by city water, to make such reasonable charges for such sewerage service as may be set by the council and that any charges unpaid shall be a lien against said property until the same is paid and may be enforced in the same manner as the lien for taxes; to levy a special sewer assessment upon all lots and property abutting on any street inside the City of Charlotte in which is located a sewer main, whether the said lot or property be connected with said sewer main or not, such sewer assessment or tax shall not exceed three cents (3c) 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; to charge for sewerage service within the city and to fix the rates therefor and the time for payment thereof and penalties for nonpayment, and such charges and penalties shall be a lien upon the property served, and if the same are not paid they may be collected and the lien enforced as in the case of taxes. The governing body of the city shall have the authority to make reasonable rules and regulations to govern all matters pertaining to said sewerage systems and sewage treatment and disposal works, including all waste matter from any and every source, in order to conserve the materials of every kind in said systems and works and to safeguard the proper functioning of sewage treatment and disposal plants, and may make any restrictions and/or denials pertaining to waste matter that said governing body may decide as necessary for the best interests of the city as a whole.

Special sewer assessments.

Service rates.

General rules and regulations.

(26) To prescribe fines, forfeitures and penalties for the breach of any ordinance enforcing the powers granted in this charter or by the general law and to provide for the recovery of such fines and forfeitures, cost of and the enforcement of such penalties.

Fines, forfeitures and penalties.

(27) To make necessary and proper provision for the care of the indigent sick and poor of the City of Charlotte and to levy a tax for such purpose if, in the discretion of the council, the same is needed, and in this connection to appropriate funds to any charity organization approved by the city council, organized and existing for the sole purpose of providing for the needs of such indigent sick and poor.

Care of indigent, sick and poor.

(28) To require the owner or owners of vacant or improved premises to keep same free from trash, obnoxious weeds or undue growth, and in the event such owner or owners shall, after due notice given by the city, fail to remedy such existing condition, then the city shall cause the same to be remedied and charge the cost thereof to such owner or owners, such cost shall constitute a lien upon such premises and be collected in the same manner as taxes upon real estate.

Sanitary, etc., regulations.

Signs and  
billboards.

(29) To regulate the construction and maintenance of signs or billboards in order that the safety and health of its inhabitants may not be endangered.

Inflammable  
liquids and  
explosives.

(30) To regulate the keeping, storing and transporting of highly inflammable liquids or materials and explosives so that the life limb or property of its inhabitants may not be endangered.

Regulation of  
shows and  
expositions.

(31) To require any shows or expositions to keep the buildings or grounds upon which they are showing in such a condition so that the same shall not constitute a fire or health menace and to prevent the showing of obscene or licentious performances, and to prevent any undue sounds or noises connected therewith, and to prescribe penalties for the violation of any ordinance exercising the powers herein given.

General police  
powers.

(32) To pass such ordinances as are expedient for maintaining and promoting the peace, good government and welfare of the city, and the morals and happiness of its citizens, and for the performance of all municipal functions.

Public buildings  
and facilities.

(33) To own, operate or maintain hospitals, auditoriums, armories, markets, airports and such other facilities for the benefit and welfare of its citizens.

Public con-  
veniences.

(34) To operate and maintain public toilets within said city for the use and convenience of the public.

Supervision of  
operation of  
public utilities.

(35) To, by ordinance, regulate and supervise the operation of all public utilities or quasi-public utilities which operate or do business within the City of Charlotte to the end that all citizens of Charlotte shall receive from said public utilities or quasi-public utilities equal treatment, and also to the end that said citizens shall have good service, just and reasonable rates from any and all such utilities, and to grant or refuse franchises or privileges to such utilities; *provided* that such ordinances shall not be in contravention of Public Laws of North Carolina applicable to such utilities, as same are now or may hereafter be enacted.

Establishment of  
adequate drainage  
facilities.

(36) To require that all property owners provide adequate drainage facilities to the end that their premises be free from standing water and permit the natural flow of water thereon to be taken care of, and to provide that in case of failure on the part of such owner or owners to so provide the same, to go upon their premises and construct the necessary facilities and to charge the cost thereof against the premises so improved, such cost to constitute a lien upon such premises and be collected as in the case of taxes.

Regulation of use  
of streets and  
sidewalks in laying  
of pipes, mains or  
conduits, etc.

(37) To require that all persons, firms or corporations having franchises or permits to use the sidewalks, alleys or streets of the City of Charlotte for the maintenance and laying of pipes, poles, wires or conduits, or for other pur-

poses which necessitate the excavation in said sidewalks, alleys or streets, to lay or place the same, or to do such work as may be authorized under such franchise or permit before the beginning of any improvement by said city of such sidewalks, alleys or streets, and to prohibit the laying or construction of same after such improvements have been completed, except upon the condition that such person, firm or corporation pay a reasonable proportion of the original cost of such improvements as may be fixed by the city council; and to require such persons, firms or corporations owning or using any such pipes, mains, wires or conduits whatsoever, or underground electric or other wires or conduits in or under such sidewalks, alleys or streets so being paved, improved or about to be paved or improved, to make forthwith all lateral connections in said sidewalks, alleys or streets at least to the edges thereof, or to lay and place such mains, pipes, wires or other conduits in or under such streets, sidewalks or alleys so as not to interfere with the progress of paving or improving thereof; and to require that for failure to comply therewith that the right to use all sidewalks, alleys and streets for the purposes aforesaid shall be forfeited and to thereupon cause such pipes, mains or other wires or conduits to be removed from said sidewalks, alleys or streets.

(38) To, in accordance with the Public Laws, regulate the issuance of licenses for trades or professions not inconsistent with the provisions of the General Laws of North Carolina, and to require the applicants therefor to stand examination and to charge a reasonable fee therefor.

Issuance of license for trades or professions.

#### *Duties of the Mayor*

SEC. 33. The mayor shall be the chief executive officer of the city and shall be active in enforcing the laws of the city and shall have power to appoint special policemen for any special occasion, and to call upon the local military, under an order of the Governor of the State, for the suppression of any riot or public disturbance, and shall have the power to appoint special firemen in the case of an emergency. In addition to these duties, he shall be vested with the following powers and obligations:

Duties of Mayor.

(1) The mayor shall sign all written contracts or obligations of the city and no contract of the city required to be in writing shall be binding upon the city until signed by the mayor. He shall have authority to administer oaths in any transactions or proceedings connected with the city government and all official oaths of the councilmen, commissioners, chief of policemen, chief of the fire department, or firemen, or other officers of said city may be administered by the mayor.

General duties as chief executive officer.

Signing of contracts, administering of oaths.

Examination of books, and affairs of various departments.

(2) The mayor shall have authority to require any official heads of departments of the city to exhibit his official books and papers, and the refusal of any officer when so required, shall be deemed a forfeiture and the abandonment of said office. By the consent of the city council he may employ experts to examine the affairs of any department of the city, when he deems it necessary; and in all cases of investigation of any department of any charges against any officer or employee of the city, he shall have the power to administer oaths, subpoena and compel the attendance of witnesses and the production of books and papers.

Information to City Council.

(3) The mayor shall, from time to time, give the city council information about the condition of the city affairs and recommend for consideration such measures as he deems best for the city.

Meetings with members of departments.

(4) The mayor shall, whenever he deems it necessary, require the members of the several departments of the city to meet with him at a time and place designated for consultation and advice upon the affairs of the city.

Ex-officio member of Board and Commissions.

(5) The mayor shall be ex officio member of all boards or commissions elected or appointed by the city council or the mayor, and he shall serve upon the same in an advisory capacity only and shall not have a vote.

Oath of office for Mayor.

(6) The mayor, upon the day following his election, or as soon thereafter as practicable, take the following oath:

"I do solemnly swear that I will to the utmost of my power, support, advance, protect, and defend the good order, peace and welfare of the City of Charlotte and its inhabitants, and will faithfully demean myself in the office of mayor of said city, according to the ordinances and regulations thereof, to the best of my skill and judgment; I do swear that I will support the Constitutions of the State of North Carolina and the United States."

Mayor Pro Tempore.

(7) In the absence or incapacity of the mayor, all of his duties, powers and obligations shall be vested in the mayor pro tempore.

### *City Manager*

City Manager.

SEC. 34. The city council shall appoint a city manager who shall be the administrative head of the city government and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the city council and shall receive such compensation as it shall fix by ordinance.

Appointment.

Tenure of office.

Powers and duties.

SEC. 35. The city manager shall: (1) be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the city council are faithfully executed;

(3) attend, at the request of the council, all meetings of the council and recommend for adoption such measures as he may deem expedient; (4) make reports to the council from time to time upon the affairs of the city and keep the council fully advised of the city's financial condition and its future financial needs; (5) appoint and remove all department heads and employees of the city except those herein provided to be elected by the city council, but the city manager shall report every such appointment and removal to the council at the next meeting thereof following any such appointment or removal.

#### *City Clerk*

SEC. 36. At the first meeting of the city council after their election, or as soon thereafter as practicable, the council shall appoint a city clerk, who shall serve at the pleasure of the city council and at a compensation to be fixed by the council, and who may be required to give bond in such amount and with such surety as ordered by the council, and whose duties shall be as follows:

City Clerk.

Appointment and tenure of office.

(1) The city clerk shall act as clerk of the city council and for the civil service commission, the airport commission and such other commissions or boards as herein provided, and shall keep the minutes and records thereof and shall be the custodian of all minute books of the proceedings of said city council and such boards.

Duties of City Clerk enumerated.

(2) The city clerk shall be the custodian of all written claims and demands made upon said city arising out of tort actions.

(3) The city clerk shall keep the records with respect to all compensation claims and payments made to employees of the City of Charlotte under and pursuant to the Workmen's Compensation Laws of North Carolina.

(4) The city clerk shall be the custodian of all signed petitions with reference to public improvement, condemnation proceedings, and all contracts made and entered into by said city and of all notices and affidavits of the publishers with reference to the publication of ordinances, budgets or other legal advertisements required to be made by the city.

(5) The city clerk shall be the custodian of the official seal of said city and shall attest and affix said official seal to all documents or instruments of said city required to be so attested and sealed.

(6) The city clerk shall be custodian of all bonds required by ordinance, contract or by law to be executed and deposited with said city.

(7) The city clerk shall be the custodian of deeds and records of lots in the public cemetery or cemeteries and other records kept or required to be kept in connection therewith.

(8) The city clerk shall perform such other duties as may be required by the city council.

*City Accountant*

City Accountant.

Appointment and terms of office.

Duties of City Accountant enumerated.

SEC. 37. At the first meeting of the city council after their election, or as soon thereafter as practicable, the council shall appoint a city accountant, who shall give such bond as may be required by the city council, and who shall serve at the will of the council and whose salary shall be fixed by the council. His duties shall be as follows:

(1) He shall act as accountant for the city and its various departments in settling with all city officers.

(2) He shall keep a record of the date, source and amount of each item of receipt, and the date, payee or contractor, the specific purpose and the amount of the disbursement made.

(3) He shall require officers and departments receiving or disbursing money of the city, or its subdivisions, to keep a record of the date, source and amount of each item of receipts, and the date, the payee or contractor, the specific purpose and the amount of the disbursement made, and shall require the officer or department to keep a copy of such contract.

(4) He shall examine or test check once a month, and at such other times as the council may direct, all books, accounts, receipts, vouchers and other records of all city officers and employees and departments of the city administration receiving or expending public money.

(5) He shall require all officers and employees of the city, whose duty it is to collect fines, penalties or other money, to be applied to public purposes, to file with him each month, or more often if the council so directs, a report of all fees collected by such officers.

(6) He shall once a year, or as often as he may be directed by the city council, file with the council a complete statement of the financial condition of the city, and its subdivisions, showing receipts and expenditures of the different departments of the city.

(7) He shall advise with the mayor, city manager, treasurer and the various department heads of the City of Charlotte, and its subdivisions, and with the Local Government Commission of the State of North Carolina, and he shall inform himself as to the best and simplest methods of so



doing so as to bring about, as far as possible, a simple accurate and uniform system of keeping accounts of the city and its various departments.

(8) He shall, in conjunction with the city manager and treasurer, submit to the council, at the proper time, an annual budget estimate and budget which shall be prepared in accordance with the provisions of the General Laws of North Carolina as the same are now or may hereafter exist.

(9) He shall perform such other duties as may be imposed upon him by the city council and those which may be now or hereafter required of municipal accountants by the General Laws of the State of North Carolina and as applicable to the City of Charlotte.

(10) He shall certify on all contracts of the city as to whether or not funds of said city have been properly provided for the carrying out of said contracts on the part of the city.

#### *Collector of Revenue*

SEC. 38. At the first meeting of the city council after their election, or as soon thereafter as practicable, the council shall appoint a city collector of revenue, who shall serve at the pleasure of the council and give bond in an amount of not less than fifty thousand dollars (\$50,000.00), as may be fixed by the city council, for the faithful performance of his duties and for a proper accounting of all funds coming into his hands by virtue of his office, or coming into his possession in connection therewith, for which he may be responsible, said bond to be renewed annually, and he shall receive such compensation for his services as is fixed by the city council.

Collector of Revenue.

Appointment.

Bond.

The powers, duties and obligations of the city collector of revenue shall be as follows:

Powers and duties of Collector of Revenue enumerated.

(1) He shall collect ad valorem taxes on real and personal property, street assessments, benefits assessed in condemnation proceedings, license privilege taxes, poll taxes, sewer taxes upon property located within the city limits, auto license tags, dog licenses, and all other taxes of any nature or kind, privilege or otherwise required to be paid to the City of Charlotte and not herein otherwise specifically required to be collected by some other officer or department of the City of Charlotte. He shall keep a true and accurate account thereof and shall allocate the monies received by him to the respective accounts designated in the levy of such tax assessments, and each day render a detailed statement of such collection to the Treasurer of the City of Charlotte accompanied by a duplicate bank deposit slip showing the deposit of such funds in a depository, or depositories, designated by the city council for the deposit of such funds.

(2) He shall be the custodian of the tax books and records, together with all tax sale certificates, street assessment books and records, and all monies coming into his hands, until the same have been duly deposited in the depository, or depositories, named by the city council.

(3) He shall issue under the rules and regulations of the city council all privilege licenses except those herein provided to be issued by other officers or departments of said city upon the payment of the license or privilege fee required by the revenue ordinances of the City of Charlotte.

(4) Possession of the tax list or scroll, after having been placed in the hands of the collector of revenue by the city council, shall have the same force and effect of a duly docketed judgment and of an execution against the real and personal property of the persons charged with taxes on such list, and the collector of revenue is authorized to make seizure under said tax list as fully as if an execution issued from a court of competent jurisdiction, in the same way and manner as the Sheriff may levy and execute upon an execution issued to him by a court of competent jurisdiction, and he shall, when necessary, institute in the name of the city, garnishment proceedings for the purpose of collection of taxes.

#### *City Treasurer*

City Treasurer.

SEC. 39. That at the first meeting of the city council after their election, or as soon thereafter as practicable, they shall appoint a treasurer who shall serve at the pleasure of the council, and who shall give bond in such amount as may be required by the council, and who shall receive such compensation for his services as may be fixed by the council. The duties and obligations of the city treasurer shall be as follows:

Appointment.

Bond.

Compensation.

Powers and duties of City Treasurer enumerated.

(1) He shall be the custodian of all funds of the City of Charlotte and shall cause to be kept a proper record showing the source from which said funds are derived and shall disburse the same in accordance with due authority given by the city council.

(2) He shall see and require that all departments of the City of Charlotte which receive funds for said city make daily deposits of same to credit of City of Charlotte in a depository approved and designated by the city council, and he shall require that duplicate deposit slips be presented to him by an official head of each of said departments upon the same day upon which the deposit is made.

(3) He shall sign all checks issued for disbursement of funds of the City of Charlotte which are by this charter or otherwise required to be deposited to the credit of said city

and require that due authority be given for the execution of such checks and only after the same have been duly audited.

(4) He shall execute all notes, bonds or other evidences of indebtedness for the City of Charlotte where the same are required by private or public law to be executed by the city treasurer.

(5) He shall see that all depositories required by the City of Charlotte to post depository bonds, keep the same in force and on file with the city clerk, or in lieu thereof place sufficient and proper collateral as may be allowed by law or action of the city council.

(6) He shall assist the city manager and the city accountant in the preparation of the budget for the City of Charlotte and shall advise with them and with the city council upon the finances and issuance of bonds and other obligations of the city.

(7) He shall pass upon the sufficiency of the surety of all bonds required to be deposited with the said City of Charlotte by contract, ordinances or otherwise.

(8) He shall attend to all duties required of him as treasurer of boards or commissions connected with the city government under and pursuant to the provisions of this Act, or as may be required of him by ordinances or laws hereafter enacted.

(9) He shall cause to be kept a true and accurate record of all funds coming into his hands as treasurer of any corporation, board or commission connected with the government of the City of Charlotte and shall keep the city council advised of the financial condition of such corporation, board or commission.

(10) He shall attend to such other duties as may be required of him by the city council.

#### *City Attorney*

SEC. 40. That there is hereby created the office of City Attorney for the City of Charlotte. City Attorney.

(1) That the holder or holders of said office shall be appointed by the members of the city council by a majority vote and shall serve at the pleasure of the council: *Provided*, that should the city council deem it preferable it may elect to the said office either one or two—but not more than two—attorneys to fill said force. Nothing herein contained shall prevent any city attorney from being a member of a firm of attorneys. Appointment and  
tenure of office.

(2) That the salary attached to said office, whether held by one or two attorneys, shall not be in excess of six thousand dollars (\$6,000.00), to be paid in semi-monthly installments; *Provided*, nothing in this section or this Act shall Compensation.

prevent the city council from employing additional attorneys for occasional extra or special work and pay for such services an amount to be determined by the city council.

Duties.

(3) That the duties of the holder or holders of said office shall be as follows: To prosecute or defend all suits at law or in equity wherein the City of Charlotte may become the plaintiff or defendant in said suit; to render advisory opinions to the city council and to the heads of the departments. *Provided*, that such requests for advice shall be made in writing and signed by the person requesting said advice; to attend only such meetings of the council as may be requested in writing by the mayor or mayor pro tempore of said city; and to perform any other service of a legal nature wherein a majority of the city council have concurred.

Vacancies.

(4) That the said office shall be declared vacant either by the death of the holder thereof or when a majority of the members of the city council vote to remove the said attorney, and such vacancy to be filled as provided in Section one.

#### *Police Department*

Police Department created.

SEC. 41. There is hereby created a Police Department of the City of Charlotte which shall be composed of a chief of police and such other officers and employees as shall be deemed necessary by the city council. No candidate shall be eligible for election as chief of said department unless he has been a member of said department for a period of at least two years prior to said election.

Appointment of Chief of Police.

(1) The chief of police shall be appointed by the city council and said chief may be removed for cause by a majority vote of the city council after being heard in his own defense, and he shall be accountable to the city council and the city manager for the faithful performance of his duties.

Salaries.

(2) The salaries of the chief of police and other members of the police department shall be fixed by the city council.

Responsibilities of Chief of Police.

(3) The chief of police shall be responsible for the discipline and efficiency of the police department. All orders shall pass through him and he shall see that all orders, rules and regulations applicable to the police department are fully carried out and performed. Said rules and regulations to be made by the chief and to be approved by the city council and the same shall be published, and each member of the department shall familiarize himself with such rules and regulations.

Power and authority of Chief and members of Department.

(4) The members of the police department and the chief of said department 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, which

authority shall extend beyond the limits of said city upon city owned, leased or controlled property.

(5) The chief of police and all officers shall execute all processes directed to them by the recorder of said city, or other lawful officer having authority to issue processes.

(6) The chief of police shall have authority to make all promotions and demotions of members in the department; *provided*, that any officer demoted shall have the right to appeal to the Civil Service Board.

### *Fire Department*

SEC. 42. There is hereby created a Fire Department of the City of Charlotte which shall be composed of a chief and such other officers and employees as shall be deemed necessary by the city council. The chief of the fire department shall be appointed by the city council, and said chief may be removed for cause by a majority vote of the city council after being heard in his own defense, and shall be accountable to the city council and the city manager for the faithful performance of his duties. No candidate shall be eligible as chief of said department unless he has been a member of said department for a period of at least two years prior to said election.

Fire Department created.

Appointment of Chief and other employees.

(1) The salaries of the chief of the fire department and other members of the fire department shall be fixed by the city council.

Salaries.

(2) The chief of the fire department shall be responsible for the discipline and efficiency of the fire department. All orders shall pass through him and he shall see that all orders, rules and regulations applicable to the fire department are fully carried out and performed. Said rules and regulations to be made by the chief and to be approved by the city council and the same shall be published and each member of the department shall familiarize himself with such rules and regulations.

Responsibilities of Chief.

(3) The fire department shall protect the lives and property of the people. In case of an emergency the chief of the fire department may cause the blowing up, or pulling down or destroying of any house or houses, and no person shall be held liable civilly or criminally for acting in such cases in obedience to such orders.

Power and authority of Chief and members of department.

(4) The chief of the fire department and his assistants shall have full police powers during fires, and are authorized to make arrests for interference with their operations.

(5) In the event of an alarm of fire, the apparatus of the fire department shall have the exclusive right-of-way in and upon the streets, alleys, squares and railroad crossings in going to any fire.

(6) The fire department shall have the same jurisdiction outside the city limits, as within, upon city owned, leased or controlled property.

(7) The chief of the fire department shall perform all duties under the General Laws as the same are now or may hereafter be enacted with respect to the inspection of buildings.

(8) The chief of the fire department shall have authority to make all promotions and demotions of members in the department; *provided*, that any officer demoted shall have the right of appeal to the Civil Service Board.

### *Inspection Department*

Inspection  
Department.

SEC. 43. The Inspection Department of the City of Charlotte shall be composed of a chief building inspector, electrical inspector, a plumbing inspector and such other employees as shall be deemed necessary by the city council and whose compensation shall be fixed by the council.

Chief Building  
Inspector.

(1) The chief building inspector shall be the administrative head of the department and shall have control of the other inspectors and employees of said department under such rules and regulations as he may prescribe, and all inspectors shall take an oath for the faithful discharge of their respective office.

Powers and duties  
of inspection  
department.

(2) It shall be the duty of the inspection department to inspect all buildings which may be in the course of erection, alteration or repair and require inspection according to the building ordinances of the city; to examine and report on the condition of old buildings in said city; to supervise and inspect all electrical works and appliances used or intended for the use in the manufacture or supplying or receiving of electricity within the city, either for light, heat, power, telephone, telegraph or signalling system; to inspect all plumbing work, water fixtures and sewer connections constructed or being constructed in said city, or outside the city, where same is connected either to the water or sewer systems of the City of Charlotte, and to require the same to conform with the ordinances of said city. No buildings or other structures shall be constructed or repaired within the limits of said city, nor shall any connection be made to either the water or sewer system of said city unless and until a permit therefor has been issued by the chief building inspector; *provided*, that the city council may, by ordinance, limit the requirement for building permits with reference to the construction or repair of buildings or other structures as to cost thereof. The council of the City of Charlotte may require the payment of reasonable fees for the issuance and procurement of such permits which shall be payable to the chief building inspector at the time of the issuance of

same, and the chief building inspector shall give bond in such sum as the city council may prescribe, for the faithful accounting of all monies which may come into his hands by virtue of said office and he shall deposit such funds according to the rules and regulations as given by the city manager and the city accountant.

(3) The chief building inspector and his assistants shall perform such other duties as may be required by the city council, and they shall be vested with all the power now or hereafter granted by the General Laws of the State of North Carolina to such municipal inspectors, and they shall see that all ordinances enacted by the city council are complied with, with respect to this department.

(4) Examinations for licensing of plumbers, electricians and other trades connected with the building industry shall be as prescribed by ordinances of the city council, and the inspection department shall collect the application fees and shall deposit such funds according to the rules and regulations as given by the city manager and the city accountant.

#### *Water Works Department*

SEC. 44. There is hereby created a Water Works Department of the City of Charlotte and said department shall consist of a superintendent who shall be its administrative head, and such other officers and employees as may be deemed necessary by the council and whose salaries shall be fixed by the council.

Water Works  
Department  
created.

(1) The said superintendent or assistant superintendent, or any member of said department, who shall handle funds belonging to the city, shall be required to give such bond as may be fixed by the city council.

Bond required of  
members handling  
city funds.

(2) The said superintendent shall be responsible for the proper operation and control of the entire water works system of the City of Charlotte, including the maintenance and operation of the sewage disposal plants of said city, and shall erect a sufficient number of hydrants in said city for fire protection and for cleaning the streets.

Responsibilities of  
Superintendent and  
assistants.

(3) The said superintendent shall be responsible for the collection of all rents, forfeitures or emoluments from the operation of said system of water works, and to require the payment in advance for the use of water in or upon any building, place or premises, and to make such reasonable charges for connecting on to said city water system of the City of Charlotte as may be set by the city council, and in case prompt payment shall not be made for water delivered to any building such water service shall be discontinued and said debt declared a lien in accordance with the regulation or ordinance of the City of Charlotte; *provided*,

however, that the city council may delegate the responsibility of collections to the assistant superintendent.

(4) The said superintendent or assistant superintendent shall be responsible for and shall keep accurate accounts of receipts and disbursements of money in connection with the operation of said water works system and shall supply all such data and information unto the city accountant and shall operate said system of records in accordance with the system approved by the city accountant.

(5) The rate or charges made for the furnishing of water shall be made and set by the city council.

(6) The superintendent or assistant superintendent shall be charged by the council with all rents and monies received by the department and shall deposit the same daily to the credit of the city in a bank named as an official depository of the City of Charlotte, and shall deliver to the treasurer of the City of Charlotte duplicate deposit slips therefor upon the same day that the deposit is made.

(7) Where unnecessary waste of water is known or suspected the said superintendent or inspector or an employee of said department shall have authority to enter upon such premises at all reasonable hours and examine and inquire into the cause of the waste; and if any person refuses to permit such examination or opposes or obstructs such officer in the performing of such duty, said person, firm or corporation shall be guilty of a misdemeanor, and shall be punished or fined as provided by ordinance.

#### *Engineering Department*

Engineering  
Department  
created.

SEC. 45. There is hereby created an engineering department, and the administrative head of said department shall be known as the city engineer, who shall be a graduate engineer of some recognized college or university, and such other assistants and employees of said department as may be deemed necessary by the council and whose salaries shall be fixed by the council.

Powers and duties  
of City Engineer  
enumerated.

The duties of said city engineer shall be as follows:

(1) To provide all engineering information and data to each and every department of the City of Charlotte that may require the same.

(2) To plan and provide for the proper fall, grades and plan for the construction, maintenance of public ways within the City of Charlotte and upon other property that may be owned, leased or controlled by the City of Charlotte, whether within or without said city.

(3) To provide all information, data and plans that may be necessary for the proper operation of the sewer system of the City of Charlotte, and to make and furnish the council



with estimates of the cost of the building, repair or alteration of any public work contemplated or built by said city or any of its departments.

(4) To make due and proper investigation of any claims made or filed against said city arising by virtue of the use or condition of any public way, improvement or instrumentality, and to provide the city attorney with a report of the result of such investigation.

(5) To supervise and control the laying, repairing and maintenance of all sewer lines which are a part of the sewer system of the City of Charlotte.

(6) To act as custodian of all plats, surveys and other engineering data belonging to said city and to keep the same in a proper manner.

(7) To see that all public streets, sidewalks and ways within the City of Charlotte are kept in a sanitary condition and in a proper state of repair and to this end make necessary inspection of the same.

(8) To perform such other duties as may be required by the city council.

#### *Health Department*

SEC. 46. There is hereby created, pursuant to the General Laws, a health department which shall have as its administrative head a chief health officer, who shall be a duly licensed physician, and such other officers and employees as may be deemed necessary by the city council, and whose salaries shall be fixed by the council.

Health  
Department  
created.

(1) The chief health officer shall have in his charge all matters pertaining to the health of the city and shall perform the duties required of him under such general rules and regulations as may be prescribed by the governing body of the City of Charlotte, and he, together with the members of said department, shall have full power and authority to enter all premises affecting the health of the citizens of the City of Charlotte, within or without the limits of said city, and he shall be responsible for enforcing the laws and ordinances made for the general public health of the community.

Powers and duties  
of Chief health  
officer.

(2) The chief health officer shall also perform such other duties as may be required by the city council, and he is hereby vested with the powers and obligations conferred and imposed upon municipal health officials by the General Laws of the State of North Carolina as the same are now or may hereafter be enacted.

*Motor Transport Department*

Motor Transport  
Department  
created.

SEC. 47. There is hereby created a Motor Transport Department for the City of Charlotte, which shall be composed of a superintendent and such other officers and employees as may be deemed necessary by the council and whose salaries may be fixed by the council.

Functions and  
duties of Superin-  
tendent and  
Assistants.

(1) The said superintendent shall have charge and control of the storage, repair and maintenance of all motor vehicles and transportation equipment belonging to the City of Charlotte which may be placed in his custody.

(2) The superintendent and his assistants shall be responsible for the proper inspection of places and premises in the City of Charlotte to see that same are kept in a sanitary condition and see that all trash, garbage, weeds, overgrowth and obnoxious conditions are remedied by the removal of such trash, garbage or growth, and to see that the same is delivered to the incinerator of the City of Charlotte or such other suitable places as may be provided for that purpose.

(3) The superintendent shall be responsible for the maintenance and control of an adequate system for the collection and disposal of all garbage, refuse and other waste material from within the city limits and shall properly operate the city incinerator or such other and further facilities furnished by the said city for the disposal of such garbage, refuse and other waste material and shall perform such other and further duties as may be imposed upon him by the city council.

*Purchasing Department*

Purchasing  
Department  
created.

SEC. 48. There is hereby created a Purchasing Department of the City of Charlotte which shall be composed of chief purchasing agent and such other employees as the city council shall deem necessary, whose compensation shall be fixed by the city council.

Functions and  
duties of Chief  
Purchasing Agent.

(1) The chief purchasing agent shall have charge of purchasing all supplies and equipment for the City of Charlotte and all its departments. He shall prepare all specifications and advertisements for bids for public works, supplies and equipment and advertise for same as provided by law, and prepare all contracts relative to such matters where contracts are required, all under the general supervision and control of the city manager, and do and perform such additional services and duties as the city manager and the city council may prescribe, provided that all such purchases and contracts shall be approved by the city council, and all contracts shall be signed by the mayor or mayor pro

tem, and attested by the city clerk and approved as to form by the city attorney and certified by the city accountant, as provided by law, before becoming effective.

### *Civil Service Act*

SEC. 49. There is hereby created a Civil Service Board for the City of Charlotte, to consist of three members, to be appointed by the city council. The members of said board shall be the ones now serving under the provisions of Chapter one hundred twenty-four of the Private Laws of nineteen hundred twenty-nine, and their terms of office shall expire as provided in said Act; and at the end of each municipal year the city council shall appoint a member of said board to serve for a term of three years. In case of a vacancy in the Civil Service Board the city council shall fill such vacancy for the unexpired term of said member. A majority of said board shall constitute a quorum.

Civil Service Board created.

Membership.

Terms of office.

Vacancy appointments.

Qualifications.

(1) The members of the said Civil Service Board shall be electors of the City of Charlotte and shall take an oath to faithfully perform their duties. The members of said board shall be subject to removal from office by a two-thirds vote of the city council, with or without cause.

Removal.

(2) Said board shall establish and fix requirements for applicants for employment in the fire and police department and all applicants for position in the fire or police departments shall be subjected to an examination by said board which shall be competitive and free to all persons possessing the rights of suffrage and meeting the requirements of said board, subject to reasonable limitations as to residence, age, health and moral character, and said examinations shall be practical in their character and shall be limited to those matters which will fairly test the relative ability of the person examined to discharge the duties of the position which he is seeking, and shall include tests of physical qualifications and health, but no such applicant shall be examined concerning his political or religious opinions or affiliations.

Establishment of requirements and examination of applicants for positions in fire and police departments.

(3) Notice of the time and place of every examination shall be given by the board for one week preceding such examination in a newspaper published in the city, and such notice shall be posted in a conspicuous place in the office of said board for at least two weeks preceding such examination.

Notice of time and place of examinations.

(4) Said board shall prepare and keep a register of persons passing said examinations graded according to their respective showings upon said examinations, which register shall determine the appointments to be made in each of said departments under the eligibility rules and regulations established by said board.

Examination register.

Political activity prohibited.

(5) No officer or employee of the fire and police departments shall take any part in any election or political function other than that of exercising his right to vote, and any officer or employee convicted of violating this provision by the Civil Service Board shall be dismissed from service from said department by this board.

Hearings before Board on complaint for removal of officer or employee.

(6) No officer or employee of the Fire or Police Departments of the City of Charlotte shall be dismissed, removed or discharged except for cause upon written complaint and until after he has been given an opportunity to be heard by the Civil Service Board in his own defense, and in the event such officer or employee is convicted of violating the rules and regulations of the respective department, said board may dismiss or discharge him from service or may fine him or suspend him without pay for a period not to exceed ninety days. Said board may suspend any officer or employee, pending an investigation and hearing, but for a time not to exceed thirty days at any one time. In the conduct of said investigations each member of the said board shall have the power to secure by subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation; that the chief of either the fire or police department may suspend any officer violating any rules and regulations of said department for a period of time not exceeding thirty days and until said member of fire and police department may have a hearing before the Civil Service Commission as provided in this Act, and such officer or employee shall receive no pay during the period of such suspension if found guilty at the time of the hearing. If said officer or employee shall be found guilty by said board and punished by said board as herein provided, said officer or employee may take an appeal from the order or decree of said board to the Superior Court of Mecklenburg County and the trial upon said appeal shall be de novo, *provided further*, that such person who may wish to appeal shall file with the secretary of the board a bond in the amount of one hundred dollars with sufficient surety, conditioned that he will pay the cost of such appeal in the event said costs shall be taxed against him and pay to the said secretary the necessary fee for entering appeal in Superior Court within ten days after entry of such order or decree appealed from, and upon appeal the secretary of said board shall forthwith transmit to the Superior Court a complete transcript of all papers and proceedings concerning the order or decree appealed from, together with appeal bond and fee.

Penalties authorized upon conviction of violation of rules, etc.

Power of board to issue subpoenas, etc.

Suspension of employee by Chief pending hearing by Board.

Appeals to Superior Court from decree of Board.

Appeal bond.

Transmission of record.

Annual reports by Board.

(7) The board shall make an annual report of its actions for the preceding year and said annual report shall be kept in the files of said board and copy delivered to city council.

(8) The city clerk shall act as secretary to the Civil Service Board and shall keep the minutes of its meetings and shall be custodian of all papers and records pertaining to the business of said board and shall keep a record of all examinations held and shall perform such other duties as the board may require. Secretary.

(9) The city council shall provide suitable rooms for the Civil Service Board and shall provide sufficient reasonable use of public buildings for holding examinations of said board as may be necessary. Office space.

(10) The members of said Civil Service Board shall serve without compensation. No compensation.

(11) Nothing in this Act shall be so construed as to deprive the city council of its control of the finances of said city. Construction of section.

(12) The provisions of this Civil Service section shall not apply to the chief of the fire department or the chief of the police department, and the provisions of this section shall not apply to a member of the police or fire department until he has been a member of his respective department for at least six months and during such six months probation or trial period he shall be subject to discharge by the chief of such department under rules promulgated with respect thereto, such rules to be approved by the city council as aforesaid. And said board shall have jurisdiction to hear and determine appeals from decisions made by the chiefs of the respective departments. Application of provisions of section.

### Taxation

SEC. 50. It shall be the power of the City of Charlotte and the duty of the Council of the City of Charlotte, annually, to levy taxes that will raise sufficient funds for the operation and management of the affairs of the city, and shall levy and collect the same in accordance with the provisions as now or may hereafter exist under the General Laws of the State of North Carolina; and said city have the further power to levy and collect such further taxes as may be approved by a vote of the electorate, and in accordance with such authority with respect thereto as may now or hereafter be granted to said city; *provided* all polls and property taxable within the City of Charlotte shall be listed and valued and all property assessed as provided for in the listing, valuation and assessing of the same under the laws which may now or hereafter be applicable to Mecklenburg County and/or the City of Charlotte, and said city may levy and collect such license and privilege taxes as may be provided by law and ordinances of the city council. Taxation.

(1) That the ad valorem taxes levied by the City of Charlotte shall constitute a lien upon personal and real Annual tax levy for operation and management. Additional taxes upon approval by electorate. Listing and assessment of property. License and privilege taxes. Lien of Ad Valorem taxes.

Enforcement of collection.

property, as provided by the General Laws of the State of North Carolina, as the same may now or hereafter be enacted, and the City of Charlotte shall enforce and perfect the same upon personal and real property under the provisions and procedure which may now or hereafter be outlined and provided for in the General Laws of the State of North Carolina; *provided, however*, that it shall not be mandatory upon the City of Charlotte to make advertisement and sale of the property of delinquent taxpayers before enforcing its lien, and the time for bringing any action to enforce such lien shall be determined by the governing body of the City of Charlotte in its discretion and notwithstanding the provisions of any general law with respect thereto; *provided, further*, that in the event that the City of Charlotte shall become the purchaser and owner of any real property in the enforcement of such tax liens, said real property so acquired may be sold by the City of Charlotte after one year from the date of its acquisition, at either public or private sale and without public outcry; *provided* that all ad valorem taxes may be accepted by the Collector of Revenue in monthly, quarterly, semi-annual or annual installments; *provided, further*, that the rates of discount allowed for payment of taxes by the general laws of North Carolina, as the same now or may hereafter be enacted, shall be applicable to ad valorem taxes of the City of Charlotte; *provided, further*, that all ad valorem taxes of the City of Charlotte hereafter to become due shall be subject after the first day of February, following due date thereof, to a penalty or interest rate of one-half per cent per month; *provided* that no interest or penalty shall exceed annually the rate of six per centum per annum.

Disposal of property acquired through tax foreclosures.

Installment payment of taxes.

Penalties and interest.

#### Condemnation

Condemnation of property, etc. for public use.

SEC. 51. The City of Charlotte is hereby vested with all power and authority now or hereafter granted to municipalities under the Public Laws of North Carolina, with respect to condemnation of property, rights, privileges or easements for public use, and in the exercise thereof the said City of Charlotte shall follow exclusively the procedure outlined and provided by the Public Laws of North Carolina, as the same may now or hereafter be enacted; *provided, however*, that in said proceedings and in the confirmation of the assessment roll, any damages which may be assessed against said city in favor of any property owner, for the taking of any property, rights, easements or privileges shall be applied and credited upon the amount of benefits and the improvements, if any, assessed and allocated in said proceeding with respect to each respective parcel therein involved, and the remainder, if any, shall be collected and constitute a lien upon each respective parcel from the

Procedure.

Settlement for damages in excess of benefits and costs of improvements.

time of the confirmation of the assessment roll by the city council, as provided by said public laws; *provided, further*, that upon the confirmation of the assessment roll such lands, rights or privileges or easements so condemned shall be deemed to be acquired for public use, and said municipality may enter, take possession of or hold the same notwithstanding the pendency of any appeal, and no appeal taken to the Superior Court or to the Supreme Court shall hinder or delay said city in proceeding with such proposed improvements, and the taking of said land, provided that if any person shall be entitled in said proceeding to any amount to damages in excess of the benefits and cost of the improvements assessed against his property, the excess shall be, upon the confirmation of the assessment roll, paid into the Superior Court of Mecklenburg County for the benefit of such owner or other persons legally entitled thereto; *provided*, in such condemnation proceedings said city shall have the right to pay such portion of the cost of the taking of such property, rights, easements and privileges and the making of such improvements as shall be provided by ordinance of its governing body.

#### *Permanent Improvements*

SEC. 52. The City of Charlotte is vested with all the power and authority vested in municipalities with respect to public improvements, such as grading, regrading, paving and repaving public streets and alleys, and in the construction, reconstruction and alteration of curbs, gutters and drains in the public streets and alleys, and in the laying or relaying of sewers or water lines, and in the construction, reconstruction and alteration of sidewalks in the public streets and alleys, as are granted municipalities under Public Laws of North Carolina as the same are now or hereafter may be enacted, and in the exercise of such powers, the said City of Charlotte shall be controlled by and shall exclusively follow the procedure outlined in said public laws; *provided, however*, that it shall be mandatory upon said city to require the abutting property owners to pay the entire costs of such improvements, except such portion thereof as may be chargeable to street or public alley intersections, which portions of the cost of such improvements shall be paid by the City of Charlotte; *provided, further*, that no assessment shall be levied for any such improvements upon any particular property if assessment therefor has been levied thereon within the previous ten years unless the owner of such land, or his duly authorized agent, shall, by petition duly signed and filed with the governing body of said city, specifically request that said improvements shall be made; *provided, further*, that in making assessments for such improvements the amount thereof may be in excess

Power of city with respect to public improvements.

Assessments against abutting property owners.

Double assessments.

Limitation on amount of assessment.

of twenty per cent (20%) of the assessed taxable value of the property so assessed for such improvements; *provided, further,* that nothing herein contained shall prevent the City of Charlotte from having the right and the same is hereby granted, to make, at its own expense, necessary repairs to its streets, alleys, curbs, sidewalks and bridges; *provided, further,* that all streets within the following boundaries, viz.: Brevard Street inclusive on the East, Seaboard Airline Railway on the North, main line Southern Railway, Washington to Atlanta Division, on the West, and Stonewall Street and its continuation on the South, are main thoroughfares of the City of Charlotte and no petition for their permanent improvement need be made as provided in said general laws.

#### *Recorder's Court*

Recorder's Court.

SEC. 53. A special court for the trial of misdemeanors, designated as The Recorder's Court of the City of Charlotte, is hereby continued and shall remain and continue as heretofore created and established by Section three, Subsections A through O, both inclusive, of Chapter three hundred thirty-eight of the Private Laws of nineteen hundred and nine. Said court shall continue to be presided over by a recorder and vice recorder appointed by the City Council of the City of Charlotte in accordance with the provisions of the Private Act of nineteen hundred and nine, above referred to, and whose salaries shall be fixed by the governing body of the City of Charlotte and whose duties and terms of office shall remain as designated in said Act; *provided* that the salary of the vice recorder shall be deducted from the salary of the recorder, except that no deduction shall be made from the salary of the recorder during the period of his vacation as allowed by the city council.

Recorder and Vice-Recorder.

Duties and compensation.

Appointment of Solicitor.

Term.

Duties.

Salary.

Substitute Solicitor.

(1) At the first meeting of the city council after the general municipal election in May biennially there shall be appointed a solicitor who shall be an elector of the City of Charlotte and a duly licensed and practicing attorney in the State of North Carolina and who shall serve for a period of two years from the time of the first meeting of the city council in May following the general municipal election, and until his successor shall be elected and qualified. It shall be his duty to attend all sessions of the recorder's court and prosecute on behalf of the State of North Carolina, and the City of Charlotte, all cases in said court. The salary of the solicitor shall be fixed by the city council and shall be payable in semi-monthly installments and shall not be diminished during his term of office. The salary of any substitute solicitor selected by the solicitor shall be fixed by the city council and deducted from the



salary of the solicitor, provided, no deduction shall be made from the salary of the solicitor during the period of his vacation as allowed by the council. Any substitute selected by the solicitor, during his absence, shall be entitled to pay from the funds of the city as set by the city council, and said substitute may present a bill, certified by the said solicitor to the city and the same shall be paid.

(2) That in lieu of the cost prescribed in Subsection O of Section three of Chapter three hundred thirty-eight of the Private Laws of nineteen hundred and nine, the following shall be the costs of said court:

Schedule of costs.

Police Pension Fund .....	\$1.00
Affidavit to obtain warrant.....	.50
Warrant for arrest.....	1.00
State Police Fund.....	1.00
Trial Judgment .....	1.00
Taking undertaking for defendant.....	.50
Justification of surety.....	.50
Undertaking witness .....	.50
Commitment .....	1.00

*Parks and Playgrounds*

SEC. 54. That the general control, management and authority over all land now designated as parks or playgrounds, or that may hereafter be so designated by the City of Charlotte as such, be and the same are vested in a corporation now known and to be known as the Charlotte Park and Recreation Commission, hereby continued and created and composed of five citizens and residents of the City of Charlotte, to be appointed by the governing body of said city. Said commission shall have power to prescribe reasonable rules and regulations for its proper organization and procedure and generally to manage, control and improve the property under its supervision in the interest of the public as money may, from time to time, be appropriated for such purposes, and as hereinafter provided.

Management of parks and playgrounds vested in Charlotte Park and Recreation Commission.

Membership on Commission.

(1) The terms of office of each member of said corporation shall be fixed by the governing body of the City of Charlotte and all vacancies occurring in said board, either by expiration of term of office or otherwise, shall be filled by said governing body; *provided*, that no member of said corporation shall be appointed for a term to extend beyond the term of office of the city council in making such appointment.

Term of office.

(2) The powers, purposes and duties of the Charlotte Park and Recreation Commission shall be to acquire, by purchase, gift, lease or otherwise, and to use, lay out, improve and maintain parks and playgrounds within or near

Powers and duties of Commission.

the City of Charlotte in the interest of the citizens of Charlotte and vicinity and to provide for such parks and playgrounds such equipment, including swimming pools, baseball grounds, tennis courts, and such other facilities for recreation and play as may be deemed necessary and essential, and to make such reasonable charges for the use of said facilities as the commission may prescribe, and to charge such entrance fees to all exhibition games as may be reasonable and proper.

Limitation on powers.

(3) That the corporation shall not have power to mortgage or encumber property under its supervision, nor shall it have the power to contract any debt or incur any debt or obligation in excess of the amount of taxes levied by the governing body of the City of Charlotte for park purposes for the current year; *provided*, that the corporation is hereby authorized and empowered to lease or rent any property under its supervision; *provided* no lease to exceed a period of ten years shall be made, and the terms and conditions of any such lease shall be in the discretion of the corporation, by and with the consent and approval of the governing body of the City of Charlotte; *provided, further*, that any property owned by the City of Charlotte for park purposes may be sold with the written consent of the governing body of the City of Charlotte; *provided*, that for the purposes mentioned in this act, said corporation may, with the consent of the governing body of the City of Charlotte, purchase for cash or upon deferred payments, property within or without the limits of the City of Charlotte, and secure the payment of the note or bonds executed in connection therewith by the said corporation evidencing such deferred payments by mortgages or deeds of trust on the land so purchased; *provided*, that the property so purchased shall be the sole security for the payment of such note or bonds, and that the same shall not, in any wise, be a charge upon the general credit of the City of Charlotte and of the Charlotte Park and Recreation Commission; *provided, further*, that said corporation shall not create, in the aggregate annual deferred payments on principal and interest in such purchases of real estate, which shall exceed twenty per cent (20%) of the average annual income of said corporation as received by said corporation for a period of three years prior to the time of such purchase.

Provision for leasing property.

Sale and purchase of properties.

Regulations as to purchases upon deferred payments.

Election of officers by members of corporation.

(4) The members of said corporation shall elect from their body the necessary officers for the efficient management and operation of the corporation and all funds coming into said corporation shall be held by the treasurer, who shall pay out said funds on vouchers approved by the Charlotte Park and Recreation Commission. At all meetings of the corporation a majority of members shall constitute a quorum.

(5) The officers of the corporation shall be a chairman, vice-chairman, secretary and treasurer. The Treasurer of the City of Charlotte shall, by virtue of his office, be also Treasurer of the Charlotte Park and Recreation Commission, and he shall serve as such treasurer without compensation. All of the said officers shall be elected annually at the first meeting of the corporation and shall hold their offices for a period of one year and until their successors are duly elected. The members of the corporation shall receive no compensation. The corporation may employ a superintendent and such other employees and servants as may be necessary to carry out the purposes of this Act.

Officers designated.

Annual elections.

(6) That said Charlotte Park and Recreation Commission is hereby created a body corporate by the name of Charlotte Park and Recreation Commission and by that name may sue and be sued; may have a common seal; may contract and be contracted with for the purposes provided in this Act, and may make such rules, regulations and by-laws for its government and the exercise of its powers as may be necessary, and may alter the same from time to time in such manner as may not be in conflict with the laws of the State of North Carolina, or of the ordinances of the City of Charlotte.

Commission created a body corporate.

(7) The Charlotte Park and Recreation Commission is hereby prohibited from borrowing money from any source whatever, but the governing body of said city in its discretion may advance and loan to the said Charlotte Park and Recreation Commission in anticipation of uncollected taxes such sums, not exceeding in the aggregate at any time, the total amount of taxes theretofore levied for the aforesaid purposes and then remaining uncollected, and in the event of such advancements in anticipation of uncollected taxes the said City of Charlotte shall have a lien upon such uncollected taxes for the amount of such advances and shall reimburse itself for such amounts out of such taxes as and when collected.

Borrowing of funds prohibited.

Advances by city.

(8) That the governing body of the City of Charlotte, at the time of levying its taxes for the general operation of the city, shall levy a tax for the maintenance and support of said Charlotte Park and Recreation Commission in an amount that is now or may hereafter be approved by a vote of the people of said city for said purpose, and shall pay same over to said Charlotte Park and Recreation Commission as collected by said city, in monthly payments.

Tax levy for support of Commission.

#### *Board of School Commissioners*

SEC. 55. That there is hereby continued and created a board known as the School Commissioners of the City of Charlotte, which is hereby vested with full power to supervise, operate, manage and control the system of public

Board of School Commissioners.

schools in the City of Charlotte and such additional area as may now or hereafter be included within the municipal administrative school unit prescribed by the State School Commission, or its successors, limited only by the provisions of the Public Laws of North Carolina as the same are now or may hereafter be enacted.

Membership on board.

Terms of present members continued.

Vacancies.

Election of members of Board.

Terms.

(1) The Board of School Commissioners of the City of Charlotte shall be composed of seven members who shall serve for a period of six years and without compensation; *provided*, that the present members of the board of school commissioners shall serve upon the board hereby created until their respective terms shall expire and beginning with the general municipal election in one thousand nine hundred and thirty-nine and biennially thereafter there shall be elected two or more members of said board, as the case may be, who shall hold office for a period of six years and until their successors are duly elected and qualified; *provided*, that any vacancy in said board occurring other than by expiration of term shall be filled by said board and the persons so selected shall hold office until the next general municipal election thereafter, in which general municipal election said vacancy shall be filled for the remainder of the unexpired term; *provided, further*, that in the election of members of said board, the longest term shall be filled by those receiving the highest number of votes, the next longest terms by those receiving the next highest number of votes, and the next longest terms by those receiving the next highest number of votes; *provided*, no person shall be declared elected who shall not have received a majority of votes cast in said election. In the event of a tie between members for the different terms, the board of school commissioners shall decide by majority vote which member shall serve for the longest term and which member shall serve for the shorter term.

Chairman.

Treasurer.

Duties of Treasurer.

(2) The said board shall select one of its members as chairman who shall preside at all meetings of the board and said board shall appoint a treasurer and prescribe his duties and compensation. The treasurer shall give bond for the faithful performance of his duties in such amount as said board may prescribe. It shall be the duty of the treasurer of said board to deposit all funds received by said board from the City of Charlotte, the Mecklenburg County Board of Education, or otherwise, in a depository designated by said board of school commissioners, and he shall keep a strict and correct account and record of all receipts and disbursements thereof and render a true and detailed and correct statement of the same, as required by said board of school commissioners, and he shall perform such other duties as may be required of him by said board and by the laws of the State of North Carolina.

(3) The said board shall have the power and authority to adopt and prescribe text-books for the use in public schools of the City of Charlotte, in addition to the basal books prescribed by the State Board of Education, as they deem suitable and proper.

Adoption of  
Textbooks.

(4) The City Council of the City of Charlotte shall levy an annual tax for the support and maintenance of said public schools in the City of Charlotte in accordance with the Public Laws of the State of North Carolina as the same may now or hereafter be enacted and in any amount which is now or may hereafter be approved by a vote of the people of said city for said purpose.

Annual tax levy  
by city for support  
of public schools.

(5) That the title to all school buildings and property shall be and remain as now vested unless otherwise changed by law.

Title to school  
properties.

### *Public Library*

SEC. 56. The Charlotte Carnegie Public Library, a body corporate heretofore created by Chapter sixteen of the Private Laws of nineteen hundred three is hereby continued as such body corporate and may sue and be sued, have a common seal, may acquire, receive or hold real estate in the City of Charlotte or elsewhere by purchase, gift, devise, or otherwise, and may likewise acquire, receive and hold personal property, and may, subject to the provisions herein, contract and be contracted with for the purposes provided in this Act, and may make such rules and regulations and by-laws for its government and the exercise of its powers as may be proper. The said Charlotte Carnegie Public Library shall have full control and supervision over what is now known as the Charlotte Public Library, and any branches which may be operated by said body corporate, and which shall be for the use of the public without any charge whatsoever, except such reasonable penalties prescribed by the regulations of said board in connection with the use of its facilities, and said body shall operate at least one library within said city for the use of the white race and at least one library in said city for the colored race, and the members of the board of trustees of said body corporate shall have the power to select other trustees who shall have the immediate charge of the Charlotte Public Library for colored people under the general supervision of said board.

The Charlotte  
Carnegie Public  
Library.

Supervision of  
Charlotte Public  
Library.

Operation of  
branch libraries.

(1) That the said Charlotte Public Library shall consist of a board of eight trustees of which four shall be appointed by the Mayor of the City of Charlotte, and the other four trustees shall consist of the Mayor of the City of Charlotte, the Superintendent of the Public School System of said city and the Superintendent of the Public School System of Mecklenburg County and the Chairman of the Board of

Trustees of  
Library.

Terms of office.

County Commissioners of Mecklenburg County. The four trustees selected by said Mayor shall each serve for a term of four years, except that the mayor shall select after the first meeting of the council, subsequent to the municipal election in the year one thousand nine hundred thirty-nine, or as soon thereafter as practicable, two trustees to serve upon said board until the first Tuesday after the first Monday in May, one thousand nine hundred forty-one, or until their successors are appointed and qualified, and in addition, two trustees who shall serve until the first Tuesday after the first Monday in May, one thousand nine hundred forty-three, or until their successors are elected and qualified, and such trustees shall serve without compensation, *provided*, that the Chairman of the Board of County Commissioners and the Superintendent of the County Public Schools shall not be entitled to membership on said board unless the county contributes to the support of said corporation with funds derived from taxation or otherwise.

Chairman of Board.

Treasurer.

Employees authorized.

(2) That one of the four members of said board shall be designated as chairman by the mayor; and the city treasurer shall act as the treasurer of said corporation; that said corporation shall have the power and authority to employ a secretary, librarian and such other employees as may be necessary to carry out the purposes for which said corporation is formed, and the duties and responsibilities of such employees shall be fixed by said board and such employees shall receive such compensation as may be prescribed by said board.

Duties of Treasurer.

(3) That the Treasurer of the Charlotte Carnegie Public Library shall keep a correct and detailed statement of all receipts and disbursements, and shall cause the funds belonging thereto to be deposited in a depository designated by said board, and shall render from time to time such statements of the financial condition of said corporation as may be required, and said treasurer shall assist the members of said corporation in preparing the annual budget for the library system in the City of Charlotte.

Tax levy authorized for maintenance and support of Library.

(4) That the governing body of the City of Charlotte at the time of levying its taxes for the general operation of the city may levy a tax for the maintenance and support of the said Charlotte Carnegie Public Library in an amount that is now or may hereafter be approved by a vote of the people of said city for said purpose, and pay the same monthly to said Charlotte Carnegie Public Library Board as collected by said city.

Title to real property owned by or vested in Library.

(5) All real property now owned by or the title thereto vested in the Charlotte Carnegie Public Library, shall be henceforth owned by and the title thereto vested in the said corporation; *provided*, that the same may not be sold

or encumbered except with the consent of the governing body of the City of Charlotte.

(6) That said board shall have all the powers and authority granted to libraries under the General Statutes of the State of North Carolina as the same may now or hereafter be enacted.

Power and  
authorities of  
Board.

### *Charlotte Airport Commission*

SEC. 57. The governing body of the City of Charlotte is hereby authorized to appoint an airport commission to be composed of three members and one of whom shall be designated by the council as chairman and another as vice-chairman, to be selected from the citizens of Charlotte for the purpose of operating the municipal airport, which commission, when so appointed, is authorized to appoint a manager of said airport to serve at the will of the commission and fix his compensation to be paid from the proceeds derived from the operation of said airport. A majority of the members of said commission shall constitute a quorum.

Charlotte Airport  
Commission.

Members.

Manager at  
airport.

Compensation.

(1) The said manager when so appointed shall have authority, subject to the approval of the said airport commission, to employ such assistants and other employees as may be necessary for the proper maintenance and operation of said airport, and the compensation to be paid such assistants and employees shall be approved by said airport commission.

Appointment and  
compensation of  
employees.

(2) The present members of the airport commission shall serve out their respective terms upon the commission hereby created and the commissions thereafter so appointed by the governing body of the City of Charlotte shall be so appointed and designated so that the term of one commissioner shall expire one year from date of appointment; the term of another commissioner shall expire two years from date of appointment and the term of the third commissioner shall expire three years from date of appointment, and thereafter the terms of members appointed shall be for three years, and the council may fill the office of any commissioner made vacant by death, resignation or any refusal to serve and perform the duties of said office, and the said commissioners shall serve without pay.

Terms of office of  
members of  
Commission.

Vacancy  
appointments.

(3) The said commission when so appointed shall meet and the City Clerk of the City of Charlotte is hereby designated as secretary to said commission and the said clerk shall attend all meetings of said commission and keep an accurate record of all proceedings in a book to be supplied by said commission, and the said commission is authorized to hold its meetings, if it so desires, in the room in the city hall designated as the Civil Service Commission office.

Meetings of  
Commission.

Secretary.

Duties of  
secretary.

Rules and regulations of Commission.

(4) That the said commission when so appointed, after selecting a manager, shall meet and make all such reasonable rules and regulations as it deems necessary for the proper maintenance and operation of said airport—provide penalties for the violation of such rules and regulations, establish and collect a schedule of fees, tolls and charges from those using said airport and its facilities, said rules and regulations and schedule of fees be not in conflict with the laws of the State of North Carolina and the rules and regulations of the Civil Aeronautics Authority of the Federal Government or its successors in authority. And it shall be the duty of said manager of said airport to carry out and enforce all lawful rules and regulations of the said commission and to this end, the governing body of the City of Charlotte is authorized to appoint a police officer or officers to be on duty at said airport at all times during the day and night to enforce said rules and regulations under the direction of the said manager; and the City of Charlotte is authorized and empowered to use the police and fire departments of the City of Charlotte or as many members and equipment as it deems necessary in case of fire or any other emergency or for any air show or celebration.

Enforcement of rules and regulations.

Appointment of police officer for airport.

Service of police and fire departments at airport.

Office of manager.

(5) The said commission shall provide the said manager with reasonable and suitable office space in the administration building on said airport and provide that the said manager or his assistant shall be on duty at said office at all times during the day and night.

Contracts for concession privileges and use of airport.

(6) The commission, by and with the approval of the governing body of the City of Charlotte is authorized and empowered to make all contracts with third parties for concession privilege and the use of the airport and its facilities and said contracts shall be signed in the name of "The Airport Commission of the City of Charlotte by its Chairman, and the City of Charlotte, by its Mayor."

Proceeds from operation of airport.

(7) All proceeds derived from the operation of the said airport from any source shall be collected by the manager or his assistant and shall be deposited daily with the Treasurer of the City of Charlotte who is hereby designated as treasurer of said airport fund which said funds shall be kept in a separate account by said treasurer in a fund to be known as "Airport Fund." Said fund shall be disbursed by checks signed by the City Treasurer, the Chairman of the Airport Commission and the Mayor of the City of Charlotte upon orders or vouchers approved by the chairman of said commission, the Mayor of the City of Charlotte and the City Manager. The said manager of said airport and one assistant shall furnish a bond in a surety company approved by the city council in a sum not less than ten thousand dollars (\$10,000.00), the condition of which will

Airport fund.

Surety bond of manager and one assistant.



be to guarantee the accounting for all funds collected by them from the operation of said airport.

(8) That in lieu of appointing the airport commission, as herein provided for, the governing body of the City of Charlotte is authorized to lease the said airport to some person or corporation upon terms and conditions which said governing body may deem for the best interest of said airport and the City of Charlotte, or in lieu of either of these methods of operation, the governing body of said city is hereby authorized to operate said airport itself by the appointment of a manager and assistants and if it selects this last method of operation of said airport, the said governing body of said city is authorized to promulgate and establish such rules and regulations as it deems wise not in conflict with the laws of the State and of the Department of Air Commerce of the Federal Government.

Lease of airport authorized in lieu of appointment of Commission.

Operation of airport by governing body of city.

#### *Boxing and Wrestling Commission*

SEC. 58. That the Mayor of the City of Charlotte is hereby empowered and authorized to appoint a boxing and wrestling commission, to consist of three citizens, who shall serve for a period not to exceed that of the mayor appointing said commissioners and who shall serve without compensation.

Boxing and Wrestling Commission.

(1) That it shall be lawful to engage in, manage or promote boxing and wrestling exhibitions in the City of Charlotte, North Carolina, providing that the boxing exhibitions shall not be more than twelve rounds in length. The boxing and wrestling commission shall have full power and authority to make such rules and regulations as in its judgment and discretion may be necessary for the proper regulation of such boxing and wrestling exhibition, even after consent has been given for the holding of such exhibitions.

Boxing and wrestling exhibitions permitted.

Rules and regulations of Commission.

(2) That any person or persons guilty of engaging in or promoting, aiding or abetting any professional sparring or wrestling matches without first having the written consent of said boxing and wrestling commission, and any person or persons violating the rules and regulations of said commission, or refusing to obey the orders of said commission controlling a sparring or wrestling match shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) or imprisoned not less than ten days nor more than one month in the discretion of the court.

Violation of regulations of Commission, etc., made misdemeanor.

## MISCELLANEOUS LAWS

Miscellaneous laws.

*Notice of Damages*

Notice, as condition precedent to actions for damages.

SEC. 59. No action for damages against said city of any character whatever, to either person or property, shall be instituted against said city unless within ninety (90) days after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice to the city council 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.

*Contracting with City*

Contracting with city.

SEC. 60. That it shall be unlawful for the mayor or any member of the council, or other officer or employees of said city, directly or indirectly, to become an independent contractor for work done by the city, or to become directly or indirectly financially interested in, or receive profits from any purchase of supplies for said city. Any such person or persons violating this provision shall be guilty of a misdemeanor.

*Sale of Property*

Sale of property belonging to city.

SEC. 61. That the City Council of the City of Charlotte shall have the power at all times to sell any and all personal property belonging to said city at private sale, and without resorting to public outcry and sale, and the mayor of said city is fully authorized to make title to the purchaser of any personal property so sold. That the City Council of the City of Charlotte shall have the power at all times to sell any real property belonging to said city after having advertised the same once a week for four (4) consecutive weeks in a newspaper published in Mecklenburg County following the procedure prescribed by the General Laws of the State of North Carolina in the foreclosure of mortgages or deeds of trust under the power of sale therein contained; *provided*, that before any bid shall be deemed accepted or any sale made, or any title passed by virtue of said sale, such sale shall be confirmed by the city council and said council may, in its discretion, refuse confirmation, and when so authorized, a deed for said real estate may be executed by the mayor and attested by the city clerk, with the corporate seal of the city attached; *provided, however*, this section shall not apply to plots in the cemetery except as to the manner of execution of the deed.

Execution of deeds.

Exception.

*Official Bonds*

SEC. 62. That in all instances where an officer or employee of the City of Charlotte is required by this Act or ordinance of said city to furnish bond for the faithful performance of his duties, and/or for a proper accounting of funds of said city, the premiums upon such bonds or bond shall be paid by said city.

Official bonds.

Payment of premiums.

*Computation of Time*

SEC. 63. In all the provisions of this charter and the ordinances that are now or to be hereafter enforced in the City of Charlotte, that fix any time for doing or performing any act, the time shall be Eastern Standard Time, and all persons, firms and corporations who are granted license by the city, shall be held to have accepted the same on the conditions that the said time shall govern; *provided*, that in the event what is commonly known as Daylight Saving Time shall be adopted by the city council or otherwise, then in such event such time shall be considered to be in force and effect with respect to the provisions of this section in lieu of Eastern Standard Time.

Computation of time.

*Contracts and Purchases*

SEC. 64. All purchases and contracts made by the City of Charlotte shall be let, made and executed according to the General Laws of North Carolina applicable thereto, as the same may now or hereafter be enacted.

Contracts and purchases by city.

*Dedication of Sewer and Water Lines*

SEC. 65. That before any person, firm or corporation shall connect in any manner any privately owned water or sewer line or lines with any water or sewer line or lines of the City of Charlotte, such person, firm or corporation shall, by proper written instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant and convey such water or sewer line or lines to the City of Charlotte. No such connection shall be made with the city water or sewer line or lines without the express approval of the city, nor shall such connection be effected except by the forces or employees of the city, properly supervised, for which a reasonable charge shall be made. Should any person, firm or corporation connect any privately owned water or sewer line or lines with any city water or sewer line or lines without first dedicating, giving, granting and conveying same to the city the act of connecting such water or sewer line or lines to the water or sewer line or lines of the city shall be deemed a dedication, gift, grant and conveyance of such water or sewer line or lines to the City of Charlotte;

Dedication of private sewer and water lines.

*provided*, that the City of Charlotte may enter into contracts, when duly authorized by a majority vote of the city council, with any person, firm or corporation whereby sewer or water lines may be laid within or without the city and connected to the system of said city under such terms as may be agreed upon, notwithstanding any provisions in this section.

#### *Special Police*

Special police officers.

SEC. 66. The governing body of the city shall determine when and at what place or places special peace officers are necessary to police and guard certain designated public or private premises, and may in its discretion appoint such special peace officers to police and guard such premises, such appointment to last for not more than one year from the date of appointment; *provided*, that such special peace officers, whether serving full time or part time, with or without compensation from the city, shall have as full and ample authority in all respects to make arrests, enforce the law, maintain the peace on and about said designated public or private premises, and deliver any arrested person or persons to the city or county jail as regular police officers of the city serving full time and receiving compensation therefor; *provided, further*, that such peace officers may be removed at any time in the discretion of the governing body; *provided, however*, that the city shall not be obligated to appoint any such special police officers, but may do so in its discretion, and when appointed and designated by the governing body such special police officers shall be sworn in by the city manager, and the record of such appointment shall be kept by the city clerk.

Authority of special officers.

#### *Deposit Special Assessment Funds*

Special assessment fund.

SEC. 67. All funds derived from special assessments, heretofore or hereafter levied by the City of Charlotte, when collected or received by the City of Charlotte, shall constitute a special assessment fund, to be designated as "Special Assessment Fund" and the same, together with funds from taxes heretofore or hereafter levied in connection with such assessments, shall be kept separate from all other funds of the city, and a separate record thereof shall be kept.

#### *Disbursement of Public Funds*

Disbursement of public funds.

SEC. 68. No funds of the City of Charlotte shall be disbursed except upon check signed by the treasurer, the mayor or mayor pro tempore and the city accountant, unless otherwise authorized by the governing body.

*Investigation by Council*

SEC. 69. The city council shall have the power to make investigation as to city affairs, and for that purpose to subpoena witnesses, administer oaths and compel the production of books and papers. Any person refusing to attend, or to testify, or to produce such books and papers, may by summons issued by the city council be summoned before the recorder or vice-recorder of said city, upon failure to give satisfactory explanation of such refusal or failure he shall be guilty of a misdemeanor and may be fined by the recorder not exceeding one hundred dollars (\$100.00), or imprisoned for a period not exceeding thirty days. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.

Investigations by City Council as to city affairs.

*Consolidation of Departments*

SEC. 70. The governing body of the City of Charlotte is hereby authorized and empowered, in its discretion, to combine and consolidate, any two or more departments herein provided for when deemed wise or expedient for saving or efficiency: *Provided, however*, that the fire and police departments shall remain separate departments.

Consolidation of departments.

*Enacting and Repealing Provisions*

SEC. 71. That this section, Section seventy-two and Subsection one of Section fifty-seven (relative to the school board), and Sections one through twenty-five, both inclusive, of this Act shall be in full force and effect from and after the date of the ratification of this Act, and Sections twenty-six through seventy, both inclusive of this Act, and all subsections thereof, shall be in full force and effect from and after 12:01 A. M. on the third day of May, one thousand nine hundred thirty-nine, and effective at 12:01 A. M. on the third day of May, one thousand nine hundred thirty-nine, the following laws, and parts of laws, are hereby repealed to the extent that the provisions of same are not embodied in this Act and to the extent that the provisions thereof are embodied in the Act such provisions are under such existing laws continued in full force and effect, to-wit:

Effective date of designated sections.

Chapter two hundred seventy-one of the Private Laws of eighteen hundred ninety-nine; Chapters three hundred forty-one, three hundred seventy-six and one hundred seventy-six of the Private Laws of nineteen hundred and one; Chapters sixteen and two hundred twenty of the Private Laws of nineteen hundred and three; Chapters thirty-two, three hundred and eight and three hundred eighty-eight of the Private Laws of nineteen hundred and five; Chapters two hundred and six, three hundred forty-two, except Section one and Section forty-eight and the

Enumerated laws and parts of laws repealed.

subsections thereof, and five hundred ten of the Private Laws of nineteen hundred and seven; Chapters one hundred twenty-one, two hundred forty-seven, three hundred forty-six and three hundred ninety-four of the Private Laws of nineteen hundred and nine, and Sections one, two, four and five of Chapter three hundred thirty-eight of the Private Laws of nineteen hundred and nine, and the following words and figures: "not exceeding the sum of one thousand five hundred dollars (\$1,500) per year" appearing in the last sentence of Subsection B of Section three of said Chapter three hundred thirty-eight of the Private Laws of nineteen hundred and nine, and the words and figures: "and he shall receive as compensation for his services the sum of five dollars (\$5) per day for such time as he may be actually engaged in the performance of his duties, to be deducted from the salary of the Recorder" appearing in Subsection M in said Section three of Chapter three hundred thirty-eight of the Private Laws of nineteen hundred and nine; Chapters two hundred forty-nine and two hundred fifty-one of the Private Laws of nineteen hundred eleven; Chapters two hundred thirty, three hundred fifty-nine, three hundred sixty and four hundred and one of the Private Laws of nineteen hundred thirteen; Chapters two hundred sixty-seven and two hundred seventy-six of the Private Laws of nineteen hundred fifteen; Chapters sixty-nine and one hundred ninety-three of the Private Laws of nineteen hundred seventeen; Chapters thirty-seven and one hundred fifty-five of the Private Laws of nineteen hundred nineteen; Chapters two hundred ten, thirty-six and eighty of the Private Laws of nineteen hundred twenty; Chapters forty-seven, one hundred eighty-nine and two hundred and four of the Private Laws (regular session) of nineteen hundred twenty-one; Chapter two hundred fifty-three of the Public-Local Laws (regular session) of nineteen hundred twenty-one; Chapter forty-nine of the Private Laws of nineteen hundred twenty-one (extra session); Chapters seventy-eight and one hundred thirty-five of the Private Laws of nineteen hundred twenty-three; Chapter five of the Private Laws (extra session) of nineteen hundred twenty-four; Chapters one hundred fourteen and one hundred fifty of the Private Laws of nineteen hundred twenty-five; Chapter two hundred twenty of the Private Laws of nineteen hundred twenty-seven insofar as it affects the City of Charlotte; and Chapter fifty-one, with the exception of Sections eleven, twelve and thirteen thereof, of the Private Laws of nineteen hundred twenty-seven; Chapters one hundred twenty-four, one hundred forty-two and one hundred seventy-seven of the Private Laws of nineteen hundred and twenty-nine; Chapters ninety-four and ninety-seven of the Private Laws of nineteen hundred thirty-one; Chapters eight and ninety-

nine of the Private Laws of nineteen hundred thirty-three; Chapters two hundred seventy-six, three hundred twenty-three and three hundred twenty-six, insofar as they apply to and affect the City of Charlotte, of the Public-Local Laws of nineteen hundred thirty-three; Chapter four hundred sixty-six, except Section five thereof, of the Public-Local Laws of nineteen hundred thirty-five; Chapters seventy-five, ninety-one, ninety-six, and two hundred twenty-eight of the Private Laws of nineteen hundred thirty-five; Chapters five hundred fifty-nine, six hundred fifty-one, one hundred seventy-two, one hundred sixty-five and three hundred ninety-one of the Private Laws of nineteen hundred thirty-seven; Chapters ninety-four and one hundred eighty-seven, insofar as the same apply to or affect the City of Charlotte, of the Public Laws of nineteen hundred thirty-five; Chapter six hundred twenty-three, insofar as it applies to or affects the City of Charlotte, of the Public Laws of nineteen hundred thirty-seven, and it is the further intent of this section to repeal all laws and clauses of laws relative to the Charlotte elections, whether primary, general or special, which are inconsistent with the provisions of this Act, such repeal relative to such elections to be effective from and after the ratification of this Act; *provided*, that the repealing clauses of this section shall not annul any ordinances, by-laws or rules of the City of Charlotte, unless the same be inconsistent with this Act. Nor shall such repeal affect any act done, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the corporation by its present name from any corporation or person whatever be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the City of Charlotte. 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 provision of the Act, such provisions may be extended and applied to any judgment to be pronounced after the repeal; *provided*, that no suit or prosecution pending at the time of the repeal for any offense committed, or for any penalty or 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

Further construction of repealing clauses.

continue to hold the same according to the tenure thereof, except those offices which may have been abolished and those as to which a different provision shall have been made by this Act.

Partial invalidity  
clause.

SEC. 72. If any clause, sentence, paragraph, subsection, section, or any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part thereof directly involved in said judgment. If any part or clause of this Act shall be declared unconstitutional, and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 757

### CHAPTER 367

#### AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD.

*The General Assembly of North Carolina do enact:*

Corporate limits  
of City of Concord  
extended.

SECTION 1. That the corporate limits of the City of Concord, Cabarrus County, be, and the same are hereby extended to include and embrace the following territory:

“Beginning at a point in Earl Johnson’s line, said point being South  $78\frac{3}{4}$  West eighty-five (85) feet from the corner of Earl Johnson and W. L. Moore, said point being in the old city limits line, and runs with the old city limits line South 19 East one thousand seven hundred and twenty-nine (1729) feet to a point in the old city limits line and in the South edge of Ingleside Avenue; thence along the South edge of Ingleside Avenue North  $61\frac{1}{4}$  East six hundred and four (604) feet to a point in the South edge of Ingleside Avenue, and a corner of H. M. Winecoff; thence North  $28\frac{3}{4}$  West with the East line of the Frank Mund property seven hundred and twenty (720) feet to a point in the South side of Hillcrest Drive; thence along the South side of Hillcrest Drive North  $61\frac{1}{4}$  East eight hundred forty-one and five-tenths (841.5) feet to a large iron axle by a pine and gum; thence North  $34\frac{1}{4}$  West six hundred twenty-five and five-tenths (625.5) feet to a large pine, a corner of W. L. Moore; thence with the line of W. L. Moore and the line of Earl Johnson prolonged South  $78\frac{3}{4}$  West one thousand one hundred thirty-two and five-tenths (1132.5) feet to the beginning.”



SEC. 2. That the territory herein added to the corporate limits of the City of Concord shall be and constitute a part of Ward number three of the said city.

Annexed territory  
made a part of  
Ward No. 3.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 773

### CHAPTER 368

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HIGHLANDS IN MACON COUNTY, AND TO PROVIDE FOR ITS GOVERNMENT AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the Town of Highlands shall and continue to be, as they have heretofore been, a body politic and corporate; and in the name of the Town of Highlands shall have perpetual successors, and shall use a common seal; and have the right to sue and be sued, contract and be contracted with, implead and be impleaded in all courts and places; and in all matters whatever purchase, hold and convey real and personal property for the government and operation of said town, its welfare and improvement and under the name and style aforesaid, and is hereby invested with all the property and rights of every kind now belonging to the present corporation of the Town of Highlands, and be valid for all the legal debts, obligations and duties which now exist against the Town of Highlands.

Property and  
rights, etc., of  
Town of High-  
lands, Macon  
County.

SEC. 2. That the corporate boundary lines and territory embraced and included within the corporate limits of the said Town of Highlands shall be the same as those which now exist, to-wit: Beginning at a stake three-fourths of a mile North from the crossing of Main and Fourth Streets, and running thence East three-fourths of a mile; thence South one and one-half miles; then West one and one-half miles; then North one and one-half miles; then East three-fourths of a mile to the beginning; and also all other territory as may hereafter be included and embraced within the corporate limits of said town, or by legislative enactment or other legal methods of enlarging the boundaries of said town.

Corporate  
boundary lines of  
town.

SEC. 3. The corporate powers of said town shall be vested in a mayor and a town board of five commissioners.

Governing body  
of town.

SEC. 4. The Town of Highlands shall have all the rights, powers and privileges set forth and conferred upon municipal corporations by Chapter fifty-six (56) of the Consoli-

Municipal Powers.

dated Statutes of North Carolina, and all amendments thereto relating to municipal corporations.

Terms of office of Mayor and Commissioners.

1939 election.

SEC. 5. The present Mayor and Board of Commissioners shall hold office until the next general election which shall be held on the first Tuesday after the first Monday in May, one thousand nine hundred and thirty-nine, at which general election there shall be elected a mayor and five commissioners who shall hold office until the first Monday in July, one thousand nine hundred and forty-one.

Subsequent elections.

SEC. 6. All general elections for the election of mayor and commissioners, except as above set out, shall be held on the third Tuesday after the first Monday in June of each biennium, beginning with the year one thousand nine hundred and forty-one, and officers elected at such elections shall take office on the first Monday in July following their election and serve for two years.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 775

## CHAPTER 369

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FOUR, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE, SAME BEING "AN ACT TO ABOLISH THE OFFICE OF AUDITOR OF STOKES COUNTY AND TO AMEND CHAPTER FOUR HUNDRED AND EIGHTY-THREE, PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED THIRTY-ONE, RELATING TO CLERK HIRE FOR THE CLERK OF THE SUPERIOR COURT OF SAID COUNTY."

*The General Assembly of North Carolina do enact:*

Ch. 504, Public-Local Laws, 1933, amended.

SECTION 1. That Chapter five hundred and four, Public-Local Laws of one thousand nine hundred thirty-three be, and the same is hereby amended by striking out all of Section two of said chapter.

Employment of deputy or assistant clerk of Superior Court, Stokes County, authorized.

SEC. 2. That the Clerk of the Superior Court of Stokes County is hereby authorized to employ or appoint a deputy or assistant clerk at a salary of not more than six hundred dollars (\$600.00) per year to be paid out of the general public funds of Stokes County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 797

### CHAPTER 370

AN ACT TO AMEND CHAPTER FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, RELATING TO THE DUTIES AND SALARIES OF PUBLIC OFFICERS OF NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section eight of Chapter five of the Public-Local Laws of one thousand nine hundred thirty-seven, be, and the same is hereby amended by striking out all of said section, after the comma following the word "supervisor" in line seven, and inserting in lieu thereof the following: "and, in addition to the salary and allowance now allowed the County Auditor of Northampton County, the Board of County Commissioners may, in their discretion, provide a clerk for the County Auditor's office and shall pay therefor a salary not to exceed the sum of seventy-five dollars (\$75.00) per month."

Ch. 5, Public-Local Laws, 1937, amended to provide a clerk for County Auditor's office, Northampton County.

Compensation of clerk.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 802

### CHAPTER 371

AN ACT TO REPEAL CHAPTER FOUR HUNDRED TWENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE RELATING TO THE POSTING OF NOTICES OF MEETINGS OF THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred twenty-three of the Public-Local Laws of one thousand nine hundred thirty-one be, and the same is hereby repealed.

Ch. 423, Public-Local Laws, 1931, repealed.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 803

## CHAPTER 372

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY TO SELL CERTAIN SCHOOL PROPERTY IN SAID COUNTY WHICH IS NO LONGER USED FOR SCHOOL PURPOSES, WITHOUT FIRST ADVERTISING AND SELLING THE SAME AT PUBLIC AUCTION.

Preamble: Board of Education, Currituck County, owner of certain real property no longer used for school purposes.

*Whereas*, the Board of Education of Currituck County is the owner of certain real property formerly used as school property; and

*Whereas*, the said property is now no longer used for said purposes; and

*Whereas*, the said Board of Education has been offered a reasonable price for the same; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Board of Education authorized to dispose of property at private sale.

SECTION 1. That the Board of Education of Currituck County be, and it is hereby authorized to deed that school property in said county known as "Corner Gum" to the DeCormis Estate, upon the payment by said estate to the Board of Education of the sum of three hundred dollars (\$300.00); and that said sale may be consummated and completed without first advertising and selling the same at public auction.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 804

**CHAPTER 373**

AN ACT TO AMEND CHAPTER SEVENTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE RELATIVE TO THE TREASURER OF CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter seventeen of the Public-Local Laws of one thousand nine hundred twenty-one be amended by striking out in line six, the words "or out of."

Ch. 17, Public-Local Laws, 1921, amended as to county financial agent, Currituck County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 805

**CHAPTER 374**

AN ACT TO VALIDATE THE ACTS OF E. H. CHAPPELL AS JUSTICE OF THE PEACE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whereas, E. H. Chappell's commission as a Justice of the Peace in Durham County expired on the fourth day of December, one thousand nine hundred thirty-eight, and whereas, the said E. H. Chappell has been acting as a Justice of the Peace since that time.

Expiration of commission of E. H. Chappell, Durham County, as Justice of Peace.

SEC. 2. That each and all of the official acts of E. H. Chappell, performed by him in the capacity of Justice of the Peace since the fourth day of December, one thousand nine hundred thirty-eight including all judgments rendered, probates taken, marriages performed and any and all other acts whatsoever, be and the same are hereby ratified, confirmed and validated: *Provided* that this Act does not affect pending legislation.

Official acts performed after expiration of commission validated.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 806

## CHAPTER 375

AN ACT TO AMEND CHAPTER SIX HUNDRED FORTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED FIFTEEN RELATING TO THE RECORDER'S COURT FOR THE TOWN OF LAGRANGE AND MOSELEY HALL TOWNSHIP IN LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 640, Public-Local Laws, 1915, as to Recorder's Court, Town of LaGrange and Moseley Hall Township, Lenoir County, amended.

SECTION 1. That Section five of Chapter six hundred forty of the Public-Local Laws of nineteen hundred fifteen, be, and the same is hereby, amended by striking out the word "six" in line two of said section and inserting in lieu thereof the word "nine"; and by striking out the word "fifty" in line three thereof and inserting in lieu thereof the word "seventy-five."

SEC. 2. That Section six of said chapter is hereby repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 813

## CHAPTER 376

AN ACT TO FURTHER AMEND CHAPTER TWO HUNDRED NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED SEVEN, AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT AND AUTHORIZING THE CONSTRUCTION AND OPERATION OF A MUNICIPAL SWIMMING POOL.

*The General Assembly of North Carolina do enact:*

Ch. 209, Private Laws, 1907, amended.

SECTION 1. That Chapter two hundred nine of the Private Laws of one thousand nine hundred seven entitled, "An Act to revise and consolidate the charter of the Town of Rocky Mount to be hereafter known as the City of Rocky Mount," as amended, shall be and the same is hereby further amended by adding as Subdivision forty of Section forty thereof the following:

Construction and operation of municipal swimming pool, City of Rocky Mount, authorized.

"(40) To acquire lands by purchase, lease, gift, condemnation or otherwise for use in constructing a public municipal swimming pool or pools and to construct, maintain and operate such swimming pool or pools and to prescribe and to collect fees or charges for the use of such swimming pool or pools and to prescribe rules and regulations for the operation and management of the same; to use, in its discretion, for the purpose of acquiring, con-

structing and maintaining the said lands and pools funds from the general revenue of the city or income from its municipal plants or funds derived from the sale of bonds of the said city, the said bonds to be issued pursuant to the provisions of the Municipal Finance Act.”

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 824

### CHAPTER 377

#### AN ACT TO REGULATE THE OPERATION OF AND TO PROHIBIT PUBLIC DANCES ON SUNDAY IN ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any person, firm, or corporation to operate a public dance hall, or engage in public dances or dancing in Rowan County between the hours of midnight Saturday and midnight Sunday.

Sunday operation of public dance halls, etc. Rowan County, prohibited.

SEC. 2. Anyone violating the provisions of this Act shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Violations made misdemeanor.

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

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 829

### CHAPTER 378

#### AN ACT TO ESTABLISH AN HISTORICAL COMMISSION FOR WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an Historical Commission for Washington County whose duty it shall be to have collected from the files of old newspapers, from court records, church records and elsewhere valuable documents pertaining to the history of the county.

Establishment of Historical Commission, Washington County.

SEC. 2. That the commission shall be composed of twelve members who shall serve for life unless such member should move out of the county. That John W. Darden, James W.

Members.

Vacancy appointments. Organization of Commission. Meetings of Commission.

Norman, Mrs. Addie L. Brinkley, and Miss A. C. Carstarphen, be and they are hereby appointed members of said commission and they shall elect the eight additional members who must be specially qualified to serve on such an organization. All vacancies occurring on such commission shall be filled by a two-thirds vote of the commission. Immediately upon their election, the commission shall meet and organize by the election of a president and a secretary and such other officers as they may deem necessary. The regular annual meeting of the commission shall be held on the first Thursday in January of each year in the Washington County Courthouse and the said commission may hold as many special meetings at such time and place as they desire.

Duties of Commission.

SEC. 3. That the commission shall write and put into book form all matters of historical interest and shall preserve all matters that may in the future be of historical interest which shall be published in book form every ten years. That the said commission shall prepare and publish during the year one thousand nine hundred and forty the first volume of said collection which must contain the records of the county from the year of its beginning in one thousand seven hundred and ninety-nine to the year one thousand nine hundred and forty.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 831

## CHAPTER 379

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-THREE OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATING TO THE CITY COURT OF RALEIGH, BY PROVIDING FOR THE APPOINTMENT OF ASSISTANT CLERK OR CLERKS THEREOF.

*The General Assembly of North Carolina do enact:*

Ch. 353, Public-Local Laws, 1915, amended.

SECTION 1. That Section seven of Chapter three hundred and fifty-three of the Public-Local Laws of one thousand, nine hundred and fifteen be amended by striking out the period after the word "township" in line seven thereof and inserting the following:

Appointment of assistant clerks, City Court of Raleigh, authorized.

"and after having qualified as required by law the said clerk of the said court, by and with the consent and approval of the Board of Commissioners of the City of Raleigh,



may appoint one or more assistant clerks of the City Court of Raleigh, who before entering upon his or her duties shall take and subscribe the oath prescribed for the said clerk. Upon compliance with the provisions of this article such assistant clerk or clerks shall be as fully authorized and empowered to perform all the duties and functions of the office of the clerk of the City Court of Raleigh as the clerk himself, and all the acts, orders and judgments of such assistant clerk or clerks shall be subject in all respects to all laws which apply to the clerk of the said court. The clerk of the said City Court of Raleigh shall be held responsible for the acts of his assistant clerk or clerks and the official bond of the said clerk as now provided by law shall be written to and shall cover the acts of his assistant clerk or clerks. All of the assistant clerks herein provided for shall be under the supervision and control of the clerk of said court, subject to the ultimate control of the Board of Commissioners. That for any reason satisfactory to himself the clerk of said court is hereby empowered to suspend, remove or discharge any assistant clerk or clerks herein provided for; *provided*, that any assistant clerk or clerks herein provided for shall have the right at any time within three days from the time of such suspension, removal or discharge to appeal 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 the said clerk. If the action of the clerk be reversed said assistant clerk or clerks shall be at once reinstated in office; *provided*, *further*, the party so suspended, removed or discharged shall have no claim against the city for the time lost by reason of such action of the clerk."

Oath of office.

Duties of assistant clerks.

Responsibility of clerk for assistants.

Supervision by Clerk.

Power of Clerk to suspend or remove, etc. assistants.

Right of assistants to appeal to Board of Commissioners.

Reinstatement by Board of Commissioners.

SEC. 2. That all laws and parts of laws in conflict with this Act are hereby, to the extent of such conflict, repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 833

CHAPTER 380

AN ACT FIXING FILING FEES OF CANDIDATES IN MUNICIPAL ELECTIONS IN THE TOWN OF BEAUFORT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in the municipal election to be held in one thousand nine hundred thirty-nine and thereafter, in the Town of Beaufort, Carteret County, at least seven days prior to the election, the candidates for mayor shall deposit

Filing fees of candidates in municipal elections, Town of Beaufort.

with the clerk of said town the sum of ten dollars (\$10.00), and candidates for aldermen shall deposit a filing fee of five dollars (\$5.00), and candidates for chief of police shall deposit a fee of five dollars (\$5.00), the same to be held for defraying expenses of said election.

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

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

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 834

## CHAPTER 381

AN ACT VALIDATING OUTSTANDING INDEBTEDNESS OF THE TOWN OF MOREHEAD CITY, AUTHORIZING AND EMPOWERING THE BOARD OF TOWN COMMISSIONERS TO ADJUST THE TOWN'S INDEBTEDNESS AND VALIDATING REFUNDING AND FUNDING BONDS TO BE ISSUED THEREUNDER.

*The General Assembly of North Carolina do enact:*

Outstanding indebtedness of Town of Morehead City validated.

SECTION 1. That all indebtedness of the Town of Morehead City heretofore incurred and now outstanding, whether represented by bonds, coupons, warrants, notes, certificates of indebtedness or other instruments, is hereby validated and confirmed and found and declared to be the valid and legally binding indebtedness of the Town of Morehead City, in accordance with the terms thereof, and it is hereby found and recited that said indebtedness was incurred for the payment of the necessary expenses of the Town of Morehead City, and for special purposes and with the special approval of the General Assembly, in compliance with the provisions of the Constitution of North Carolina.

Declared incurred for necessary expenses.

SEC. 2. That the resolution adopted by the Board of Town Commissioners of Morehead City, North Carolina, on December fifteenth, one thousand nine hundred and thirty-eight, for the refinancing of the outstanding indebtedness of the town and the resolution adopted February twenty-first, one thousand nine hundred and thirty-nine, pertaining thereto, are hereby in all things ratified, validated and confirmed, and the Board of Town Commissioners and officials of Morehead City, North Carolina, are hereby authorized and empowered to adopt any and all proceedings and perform any and all acts necessary to carry out the refinancing agreement of December fifteenth, one thousand nine hundred and thirty-eight.

Resolutions for refinancing outstanding indebtedness validated.

SEC. 3. That the Board of Town Commissioners and officials of Morehead City, North Carolina, are hereby authorized and empowered to adopt any and all proceedings and perform any and all acts necessary to the authorization, issuance and delivery of refunding bonds and funding bonds pursuant to the terms of the refinancing agreement of December fifteenth, one thousand nine hundred and thirty-eight and that said refunding and funding bonds, when duly delivered in accordance with said agreement, shall and are hereby declared to be the valid and legally binding obligations of the Town of Morehead City, North Carolina, in accordance with the terms thereof, and are hereby validated and confirmed.

Issuance of funding and refunding bonds authorized.

SEC. 4. That the Board of Town Commissioners of Morehead City, North Carolina, is hereby empowered and directed to annually levy taxes on all taxable property in the Town of Morehead City, North Carolina, at rates sufficient to pay principal of and interest on said bonds promptly at maturity and to carry out the provisions of the proceedings of said Board of Town Commissioners pursuant to which said bonds are to be issued.

Tax levy authorized.

SEC. 5. That all laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 836

## CHAPTER 382

### AN ACT PROHIBITING THE OPENING AND OPERATION OF BARBER SHOPS ON SUNDAY IN ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for the owner of any barber shop or any barber employed therein to open, keep open or enter said place of business for the purpose of doing barbering work between the hours of twelve o'clock Saturday night and twelve o'clock Sunday night.

Sunday operation of barber shops prohibited, Alexander County.

SEC. 2. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Violations made misdemeanor.

SEC. 3. That this Act shall apply only to Alexander County.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 837

### CHAPTER 383

#### AN ACT TO AUTHORIZE THE RECORDING OF A TRUE COPY OF THE ORIGINAL MAP OF THE TOWN OF ANDREWS IN CHEROKEE COUNTY.

Preamble: Original survey of Town of Andrews lost.

*Whereas*, there is not of record in Cherokee County the original survey of the Town of Andrews, made by E. W. Smith, Civil Engineer, on September thirtieth, one thousand eight hundred ninety; and

*Whereas*, said original map has been lost and cannot be located; and

True copy of original map available.

*Whereas*, a true copy of said map is now available and can be recorded, if authorized by law, in lieu of the original map; and

*Whereas*, said copy of said original map is now about thirty years old and proof can be offered that it is a true copy of the said original map: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Register of Deeds, Cherokee County, authorized to file and record map and affidavit of correctness.

SECTION 1. That upon proof by affidavit that a true copy of the said original survey and map of the Town of Andrews is in existence, and upon same being presented to the Register of Deeds of Cherokee County, the Register of Deeds of Cherokee County, upon said affidavit, is hereby authorized and empowered to file and record said map and said affidavit in his office in the Book of Plats kept therein, and when so filed and recorded, said map shall be prima facie evidence of the correctness thereof, and any reference in any instrument heretofore or hereafter executed to the said map shall have the same effect as if the description of the lands as indicated on the record of said map were set out in the said instrument. No fee shall be charged by the Register of Deeds for recording and filing the said map, and no order of registration shall be required from the Clerk of the Superior Court: *Provided*, this Act shall not affect any pending litigation.

No fees allowed for registration.

Pending litigation unaffected.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 849

**CHAPTER 384**

AN ACT TO RATIFY FORMER ACTS OF THE BOARD OF COMMISSIONERS OF LEE COUNTY AND TO PROVIDE FOR EXPENDITURE OF FUNDS FOR LAW ENFORCEMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all Acts of the Board of Commissioners of Lee County heretofore in connection with the expenditure of funds for law enforcement by payment of salaries to the Sheriff's deputies, are hereby ratified and approved.

Expenditure of funds for law enforcement by Commissioners, Lee County, validated.

SEC. 2. That the Board of Commissioners of Lee County are hereby authorized and empowered to pay to the deputies, designated by the Sheriff of Lee County, salaries in an aggregate sum not to exceed one hundred dollars (\$100.00) per month.

Payment of salaries of deputy sheriffs authorized.

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

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 852

**CHAPTER 385**

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION AND BOARD OF COMMISSIONERS OF LEE COUNTY TO CONSTRUCT A TEACHERAGE AT THE GREENWOOD SCHOOL IN LEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Education and the Board of Commissioners of Lee County are authorized and empowered to purchase a lot and construct thereon a teacherage or home for teachers at the Greenwood School in Lee County from any funds available, or which may become available in an amount not to exceed twenty-two thousand dollars.

Construction of teacherage at Greenwood School, Lee County, authorized.

SEC. 2. That the Board of Education and the Board of Commissioners of Lee County are hereby authorized to borrow the funds necessary for the purchase of said lot and the building of said teacherage from any available source, and to secure the indebtedness created thereby by the execution of a note maturing not later than fifteen years after the date of its execution and to secure said note by the execution of a mortgage or deed of trust on said lot and teacherage.

Board of Education and County Commissioners authorized to borrow funds for construction, etc.

Execution of note and mortgage as security therefor.

Rents and profits  
to accrue to  
County Fund.

SEC. 3. That the rents and profits derived from the operation of the teacherage so constructed shall accrue to the county fund from which the same is constructed until the cost of the lot, the cost of construction of said building, and the interest on the loan have been repaid.

Repayment of  
funds borrowed.

SEC. 4. That the money borrowed for said purpose shall be repaid from taxes levied for school capital outlay and from the rents and profits realized from the operation of said teacherage.

Conflicting laws  
repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 875

## CHAPTER 386

### AN ACT RELATIVE TO THE TERM OF OFFICE OF THE COUNTY COMMISSIONERS OF BRUNSWICK COUNTY

*The General Assembly of North Carolina do enact:*

Four-year terms  
for County  
Commissioners,  
Brunswick County.

SECTION 1. That the members of the Board of County Commissioners of Brunswick County now holding office shall serve in that capacity until the first Monday in December, one thousand nine hundred and forty-two, or until their successors are elected and qualified.

SEC. 2. That at the general election to be held in the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Brunswick County by the qualified voters thereof a Board of County Commissioners consisting of three members who shall serve for a term of four years from the first Monday in December after their election, or until their successors are elected and qualified.

Conflicting laws  
repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 876

**CHAPTER 387**

AN ACT TO AMEND CHAPTER EIGHTY-TWO, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO RECORDER'S COURT OF LEXINGTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section seventeen, Chapter eighty-two, of the Public-Local Laws of one thousand nine hundred and thirty-three, be, and the same is hereby amended by striking out the words "two thousand" in line twelve and inserting in lieu thereof the words "twenty-four hundred"; and by striking out the words "seventeen hundred" in line fourteen and inserting in lieu thereof the words "two thousand."

Ch. 82, Public-Local Laws, 1933, amended to increase maximum salaries for Judge and Solicitor of Recorder's Court, Lexington.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 884

**CHAPTER 388**

AN ACT TO FIX THE TIME AND PLACE FOR THE ADVERTISEMENT AND SALE OF LANDS FOR TAXES IN THE TOWN OF GIBSONVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Tax Collector of the Town of Gibsonville shall on the second Monday in August of each year advertise for four successive weeks all lands lying in the said Town of Gibsonville upon which taxes for the current year are unpaid; lands listed for taxes and lying in that part of the town located in Guilford County shall be advertised in some newspaper published in Guilford County and lands listed for taxes and lying in that part of the town located in Alamance County shall be advertised in some newspaper published in Alamance County, except, that it shall suffice to advertise all such lands in one newspaper: *Provided*, that said newspaper is published in the Town of Gibsonville.

Time and method of advertising sale of lands for taxes, Town of Gibsonville.

SEC. 2. That the Tax Collector of the Town of Gibsonville shall on the second Monday in September of each year offer for sale at the city hall door in the Town of Gibsonville all such lands which have been advertised, as set out above, and upon which the taxes still remain unpaid.

Time and place of sale.

Conflicting laws  
repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 886

## CHAPTER 389

AN ACT TO HAVE CERTAIN COUNTY OFFICERS OF CASWELL COUNTY TO RENDER SEMI-ANNUAL REPORTS TO THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY AND TO HAVE SAID COMMISSIONERS PUBLISH SAID REPORTS AND OTHER REPORTS AND ALSO PUBLISH THE MONTHLY EXPENDITURES OF THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Semi-annual reports  
by County Auditor,  
Sheriff or Tax  
Collector and  
Treasurer,  
Caswell County.

Contents.

SECTION 1. That the County Auditor, the Sheriff or Tax Collector, and the Treasurer of Caswell County shall render to the Board of County Commissioners of said county on the first Monday in January and the first Monday in July of each year a statement verified under oath showing: (1) the total disbursements and income for the six months period preceding the date of said statement; (2) total of all notes and accounts payable and receivable; (3) total bonded indebtedness with date of maturity of said bonds and sinking fund; (4) total school bonds and notes and dates of maturity and total sinking fund; (5) total tax levies and total amounts collected and total amounts uncollected shown separately by years and shown in total to date of said statement; (6) all other assets and liabilities of the county which are necessary in showing a financial status of the county. Said county officials shall be responsible only for the facts and figures which naturally come within the duties of their respective offices.

Publication of  
reports.

SEC. 2. That the county commissioners of said county are authorized, empowered, and directed to have published by February first and August first of each year in a newspaper published in Caswell County, said newspaper to have at least five hundred (500) subscribers, the semi-annual reports of the officers of said county as called for in Section one of this Act.

Monthly publi-  
cation of record  
of disbursements  
by County  
Commissioners.

SEC. 3. That the Board of County Commissioners of Caswell County shall, also, publish once a month in a newspaper published in Caswell County, said newspaper to have at least five hundred (500) paid subscribers, a statement



showing disbursements made by said board at each monthly meeting and said statement shall contain the name of the party to whom paid, the amount paid, and shall state for what purpose money is paid.

SEC. 4. That the county commissioners shall also have published a summary of all audits made of any or all departments of said county by a certified public accountant in a newspaper published in Caswell County, said newspaper to have at least five hundred (500) paid subscribers.

Publication of summary of departmental audits.

SEC. 5. That the county commissioners shall publish twice yearly beginning on May first, one thousand nine hundred thirty-nine and every six months thereafter in a newspaper published in Caswell County the number of white persons and the number of colored persons, drawing an old age pension under the Social Security and Old Age Assistance Act.

Semi-annual publications of number of persons drawing old age pensions.

SEC. 6. It is the purpose of this Act to place before the greatest number of people possible of Caswell County pertinent facts relative to the fiscal affairs of the county.

Purpose of Act.

SEC. 7. That House Bill Number six hundred ninety, Chapter three hundred twenty-six, of the Public-Local Laws of one thousand nine hundred thirty-five, being an Act to authorize and empower the Board of County Commissioners of Caswell County to publish a monthly statement of its disbursements, is hereby repealed and that all laws or clauses of laws in conflict with this Act are hereby repealed.

Ch. 326, Public-Local Laws, 1935, repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 893

## CHAPTER 390

### AN ACT PROVIDING FOR PAYMENTS OF FIVE DOLLARS PER MEETING TO MEMBERS OF THE ELIZABETH CITY POLICE COMMISSION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That each of the members of the Elizabeth City Police Commission shall be paid five dollars (\$5.00) per meeting attended, not to exceed the sum of five dollars (\$5.00) per month, payments to be made by the city auditor or other proper authority of said municipality.

Compensation of members of Elizabeth City Police Commission.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 894

## CHAPTER 391

## AN ACT TO PROVIDE FOR A PAID DEPUTY SHERIFF FORCE AND MORE EFFICIENT LAW ENFORCEMENT IN CATAWBA COUNTY.

Preamble: Inadequate police protection in rural communities, Catawba County.

*Whereas*, the County of Catawba has a population of approximately fifty thousand people, of which approximately twenty-five thousand live in rural communities with no adequate police protection, other than that provided by the Sheriff and part-time and/or fee deputies; and

Desire for efficient system of police protection.

*Whereas*, in an effort to provide a more efficient system of police protection to the citizens living in rural communities, and to provide for a more adequate enforcement of the criminal laws in the said County of Catawba:

*The General Assembly of North Carolina do enact:*

Establishment of paid deputy sheriff force, Catawba County.

SECTION 1. That the Board of County Commissioners of Catawba County in its discretion is hereby authorized and empowered to establish a paid deputy sheriff force in Catawba County, and the Sheriff of Catawba County, by and with the consent and approval of the Board of County Commissioners of Catawba County, may appoint such number of salaried deputies as in the judgment of the Board of County Commissioners of Catawba County may be necessary to carry out the provisions of this Act, and to commission them "Deputy Sheriffs" of Catawba County, and the said deputy sheriffs, when so commissioned as aforesaid, shall receive compensation to be fixed by the Board of County Commissioners, payable in equal monthly installments.

Appointment of deputy sheriffs.

Compensation.

Power of sheriff to remove deputies.

SEC. 2. The Sheriff is hereby empowered and directed to remove any salaried deputy sheriff at any time in his discretion, and appoint, by and with consent and approval of the Board of County Commissioners of Catawba County, any other in his place; the said deputies, when appointed, shall serve at the pleasure of the Sheriff of said county; and they shall have and possess the powers, and perform the duties now given and imposed upon deputy sheriff or sheriffs by law.

Powers and duties of deputies.

Fees collected by deputies turned into general county fund.

SEC. 3. That all fees collected and to be collected by salaried deputies of Catawba County, and the various courts of Catawba County arising from the services of the salaried deputies under this Act, shall be paid into the Board of County Commissioners of Catawba County and turned into the General Fund of Catawba County.

Power of County Commissioners to discontinue salaried deputies, etc.

SEC. 4. The Board of County Commissioners shall have and is hereby given the power and authority to discontinue such salaried deputies at any time it deems advisable; and it can from time to time change the compensation of such officers.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 901

**CHAPTER 392**

**AN ACT TO PROVIDE FOR APPOINTMENT OF AN ANTI-RABIES INSPECTOR IN BRUNSWICK COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. There is hereby created in Brunswick County the office of anti-rabies inspector. It shall be the duty of the Board of County Commissioners of said county to appoint to this office any qualified voter of said county, other than the tax collector, who shall serve at the will of said board. Appointment of anti-rabies inspector, Brunswick County.

SEC. 2. The anti-rabies inspector shall be vested with all the powers and shall perform all the duties now prescribed for anti-rabies inspectors under the General Laws of North Carolina. Powers and duties.

SEC. 3. The anti-rabies inspector shall vaccinate all dogs in Brunswick County according to the provisions of the General Law. He shall use the anti-rabies vaccine defined in Section four thousand eight hundred ninety-five (one), Subsection (b), of the Consolidated Statutes, which shall be purchased from the State Department of Agriculture, as provided in Section four thousand eight hundred ninety-five (six), of the Consolidated Statutes. The county accountant is hereby authorized to buy said vaccine and deliver the same to the anti-rabies inspector as called for by him. Vaccination of dogs.  
  
County Accountant to purchase vaccine and uniform metal tags for use of inspector.

SEC. 4. The county accountant shall purchase uniform metal tags, serially numbered and suitably lettered to show the year issued, from the Department of Agriculture as provided in Section four thousand eight hundred ninety-five (six) of the Consolidated Statutes.

SEC. 5. The anti-rabies inspector shall be entitled to a fee of twenty-five cents (25c) for each dog so vaccinated. He shall collect from the owner of each dog vaccinated not more than fifty cents (50c). He shall pay over all monies collected to the County Accountant of Brunswick County, who shall, out of said funds, pay the anti-rabies inspector the sum of twenty-five cents (25c) for each dog vaccinated by him, and shall pay for the cost of the vaccine and the metal tags issued to the owner of dogs upon vaccination. Fees of inspector.

The balance of the funds so collected, if any, shall be applied to the school funds of the county as provided in Section one thousand six hundred eighty-one of the Consolidated Statutes.

Bond of inspector. SEC. 6. The Board of Commissioners shall fix and require such bond from the anti-rabies inspector as they shall deem necessary and adequate.

Conflicting laws repealed. SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

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H. B. 902

CHAPTER 393

AN ACT TO ALLOW FURTHER TIME IN WHICH TO BRING TAX FORECLOSURE SUITS IN HYDE COUNTY.

*The General Assembly of North Carolina do enact:*

Time of foreclosure of certain delinquent tax sales certificates, Hyde County. SECTION 1. That suits to foreclose tax sales certificates issued for delinquent taxes due Hyde County for the year one thousand nine hundred and thirty-six and for subsequent years may be brought at any time prior to the thirty-first day of March, one thousand nine hundred and forty-one.

Certificates validated. SEC. 2. That no tax sales certificates heretofore issued by the Sheriff of Hyde County or the proper officer thereof shall be declared invalid because of date upon which sale was made.

SEC. 3. That this Act shall apply to Hyde County only.

Conflicting laws repealed. SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 910

**CHAPTER 394**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BERTIE COUNTY TO CONTRIBUTE TO THE RELIEF FUND NECESSITATED BY THE RECENT TORNADO IN GREENS CROSS SECTION OF BERTIE COUNTY.

*Whereas*, on February twenty-first, one thousand nine hundred thirty-nine, Greens Cross section of Bertie County was greatly damaged and almost devastated by a tornado; and

Preamble: Damage suffered in Bertie County on account of tornado.

*Whereas*, great loss and suffering has been sustained by reason of said disaster: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Bertie County, be, and it is hereby, authorized and empowered to contribute out of the county funds, an amount, in its discretion, not to exceed five thousand dollars (\$5,000.00), to aid in the relief necessitated by the tornado which swept over the Greens Cross section of Bertie County on February twenty-first, one thousand nine hundred thirty-nine; and said board may also include in the next fiscal budget of Bertie County, any amounts expended for like disasters.

Contribution from county funds for necessary relief authorized.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 911

**CHAPTER 395**

AN ACT TO AMEND CHAPTER FOUR HUNDRED EIGHTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, RELATIVE TO THE FEES OF VARIOUS JUSTICES OF THE PEACE OF WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter four hundred eighty-five of the Public-Local Laws of one thousand nine hundred thirty-five, be, and the same is hereby amended by striking out in line fourteen thereof after the word "trial" the figures "two dollars and fifty cents (\$2.50)," and substituting in lieu thereof the figures "two dollars (\$2.00)."

Ch. 485, Public-Local Laws, 1935, as to fees of Justices of Peace, Wayne County, amended.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 916

## CHAPTER 396

### AN ACT TO RATIFY TAX SALES IN FORSYTH COUNTY HELD ON THE WRONG DATE.

*The General Assembly of North Carolina do enact:*

Tax sales on day  
other than provided  
by law, Forsyth  
County, validated.

SECTION 1. All sales of property for taxes in Forsyth County heretofore held on some date other than that provided by law, which sales were advertised in the manner and for the length of time required by law, and all tax sales certificates issued by reason thereof, are hereby ratified, approved, and confirmed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 921

## CHAPTER 397

### AN ACT TO EXTEND THE TERM OF THE REGISTER OF DEEDS OF ORANGE COUNTY.

*The General Assembly of North Carolina do enact:*

Four-year term for  
Register of Deeds,  
Orange County.

SECTION 1. That the Register of Deeds of Orange County elected at the general election for the year one thousand nine hundred and thirty-eight, shall serve for a term of four years from the first Monday in December after his election, or until his successor is elected and qualified.

SEC. 2. That at the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Orange County by the qualified voters thereof a Register of Deeds who shall serve for a term of four years from the first Monday in December after his election, or until his successor is elected and qualified.

Conflicting laws  
repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 932

**CHAPTER 398**

AN ACT TO EMPOWER THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF SCOTLAND NECK TO SELL CERTAIN REAL ESTATE AT PUBLIC OR PRIVATE SALE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Mayor and Board of Commissioners of the Town of Scotland Neck, North Carolina, shall have the power to sell by public or private sale, any real estate the said town may acquire through the foreclosure of any tax lien, or by any other means, and also to sell any such real estate heretofore acquired by said town and now owned by it: *Provided, however*, that no real property which is used for municipal purposes may be sold except by public auction: *Provided, further*, that in no event shall any property be sold either by public or private sale until an appropriate resolution to make such sale shall have been passed by a majority of the commissioners of said town at a regular meeting, or at a special meeting called for that purpose.

Power of Mayor and Commissioners, Town of Scotland Neck, to sell lands acquired through tax foreclosures, etc.

Resolution of sale.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

H. B. 934

**CHAPTER 399**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GREENE COUNTY TO TRANSFER THE DUTIES OF THE CLERK TO THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TO SOME OTHER SUITABLE OFFICER IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Greene County are hereby authorized, in their discretion, to transfer all the duties which are now required by law to be performed by the Register of Deeds of said county, acting in the capacity of Clerk to the Board of County Commissioners, to county accountant or some other suitable officer of said county who will serve at the pleasure of said Board of County Commissioners, and upon such salary as may be determined by them.

County Commissioners, Greene County, authorized to transfer duties of Clerk to Board.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## H. B. 1093

## CHAPTER 400

AN ACT TO APPOINT A TAX COLLECTOR AND COUNTY ACCOUNTANT FOR YANCEY COUNTY AND DEFINE THEIR DUTIES.

*The General Assembly of North Carolina do enact:*

Appointment of  
County Accountant,  
Yancey County.

SECTION 1. That W. O. Griffith be, and he is hereby, appointed County Accountant for Yancey County from and after the first Monday in April, one thousand nine hundred thirty-nine, to serve until July first, one thousand nine hundred forty-three, at a salary of one hundred fifty dollars (\$150.00) per month, payable monthly as provided by law.

Compensation.

Duties of County  
Accountant.

SEC. 2. It shall be the duty of said county accountant to perform all duties set out and required by the general statute governing county accountants. In addition thereto, said county accountant is hereby authorized, empowered and required:

Collection of  
delinquent taxes.

(a) To collect all delinquent taxes, and where he deems it necessary for the collection of such taxes, he shall have sole authority to employ counsel and foreclose the tax liens.

Act as tax  
supervisor.

(b) To act as tax supervisor and shall appoint all tax listers and assessors for the year one thousand nine hundred thirty-nine and thereafter during his term of office.

County purchasing  
agent.

(c) To act as purchasing agent for said county.

Perform duties of  
county treasurer.

(d) To do and perform all duties heretofore performed by the county treasurer, and pass upon all checks or vouchers drawn against the county funds, and in the event any disagreement should arise between said accountant and the board of commissioners, the decision of said county accountant shall be final and conclusive.

Budget of  
Yancey County.

SEC. 3. The budget of the County of Yancey shall include appropriations for debt service, in accordance with the debt refunding plan now pending, general county, district health, farm agent's office, welfare department and education, and submit the same to the Board of County Commissioners, as required by the general statute. In case of a disagreement of the budget as a whole, or any items therein, between the Board of County Commissioners and said county accountant, the county accountant, the Clerk of the Superior Court and the three members of the Board of County Commissioners shall sit in a body and each shall have one vote.



SEC. 4. That a county farm agent shall be elected on the first Monday in July, one thousand nine hundred thirty-nine, for a term of two years by the Board of County Commissioners, the county accountant and the Clerk of the Superior Court, subject to the approval of the State department in control thereof.

Appointment of  
county farm agent.

SEC. 5. That the Sheriff of Yancey County shall be paid a salary of two hundred dollars (\$200.00) per month, and fifty dollars (\$50.00) per month for one deputy, beginning July first, one thousand nine hundred thirty-nine, which salary shall include payment for all services of said Sheriff and all deputies, except in the transportation of prisoners outside of said county in which event said Sheriff shall be allowed five cents per mile plus actual expenses for meals and lodgings. It shall be the duty of said Sheriff to cause warrants, subpoenas, summonses, executions and any and all other processes to be duly served throughout said county, and collect the fees and commissions as are required to be collected, and before he receives his monthly salary render to the county accountant a full, complete and itemized statement, sworn to by said Sheriff, of all fees collected by him or by anyone for him: *Provided*, the Board of County Commissioners of Yancey County may, in the exercise of its discretion, allow the Sheriff an additional sum of twenty-five dollars (\$25.00) per month for the total amount to be paid by the county for all other deputies, if the amount of work warrants it.

Compensation of  
Sheriff of Yancey  
County.

Duties of Sheriff.

SEC. 6. (a) That J. A. Goodin be, and he is hereby, appointed Tax Collector for Yancey County to serve from July first, one thousand nine hundred thirty-nine, until the first Monday in December, one thousand nine hundred forty-two, and shall be paid a salary of one hundred twenty-five dollars (\$125.00) per month by the Board of County Commissioners, and shall make all reports and be subject to the same rules and requirements as are now, or may hereafter be, required of a Sheriff acting as tax collector, including bond now required by law, premium thereon to be paid by the county.

Appointment of  
Tax Collector,  
Yancey County.

Compensation.

(b) That a tax collector shall, in the year one thousand nine hundred forty-two be nominated and elected in the same manner as now provided for the election of a member to the General Assembly, and said tax collector shall be elected for a term of four years.

Subsequent elec-  
tions of tax  
collector.

(c) In case of a vacancy in the office of county accountant, Sheriff or tax collector, by death, resignation or otherwise, such shall be filled by the Board of County Commissioners, Clerk of Superior Court and Superintendent of Schools for the County of Yancey.

Vacancy appoint-  
ments.

Partial invalidity section.

SEC. 7. That in the event any part of this Act shall be declared unconstitutional the remainder shall be in full force and effect.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

### S. B. 263

### CHAPTER 401

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF YOUNGSVILLE TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF YOUNGSVILLE.

*The General Assembly of North Carolina do enact:*

Corporate limits, Town of Youngsville, extended.

SECTION 1. That the corporate limits of the Town of Youngsville may be hereby extended to include that area between the present corporate limits of said town and a line described as follows:

Beginning at a point in the existing town limits of said town and extending in every direction from the present and existing town limits one-eighth ( $\frac{1}{8}$ ) of a mile.

Election on proposed extension.

SEC. 2. That the Town Commissioners of the Town of Youngsville shall, in their discretion, call an election to be held on the same day of the general election for the election of officers in the Town of Youngsville for the year one thousand nine hundred thirty-nine, to determine whether or not such territory shall be annexed to said Town of Youngsville.

Resolution calling election.

SEC. 3. That such election shall be called by resolution of the Board of Town Commissioners of the Town of Youngsville which shall:

Contents.

(a) Describe the territory proposed to be annexed to the said Town of Youngsville as set out in Section one hereof,

(b) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the said Town of Youngsville and of the territory proposed to be annexed, voting together,

(c) Provide for a special registration of voters in both the Town of Youngsville and in the territory proposed to be annexed for said election,

(d) Designate the voting place for such election,

(e) Name the registrars and judges of such election,

(f) And make all other necessary provisions for the holding and conducting of such election, the canvassing of the returns and the declaration of the result of such election; and said resolution shall be posted at the mayor's office in the Town of Youngsville and at five (5) other public places in the Town of Youngsville and/or in the territory proposed to be annexed, at least twenty (20) days prior to said election.

SEC. 4. That at such election those qualified voters who present themselves to the election officials at the voting place shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension." If at such election a majority of the votes cast shall be "For Extension," then from and after the date of the declaration of the result of such election the territory described in Section one hereof and its citizens and property shall be subject to all the laws, ordinances and regulations in force in the Town of Youngsville and shall be entitled to the same privileges and benefits as other parts of said Town of Youngsville.

Ballots.

Extension authorized in event of majority vote therefor.

SEC. 5. That if the result of said election be declared "For Extension," then from and after the date of such declaration by the Board of Commissioners of the Town of Youngsville those residents of the area described in Section one hereof who may otherwise qualify according to law shall be deemed to be qualified voters in the regular municipal primary and election to be held as by law provided; and shall be entitled to vote in and/or be candidates for office in the regular municipal primary and election thereafter held, and shall be eligible to hold office in the Town of Youngsville.

Rights and privileges of residents of annexed territory.

SEC. 6. That the Commissioners of the Town of Youngsville shall meet and declare the result of the election herein provided for, based upon the returns of the registrars and judges of election, at such time as is now prescribed for the declaration of the result of the general municipal election of the Town of Youngsville.

Declaration of results of election.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## S. B. 337

## CHAPTER 402

## AN ACT RELATIVE TO THE RECORDERS COURT OF CASWELL COUNTY AND TO REPEAL CERTAIN LAWS RELATIVE TO SAME.

*The General Assembly of North Carolina do enact:*

Recorder's Court,  
Caswell County.

SECTION 1. That the present Recorders Court of Caswell County is hereby declared to be legally set up in all respects and that its present officers are declared to be duly elected according to law.

Right of jury trial  
in Recorder's  
Court.

SEC. 2. That either the plaintiff or the defendant in both civil and criminal actions in the recorders court may demand and have a jury trial. That the jury shall be composed of six qualified jurors which are to be drawn from a venire of six together with such jurors as the Sheriff calls at time of trial. The party demanding a jury trial in a criminal case shall deposit six (\$6.00) dollars with the clerk of the recorders court before the jury is summoned, to cover the cost of said jury, said deposit to be refunded in case of acquittal. *Provided* that jury trials in the county recorders court shall be held only on the first Monday of any month.

Jurors.

Deposit required  
of party de-  
manding jury trial.

Challenges.

SEC. 3. That every person on joint or several trial for crimes and misdemeanors in said recorders court shall have the right of challenging peremptory, and without showing cause, three jurors for each defendant and no more. The solicitor, on behalf of the State, shall have the right of challenging, peremptory and without showing cause, two jurors for each defendant and no more.

Appointment of  
assistant judge  
authorized in event  
of absence of  
regular judge.

SEC. 4. That the judge of the recorder's court shall have the authority to appoint an assistant judge of said court to preside over said court, in case of his absence or inability, and that such assistant before entering upon the performance of his duties as assistant judge of said recorder's court, shall take the oath of office as prescribed for the judge of said court and may preside over said court at the request or in the absence of the regular judge of said court. That all compensation for said assistant judge shall be paid by the regular judge of said court and that the county shall not be liable for any compensation, salary or fees to said assistant judge appointed under the provisions of this Act.

Oath of assistant  
judge.

Compensation of  
assistant judge.

Election of judge  
and solicitor.

SEC. 5. That the judge and the solicitor of the recorders court shall be elected to office by a vote of the people as is provided by law.

Compensation of  
solicitor and judge.

SEC. 6. That the salary of the solicitor of the recorders court shall be seventy-five (\$75.00) dollars per month and that the salary of the judge of the recorders court shall be seventy-five (\$75.00) dollars per month, same to be paid to them in monthly installments by the Board of County

Commissioners of Caswell County out of the general county fund. That Chapter one hundred three of the Public-Local Laws of one thousand nine hundred thirty-seven, being an Act fixing the salary of the judge of the recorders court at one hundred (\$100.00) dollars per month and providing for setting up a recorders court, be and is hereby repealed.

Ch. 103, Public-Local Laws, 1937, as to salary of judge, etc., repealed.

SEC. 7. That all fees accruing to the judge and solicitor of the County Recorders Court of Caswell County, under the law shall be paid into the general county fund of Caswell County.

Fees accruing to judge and solicitor paid into General County Fund.

SEC. 8. That Chapter four hundred fifty-three of the Public-Local Laws of one thousand nine hundred twenty-seven, being an Act relative to the Recorders Court of Caswell County be and is hereby repealed and that all other laws or clauses of laws in conflict with this Act are hereby repealed.

Ch. 453, Public-Local Laws, 1927, repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

S. B. 386

### CHAPTER 403

#### AN ACT TO PLACE THE REGISTER OF DEEDS OF STANLY COUNTY ON A SALARY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Register of Deeds of Stanly County shall be paid a salary at the rate of four thousand (\$4,000.00) dollars per year, payable in equal monthly installments, upon warrant of the County Commissioners of Stanly County, which shall be full and complete compensation for performance of all his duties and obligations as Register of Deeds.

Compensation of Register of Deeds, Stanly County.

SEC. 2. That the Board of County Commissioners of Stanly County shall provide the Register of Deeds with some suitable and competent person to serve as deputy, and are hereby authorized, directed and empowered to pay to said deputy, out of the general fund of Stanly County, such sum as in its discretion seems reasonable and proper as compensation for such services as may be required of said deputy.

Appointment and compensation of deputy Register of Deeds.

SEC. 3. That the County Commissioners of Stanly County are further authorized, directed and empowered to employ a clerk to the Board of County Commissioners and to fix the salary of such clerk at such an amount as it deems reasonable and proper for services rendered as such clerk,

Appointment and compensation of clerk to Board of County Commissioners.

the same to be paid by the County Commissioners out of the general fund of Stanly County.

Fees collected by Register of Deeds paid into general county fund.

SEC. 4. That the Register of Deeds for Stanly County shall continue to collect the same fees as are now being charged for the registration of all papers in his office and for all other duties performed by him which said fees together with all other emoluments of said office shall be accounted for by the Register of Deeds and turned over to the County Commissioners for the general fund of Stanly County. That the said Register of Deeds shall render a true and accurate itemized, detailed statement to the Board of County Commissioners of Stanly County on the first Monday in each month showing the amount of fees collected in his office during the preceding month together with any fees and other charges due to said office and make remittance to the said Board of County Commissioners for all fees and other funds coming into his hands during the preceding month.

Monthly statement by Register of Deeds to county commissioners.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## S. B. 388

## CHAPTER 404

### AN ACT TO PROHIBIT THE TOWN OF GOLDSTON TO ISSUE BONDS WITHOUT A VOTE OF THE PEOPLE AND TO REGULATE TOWN ELECTIONS.

*The General Assembly of North Carolina do enact:*

Bond issue, Town of Goldston, without vote therefor, prohibited.

SECTION 1. That the Town of Goldston shall not issue any bonds without the approval of the electors of said town to be expressed by a majority vote in an election.

Appointment of registrar and judges of elections.

SEC. 2. That in all elections, general and special, held by the Town of Goldston, the election officials, to-wit: the registrar and the two judges of election, shall be named and appointed by the County Board of Elections of Chatham County. This section shall not apply to the election to be held in May, one thousand nine hundred and thirty-nine.

Absentee voting prohibited.

SEC. 3. That there shall be no absentee voting in any election held for the Town of Goldston.

Place for conduct of tax sales.

SEC. 3½. That all tax sales conducted by the tax collector for the Town of Goldston shall be conducted at the United States Post Office door in Goldston.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

S. B. 461

### CHAPTER 405

AN ACT TO REPEAL SENATE BILL NUMBER TWO HUNDRED NINETEEN, RELATING TO RICHMOND COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Senate Bill Number two hundred nineteen, which was enrolled and ratified on the twenty-second day of March, one thousand nine hundred thirty-nine, be, and the same is hereby repealed.

S. B. 219, Ch. 269, Public-Local Laws, 1939, repealed.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

S. B. 404

### CHAPTER 406

AN ACT RELATIVE TO THE APPOINTMENT OF A SCHOOL BOARD FOR THE ROBBINSVILLE LOCAL SCHOOL DISTRICT, AND DEFINING ITS POWERS AND DUTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Robbinstonville Local School District shall have a Board of Committeemen, known and designated as the Robbinstonville School Board, composed of seven (7) members: and that Will Kirkland, Charles Rogers, L. W. Wilson, Mrs. Effie Humes, J. B. Slaughter, Ed Ingram, Mrs. W. B. Wiggins be, and they hereby are, appointed as members of said Robbinstonville School Board, whose term of office shall begin on the first day of April, one thousand nine hundred thirty-nine, and they shall hold office as such until their successors are elected, or appointed, and qualified, as hereinafter provided.

Appointment of School Board for Robbinstonville Local School District.

Terms.

SEC. 2. If any vacancy in the membership of said board occurs by reason of death or resignation or otherwise, the remaining members shall fill the same by appointment.

Vacancy appointments.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 632

**CHAPTER 407**

AN ACT TO ALLOW REMOVALS FROM ONE MAGISTRATE TO ANOTHER WHERE INCORPORATED TOWNS ARE SITUATED IN MORE THAN ONE TOWNSHIP.

*The General Assembly of North Carolina do enact:*

Removal of cases before magistrate where incorporated town is situated in more than one township, Lee County.

SECTION 1. That in all cases where an incorporated town is situated in one or more townships in the same county upon application for the removal of a case before a justice of the peace from a justice of the peace situated in any one of said townships he shall have the right in his discretion to remove the same to any other magistrate in any other township in which said incorporated town is situated, and shall not be required to remove the same to some magistrate in the township in which he resides or is qualified.

SEC. 2. That this Act shall apply only to Lee County.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 701

**CHAPTER 408**

AN ACT TO ESTABLISH THE TRUE FINANCIAL CONDITION OF CLAY COUNTY AND PROVIDE FOR HEALTH, AID TO THE POOR, AND OTHER SPECIAL PURPOSES INCIDENT TO THE COUNTY'S NECESSARY GOVERNMENTAL FUNCTIONS.

*The General Assembly of North Carolina do enact:*

Special tax levy, Clay County, authorized.

SECTION 1. That the Board of County Commissioners of Clay County are hereby authorized to levy such special property taxes as may be necessary, not to exceed sixty cents on the one hundred dollars valuation, for the following special purposes respectively, as more fully hereinafter set



out, in addition to any taxes now allowed by law for such or any other special purposes, and in addition to the rate allowed by the Constitution of North Carolina:

(1) For the expense of county accountant's office, ten cents. Purposes of tax.

(2) For the expense of county farm agent's office, ten cents.

(3) For the expense of maintenance and aid to the poor and county charges, fifteen cents.

(4) For the expense of maintenance of public health department for the preservation of public health, fifteen cents.

(5) For the expense of a general audit of all the tax sale certificates held by Clay County from December first, one thousand nine hundred thirty-two to December fifth, one thousand nine hundred thirty-eight, and of a general audit of all persons or officers of the county handling taxes, fees or other funds belonging to Clay County for four years prior to December fifth, one thousand nine hundred thirty-eight, and of a general audit of the indebtedness outstanding against Clay County and its various funds in order to set up and establish the true financial condition of Clay County, ten cents, and that said ten cents shall be levied five cents in the fiscal year one thousand nine hundred thirty-eight-one thousand nine hundred thirty-nine and five cents in the fiscal year one thousand nine hundred thirty-nine-one thousand nine hundred forty, authorization for levy under this item terminating after a levy of total sum of ten cents has been levied for said special purpose: *Provided, however,* that the tax rate in Clay County levied for any and all purposes shall in no event exceed two dollars (\$2.00) on the one hundred dollar valuation on property in said county.

Limitation on  
tax rate.

SEC. 2. That if any of the items or taxes levied for the purposes above set forth in this Act be decided to be unconstitutional or invalid, the same shall not affect the validity of the remaining special taxes levied in this Act, or the validity of the Act as a whole, or any other part thereof other than the part so decided to be unconstitutional and invalid.

Partial invalidity  
section.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 765

## CHAPTER 409

## AN ACT TO VALIDATE ALL PROCEEDINGS RELATIVE TO THE CREATION AND ORGANIZATION OF THE BESSEMER SANITARY DISTRICT OF GUILFORD COUNTY.

Preamble: Petition for creation of Bessemer Sanitary District, Guilford County.

*Whereas*, pursuant to Chapter one hundred, Public Laws of North Carolina, session of one thousand nine hundred twenty-seven, and Acts amendatory thereof, a petition to create the Bessemer Sanitary District in Guilford County, North Carolina, was presented to the Board of County Commissioners of Guilford County at its regular meeting on Tuesday, September sixth, one thousand nine hundred thirty-eight, said petition being signed by more than fifty-one per cent (51%) of the resident freeholders of the proposed Sanitary District, located at Bessemer, East of the City of Greensboro, in Guilford County, North Carolina, and described as follows, to-wit:

Boundaries described.

Beginning at a point in the Eastern line of the corporate limits of the City of Greensboro, said point being two hundred sixty (260) feet South of the intersection of the said corporate limits and the center line of Bessemer Avenue and running thence South 86 degrees 18 minutes East two thousand and seventy (2070) feet to a point; thence South 3 degrees 41 minutes West two thousand eight hundred (2800) feet to a point; thence South 86 degrees 18 minutes East two thousand four hundred forty (2440) feet to a point; thence North 3 degrees 41 minutes East two thousand three hundred seventy (2370) feet to a point; thence South 86 degrees 18 minutes East one thousand (1000) feet to a point; thence North 3 degrees 41 minutes East three thousand four hundred (3400) feet to a point; thence North 86 degrees 18 minutes West seven hundred (700) feet to a point; thence North 3 degrees 41 minutes East one thousand seventy (1070) feet to a point in the center of Phillips Avenue; thence with the center of said Phillips Avenue in a Western and Northwestern direction two thousand seven hundred forty (2740) feet to a point in the center of said Phillips Avenue; thence South 3 degrees 41 minutes East two thousand four hundred (2400) feet to a point; thence North 86 degrees 18 minutes West two thousand two hundred (2200) feet to a point in the line of the Eastern corporate limits of the City of Greensboro; thence with the said Eastern corporate limits of the City of Greensboro South 3 degrees 41 minutes West two thousand three hundred twenty (2320) feet to the point of beginning; and

Public hearing on petition.

*Whereas*, as provided by said Chapter one hundred, Public Laws of North Carolina, session one thousand nine hundred twenty-seven, and amendments thereto, after notice thereof had been given as by law provided, the Board of County

Commissioners of Guilford County, on the fifth day of December, one thousand nine hundred thirty-eight, held a public hearing on said petition; and

*Whereas*, after hearing all persons present who desired to be heard, either in favor of, or against the creation of said Sanitary District, the Board of County Commissioners of Guilford County unanimously approved said petition, and requested the State Board of Health to create said Sanitary District, and ordered the original petition transmitted to said State Board of Health; and

Approval of  
petition.

State Board of  
Health requested  
to create district.

*Whereas*, pursuant to advertisement as provided by law, a hearing was held upon said petition by a representative of the State Board of Health, D. S. Abell, Principal Assistant Engineer, on the thirty-first day of January, one thousand nine hundred thirty-nine; and

Hearing by State  
Board of Health.

*Whereas*, at its meeting in Raleigh, North Carolina, on February sixteenth, one thousand nine hundred thirty-nine, the North Carolina State Board of Health passed resolutions creating the Bessemer Sanitary District, Guilford County, in that certain territory hereinbefore described by metes and bounds; and

Resolution of State  
Board creating  
district.

*Whereas*, upon receipt of a certified copy of the resolutions of the State Board of Health, creating said Sanitary District, as aforesaid, the Board of County Commissioners of Guilford County, at its regular meeting on the sixth day of March, one thousand nine hundred thirty-nine, elected a Sanitary District Board of three (3) members, freeholders within the said Bessemer Sanitary District, to serve until their successors are elected and qualified, the members of said Sanitary District Board so elected being I. D. Blalock, R. N. Hinshaw and C. L. Murray: *Now, therefore*,

Election of Sanitary  
District Board.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the creation and establishment of the Bessemer Sanitary District in Guilford County, as aforesaid, and the election by the Board of County Commissioners of Guilford County of the members of said Sanitary District Board, all pursuant to Chapter one hundred of the Public Laws of one thousand nine hundred twenty-seven, and Acts amendatory thereof, are hereby validated, approved and confirmed, notwithstanding any and all irregularities in any of the proceedings authorizing such Sanitary District whether such proceedings shall have been taken by the Board of County Commissioners or by the State Board of Health or by any other person, persons or officers, and notwithstanding the failure to comply with any of the provisions of said Act, and notwithstanding any want of authority on the part of the Board of County Commissioners of Guilford County, the State Board of Health, or any other

Creation and  
establishment of  
Bessemer Sanitary  
District and elec-  
tion of District  
Board validated.

body to create such district, and notwithstanding any defect or omission in the advertisement of any public hearing required to be held by the Board of County Commissioners, the State Board of Health or any other person or officer, and all proceedings heretofore taken by any public body, board, officers, agents or other persons in respect to the creation and organization of said Sanitary District are hereby validated, ratified, approved and confirmed, and the election by the Board of County Commissioners of Guilford County of I. D. Blalock, R. N. Hinshaw and C. L. Murray, as members of the Bessemer Sanitary District Board to serve until their successors are elected and qualified, is hereby validated, ratified, approved and confirmed, and they shall exercise all the powers and functions, and discharge all the duties vested in and imposed on like board by Chapter one hundred of the Public Laws of one thousand nine hundred twenty-seven, and Acts amendatory thereof, and all other laws applicable thereto.

Powers and duties of District Board validated.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 769

CHAPTER 410

AN ACT TO PROVIDE A STANDARD FORM OF DEED OF TRUST FOR BUILDING AND LOAN ASSOCIATIONS OPERATING IN NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

Standard form of deed of trust for Building and Loan Associations, New Hanover County.

SECTION 1. The following is declared to be a standard form of deed of trust for Building and Loan Associations operating and doing business in the County of New Hanover, State of North Carolina:

State of North Carolina, }  
 County of New Hanover. }

*This Indenture*, Made this the.....day of....., A. D. 19....., by and between....., hereinafter referred to as the "Trustors," whether one or more, parties of the first part, ....., Trustee, of the County of....., State of North Carolina, party of the second part, and hereinafter referred to as "Trustee," and....., of....., North Carolina, a North Carolina Corporation, hereinafter referred to as the "Association," party of the third part.

*Witnesseth, that Whereas*, Trustors are indebted to the Association in the principal sum of..... (\$.....) dollars,

for money loaned, the receipt of which is hereby acknowledged, for which they have executed and delivered to the Association their note of even date herewith, payable as set out in said note, with interest thereon from date, at the rate of six per centum per annum, payable weekly, at the office of the Association.

Now, therefore, in consideration of the indebtedness, evidenced by said note, and for the better securing of the payment thereof to the Association, in accordance with the terms and conditions of said note, which are hereby referred to and made a part hereof as fully as if said note were incorporated herein in full, and the performance of the conditions, stipulations and covenants herein contained, and also in consideration of the sum of one (\$1.00) dollar to the Trustors in hand paid, the receipt of which is hereby acknowledged, the Trustors have bargained, sold, given, granted and conveyed, and by these presents do bargain, sell, give, grant and convey unto the Trustee, his successors or assigns, all that certain lot, tract or parcel of land situate, lying and being in the County of....., .....Township, State of North Carolina, and more particularly designated, described and/or defined as follows, to-wit:

Together with all and singular the rights, privileges, easements, and appurtenances thereto belonging or in anywise appertaining; and all heating, plumbing and lighting fixtures and equipment which are now, or may hereafter be, attached to or used in connection with the said real estate.

To Have and to Hold said lands and premises, with all of the rights, privileges, easements, appurtenances, fixtures and equipment thereto belonging, to the said Trustee, his successors and assigns forever. And the said Trustors, for themselves, their heirs, executors and administrators, covenant with the said Trustee, his successors and assigns that they are seized of said premises in fee, and have the right to convey the same in fee simple; that the same are free and clear of all encumbrances; that they will forever warrant and defend the title to the same against all persons whomsoever, and that they will at any time hereafter execute such further assurances of title to said premises as requested so to do by said Trustee, his successors or assigns.

In Trust, however, for the uses and purposes following:

Whereas, the Trustors, either personally or through their agent, applied to said Association for a loan which was approved in the amount of..... (\$.....) dollars, by its Board of Directors, subject to the provisions and conditions of the Charter and By-Laws of said Association;

And Whereas, ....., of the Trustors, is a member of said Association, and the holder of.....Shares of its Stock in the.....Series, and by virtue thereof has this day received

the full amount of said loan, as evidenced by a certain note of even date herewith, payable to the Association, upon the maturity of the Stock aforesaid, and has assigned as collateral security for said loan the aforesaid shares of stock, and as further security for the payment of said note the Trustors have conveyed to the Trustee the lands and premises above described.

Now the Trustors covenant and agree to and with the Association as follows:

1. That they will faithfully perform all of the provisions and conditions of the Charter and By-Laws of said Association.

2. That they will pay, or cause to be paid, to said Association, at its office weekly, and each and every week, during the continuance of the indebtedness herein mentioned, and on the days appointed by said Association for such payments, a sum equal to.....cents per share, on each and every share held by all or any of the Trustors, in the Series hereinabove set out, and securing said loan.

3. That they will pay all such fines as may be incurred by any default in the designated payments on said shares of stock.

4. That they will pay interest at the rate of six per centum per annum, on said note from date until paid, payable weekly, at the office of the Association, on the days appointed by said Association.

5. That they will pay said note upon its maturity.

6. That they will insure the buildings upon said premises and keep the same insured against loss or damage by fire and/or windstorm, in an amount satisfactory to the Association, said insurance to be in a company or companies satisfactory to the Association, the policy or policies to be delivered to the Association, with premium paid, and assigned and endorsed with loss payable to the Association, or its assigns, in such form as it may require; all renewal policies to be delivered to the Association, at its office, at least three (3) days before the expiration of the old policies; and that in the event the Trustors shall at any time fail to effect such insurance, or to pay the premium therefor, or to deliver such policy, premium paid, as aforesaid, then the Association may cause the same to be insured and reimburse itself for the premiums so paid under this Indenture, with interest thereon from the date of such payment, at the rate of six per centum per annum, until paid, which amount shall be a lien on the premises herein described, and be secured hereby.

7. That they will pay all taxes, penalties, charges and assessments which may be imposed by law upon the said premises, or any part thereof, as and when the same shall

become due and payable; and in the event they shall fail to pay all such taxes, penalties, charges and assessments as they become due and payable, and upon failure to pay the same the Association may, at its option, pay the same, and reimburse itself for all payments so made under this Indenture, with interest thereon, from the date of such payment, at the rate of six per centum per annum, until paid, which amount shall also be a lien on the premises herein described, and be secured hereby.

8. That it is hereby expressly agreed that the whole principal sum mentioned in said note, together with all sums paid by the Association, pursuant to the provisions of the two next preceding paragraphs, or so much thereof as may remain unpaid, together with interest on all such sums, shall immediately become due and payable, at the option of the Association, upon default for a period of thirty days in the payment of any weekly installments herein set out, or in the procurement and delivery of any insurance policy, or the payment of any premium therefor, or the payment of any taxes, penalties, charges and assessments, herein set out.

9. That as a part of the consideration of said loan, the Trustors shall hold and enjoy the possession of said premises until default of payment or a breach of any one or more of the covenants herein contained, shall be made, and in case of sale hereunder, by foreclosure or otherwise, the Trustors, their heirs, executors, administrators or assigns shall become tenants at will of the purchaser at such sale and on or before the tenth day after the date of delivery of the deed to such purchaser they shall quit the possession of said premises and relinquish the same to such purchaser; but if they continue in possession after said day they shall pay a reasonable rental for said premises, and the relation of landlord and tenant shall exist between them and said purchaser.

10. That in case the said Trustee, or his successors, shall die, renounce his trust, or for any reason become unacceptable to the Association, the Association may appoint, in writing, a new trustee in his or its place or stead, and upon the probate and registration of the same, the new trustee so appointed shall succeed to, and have, all the rights, powers, and duties of the party of the second part hereto, to the same extent as if such new trustee had been originally named herein.

11. That the words "party of the third part," or "Association," wherever used herein shall include any subsequent holder of the note or indebtedness hereby secured, as well as the Association herein named; and whenever the context hereof requires, the masculine gender, as used herein, shall

include the feminine (or neuter); and any number, as used herein, shall include the other number; that the word "Trustor," as used herein, shall include their heirs, executors, administrators, successors and assigns.

*Now if the Said Trustors* shall pay or cause to be paid the principal and interest on said note as the same shall become due and payable, as therein provided, and shall well and truly perform and comply with each and all of the agreements, conditions, stipulations, and covenants therein and herein set out, then this conveyance shall be null and void and the said premises shall become revested in the parties of the first part as provided by law;

*But if Default, as Hereinbefore Defined, Be Made in the Performance* of any covenant or agreement of the Trustors herein contained, or in said note provided, or in making payment under said note or this Indenture, as the same may become due, or any part of the same, then, the entire balance of the indebtedness hereby secured, including any money paid by the Association pursuant to any provision herein, shall immediately become due and payable, and on application of the Association, its successors or assigns, or any other person, firm or corporation, which may be entitled to the monies due hereunder, it shall be lawful for, and the duty of, the said Trustee to sell the lands and premises hereinbefore described at public auction to the highest bidder, for cash at the Courthouse Door of the hereinabove named county, after first advertising a sale of said property at said Courthouse Door for thirty days immediately preceding the date set for such sale, and in some newspaper published in said County, at least once a week for four successive weeks during said thirty-day period (or, at the option of the Trustee, otherwise advertised pursuant to the laws of North Carolina), therein appointing a day and hour for such sale, and at such time (or any postponement thereof) and place to sell said lands, and upon such sale having been made to convey said lands to such highest bidder, or his assigns, in fee simple.

And the said Trustee is authorized and empowered to pay, out of the proceeds of such sale, the following:

(1) All expenses and other costs incurred in making such sale, including a commission of two and one-half (2½ %) per cent on the proceeds of the sale of said land as his compensation for making such sale, provided the minimum of such compensation shall be not less than twenty-five (\$25.00) dollars, and the maximum shall not exceed ..... (\$.....) dollars.

(2) From the balance remaining, the indebtedness hereby secured, together with interest thereon.



(3) Any other sum which may be due to the Association by Trustors.

(4) And pay the surplus, if any, to the Trustors, or any one or more of them.

*It Is further Stipulated and Agreed*, that any statement of fact or recital by said Trustee in his foreclosure deed in relation to the non-payment of the debts herein secured, the amount due, default in the payment of any item or failure to comply with any covenant herein set forth, the advertisement, sale, receipt of money, assignment of bid, and the execution of the deed to the purchaser, shall be received as prima facie evidence of such fact.

*In Testimony Whereof*, the Trustors have hereunto set their hands and seals, the day and year above written.

.....(Seal)  
 Attest: By: .....  
 ..... President  
 Secretary  
 .....(Seal)  
 .....(Seal)  
 .....(Seal)  
 .....(Seal)  
 .....(Seal)

State of North Carolina, .....County.

I, ....., a Notary Public in and for said State and County, do hereby certify that....., Trustors, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Trust, and the said ....., being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto.

Witness my hand and seal, this.....day of ....., A. D. 19.....  
.....(Official Seal)

My Commission expires: ..... A. D., 19.....

State of North Carolina, .....County.

I, ....., a Notary Public in and for the said State and County, do hereby certify that....., Trustor, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Trust.

Witness my hand and seal, this.....day of....., A. D., 19.....  
.....(Official Seal)

My Commission expires: ..... A. D. ....

State of North Carolina, .....County.

This.....day of....., 19....., personally came before me....., who, being duly sworn, says that.....knows the common seal of....., and is acquainted with....., who is president of said corporation, and that....., the said....., is secretary of said corporation, and saw the said president sign the foregoing instrument, and saw the said common seal of said corporation affixed to said instrument by said president, and that....., the said....., signed.....name in attestation of the execution of said instrument in the presence of said president of said corporation.

Let the instrument, with this certificate, be registered.

Witness my hand and seal this.....day of....., 19.....

.....  
Notary Public. Clerk of Superior Court of  
New Hanover County.

Commission expires the.....day of....., 19.....

State of North Carolina, New Hanover County.

The foregoing certificate of....., a Notary Public of .....County, is adjudged to be in due form and according to law. Therefore let the said Deed of Trust with the certificate (s) be registered.

This.....day of....., A. D., 19.....

.....  
Clerk Superior Court.

Book of forms  
furnished to  
Register of Deeds.

Recordation fees.

SEC. 2. The Board of Commissioners of New Hanover County shall furnish the Register of Deeds of this county with a book or books, with the form of deed of trust, acknowledgments and probate thereof printed therein, as set out in paragraph one hereof. The Register of Deeds of said county shall record such deed of trust in said book or books, for which he may charge a fee of one dollar and twenty-five cents; *Provided, however,* nothing herein contained shall be construed to affect the validity of any other form of mortgage or deed of trust now in use or hereafter to be used by any Building and Loan Association.

SEC. 3. This Act shall apply only to New Hanover County.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 777

## CHAPTER 411

AN ACT TO SUBMIT TO THE VOTERS OF THE TOWN OF SANFORD AN AMENDMENT TO THE CHARTER EXTENDING TERMS OF MUNICIPAL OFFICERS TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Charter of the Town of Sanford, Chapter three hundred eighty, Public Laws one thousand nine hundred fifteen and amendments thereto, be amended as follows:

See Ch. 380, Public-Local Laws, 1915, charter of Town of Sanford, amended.

In Section four, as to the dates of election and terms of officers, amend by striking out the words in second sentence thereof "one thousand nine hundred and fifteen and biennially" and substituting therefor and in lieu thereof "one thousand nine hundred and thirty-nine and quadrennially"; and in said sentence strike out the words "term of two years" and substitute in lieu thereof the words "term of four years."

Sec. 4, amended to provide quadrennial election and four-year terms for officers.

In Section five, in the first sentence strike out words "one thousand nine hundred and fifteen and biennially thereafter" and insert in lieu thereof "in the years in which municipal elections are required to be held."

Sec. 5, amended as to election on extension of terms of officers.

In Section thirty-one, in first sentence, strike out words "two years" and substitute in lieu thereof the words "four years."

Sec. 31, amended.

SEC. 2. That said Charter of the Town of Sanford and any amendments thereto be so amended in any other portion thereof, fixing the terms of office of the officers of said town, so that said term shall be four years.

Town charter, etc. amended to provide four-year terms for officers.

SEC. 3. That said amendments to said charter shall become effective when and if the same shall be approved by a majority of the votes cast at an election held in regard to the adoption thereof, to be held at the time of the regular municipal election to be held on Tuesday after the first Monday in May, one thousand nine hundred and thirty-nine.

Amendments effective subject to a majority vote therefor.

Time of election.

SEC. 4. That at said election on said date there shall be submitted such questions to the qualified voters of said town; and the town clerk shall cause to be printed official ballots, verified by his facsimile signature and complying as near as may be with the State-wide Australian ballot law, containing the words "For charter amendment extending the term of officers," with a square to the left thereof; and the words "Against charter amendment extending the term of officers," with a square to the left thereof; with appropriate directions to the voter as to how to mark such ballots to vote for or against such proposed change.

Issues submitted.

Ballots.

Conduct of election. SEC. 5. That there shall be provided at said election a ballot box suitably labelled; and the officers appointed as registrar and judges of election for said municipal election shall hold said election and shall count said ballots and return and certify the result exactly as in the election of mayor and aldermen; and the same shall be held under the same laws, rules and regulations as the election for mayor and aldermen.

Method of voting. SEC. 6. That those voting for the adoption of such amendment shall do so by making an X-mark in the square to the left of the words "For charter amendment extending the terms of officers" and those voting against the adoption of such amendment shall do so by making an X-mark in the square to the left of words "Against charter amendment extending the terms of officers."

Determination of results. SEC. 7. That the result shall be canvassed, declared and certified in exactly the same way and manner and by the same persons as in the election for mayor; and if a majority of the votes cast on said question shall be in favor of said proposition, the Charter of the Town of Sanford shall be amended accordingly; and the same shall be effective as to officers elected at said election, and if a majority of the votes cast shall be against the proposition, the charter of said town shall not be amended, but shall remain in said respects as it now is.

Conflicting laws repealed. SEC. 8. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 788

## CHAPTER 412

AN ACT TO AMEND CHAPTER ONE HUNDRED NINETEEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED NINE, SAME BEING "AN ACT TO INCORPORATE THE TOWN OF ST. PAULS, IN ROBESON COUNTY," SO AS TO PROVIDE COMPENSATION FOR THE MAYOR AND COMMISSIONERS OF SAID TOWN.

Preamble: Incorporation of Town of St. Pauls, Robeson County.

Whereas, by Chapter one hundred nineteen, Private Laws of one thousand nine hundred nine, the Town of St. Pauls, Robeson County, was incorporated; and

Whereas, said Act does not provide compensation for the mayor and commissioners of said town: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred nineteen, Private Laws of one thousand nine hundred nine, be, and the same is hereby, amended and supplemented so as to provide compensation for the Mayor and Commissioners of the Town of St. Pauls as follows: That the mayor shall receive as compensation for his services the sum of five dollars (\$5.00) for each regular meeting of the board of commissioners attended by him, and the members of the board of commissioners shall receive the sum of three dollars (\$3.00) each for each regular meeting attended by them, said compensation to be paid from the general funds of the town: *Provided*, that neither the mayor nor the commissioners shall receive pay for more than two meetings in any one month, and they shall not receive any pay for meetings which they do not attend: *Provided, further*, that no payment shall be made under the provisions of this Act for any meetings attended prior to July first, one thousand nine hundred thirty-nine.

Ch. 119, Private Laws, 1909, amended.

Compensation of mayor and commissioners, Town of St. Pauls.

SEC. 2. That in the event the Mayor or any member of the Board of Commissioners of said Town of St. Pauls performs any duties for the said town outside of his regular duties as mayor or member of said board of commissioners, he shall receive a reasonable compensation therefor: *Provided*, the said board of commissioners authorizes payment therefor, payment to be made after the said mayor or member of board of commissioners has rendered a statement for such services to the said board of commissioners.

Compensation for additional services to town.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 815

**CHAPTER 413**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON SO AS TO ENLARGE THE CORPORATE LIMITS OF SAID TOWN AND SO AS TO EXCLUDE FROM SAID CORPORATE LIMITS CERTAIN VACANT PROPERTY NOW WITHIN THE LIMITS OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. The corporate limits of the Town of Wilson shall be as follows:

Corporate limits, Town of Wilson.

Beginning at the old corporate limits corner in the center line of the right of way of the Norfolk Southern Railroad and runs with the center line of the Norfolk Southern Rail-

road right of way North 40 degrees 05 minutes West two thousand seven hundred twenty-five and five tenths (2,725.5) feet to its intersection with the center line of the Atlantic Coast Line Railroad right of way, runs thence with the center line of the Atlantic Coast Line Railroad right of way South 28 degrees 10 minutes West three hundred sixty (360) feet to the present corporate limits corner and follows the present corporate limits to the intersection of the East boundary line of the Seven Hills Road with the center line of United States Highway Number two hundred sixty-four (formerly North Carolina Highway Number ninety-one) and runs thence North 23 degrees 25 minutes East two thousand seven hundred fifteen (2,715) feet to the center line of Hominy Swamp, up the run of Hominy Swamp as follows: North 19 degrees 00 minutes West one hundred thirteen (113) feet; North 35 degrees 25 minutes West four hundred eighty-two (482) feet; North 53 degrees 55 minutes West one hundred fifteen (115) feet; North 3 degrees 30 minutes West thirty-eight (38) feet; North 54 degrees 30 minutes West three hundred fifty-one (351) feet; South 54 degrees 30 minutes West one hundred twenty (120) feet; North 71 degrees 00 minutes West two hundred eighteen (218) feet; North 42 degrees 05 minutes East one hundred three (103) feet; North 5 degrees 30 minutes West ninety-five (95) feet; North 60 degrees 55 minutes West two hundred fifty-six (256) feet; North 35 degrees 35 minutes West fifty-eight (58) feet; to the mouth of Little Hominy; thence up Little Hominy as follows: North 81 degrees 40 minutes West sixty-nine (69) feet; North 18 degrees 15 minutes West eighty-four (84) feet; North 8 degrees 00 minutes West one hundred fourteen (114) feet; North 10 degrees 00 minutes East sixty (60) feet to an iron stake; runs thence North 64 degrees 45 minutes East two thousand eight hundred twenty-one (2,821) feet to the West boundary line of North Carolina Highway Number fifty-eight; runs thence with the West boundary line of North Carolina Highway Number fifty-eight South 25 degrees 40 minutes East one thousand sixty (1,060) feet to the old city limits line at the intersection of the North boundary line of North Carolina Avenue; runs thence with the old city limits line North 63 degrees 45 minutes East sixty (60) feet to the present corporate limits; thence with and along the present corporate line as fixed by present law to the beginning.

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby expressly repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 839

**CHAPTER 414****AN ACT TO PERMIT THE CITIZENS OF BENTONVILLE TOWNSHIP, JOHNSTON COUNTY, TO HOLD A LOCAL TAX ELECTION FOR THE PURPOSE OF ERECTING A SCHOOL BUILDING.***The General Assembly of North Carolina do enact:*

**SECTION 1.** The citizens of Bentonville Township, Johnston County, are hereby authorized to petition for a local tax election for a school building in said township as follows: A written petition signed by twenty-five qualified voters who have resided at least twelve months within said township, shall be presented to the county board of education for an election in said township to ascertain whether there shall be levied in said township a local annual tax not to exceed fifty cents (50c) on the one hundred dollars (\$100.00) valuation of all property, real and personal, to accumulate funds to erect a school building in said township.

Petition for local tax election for school building, Bentonville Township, Johnston County, authorized.

**SEC. 2.** When such petition is presented to the county board of education and found to be in correct form and substance it shall be endorsed by the chairman and secretary of said board and a record of the endorsement shall be made in the minutes of said board. The petition shall then be presented to the Board of Commissioners, and it shall be the duty of the Board of Commissioners to call an election and fix the date for the same. Said election shall be held under "rules governing elections for local taxes" as now, or may hereafter be, provided in Sections two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three, and two hundred and twenty-five of Chapter one hundred and thirty-six, Public Laws of one thousand nine hundred and twenty-three.

Presentation of petition to County Board of Education.

Presentation to Board of County Commissioners.

Election.

**SEC. 3.** All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

**SEC. 4.** This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 862

**CHAPTER 415****AN ACT TO ITEMIZE THE FEES TO BE CHARGED BY JUSTICES OF THE PEACE IN HENDERSON COUNTY.***The General Assembly of North Carolina do enact:*

**SECTION 1.** That Justices of the Peace in Henderson County shall receive the following fees and none other:

Schedule of fees for Justices of Peace, Henderson County.

## Bill of Costs for Civil Summons:

Summons .....	\$ .50
Additional defendants .....	.25
Plaintiff's undertaking .....	.50
Defendant's undertaking .....	.50
Order of removal .....	.50
Subpoena, each .....	.25
Judgment not contested, each .....	1.00
Judgment contested, each .....	1.50
Transcript of judgment .....	.50
Execution of judgment .....	.70
Return on appeal .....	1.00
Jury trial and entering verdict .....	2.00
Issuing claim and delivery papers, and trial.....	2.50
Additional defendants, each .....	.50
Subpoenas, each .....	.25
Issuing attachment papers and trial and order to seize property .....	2.50
Additional defendants, each .....	.50
Subpoenas, each .....	.25

## Bill of Costs on Criminal Warrants:

Affidavit .....	.50
Warrant, each .....	.50
Subpoena, each .....	.30
Commitment, each .....	.50
Recognizance, each .....	.35
Judgment contested .....	1.50
Judgment not contested .....	1.00
Order of removal .....	.50
Capias and order .....	1.00
Jury trial and entering verdict.....	2.00
Sci Fa .....	1.00
Probate of deed, chattel mortgage, or deed of trust, for each signer thereof .....	.50
Hearing petition for widow's year's allowance, issuing notices to commissioners, allotting the same, mak- ing returns .....	2.00
Taking depositions, for each copy sheet .....	.25
for one hundred words .....	
Garnishment of taxes .....	.50
Filing and docketing laborer's lien.....	1.00

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.



H. B. 908

**CHAPTER 416****AN ACT TO FIX A MINIMUM JAIL FEE FOR TURN KEY FEE FOR THE SHERIFF OF WILKES COUNTY AND TO FIX THE CUSTODY AND MANAGEMENT OF THE JAIL OF WILKES COUNTY.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Sheriff of Wilkes County is hereby designated as the custodian of the Wilkes County jail and he shall have complete management and control of said jail.

Sheriff of Wilkes County designated as custodian of county jail.

SEC. 2. That the County Commissioners of Wilkes County are hereby authorized, empowered, and directed to appropriate from the general funds of said county to the Sheriff of Wilkes County a minimum of forty cents (40c) per day for each and every prisoner imprisoned or kept in said jail.

Fee for care of prisoners.

SEC. 3. That the County Commissioners of Wilkes County are hereby authorized, empowered, and directed to pay from the general funds of said county a minimum of one dollar (\$1.00) turn key fee to the Sheriff of Wilkes County; the said one dollar (\$1.00) minimum turn key fee to be paid on each and every prisoner imprisoned in said jail.

Turn key fee.

SEC. 4. That the amounts set out above and directed to be paid to the Sheriff of Wilkes County shall be paid to said Sheriff on each and every calendar month.

Fees to be paid monthly.

SEC. 5. That this Act shall apply to Wilkes County only.

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

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 919

**CHAPTER 417****AN ACT TO DISTRICT WILKES COUNTY FOR THE PURPOSE OF THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS.***The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of the nomination and election of the members of the Board of County Commissioners of Wilkes County the said county is hereby divided into three districts, one commissioner to be nominated and elected in and from each district, the districts to be numbered and designated as follows:

Wilkes County divided into three districts for nomination and election of County Commissioners.

- District No. 1. District Number One to be composed of North Wilkesboro Township, Wilkesboro Township, Antioch Township, New Castle Township, Somers Township; District Number Two to be composed of Lovelace Township, Brushy Mountain Township, Moravian Falls Township, Boomer Township, Beaver Creek Township, Elk Township, Lewis Fork Township, Stanton Township; District Number Three to be composed of Jobs Cabin Township, Union Township, Reddies River Township, Mulberry Township, Walnut Grove Township, Trap Hill Township, Rock Creek Township, Edwards Township.

Nominations by districts.

SEC. 2. That at the next primary to be held in Wilkes County for the nomination of county officers, and every two years thereafter, there shall be nominated by each of the political parties of Wilkes County one commissioner for each of the three districts herein provided for in Section one of this Act and those participating in said primary, both as candidates and voters, shall be restricted to the qualified voters of said district. The candidate so nominated from his district shall be declared to be the candidate of his political party and duly nominated for the general election in his district.

Election by districts.

SEC. 3. That the candidates so nominated from the respective districts shall in the general election be voted on only by the qualified voters of each of said districts, and one commissioner from each of said districts shall be declared elected a County Commissioner of Wilkes County.

SEC. 4. That the three commissioners elected in and by said districts shall be and constitute the Board of County Commissioners of Wilkes County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 923

## CHAPTER 418

AN ACT TO AMEND CHAPTER ONE HUNDRED EIGHTY-ONE, PRIVATE LAWS, SESSION ONE THOUSAND NINE HUNDRED AND ONE, AND ACTS AMENDATORY THERETO, RELATING TO THE TOWN OF ANGIER.

*The General Assembly of North Carolina do enact:*

Ch. 181, Private Laws, 1901, amended.

SECTION 1. That Section sixteen of Chapter one hundred eight-one, Private Laws, session one thousand nine hundred and one, as amended by Chapter one hundred sixty-eight of

the Private Laws of one thousand nine hundred and twenty-nine, be further amended by adding thereto a new section to read as follows:

“SEC. 16-a. That the Board of Commissioners, within their discretion, shall have authority to select one of its members to supervise the streets of said town, who shall serve at the pleasure of said board and whose compensation for such services shall be fixed by the board and which shall be in addition to that received by him as commissioner of said town.”

Appointment of member of Board of Commissioners, Town of Angier as street supervisor.

Compensation.

SEC. 2. This Act shall be effective from and after the first Monday in May, one thousand nine hundred thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 940

**CHAPTER 419**

AN ACT TO PROVIDE FOR THE ELECTION OF COUNTY COMMISSIONERS, JUDGE, SOLICITOR OF RECORDER'S COURT OF CALDWELL COUNTY, AND SURVEYOR, FOR A TERM OF FOUR YEARS, EFFECTIVE AT THE GENERAL ELECTION OF THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners, the Judge and the Solicitor of the Recorder's Court and the Surveyor now holding office in said Caldwell County shall serve in such capacities until their offices expire on the first Monday in December, one thousand nine hundred and forty.

Four-year terms for Board of County Commissioners, Judge and Solicitor of Recorder's Court and Surveyor, Caldwell County.

SEC. 2. At the general election for the year one thousand nine hundred and forty and quadrennially thereafter, there shall be elected in Caldwell County by the qualified voters thereof a board of commissioners, consisting of three members, a judge and solicitor of the county recorder's court and a surveyor, who shall serve for terms of four years each from the first Monday in December after their election or until their successors are elected and qualified.

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

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 942

CHAPTER 420

AN ACT TO FIX THE SALARY OF THE SHERIFF OF STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of Sheriff, Stanly County.

SECTION 1. That the Sheriff of Stanly County shall be paid a salary at the rate of twenty-seven hundred (\$2700.00) dollars per year, payable in equal monthly installments, upon warrants of the County Commissioners of Stanly County, and in addition thereto shall receive all process fees, and other fees, for duties required of him by law as Sheriff of Stanly County. The said Sheriff shall also be paid the annual sum of eighteen hundred (\$1800.00) dollars to be used in employing a chief deputy to assist in discharging the duties of his office, the same to be paid in equal monthly installments.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 945

CHAPTER 421

AN ACT TO QUIET TITLE TO REAL PROPERTY ACQUIRED THROUGH TAX OR STREET ASSESSMENT FORECLOSURE PROCEEDINGS IN FORSYTH COUNTY, TO PROVIDE LIMITATIONS ON SUITS BROUGHT RELATING TO THE SAME, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Time limitation on actions to contest validity of tax deeds, Forsyth County.

SECTION 1. No action or proceeding shall be brought in which there shall be brought into question any title to real property by reason of any alleged defect in any tax foreclosure proceeding in which a deed to said property has been recorded after one year from the date on which the deed was recorded: *Provided*, that in cases of deeds recorded prior to the ratification of this Act, such action may be brought within one year after said ratification: *Provided, further*, that this Act shall not be considered as enlarging the time in which to bring any such action or proceeding.

Parties defendant to actions.

SEC. 2. In any action or proceeding in which there is brought into question the validity of any tax foreclosure action or proceeding or of any deed delivered thereunder, every taxing unit and all other persons having an interest

or claiming to have an interest in said proceeding shall be served with process or notice of the motion as the case may be.

SEC. 3. In all tax foreclosure proceedings or actions of whatever character in which summons or other notice by publication is required, summons or notice to persons having or claiming to have an interest in the property foreclosed or suit to be foreclosed, who appear of record in said county as having or claiming to have an interest in said property, shall constitute notice to all persons having or claiming to have any interest in said property not appearing of record who claim or are entitled through or under those who appear of record, and where such summons or notice has heretofore been given in any action or proceeding, all proceedings therein are hereby ratified, approved and confirmed, and titles conveyed thereunder are hereby ratified, approved and confirmed.

Service of summons, etc., by publication, validated.

SEC. 4. In all pending or future actions or proceedings under any law or Act in the State of North Carolina, any person not appearing of record as having or claiming to have any interest in said property may be served with process or other notice by publication in any newspaper of general circulation in said county by a notice containing the title of the action, a brief description of the property and the nature of the claim directed to all persons who may be interested in said property, such publication to be made for such time as may be required for nonresidents in the action or proceeding to which this section applies. No compliance with this section is required where such person is described by name.

Service of process, where interest of defendant does not appear of record.

SEC. 5. The word "tax" wherever it appears in this Act shall include all taxes and special assessments levied by any taxing unit.

"Tax" defined.

Wherever any reference is made in this Act to a person not appearing of record as having or claiming to have any interest in the property, or to any interest or claim not appearing of record, the title, interest, or claim referred to means any title, interest, or claim which depends in any particular upon facts not appearing of record in the chain of title to said property, assuming that the first instrument of title which appears of record not less than thirty years prior to the commencement of the foreclosure proceeding, is valid and marketable from the records alone. Examples of facts upon which titles may depend, and which do not appear of record, are possession, descent, infancy or other incompetency, a will or judgment not recorded in the county in which the land lies, and facts of pedigree, but this list is illustrative only.

"Interest or claim not appearing of record, etc." defined.

Application of Act.

SEC. 6. This Act shall apply only to Forsyth County and all of the municipal corporations and taxing units therein, and is in addition to other limitations and Acts sustaining the validity of or designed to quiet tax titles, and to make the same marketable.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 946

## CHAPTER 422

### AN ACT DESIGNATING FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Schedule of fees and commissions of Clerk of Superior Court, Forsyth County.

SECTION 1. Fees and commissions to be charged by the Clerk of the Superior Court of Forsyth County and the Clerk of the Forsyth County Court of Forsyth County shall be the following and none other: *Provided, however*, that when a fee is not fixed herein the fee to be charged therefor shall be as provided and set out in the General Fee Bill of North Carolina and the fees herein set out shall be collected by the clerk as provided by law for the collection of said fees.

SEC. 2. The clerk shall not charge any fee of any public official of Forsyth County for the taking of a bond for the faithful performance of his official duties when the bond is payable to the county or State.

"Fiduciary" defined.

SEC. 3. Definition of fiduciary: When the word fiduciary is used in this Act, it shall include any person, association of persons, whether incorporated or not, administering any trust or estate as executor, administrator, administrator c.t.a., administrator c.t.a.d.b.n., collector, guardian or trustee for a minor or incompetent, receiver, surviving partner, or any other person appointed by the clerk or any other court to administer a trust or estate shall come under the jurisdiction of the clerk and/or when the clerk is required by law or by an order of any court to supervise the administration of the estate and to audit and approve the accounts filed by such person.

Process Tax.

SEC. 4. That there shall be levied a process tax of two dollars, subject to all of the provisions of Section one hundred fifty-seven and all subsections thereto of the Revenue Act of one thousand nine hundred thirty-seven.

SEC. 5. Advertising and selling property, either real or personal, under a mortgage deed, chattel mortgage or deed of trust given in lieu of a bond, five per cent of the sale price.

SEC. 6. Adoption, complete, five dollars.

SEC. 7. Affidavit, twenty-five cents (except affidavits on inventories, annual and final accounts of fiduciaries and affidavits taken for the county).

SEC. 8. Appeal, docketing, from clerk or other court, one dollar.

SEC. 9. Appeal to Supreme Court, certificate and seal, two dollars.

SEC. 10. Attachment, order, fifty cents.

SEC. 11. Fees for auditing annual and/or final accounts receivers, executors, administrators, administrators with the will annexed, collectors, surviving partners, guardians, trustees for incompetents, and trustees under wills, the fee shall be ten cents for each one hundred dollars or a fraction thereof of the total receipts and disbursements; but in no instance shall the fee be less than fifty cents, or more than one hundred dollars for any one year; *provided*, that when personal property is delivered to any heir, distributee, legatee or devisee, without converting the same into cash, the fee shall be computed on the same property valuation as that to which the fiduciary is entitled to figure his commissions: *Provided further*, that these fees shall also apply to funds received from sale of real estate sold by such fiduciaries to create assets with which to pay debts.

SEC. 12. Auditing and recording final accounts of commissioners appointed to sell real estate, one-half of the fees allowed for auditing accounts of fiduciaries; *provided*, this section shall not apply to sales of real estate where the funds are turned over to a fiduciary.

SEC. 13. Accounts of trustees and mortgagees, auditing final accounts of trustees and mortgagees or other persons, firms, or corporations selling real estate under foreclosure proceeding required by law to render such final account, the fee shall be twenty-five cents on each one hundred dollars through one thousand dollars; and ten cents for each one hundred dollars for everything above one thousand dollars; *provided*, the minimum fee shall be not less than fifty cents, and *provided*, the maximum fee shall be not more than twenty-five dollars.

SEC. 14. Arrest, order of, for each defendant, one dollar.

SEC. 15. Automobile tax report, fifty cents.

SEC. 16. Bill of costs, preparing, fifty cents.

SEC. 17. Bond, including justification, fifty cents (except fiduciary bonds).

SEC. 18. Capias, for each defendant, one dollar.

SEC. 19. Caveat to will, entering and docketing for trial, two dollars and fifty cents.

SEC. 20. Certificate, twenty-five cents (except when discharging fiduciary bonds).

SEC. 21. Claim and delivery order, fifty cents.

SEC. 22. Commissions, three per cent shall be allowed the clerk on all fines, penalties, amercements and taxes paid him by virtue of his office.

SEC. 23. Commissions, the clerk shall receive five per cent on all funds paid into his office for minor children which are to be administered by him and three per cent of all other sums of money placed in his hands by virtue of his office except judgments, decrees and executions.

SEC. 24. Continuance, fifty cents.

SEC. 25. Commissioner, report of sale of property by a commissioner when fund is turned over to a fiduciary, one dollar and fifty cents.

SEC. 26. Confirmation of sale, whether signed by judge or clerk, one dollar.

SEC. 27. Cross-indexing, ten cents for each name in each proceeding, each time entered on cross index.

SEC. 28. Deed of separation or any other deed or instrument acknowledged by husband and wife, with a special examination of wife, including probate, one dollar.

SEC. 29. Dower, issuing writ, one dollar.

SEC. 30. Ex Parte Proceeding, docketing, one dollar.

SEC. 31. Execution on money judgment, regular form fifty cents; and ten cents per one hundred words additional for long form.

SEC. 32. Execution against person; for specific property; for possession of property, each, one dollar.

SEC. 33. Execution Return on docketing, fifty cents.

SEC. 34. Fiduciaries' Appointment, administrator, administrator c.t.a., administrator d.b.n., administrator c.t.a.d.b.n., executor, collector, surviving partner, guardian for a minor, guardian or trustee for an incompetent, or trustee under a will, which includes application, preliminary inventory, oath, order of appointment, original letters and bond, when executed by a corporate surety, three dollars. When personal bond is given in lieu of a corporate surety bond, there shall be an additional fee of one dollar to be charged for the justification of the surety and examination as to his ability to justify.

SEC. 35. Filing papers, ten cents each to be taxed in bill of costs, but not to be paid in advance.



SEC. 36. Fiduciary Letters, each certified copy with seal, fifty cents.

SEC. 37. Guardian, notifying solicitor of removal, one dollar.

SEC. 38. Guardian ad litem, appointment, one dollar.

SEC. 39. Hearing before clerk, one dollar for each hour. Minimum, one dollar.

SEC. 40. Indictment, docketing, one dollar for first defendant and fifty cents for each additional defendant.

SEC. 41. Injunction, order, one dollar.

SEC. 42. Inventory of fiduciary, no fee to be charged for the filing of an inventory of a fiduciary except recording fee, which shall include the fee for filing and for the taking of the affidavit to same when taken by the clerk.

SEC. 43. Corporation Certificate, recording first four sheets, three dollars; and ten cents per one hundred words additional for each sheet over four.

SEC. 44. Justice of the Peace, qualification, fifty cents.

SEC. 45. Judgment Criminal, recording in minutes, fifty cents for first defendant, and twenty-five cents for each additional defendant.

SEC. 46. Judgment, docketing transcript or regular form judgment fifty cents; and ten cents per one hundred words additional for long form judgment or transcript.

SEC. 47. Certificate of Satisfaction or certificate of docket entries, with seal, fifty cents.

SEC. 48. Judgment in civil action whether signed by judge or clerk, one dollar.

SEC. 49. Judgment by confession, complete, three dollars.

SEC. 50. Judgment Nisi and issuing sci fa to a defaulting witness, juror or of any bail bond or recognizance, one dollar for first defendant and fifty cents for each additional defendant.

SEC. 51. Judgment Nisi, recording in minutes, fifty cents.

SEC. 52. Impaneling jury, no charge.

SEC. 53. Jury Tax, three dollars for each hour used, time to be computed from the time the jury is impaneled until verdict is rendered. Minimum, three dollars. Maximum twelve dollars per day. When jury is not impaneled, no fees to be taxed.

SEC. 54. Lis Pendens, cancelling notice of, no charge.

SEC. 55. Lien, minimum fee one dollar and fifty cents for recording clerk's regular form; and ten cents per one hundred words additional for recording all in excess of regular form.

SEC. 56. Minutes, recording, ten cents per one hundred words for each paper recorded in minutes whether signed by judge or clerk (except minutes in criminal cases).

SEC. 57. Motion, regular filing fee to be taxed in bill of costs, but not to be paid in advance.

SEC. 58. Notice, whether signed by clerk or judge, twenty-five cents.

SEC. 59. Notary Public, qualifying and indexing, fifty cents.

SEC. 60. Nurses, registering trained nurses, issuing certificate with seal and indexing, fifty cents.

SEC. 61. Next friend, appointment of, one dollar.

SEC. 62. Orders, not otherwise provided for, whether signed by judge or clerk, fifty cents.

SEC. 63. Partnership, registering any partnership certificate, including affidavit, fifty cents.

SEC. 64. Probate, of any instrument, fifteen cents.

SEC. 65. Process agent, not needed.

SEC. 66. Petition, not needed.

SEC. 67. Privy examination of wife, twenty-five cents.

SEC. 68. Publication, filing affidavit, issuing notice and order of publication, one dollar.

SEC. 69. Pauper, examination of and order to sue as a pauper, two dollars.

SEC. 70. Recording, not otherwise specified, ten cents per one hundred words.

SEC. 71. Renunciation of right to administer upon an estate, no charge.

SEC. 72. Transcript of any matter on record or on file, ten cents per one hundred words.

SEC. 73. Referee, not needed.

SEC. 74. Summons, docketing, twenty-five cents.

SEC. 75. Seal of office, twenty-five cents.

SEC. 76. Solicitor's fees. The fees set out in the following subsections for the offenses therein set out shall be taxed by the Clerk of the Superior Court in all criminal actions wherein the defendant is adjudged to pay the costs:

a. Assault with deadly weapon; abandonment; carrying concealed weapon; cruelty to animals; disturbing graves; disposing of mortgaged property, fornication and adultery; malicious injury to property; non-support; operating automobile intoxicated; possessing liquor; resisting officer; reckless driving, and transporting liquors; larceny where property is valued under twenty dollars—five dollars for each defendant in each case.

b. Assault with intent to commit rape; bigamy; embezzlement; false pretense; highway robbery; larceny and receiving; manufacturing liquor; manslaughter; perjury; seduction, and violating prohibition laws; twenty dollars for each defendant in each case except where a plea is entered, then the fee to be five dollars.

c. Arson; burglary; murder; and rape; twenty-five dollars for each defendant in each case.

d. Crime against nature; felonies not enumerated; house-breaking; larceny and receiving; and receiving stolen goods, ten dollars for each defendant in each case.

e. Forcible trespass; giving worthless check; misdemeanors not enumerated; simple assault; speeding; vagrancy; and violating automobile law, three dollars for each defendant in each case.

f. Forgery; housebreaking, larceny and receiving, fifteen dollars for each defendant in each case.

SEC. 77. Subpoena, each name in same, fifteen cents, to be taxed in bill of costs, but not to be paid in advance.

SEC. 78. Summons, issuing original in any action, one dollar; and fifty cents for each original alias summons.

SEC. 79. Summons, each copy twenty-five cents; and fifteen cents for each copy of an alias summons.

SEC. 80. Sheriff's levy, docketing, ten cents per one hundred words.

SEC. 81. Stenographer, when stenographer is used, one dollar for each hour used in all criminal and civil actions, time to be computed from the time the jury is impaneled through the judge's charge to the jury. Minimum fee two dollars.

SEC. 82. Transcript, issuing, regular form, fifty cents; with ten cents per one hundred words additional for long form judgment, this in addition to the fifty cents.

SEC. 83. Verification of any paper on record or on file, five cents per one hundred words.

SEC. 84. Widow's Year's Support, docketing, report of allotment and judgment for deficiency, one dollar.

SEC. 85. Will and probate in common form, including affidavit of witnesses and order of probate, one dollar.

SEC. 86. Witness certificate, ten cents each.

SEC. 87. Juror's compensation, all jurors sworn, impaneled and used in any court in Forsyth County shall be entitled to the sum of two dollars and fifty cents per day and mileage for one round trip each week at the rate of five cents per mile for their services; *provided*, that any person summoned as a tales juror or special venireman and not sworn, impaneled and used shall be entitled to one-half

Compensation of  
jurors, Forsyth  
County.

the compensation of jurors sworn, impaneled and used. Coroner's jurors shall receive the same compensation as regular jurors used in the court. They shall also receive the same mileage. Jurors serving in special proceedings before the clerk shall be entitled to one-half the compensation allowed regular jurors and the same mileage allowed regular jurors; *provided*, in the event said jurors shall be required to serve more than one-half day, then in that event they shall receive the same compensation as regular jurors for the days served.

Conflicting laws repealed.

SEC. 88. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 89. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 954

### CHAPTER 423

#### AN ACT TO ALLOW THE VOTERS OF IREDELL COUNTY TO EXPRESS THEIR WILL AS TO INCREASING TERMS OF CERTAIN COUNTY OFFICERS FROM TWO TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Election on question of four-year terms for certain county officials, Iredell County.

SECTION 1. That at the next general election to be held in Iredell County in one thousand nine hundred forty, there shall be submitted to the qualified voters of said county the question as to extension of the terms of office from two years to four years of the Register of Deeds, County Surveyor, the members of the Board of County Commissioners, the Judge and the Solicitor of Recorder's Court. At said election those in favor of said extension shall vote a ballot on which are the words "for four year terms for County Officers," and those opposed to extension shall vote a ballot on which are the words "against four year terms of County Officers."

SEC. 2. That if at said election a majority of the votes cast on the foregoing subject be "for four year terms of County Officers" then the above officers elected at the said election shall serve for terms of four years each, and their successors, thereafter elected, shall have like terms.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 957

**CHAPTER 424**

AN ACT TO AMEND CHAPTER SEVENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, RELATING TO THE RURAL POLICE SYSTEM OF MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter seventy-five of the Public-Local Laws of one thousand nine hundred thirty-five be amended by striking out Sections ten and eleven and inserting in lieu thereof the following:

Ch. 75, Public-Local Laws, 1935, amended.

“SEC. 10. That the members of said Civil Service Board shall receive the sum of five dollars per diem each, plus five cents per mile for any member living outside of the City of Charlotte for each meeting of the said Civil Service Board not to exceed two meetings per month.”

Compensation of members of Civil Service Board, Mecklenburg County.

“SEC. 11. The rural police department shall consist of a chief, a captain or assistant chief, a desk sergeant, and such a number of rural police as the Board of County Commissioners shall, in its discretion, deem sufficient to patrol in a satisfactory manner the rural section of Mecklenburg County. All employees of the rural police department shall receive such compensation as the Board of County Commissioners may deem adequate and sufficient, with the approval of the Civil Service Commission. The compensation of all employees in the rural police department shall be paid by the treasurer of the said county, upon order from the Board of County Commissioners, on the first and fifteenth of each and every month. The Board of County Commissioners shall have authority to employ a person or persons, not exceeding three, at times when deemed necessary, to do special investigation and police work in the City of Charlotte and in Mecklenburg County, said appointed employee or employees to be paid out of the general fund of Mecklenburg County such compensation as is deemed adequate and sufficient by the Board of County Commissioners.”

Members of rural police department, Mecklenburg County.

Compensation of employees of rural police department.

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

Conflicting laws repealed.

SEC. 3. That this Act shall take effect from and after July first, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 960

## CHAPTER 425

AN ACT CREATING THE OFFICE OF TAX COLLECTOR  
FOR THE COUNTY OF ANSON.

*The General Assembly of North Carolina do enact:*

Office of tax collector, Anson County, created.

SECTION 1. That the Board of Commissioners of Anson County shall, on or before the first Monday in October, one thousand nine hundred and thirty-nine, create the office of tax collector for Anson County, and appropriate money for its maintenance, and said board is hereby authorized, empowered and directed to appoint a tax collector, whose compensation and term of office shall be fixed by said Board of Commissioners, and said tax collector shall be responsible for the collection and settlement, as provided by law, for all taxes in Anson County, whether general, special or privilege taxes.

Duties of tax collector.

Said tax collector, herein provided for, shall be vested with the same power and authority, and subject to the same penalties and conditions as are now or may hereafter be given by the State to Sheriffs in the collection of taxes, licenses, fees, penalties, and other revenue.

That in addition to the foregoing duties, the Board of Commissioners is hereby authorized, in its discretion, to confer upon said tax collector the duty of collecting all delinquent taxes, fees, penalties, and other revenues that the Sheriff may now have the power and authority to collect.

Supervision of tax collector by County Commissioners.

SEC. 2. That the Board of Commissioners shall have complete control over said tax collector, with power to discharge without notice, and shall fix his compensation and pay therefor out of the general funds of said county. Said commissioners are authorized to pay said tax collector a salary or commissions or pay part salary and part commissions, as, in their judgment, is for the best interest of the county.

Fees and commissions paid into general county fund.

Any fees or commissions allowed the Sheriff or tax collector in collecting taxes under the laws now in force or hereafter enacted shall be turned over to the general funds of the county.

Bond required of tax collector.

SEC. 3. That the said Board of Commissioners shall require of such tax collector bonds conditioned as now required by law of the Sheriff in his capacity as tax collector; the amount of said bonds to be fixed by the Board of Commissioners, and the premiums on said bonds to be paid by the county out of its general funds.

Annual settlement and report by tax collector.

SEC. 4. That the tax collector of Anson County shall make full and complete settlement with the Board of Commissioners on or before the first Monday in October of each year for the taxes levied for the preceding year, and said

reports shall be made out in detail, showing the full levy of taxes, the amounts collected, the amounts allowed by way of land sales, the amounts allowed by way of errors and rebates, and the insolvents by name and amount. That the Board of Commissioners shall carefully audit said annual reports and shall satisfy itself as to the correctness thereof before acceptance. In no event shall the new tax books be turned over to the tax collector until annual report for preceding year taxes has been audited, filed and accepted. That in addition to the annual settlements and reports hereinabove provided for, the tax collector shall furnish to the Board of County Commissioners at its regular meetings on the first Monday in each month a monthly report showing the progress made during the preceding month and the exact status of tax accounts for each and every year which have been placed with the tax collector for collection, this to the end that said monthly report may afford the Board of County Commissioners exact information as to the progress being made with tax collections.

Audit of reports.

Monthly reports by tax collector.

SEC. 5. That the tax collector is hereby required to make daily deposits, or as often as collections amount to as much as one hundred (\$100.00) dollars in such banks as may be approved as county depositories of all funds collected by him, said deposits to be made in the name of Anson County, with provision that same are to be withdrawn from the banks only on warrants duly signed by the Chairman of the Board of County Commissioners and County Accountant of said county.

Daily deposits of collections.

SEC. 6. That upon the creation of the aforementioned office of tax collector and the appointment of tax collector, and upon the qualification of such tax collector, and upon his assuming the duties of said office, the Sheriff of Anson County shall thereupon be relieved from any and all duties devolving upon him in the collection of taxes, fees, licenses and other revenues; that the Sheriff of Anson County shall continue to collect and account for all taxes for the year one thousand nine hundred and thirty-eight.

Sheriff relieved of tax collection duties.

Exception as to 1938 taxes.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification, except as herein otherwise provided.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 961

## CHAPTER 426

## AN ACT FIXING THE SALARY AND PROVIDING AN ALLOWANCE FOR TRAVEL EXPENSE FOR THE SHERIFF OF ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

Salary of sheriff,  
Anson County.

SECTION 1. That beginning the first Monday in December, one thousand nine hundred and thirty-nine, the Board of Commissioners of Anson County are hereby authorized, empowered and directed to pay from the general fund of said county, the sum of three thousand (\$3,000.00) dollars annually to the Sheriff of Anson County as salary. Said sum shall be paid in equal monthly installments of two hundred and fifty (\$250.00) dollars each.

Travel expense  
allowance of  
Sheriff.

SEC. 2. That beginning the first Monday in December, one thousand nine hundred and thirty-nine, the Board of Commissioners of Anson County are hereby authorized, empowered and directed to pay, from the general fund of said county, the sum of six hundred (\$600.00) dollars annually to the Sheriff of Anson County as an allowance for travel expense. Said sum shall be paid in monthly installments.

Allowance of fees  
and commissions.

SEC. 3. That in addition to the above salary and travel expense allowance, the Sheriff of Anson County shall be entitled to all fees and commissions now, or which may hereafter be allowed by law to Sheriffs.

Conflicting laws  
repealed.

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

SEC. 5. That this Act shall be in force and effect from and after its ratification, except as herein otherwise provided.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 962

## CHAPTER 427

## AN ACT RELATING TO THE APPOINTMENT OF RURAL POLICEMEN FOR ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

Appointment and  
compensation of  
rural policemen,  
Anson County.

SECTION 1. That on or before the first Monday in July, one thousand nine hundred and thirty-nine, and annually thereafter, the Board of Commissioners of Anson County shall fix the salary and determine the number of rural policemen to be appointed in Anson County, which number shall be no less than two nor more than three.



SEC. 2. That on and after the first Monday in December, one thousand nine hundred and thirty-nine, the Sheriff of Anson County shall have full power and authority to select and appoint all rural policemen in Anson County, and said rural policemen shall work under the supervision of said Sheriff and shall be responsible to him in the performance of their duties. The said Sheriff shall have the authority to fix the hours and places of duty for said rural policemen, and shall have full and complete charge of said rural policemen, with authority to discharge any or all of said rural policemen at any time that the said Sheriff may see fit, and without notice.

Supervision by Sheriff.

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

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification, except as herein otherwise provided.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 891

## CHAPTER 428

AN ACT TO COMPENSATE A. H. WEARN FOR SERVICES AS ACTING CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY.

Whereas, during the year one thousand nine hundred and thirty-eight, for a period of nine weeks beginning June eleventh, owing to the illness and confinement of the duly elected Chairman of the Board of County Commissioners in the hospital, A. H. Wearn, Vice-Chairman, was called upon to perform the daily duties of said chairman, including the duties of purchasing agent, for the said period of nine weeks; and

Preamble: Services of A. H. Wearn as acting Chairman of Board of County Commissioners, Mecklenburg County.

Whereas, there is no provision for the payment of any additional compensation; and

Whereas, it is deemed advisable that the said A. H. Wearn should be paid reasonable compensation for such services during the forced absence of the chairman; Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners is hereby authorized and empowered to order payment to the said A. H. Wearn of the sum of three hundred dollars (\$300.00) for services rendered during said period of nine week as acting chairman and purchasing agent of the Board of County Commissioners.

Compensation of A. H. Wearn for services as acting Chairman of Board of County Commissioners.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

S. B. 292

CHAPTER 429

AN ACT TO EXTEND THE TERMS OF OFFICE OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

Four-year terms for County Commissioners, Cherokee County.

SECTION 1. That the county commissioners, now holding office in Cherokee County, shall serve in such capacity until the first Monday in December, one thousand nine hundred forty-two.

SEC. 2. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Cherokee County by the qualified voters thereof three county commissioners, whose terms shall be for four years from the first Monday in December after their election, or until their successors are elected and qualified.

Conflicting laws repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

S. B. 313

CHAPTER 430

AN ACT TO FIX THE FEES OF THE VARIOUS JUSTICES OF THE PEACE OF ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Schedule of fees for Justices of the Peace, Rockingham County.

SECTION 1. The various Justices of the Peace of Rockingham County shall receive the following fees and none other, for: Issuing summons, sixty cents where there is one defendant, and twenty cents for each additional defendant; trial and/or judgment, one dollar; docketing judgment, twenty-five cents; transcript of judgment, twenty-five cents; issuing subpoena, twenty-five cents for each witness; taking affidavit, twenty-five cents; jury trial and verdict, one dollar; issuing execution, fifty cents; return to notice of appeal, fifty cents; warrant of arrest, including order of arrest in criminal actions, one dollar; warrant of commitment, fifty cents; issuing claim and delivery papers, including

summons, affidavit, bond, order to seize property and the trial of the same if issues are joined, two dollars and fifty cents; issuing attachment papers, including application, affidavit, bond and order to seize property, two dollars and fifty cents; recognizing witnesses, fifteen cents for each witness; affidavit and order of removal, fifty cents; *capias* and order, one dollar; probate or acknowledgment of deed, chattel mortgage or other paper writing, twenty-five cents for each signer thereof; taking any bond, fifty cents; allotting widow's year's allowance, one dollar; garnishment of taxes, fifty cents; filing and docketing laborer's or materialman's lien, seventy-five cents; issuing notices, twenty cents each copy; order not otherwise herein provided for, twenty-five cents.

SEC. 2. That whenever the trial of any cause before a Justice of the Peace shall be removed from before the justice issuing the warrant, summons, subpoena or other process the Justice of the Peace trying the case shall tax all costs in said cause and the Justice of the Peace who issued the warrant, summons, subpoena or other process shall receive all the fees taxed for the issuing of said warrant, summons, subpoena or other process which shall be remitted to him by the Justice of the Peace trying the action. The Justice of the Peace before whom the case was removed for trial shall receive the fee for the trial, judgment, docketing and other processes issued by him.

SEC. 3. In the event that the county has to pay any of said fees, then it shall be liable for only one-half thereof. Liability of county for fees.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

S. B. 363

### CHAPTER 431

AN ACT TO CLASSIFY FOR TAXATION IN IREDELL COUNTY UNDER THE AUTHORITY OF SECTION THREE, ARTICLE FIVE OF THE CONSTITUTION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That cotton in bales is hereby segregated for the purpose of taxation in Iredell County, and the cities and towns therein, under the authority contained in section three, Article five of the Constitution. Segregation of cotton in bales for purposes of taxation, Iredell County and municipalities.

SEC. 2. That the Board of Commissioners of Iredell County be and it is hereby authorized and empowered to levy a tax on cotton in its discretion lower than the ad valorem rate fixed each year on real estate and other personal property.

Cotton in process of manufacturing exempt.

SEC. 3. This Act shall not apply to cotton in the process of manufacture.

"Cotton in transit" defined.

SEC. 4. That all cotton stored in bonded warehouses at any time within three months of the annual tax listing date is hereby defined to be "cotton in transit," and the Board of Commissioners of Iredell County be and they are hereby authorized and empowered, in their discretion, to declare said cotton to be exempt from taxation.

Exemption from taxation.

SEC. 5. Cities and towns in Iredell County shall not levy a tax on cotton in excess of the rate fixed by the Board of County Commissioners for the County.

Taxation by municipalities.

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

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## S. B. 390

## CHAPTER 432

### AN ACT TO ABOLISH TRIAL BY JURY IN THE RECORDER'S COURT OF EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 472, Public-Local Laws, 1911, amended to abolish jury trials in Recorder's Court, Edgecombe County.

SECTION 1. That Chapter four hundred and seventy-two (472) of the Public-Local Laws of one thousand nine hundred eleven be amended by striking out Section twenty-two thereof and inserting in lieu thereof the following:

"All trials in said court shall be without jury, with right of appeal to the Superior Court as herein otherwise provided."

SEC. 2. That said Chapter four hundred and seventy-two (472) of said Public-Local Laws of one thousand nine hundred eleven be further amended by striking out all of Section twenty-five (25).

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

In the General Assembly read three times and ratified this the 30th day of March, 1939.

## S. B. 439

## CHAPTER 433

AN ACT TO AMEND CHAPTER ONE HUNDRED SEVEN OF THE PRIVATE LAWS OF NINETEEN HUNDRED THIRTY-ONE AND ALL ACTS AMENDATORY THEREOF RELATING TO THE CITY OF HIGH POINT, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the last sentence of Section five of Article III of Chapter one hundred seven of the Private Laws of one thousand nine hundred thirty-one be amended as to read as follows: "the governing body shall appoint a city clerk, who shall be ex-officio city treasurer and who shall hold office at the will of the council, and it shall fix the compensation to be paid to such officer and the amount of the bond to be furnished by him."

Ch. 107, Art. 111, Sec. 5, Public-Local Laws, 1931, amended.

Appointment of city clerk, City of High Point.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 678

## CHAPTER 434

AN ACT TO EMPOWER THE MOREHEAD CITY PORT COMMISSION TO APPLY TO THE PROPER AGENCY OF THE GOVERNMENT OF THE UNITED STATES FOR A GRANT TO THE MOREHEAD CITY PORT COMMISSION OF THE PRIVILEGE OF ESTABLISHING, OPERATING AND MAINTAINING A FOREIGN TRADE ZONE WITHIN THE PORT OF MOREHEAD CITY AND TO EMPOWER THE MOREHEAD CITY PORT COMMISSION TO COMPLY WITH THE LAWS, RULES AND REGULATIONS PRESCRIBED BY THE GOVERNMENT OF THE UNITED STATES FOR THE ESTABLISHMENT AND MAINTENANCE OF SUCH ZONES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Morehead City Port Commission is hereby authorized and empowered to apply to the board established by the Act of Congress, approved June eighteenth, one thousand nine hundred thirty-four, entitled "An Act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to said Morehead City Port Commission of the privilege of establishing, operating and main-

Morehead City Port Commission authorized to apply for grant of "Foreign" Trade Zone," etc.

Operation of zone. taining a foreign trade zone within the Port of Morehead City, pursuant to the provisions of such Act, and if such application be granted, to accept such grant and to establish, operate and maintain such zone in accordance with law.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

### H. B. 838

### CHAPTER 435

#### AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR THE ANDREWS CITY ADMINISTRATIVE SCHOOL UNIT.

Preamble: Creation of Andrews City Administrative Unit for public schools.

*Whereas*, all public schools in Valleytown Township, Cherokee County, have heretofore been combined by the State School Commission into one Administrative School Unit, known as the Andrews City Administrative Unit and the power of appointment of the trustees for said unit have heretofore been vested in the Cherokee County Board of Education: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Board of Trustees of Andrews City Administrative Unit.

SECTION 1. The Board of Trustees of the Andrews City Administrative Unit shall be composed of six members, whose terms shall begin the first Monday in April of the year one thousand nine hundred thirty-nine, and said board of trustees is hereby vested with all the authority, rights, powers, and duties which are now or may hereafter be granted to City Administrative Units under the General School Laws of North Carolina.

Powers and duties.

Members of Board.

SEC. 2. That H. M. Whitaker, J. H. Christy, W. C. Morrow, L. B. Nichols, and W. A. Puett and W. R. Dockery be and they are hereby appointed trustees of the Andrews City Administrative Unit for a term of four years from and after the first Monday in April of the year one thousand nine hundred thirty-nine. The said trustees shall meet and organize on the said first Monday in April, one thousand nine hundred thirty-nine, or as soon thereafter as possible and shall proceed to perform the duties now vested in trustees for administrative units. All vacancies occurring on said board of trustees by reason of death, resignation, or failure to qualify under this Act during said term shall be filled by the State School Commission or its successors in office.

Terms of office.

Organization of Board.

Vacancy appointments.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 847

**CHAPTER 436**

AN ACT TO EXTEND THE TERMS OF OFFICE OF THE JUDGE AND THE PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF SAMPSON COUNTY, AND TO PROVIDE FOR THE ELECTION OF THE PROSECUTING ATTORNEY OF SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Judge and the Prosecuting Attorney of the Recorder's Court of Sampson County shall serve in such capacity until the first Monday in December, one thousand nine hundred forty, and until their successors are elected and qualified. Four-year terms for Judge and Prosecuting Attorney of Recorder's Court, Sampson County.

SEC. 2. That at the general election in the year one thousand nine hundred forty, and quadrennially thereafter, there shall be elected by the qualified voters of Sampson County a Judge of the Recorder's Court and a Prosecuting Attorney of the Recorder's Court, who shall serve for a term of four years, and until their successors are elected and qualified.

SEC. 3. The Judge and the Prosecuting Attorney of the Recorder's Court of Sampson County shall be nominated and elected in the county for the terms of office as herein provided in the same manner and at the same time as is now provided by law for the nomination and election of elective officers of the county, and in the general election for such elective officers. Method of nomination and election of Judge and Prosecuting Attorney.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 873

## CHAPTER 437

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND SEVENTY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN BY AUTHORIZING AND EMPOWERING THE BOARD OF COMMISSIONERS OF THE COUNTY OF WILSON AND THE BOARD OF COMMISSIONERS OF THE TOWN OF WILSON TO APPROPRIATE ADDITIONAL FUNDS FOR THE ESTABLISHMENT, CONSTRUCTION AND ERECTION OF A FREE PUBLIC LIBRARY OF WILSON COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 575, Public-Local Laws, 1937, amended.

Additional appropriations by Wilson County and Town of Wilson for completion of Free Public Library.

SECTION 1. That Section one of Chapter five hundred and seventy-five of the Public-Local Laws of North Carolina, one thousand nine hundred and thirty-seven, be, and the same is hereby amended by adding to said section the following: "*Provided, however,* that the Board of Commissioners of Wilson County and the Board of Commissioners of the Town of Wilson may each appropriate an additional sum not to exceed fifty-eight hundred dollars, making an additional total so appropriated by both of said boards of eleven thousand six hundred dollars to be set aside and paid over and used by the board of trustees of the Wilson County Free Public Library to finish and complete the construction of the Wilson County Free Public Library."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 900

## CHAPTER 438

AN ACT RELATIVE TO THE SALARY OF THE DEPUTY RECORDER OF NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of Deputy Recorder of Recorder's Court, New Hanover County.

SECTION 1. That from and after July first, one thousand nine hundred thirty-nine, the Board of Commissioners of New Hanover County shall have the power and authority to fix the salary of the Deputy Recorder of the Recorder's Court of New Hanover County in such amount as they deem just and proper.

Conflicting laws repealed.

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



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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 909

**CHAPTER 439**

AN ACT TO ENABLE THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE TO APPROPRIATE FUNDS FOR THE MAINTENANCE OF BILTMORE JUNIOR COLLEGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the governing body of the City of Asheville is hereby authorized and empowered, in its discretion, to appropriate from the general funds of the city such sum of money, not to exceed five thousand dollars (\$5,000) during any one fiscal year, for the purpose of aiding and assisting in the cost of operating Biltmore College.

Appropriation by City of Asheville for maintenance of Biltmore Junior College.

SEC. 2. That the Board of Commissioners of the County of Buncombe is hereby authorized and empowered, in its discretion, to appropriate from the general funds of the county such sum of money, not to exceed five thousand dollars (\$5,000) during any one fiscal year, for the purpose of aiding and assisting in the cost of operating Biltmore College.

Appropriation by Buncombe County for maintenance of college.

SEC. 3. That all laws and parts of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 914

**CHAPTER 440**

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM, RELATIVE TO THE ADVERTISING FOR SALE OF REAL PROPERTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one hundred ten, Chapter two hundred thirty-two, the Private Laws of one thousand nine hundred twenty-seven, same being a part of the Charter of the City of Winston-Salem, is hereby amended by striking out the whole of the first sentence in the third paragraph of said section and inserting therefor the following:

Ch. 232, Private Laws, 1927, amended.

Method of advertising real property directed to be sold by Board of Aldermen, Winston-Salem.

“Real property directed to be sold by the Board of Aldermen shall be advertised by posting notice at the city hall at least fifteen days before the sale, and by publication of such notice in a newspaper published in the City of Winston-Salem on any two separate days, not less than one week apart, within fifteen days preceding said sale.”

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## H. B. 938

## CHAPTER 441

### AN ACT TO PROVIDE FOR THE SYSTEMATIC RETIREMENT OF THE MEMBERS OF THE BOARD OF EDUCATION OF BURLINGTON CITY ADMINISTRATIVE SCHOOL UNIT AND THE APPOINTMENT OF SUCCESSORS.

*The General Assembly of North Carolina do enact:*

Board of Education, Burlington City Administrative School Unit.

SECTION 1. That the Board of Education of the Burlington City Administrative School Unit shall consist of seven members, and that the term of office of each member shall be six years.

Terms of members.

SEC. 2. That the term of office of each member of said Board of Education shall begin on the first day of July in the year in which he is appointed and terminate on the thirtieth day of June, six years thereafter.

Successor appointments and terms.

SEC. 3. That on June thirtieth, one thousand nine hundred thirty-nine, the term of office of each present member of said Board of Education shall expire and that the Board of Aldermen of the City of Burlington, shall, at its regular meeting on or next after June first, one thousand nine hundred thirty-nine, appoint seven members of the Board of Education, two of whom shall be retired in two years; two of whom shall be retired in four years; three of whom shall be retired in six years; and that successors to each and all of these shall be appointed according to the provisions of this Act at the regular meeting of the Board of Aldermen of the City of Burlington at its regular meeting on or next after June first each two years hereafter.

SEC. 4. That at no time shall more than four members of the Board of Education belong to any one political party.

Construction of Act.

SEC. 5. That nothing in this Act shall be so construed as to prevent the re-appointment of any member of said Board of Education for any number of consecutive terms.

SEC. 6. That all laws and parts of laws inconsistent with this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 948

### CHAPTER 442

AN ACT TO REPEAL CHAPTER FIVE HUNDRED SEVENTY-SEVEN, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED ELEVEN, RELATING TO PUBLIC SALES OF PROPERTY BELONGING TO RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter five hundred seventy-seven, Public-Local Laws, one thousand nine hundred eleven, entitled "An Act to Provide For Public Sales of Property Belonging to Rutherford County, and Contracts Affecting Said County," be and the same is hereby repealed. Ch. 577, Public-Local Laws, 1911, as to public sales of property belonging to Rutherford County, etc. repealed.

SEC. 2. That all acts and transactions heretofore made by the various Boards of Rutherford County under public laws in conflict with Chapter five hundred seventy-seven, Public-Local Laws, one thousand nine hundred eleven, are hereby ratified, *provided* that this section does not affect pending litigation. Acts by County Boards in conflict with Ch. 577, Public-Local Laws, 1911, validated.  
Pending litigation unaffected.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 987

### CHAPTER 443

AN ACT REQUIRING THE APPROVAL OF THE BOARD OF COMMISSIONERS OF WARREN COUNTY IN THE EXPENDITURE OF ANY MONEY BY THE WARREN COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD FOR THE ERECTION OF ANY BUILDING.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Warren County Alcoholic Beverage Control Board is hereby required to have the approval of the Board of Commissioners of Warren County in expending any money for the erection of a building of any kind in connection with the operation of an Alcoholic Beverage Control Store in Warren County. Approval of certain A B C Board expenditures by County Commissioners, Warren County.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 1018

## CHAPTER 444

### AN ACT TO PROVIDE FOR THE COLLECTION OF THE DELINQUENT TAXES IN BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

Adjustment of certain delinquent taxes, Bertie County, authorized.

SECTION 1. The County Commissioners of Bertie County are hereby authorized, empowered and directed, to accept payment for taxes for the years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty, one thousand nine hundred and twenty-nine, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-seven and all prior years, at the face value of the tax sale certificates issued for the respective years less all costs, penalties, interest charges, attorneys fees and advertising costs: *Provided*, the delinquent taxes for the aforesaid years are paid on or before January first, one thousand nine hundred and forty: *Provided, further*, that before any taxpayer shall be entitled to the benefits hereunder the County Commissioners may require the payment of the taxes owing by said delinquent taxpayer for the years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight.

Conditions precedent to adjustments.

Interest rate on delinquent taxes.

SEC. 2. All taxes owing to Bertie County levied for the year one thousand nine hundred and thirty-three or any year prior to one thousand nine hundred and thirty-three which have not been paid prior to January first, one thousand nine hundred and forty, shall after that date bear interest at the rate of one per cent per month, which interest shall be computed on the amount of tax as originally levied and shall be in lieu of all other penalties, interest or costs, of any kind which have since accrued.

Adjustment by Tax Collector validated.

SEC. 3. The action of the Tax Collector of Bertie County in accepting payment of taxes for the year one thousand nine hundred and thirty-three and prior years without requiring payment of the penalties, interest, cost or attorneys fees is ratified, and where payment of the face amount of

said taxes for the year one thousand nine hundred and thirty-three and prior years has been made such payment shall constitute a full settlement and discharge of the tax liability for said years.

SEC. 4. Nothing contained in this Act shall be construed as prohibiting the county from proceeding at any time with actions to foreclose the right or equity of redemption of the property owner, and the provisions of Sections one and two of this Act shall only apply in those cases where there has been no final foreclosure of the right or equity of redemption of the property owner. When sold in an action or proceeding for the collection of the tax and to foreclose the property-owner's equity of redemption therein, Bertie County shall have the right to collect the full amount of the tax, penalties, interests, costs, attorneys fees and other charges as provided by law.

Construction  
of Act.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

H. B. 231

## CHAPTER 445

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PAMLICO COUNTY TO PROVIDE FOR A SOCIAL SERVICE CASE WORKER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to provide for a permanent case worker in Pamlico County, the board of commissioners of said county is hereby authorized and empowered to expend not more than forty-five dollars per month out of the general county fund for the purpose of employing a permanent case worker as a part of the staff of the Pamlico County Department of Charities and Public Welfare, a like amount to be expended by the State Department of Charities and Public Welfare. The said commissioners are also authorized and empowered to expend not more than twenty dollars per month as travel allowance for said case worker, it being understood that the State Department of Charities and Public Welfare will provide an amount equal to that provided by the county not in excess of twenty dollars for travel allowance. The said commissioners shall make available Pamlico County's part of said worker's salary and travel within thirty days of the ratification of this Act and so notify the State Department of Charities and Public Welfare that such funds have been made available.

Employment of  
permanent social  
service case worker,  
Pamlico County.

Travel allowance  
for case worker.

Construction  
of Act.

SEC. 2. That nothing herein shall affect the present or future regulations relating to the selection or qualifications of social service case workers as now or may hereafter be provided by law.

Act inoperative in  
event of with-  
drawal of support  
of State Board  
of Welfare.

SEC. 3. The provisions of this Act will be rendered inoperative and no longer in force if at any time the State Department of Charities and Public Welfare withdraws its support or reduces same as described in Section one. Further, by mutual agreement of the State Board of Charities and Public Welfare and the Pamlico County Board of Commissioners, the employment of a social case worker may be discontinued at any time.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

### S. B. 310

### CHAPTER 446

AN ACT TO VALIDATE SALES OF LANDS FOR TAXES;  
TO AUTHORIZE AND EMPOWER THE BOARD OF  
COMMISSIONERS OF SURRY COUNTY TO ADJUST,  
COMPROMISE AND SETTLE UNPAID TAXES LEVIED  
FOR YEARS PRIOR TO ONE THOUSAND NINE HUN-  
DRED AND THIRTY-EIGHT.

*The General Assembly of North Carolina do enact:*

Tax sales, Surry  
County, validated.

SECTION 1. That all sales of land made by the tax collector or other authorized agency of and within Surry County are hereby validated.

Proceedings for  
foreclosure of  
certificates.

SEC. 2. That in all cases wherein lands have been sold for the nonpayment of taxes levied for years prior to one thousand nine hundred and thirty-eight, the Board of Commissioners of Surry County is authorized and empowered to cause suits and proceedings to be instituted for the foreclosure of tax certificates or sales certificates wherein the County of Surry became the last and highest bidder, and to proceed with suits heretofore begun, as provided by law, affecting and relating to foreclosure proceedings as such law obtained prior to the year one thousand nine hundred and thirty-nine.

Statutes of limita-  
tion inapplicable to  
certificates held  
by county.

SEC. 3. That no statute of limitations shall bar the right, power and authority of the County of Surry to collect taxes heretofore levied and remaining unpaid, or to institute foreclosure proceedings for the collection of such taxes as are delinquent and unpaid, wherein the County of Surry is the

holder of or entitled to sales certificates under any sales heretofore made. That no suit or proceeding brought or commenced shall be deemed to have been discontinued by the lapse of time, or failure to proceed to judgment, wherein Surry County has become the purchaser of lands sold for unpaid taxes levied by the County of Surry; but the County of Surry, its attorneys and agents and officers, are authorized and empowered to carry such suits to final judgment as provided for by law in force as to unpaid taxes for all years prior to one thousand nine hundred and thirty-nine. That the Board of Commissioners or its agents and tax collector, with the authority of the Board of Commissioners, shall be and are authorized and empowered to compromise, adjust and settle all taxes, delinquent and unpaid, levied for any year prior to the levy of one thousand nine hundred and thirty-eight.

Adjustment of taxes prior to 1938.

SEC. 4. That no statute of limitations shall be a bar to the collection or levy for collection of any unpaid and delinquent taxes heretofore levied by the County of Surry or the Board of Commissioners thereof, and no suit or action shall be barred on account of the lapse of time, or any statute of limitations heretofore obtaining as to any taxes levied and unpaid; *provided* the provisions of this section shall not affect the title to lands conveyed to innocent purchasers without knowledge or notice of the existence of such unpaid or delinquent taxes.

Statutes of limitation inapplicable to levy or collection of taxes.

SEC. 5. That the authorities, powers and provisions in this Act given and bestowed upon the Board of Commissioners of Surry County shall likewise relate to the Board of Commissioners of the Town of Mount Airy and to the Town of Pilot Mountain, within Surry County; and that all the provisions of this Act as to the statute of limitations, the commencement of actions and proceedings, shall apply with full force to the Town of Mount Airy and to the Town of Pilot Mountain.

Application of Act.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

## S. B. 323

## CHAPTER 447

## AN ACT TO AMEND THE CHARTER OF THE CITY OF WASHINGTON.

*The General Assembly of North Carolina do enact:*

Ch. 170, Private Laws, 1903, amended to extend corporate limits of City of Washington.

SECTION 1. That Section one of Chapter one hundred seventy of the Private Laws of one thousand nine hundred three, as amended by Chapter one hundred forty-nine of the Private Laws of one thousand nine hundred twenty-one, be and the same hereby is amended by striking out that part of said section between the word "to-wit" in line two and the word "shall" in line seventeen and inserting in lieu thereof the following:

Corporate limits defined.

"Beginning at a railroad iron on the North bank of Tar River ten (10) feet West of the tracks of the Washington-Vandemere Railroad; thence North 32 degrees 45 minutes East four hundred ten (410) feet to a railroad iron; thence North 26 degrees 40 minutes West one thousand nine hundred sixty-six (1,966) feet to a railroad iron in a road known as 'Cedar Row'; thence with said road North 39 degrees East one thousand two hundred ninety-four (1,294) feet to a railroad iron; thence South 36 degrees 30 minutes East one thousand six hundred thirty-five (1,635) feet to a railroad iron; thence North 32 degrees 45 minutes East six hundred thirty-two (632) feet to a railroad iron; thence South 52 degrees 30 minutes East to the Williamston Highway, United States Number seventeen; thence North 33 degrees 45 minutes East one thousand three (1,003) feet to a railroad iron; thence South 56 degrees 30 minutes East two thousand five hundred fifty (2,550) feet to a railroad iron on the Northern branch of the town ditch; thence down said ditch South 20 degrees 45 minutes East fifty (50) feet, South 58 degrees 30 minutes East one hundred eight (108) feet, and South 24 degrees 15 minutes East one hundred four (104) feet to a railroad iron; thence North 33 degrees 15 minutes East one thousand eight hundred one and five-tenths (1,801.5) feet to the center of Fifteenth Street; thence with Fifteenth Street South 55 degrees 50 minutes East one thousand eighty (1,080) feet to the center of Market Street; thence with Market Street North 33 degrees 15 minutes East one hundred thirty-two (132) feet; thence with the Southern boundary of Oakdale Cemetery South 57 degrees nine hundred (900) feet to a railroad iron; thence South 31 degrees East five hundred two (502) feet to a railroad iron; thence South 17 degrees 30 East two thousand three hundred forty-four (2,344) feet to the center of the Belhaven Highway at the point where it is intersected by Pennsylvania Avenue as shown on recorded map of Washington Heights; thence with Pennsylvania Ave-



nue South 27 degrees 30 minutes East three thousand one hundred fifty-five (3,155) feet to Runyon's Creek; thence down Runyon's Creek to Pamlico River and with Pamlico River Westwardly to Tar River, and with Tar River to the beginning, as surveyed and platted by W. C. Rodman, Jr., County Surveyor, and the courses given are the magnetic courses for February, one thousand nine hundred thirty-nine."

SEC. 2. That from and after July first, one thousand nine hundred thirty-nine, all territory within the boundaries hereinbefore set out which was not formerly a part of the City of Washington shall be subject to all the provisions of Chapter one hundred seventy of the Private Laws of one thousand nine hundred three and Acts amendatory thereof and supplementary thereto, and shall also be subject to all rules, regulations and ordinances passed by the Board of Aldermen of the City of Washington or which may hereafter be passed by said Board: *Provided, however*, no ad valorem tax shall be levied for the year one thousand nine hundred thirty-nine against any of the real or personal property within that part of the territory above defined which was not formerly included in the corporate limits of the City of Washington.

Annexed territory subject to city ordinances, etc.

No ad valorem tax levied against property within annexed territory for 1939.

SEC. 3. That Section three of Chapter one thousand nine hundred seventy of the Private Laws of one thousand nine hundred three be and the same hereby is amended by striking out that part of said section between the word "to-wit" in line two and the period in line three, and inserting in lieu thereof the following:

Sec. 3, Ch. 170, Private Laws, 1903, amended as to division of city into wards.

"All that part of said territory lying East of the center of Market Street and Southward of the center of Third Street extended to Runyon's Creek shall constitute the First Ward; all that part lying Westward of the center of Market Street and Southward of the center of Fifth Street extended to the Western city limits shall constitute the Second Ward; all that part lying Northward of the center of Fifth Street and Westward of the center of Bonner Street shall constitute the Third Ward; all that part lying Eastward of the center of Market Street, Southward of the center of Fifth Street, Northward of the center of Third Street and Westward of the center of Bonner Street and all that part lying Eastward of the center of Bonner Street and Northward of the center of Third Street extended to Runyon's Creek shall constitute the Fourth Ward."

Ward No. 1.

Ward No. 2.

Ward No. 3.

Ward No. 4.

SEC. 3½. In laying out or changing any street or street line in the part or parts taken into the corporate limits by the provisions of this Act and not presently within the corporate limits of said city, the city, its officers and agents in charge of said work of improvements shall give ten days

Notice to land-owner of intended removal of trees, etc.

notice of its intention to cut or remove any tree or trees planted and now owned by the land-owner adjacent to whose property such trees shall stand.

Conflicting laws repealed.

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

Effective date.

SEC. 5. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred thirty-nine.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

### S. B. 443

### CHAPTER 448

AN ACT TO ENABLE THE TOWN OF DUNN TO SELL AT PRIVATE SALE A PARCEL OF REAL ESTATE BELONGING TO THE TOWN OF DUNN.

Preamble: Necessity of sale of Dunn fair ground property for industrial plant site.

*Whereas* it appears in the opinion of the Board of Commissioners of the Town of Dunn that it has become necessary in the advancement of the industrial and commercial progress of the said Town of Dunn that a certain portion of the real estate belonging to the Town of Dunn, and known and designated as the Dunn Fair Ground Property, be sold and conveyed at once for a site for an industrial plant, and

30 days notice of sale, required under C. S. 2688.

*Whereas* the Town of Dunn is at present seriously handicapped in disposing of the aforesaid property by Section two thousand six hundred and eighty-eight of the Consolidated Statutes of North Carolina, which requires a thirty-day notice before sale of municipally-owned property can be had;

Immediate sale desired.

*Now therefore*, for the purpose of making immediate the power of the Board of Commissioners of the Town of Dunn to dispose of the aforesaid designated property at once and for the purpose above stated:

*The General Assembly of North Carolina do enact:*

Town of Dunn exempted from application of C. S. 2688.

SECTION 1. The Town of Dunn is hereby exempted from the application of Section two thousand six hundred and eighty-eight of the Consolidated Statutes of North Carolina governing the sale of municipally-owned property; and that the said Town of Dunn is hereby given full and complete authority to dispose of at private or public sale such portion or portions of its real estate holdings now known and designated as the Dunn Fair Ground Property, located just outside of the Northwest corporate limits of the said Town of Dunn, and more particularly described in that certain deed recorded in Book two hundred and fifty at page five hundred and fifteen in the office of the Register of Deeds for Harnett County.

Disposal of Dunn fair ground property authorized.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

S. B. 296

**CHAPTER 449**

**AN ACT TO PROVIDE FOR AN ELECTION ON THE QUESTION OF WHETHER IREDELL COUNTY SHOULD ASSUME THE OUTSTANDING BONDED INDEBTEDNESS OF ANY SCHOOL DISTRICT IN SAID COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. Upon receipt of a petition signed by not less than ten per cent (10%) of the qualified voters of Iredell County, praying that the bonded indebtedness of any school district within said county be taken over and assumed by said county, the Board of County Commissioners shall order a special election to be held in the county for the purpose of voting upon the question of the taking over and assumption of the bonded indebtedness of the district named and described in the petition.

Election on assumption by county of bonded indebtedness of school districts, Iredell County.

SEC. 2. In all such elections the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given publication at least three times in some newspaper published or circulating in the county. The notice shall state the date of the election, the place or places at which the election will be held, the name of the school district described in the petition, the total amount of bonds which are to be taken over, and the fact that a sufficient tax will be levied on all taxable property within the county for the payment of the principal and interest on such bonds. The first publication of the notice shall be at least thirty days before the election and such election shall be held in accordance with the laws governing general elections. The form of the question as stated on the ballot or ballots shall be in substantially the words: "For the taking over and assumption of.....School Bonds and the levying of a sufficient tax for the payment thereof" and "Against the taking over and assumption of .....School Bonds and the levying of a sufficient tax for the payment thereof," such affirmative and negative

Conduct of election.

Notice of election.

Contents.

Publication of notice.

Issues submitted.

- Ballots. forms may be printed upon separate ballots, or both thereof may be printed upon one ballot containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (x) mark.
- Returns. SEC. 3. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners as aforesaid and the other filed with the Clerk of the Superior Court of Iredell County. The election officers shall incorporate in the returns not only the number of votes cast for and against the question, but also the number of voters registered and qualified to vote at the election, and the Board of County Commissioners shall include in their canvass not only the number of votes cast for and against the question, but also the number of voters registered and qualified to vote at the election. The Board of County Commissioners shall prepare a statement showing the number of votes cast for and against the question, and the number of voters registered and qualified to vote at the election, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in the county.
- Results determined and declared.
- Contents of returns.
- Statement of results by county commissioners.
- Publication.
- Time limit on actions to contest validity of election, etc. SEC. 4. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken hereunder shall be asserted, nor shall the validity of such election or the validity of the assumption of such bonded indebtedness of such district, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding section.
- Assumption of indebtedness authorized in event of majority vote therefor. SEC. 5. If a majority of the qualified voters of Iredell County shall vote in favor of assuming and taking over the bonded indebtedness of the school district described in the petition and the levy of such tax, then the Board of County Commissioners shall provide by appropriate resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the assumption and taking over of the bonded indebtedness of such school district,

which bonds shall be issued in the name of the county and shall be a binding obligation and indebtedness of said county.

SEC. 6. The Board of County Commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in Iredell County, sufficient to pay the principal and interest of the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in said county. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds.

Special tax  
levy authorized.

Collection and  
application.

SEC. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds, or any provision of law for the payment of bonds issued under such powers, or for the custody of moneys provided for such payment.

Powers herein  
conferred declared  
supplemental.

SEC. 8. This Act shall constitute full authority for the things herein authorized and no proceeding, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsement of such approval upon bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds shall be paid out only upon order of the County Board of Education.

Act constitutes  
authority for pow  
ers authorized.

Application of  
Local Government  
Act.

SEC. 9. This Act shall apply only to Iredell County.

Application of Act.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

S. B. 343

## CHAPTER 450

### AN ACT TO REQUIRE AND REGULATE ATTENDANCE IN THE PUBLIC SCHOOLS OF BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Every parent, guardian or other person living in Buncombe County, having charge or control of a child between the ages of seven (7) and sixteen (16) years, shall cause such child to attend school continuously for a period

Compulsory  
attendance in  
public schools of  
Buncombe County.

of time equal to the time in which the public school in the district in which said child resides shall be in session: *Provided*, that if any parent, guardian or other person having charge of a child between the ages of six (6) and seven (7) years shall enroll such child in school, then the provisions of this Act shall be applicable to such parent, guardian or other person having charge or control of such child: *Provided, further*, that nothing in this Act shall apply to any child who has been graduated from high school before attaining the age of sixteen (16) years.

School officials authorized to grant excuses for temporary non-attendance.

Reports and investigation of cases of prolonged absence.

Chief attendance officer for County and City Administrative Units designated.

Statements as to reasons for non-attendance.

SEC. 2. The superintendent, principal or teacher in charge of such school shall have the right to excuse any child from school for temporary non-attendance due to sickness or distance of residence from school or bus line or other unavoidable cause which does not constitute truancy as defined by the State Board of Education. In cases of prolonged absence due to sickness or ill health, it shall be the duty of the superintendent, principal or teacher to report the same to the chief attendance officer who shall investigate and if he thinks it necessary, report the matter to the Buncombe County Board of Health if the child lives within the County of Buncombe and outside the Asheville Local School District, or to the City Health Board if the child lives within the Asheville Local School District; the Board of Health shall make immediate investigation and recommendation for such child to the chief attendance officer.

SEC. 3. The Captain of the Rural Police Force of Buncombe County is hereby designated the Chief Attendance Officer of the Buncombe County School Administrative Unit, and the City Welfare Officer is hereby designated as the Chief Attendance Officer of the Asheville Local School District. It shall be the duty of such chief attendance officer to investigate all cases of non-attendance reported to him by the superintendents, principals and teachers of the schools of Buncombe County; and it shall be his duty to prosecute all violations of the law arising under this Act.

SEC. 4. It shall be the duty of every parent, guardian or other person having control of a child coming within the age limits specified in Section one of this Act to furnish to the superintendent, principal or teacher of the school which said child attends a written reason for any absence of his child from school. In lieu of a written statement, the parent, guardian or other person having charge or control of a child may give in person the reason for the non-attendance of said child. All written excuses or statements made for non-attendance shall be kept on file by the superintendent, principal or teacher in charge of the school. Every parent, guardian or other person having charge or control

of a child who willfully fails to render valid excuses for the absence of his said child shall be considered as having violated the provisions of this Act: *Provided, further*, that each day's absence after the parent, guardian or other person having charge or control of said child shall have been notified of his child's absence shall be considered a separate offense.

Willful failure of parent, etc. to furnish valid reasons, deemed a violation of Act.

SEC. 5. It shall be the duty of every superintendent, principal or teacher having charge of a school to notify in writing, either by mail or in person, every parent, guardian or other person having charge or control of a child coming within the provisions of this Act, that no excuse has been received for such child's absence, if such absence has not been excused by the Superintendent, principal or teacher having charge of such school. A copy of said notice shall be kept on file in the office of the principal of the school.

Notice to parents of failure to receive proper excuse for absence of child.

SEC. 6. If any parent, guardian or other person having charge or control of a child coming within the age limits specified in this Act shall state to the chief attendance officer that he is unable to keep his child in school because of lack of clothing or other necessity, then the chief attendance officer shall report the same to the County Superintendent of Public Welfare, who shall make an immediate investigation; and if said Superintendent of Public Welfare shall find as a fact that said parent, guardian or other person is financially unable to furnish sufficient clothing or other necessity to keep his said child in school, then the Superintendent of Public Welfare may, within his discretion, and from such source as may be available, provide such clothing or other necessity for the child to attend school, as provided in this Act. When such clothing or other necessity has been provided, then said child shall be returned to school immediately.

Children unable to attend school, due to lack of clothing or other necessities.

SEC. 7. Every parent, guardian or other person having a child coming within the age limits specified herein, and who willfully violates the provisions of this Act shall be guilty of a misdemeanor and shall be liable to a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), or imprisonment not to exceed thirty (30) days.

Violations made misdemeanor.

SEC. 8. That this Act shall apply to Buncombe County only.

Application of Act.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## S. B. 406

## CHAPTER 451

AN ACT TO EXTEND THE TERMS OF OFFICE OF COUNTY COMMISSIONERS, COUNTY TREASURER, COUNTY RECORDER, COUNTY SURVEYOR AND COUNTY COTTON WEIGHER OF CABARRUS COUNTY.

*The General Assembly of North Carolina do enact:*

Four-year terms for County Commissioners, Treasurer, Recorder, Surveyor and Cotton Weigher, Cabarrus County.

SECTION 1. That the county commissioners, county treasurer, county recorder, county surveyor and county cotton weigher now holding office in Cabarrus County, shall serve in such capacity until the first Monday in December, one thousand nine hundred forty-two.

SEC. 2. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Cabarrus County by the qualified voters thereof five county commissioners, a county treasurer, a county recorder, a county surveyor and a county cotton weigher whose terms shall be for four years from the first Monday in December after their election, or until their successors are elected and qualified.

Conflicting laws repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## S. B. 413

## CHAPTER 452

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AUTHORIZING THE COUNTY COMMISSIONERS OF ONSLOW COUNTY TO FURNISH CLERICAL ASSISTANTS FOR REGISTER OF DEEDS AND CLERK OF THE SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 508, Public-Local Laws, 1937, amended as to allowance to Register of Deeds, Onslow County, for clerical assistants.

SECTION 1. That Section one of Chapter five hundred and eight, Public-Local Laws of one thousand nine hundred and thirty-seven, be amended by striking out "and" after "authorized" and insert a comma, and after "empowered" add the following "and directed" before "to" and after "of" in third line strike out the word "three" and insert in lieu thereof the word "four" and after the word "and" in line four strike out the word "sixty" and insert in lieu thereof the word "eighty" and in parenthesis strike out the



figures "36" and in lieu thereof insert "48" and in fifth line strike out the word "thirty" and insert in lieu thereof the word "forty" and in parenthesis strike out the figure "3" and insert the figure "4."

SEC. 2. That Section two of Chapter five hundred and eight, Public-Local Laws of one thousand nine hundred and thirty-seven, be amended by striking out the word "and" in the second line thereof and inserting a comma, and after the word "empowered" and before the word "to" the following: "and directed" and in line three strike out the word "three" and insert in lieu thereof the word "four" and in line four thereof strike out the word "sixty" and insert in lieu thereof the word "eighty" and in parenthesis strike out the figures "36" and insert in lieu thereof the figures "48" and in line five thereof strike out the word "thirty" and insert in lieu thereof the word "forty" and in parenthesis strike out the figure "3" and insert in lieu thereof the figure "4."

Sec. 2, amended as to allowance to Clerk Superior Court, Onslow County, for clerical assistants.

SEC. 3. That Section three of Chapter five hundred and eight, Public-Local Laws of one thousand nine hundred and thirty-seven, be amended by striking out the word "seven" in line three thereof and inserting the word "nine" in lieu thereof.

Sec. 3, amended as to effective date.

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

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## S. B. 429

## CHAPTER 453

### AN ACT TO INCREASE THE TERM OF OFFICE OF THE COUNTY SURVEYOR OF JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term of office of the County Surveyor of Johnston County is hereby extended for a period of two years, beginning at the expiration of his present term; and quadrennially thereafter, there shall be elected a County Surveyor for the County of Johnston, who shall take office on the first Monday in December next following his election and serve for a period of four years or until his successor is elected and qualified.

Four-year term for County Surveyor, Johnston County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## S. B. 433

## CHAPTER 454

## AN ACT TO VALIDATE ACKNOWLEDGMENTS TAKEN BY NORMA NUNN, OF SURRY COUNTY, AS A NOTARY PUBLIC.

Preamble: Appointment of Norma Nunn, Surry County, as Notary Public.

*Whereas*, Norma Nunn, of Surry County, was appointed a Notary Public in the year one thousand nine hundred and thirty-eight; and

Age at time of appointment.

*Whereas*, at the time of her appointment, the said Norma Nunn was only eighteen years of age; and

Subsequent resignation.

*Whereas*, the said Norma Nunn had no knowledge of the requirement as to age but upon being informed of such requirement handed in her resignation; *Now, therefore*

*The General Assembly of North Carolina do enact:*

Acknowledgments taken by Norma Nunn as Notary Public, validated.

SECTION 1. That all acknowledgments taken by Norma Nunn as a Notary Public be and the same are hereby in all respects validated: *Provided*, this Act shall not affect pending litigation.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## S. B. 438

## CHAPTER 455

## AN ACT TO AMEND CHAPTER FIVE HUNDRED SIXTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, AND SECTIONS TWO AND SIX OF CHAPTER SIX HUNDRED NINETY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE MUNICIPAL COURT OF THE CITY OF HIGH POINT.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 699, Public-Local Laws, 1927, amended as to term of judge, etc. Municipal Court, City of High Point.

SECTION 1. That Section two of Chapter six hundred ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-seven be amended by striking out the words "two years" in line seven and inserting in lieu thereof the words "four years"; and that the said Section two be further amended immediately after the word "thereafter" in line seven by adding the following words "from High Point, Deep River or Jamestown Townships in Guilford County."

Sec. 6, amended to provide four-year term for clerk of High Point Municipal Court.

SEC. 2. That Section six of Chapter six hundred ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-seven be amended by striking out the words "two years" in line nine and in line twelve and in-

serting in lieu thereof in each instance the words "four years."

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

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

S. B. 453

### CHAPTER 456

AN ACT TO REGULATE THE OPERATION OF FILLING STATIONS IN LEAKSVILLE TOWNSHIP, ROCKINGHAM COUNTY, ON SUNDAY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any gasoline, motor oil or other product used in the operation of motor vehicles from any filling station, garage or other place of business in Leaksville Township, Rockingham County, between the hours of nine o'clock A.M. and one o'clock P.M. on Sunday.

Sunday operation of filling stations, Rockingham County, regulated.

SEC. 2. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Violations made misdemeanor.

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

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after the first day of May, one thousand nine hundred and thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

S. B. 462

### CHAPTER 457

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND NINETY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, AS AMENDED, RELATING TO THE RECORDER'S COURT OF THE TOWN OF DUNN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter five hundred and ninety-eight of the Public-Local Laws of one thousand nine hundred and eleven, as amended, be and the same is hereby amended to read as follows:

Sec. 2, Ch. 598, Public-Local Laws, 1911, amended.

Election of Judge  
of Recorder's Court,  
Town of Dunn.

"SEC. 2. That at the general election for county officers to be held in Harnett County in the year one thousand nine hundred and forty and quadrennially thereafter, there shall be elected by the qualified voters of Averasboro Township, Harnett County, some person duly qualified hereunder, as recorder to preside over the Recorder's Court of Dunn, said election to be held under the same rules and regulations governing elections for county officers and the said recorder so elected shall take office on the first Monday in December next following his election."

Sec. 6, amended.

SEC. 2. That Section six of Chapter five hundred and ninety-eight of the Public-Local Laws of one thousand nine hundred and eleven as amended, be and the same is hereby amended by adding thereto a new section as follows:

Jurisdiction of  
Recorder's Court.

"SEC. 4. Said court shall have all jurisdiction and powers in all civil matters arising in said township which are now or may hereafter be given to justices of the peace, and in addition to the jurisdiction conferred by this section shall have original jurisdiction of all other civil actions arising in said township out of contract, where the sum demanded does not exceed the sum of one thousand dollars, and those arising out of tort where the value of the property or the amount in controversy does not exceed one thousand dollars. All civil matters tried by justices of the peace in said township, where either party to the suit appeals from the judgment of said justice, the said case on appeal shall be sent to the Recorder's Court for a new trial, as is now provided by law for the trial of cases in the Superior Court upon appeal from justice's court, and shall be heard at the first sitting of the court after the appeal is sent up; *provided*, this shall not prevent a continuance of any case until some future day, upon good cause being shown to the court."

Sec. 22, amended  
as to compensation  
of recorder and  
solicitor.

SEC. 3. That said Chapter five hundred and ninety-eight of the Public-Local Laws of one thousand nine hundred and eleven, as amended, be and the same is hereby further amended by striking out the proviso at the end of Section twenty-one thereof and inserting in lieu thereof the following: "*Provided, however*, the salary of the said recorder shall not be less than one hundred and twenty-five dollars nor more than one hundred and fifty dollars and the salary of the solicitor of said court shall not be less than seventy-five dollars nor more than one hundred dollars."

Deposit required  
upon demand for  
jury trial.

SEC. 4. That in the event that a jury trial is demanded in said court, the defendant shall deposit a fee of three dollars with the clerk of the said recorder's court, and in the event that an acquittal is had in said case, then the said jury fee of three dollars shall be remitted to the said defendant.

SEC. 5. That all laws, and clauses of laws, or phrases or sections of laws, in conflict with the provisions of this Act, to the extent of said conflict, are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

S. B. 466

**CHAPTER 458**

AN ACT TO REPEAL CHAPTER FIFTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE, RELATIVE TO THE COMPENSATION OF THE DEPUTY CLERK OF THE SUPERIOR COURT, AND TO FIX THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter twenty-eight of the Public-Local Laws of one thousand nine hundred thirty-one, be and the same is hereby amended by striking out in line two of said section the words "twelve hundred dollars" and inserting in lieu thereof the words "eighteen hundred dollars."

Ch. 28, Public-Local Laws, 1931, amended to increase salary of Clerk Superior Court, Graham County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

S. B. 467

**CHAPTER 459**

AN ACT TO REPEAL CHAPTER ONE HUNDRED FIFTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, RELATING TO THE APPOINTMENT OF A DEPUTY SHERIFF OF GRAHAM COUNTY AND TO PROVIDE FOR COMPENSATION FOR THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY FOR HIS DUTIES IN SUCH CAPACITY AND FOR HIS SERVICES WHILE ACTING AS COUNTY PURCHASING AGENT, AND DELINQUENT TAX COLLECTOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred fifty of the Public-Local Laws of one thousand nine hundred thirty-five, be and the same is hereby repealed.

Ch. 150, Public-Local Laws, 1935, repealed.

Compensation of Chairman of Board of County Commissioners, Graham County.

SEC. 2. That the Chairman of the Board of County Commissioners of Graham County shall receive as compensation for his services in connection with the duties of his office, and as compensation for his services as acting purchasing agent and delinquent tax collector of Graham County, an annual salary of six hundred dollars (\$600.00), payable in monthly installments, beginning with the month of March one thousand nine hundred thirty-nine.

SEC. 3. This salary is in lieu of all other compensation now allowed by law to the Chairman of the Board of County Commissioners, of Graham County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

#### S. B. 471

#### CHAPTER 460

### AN ACT TO AUTHORIZE ENFORCEMENT OFFICERS IN MOORE COUNTY TO MAKE ARRESTS IN THE PERFORMANCE OF THEIR DUTIES UNDER THE PROVISIONS OF THE ALCOHOLIC CONTROL ACT.

*The General Assembly of North Carolina do enact:*

Powers and duties of A B C enforcement officers, Moore County.

SECTION 1. That any of the persons appointed by the County Board of Alcoholic Control of Moore County for law enforcement under the provisions of Subsection (o) of Section ten of Chapter forty-nine of the Public Laws of the General Assembly of one thousand nine hundred thirty-seven, and other provisions of said Act, or under existing law, shall have all the powers, in the performance of their duties as such and in the arrest and detention of offenders against the law, as Sheriffs of said County of Moore.

Date of election on establishment or discontinuance of liquor stores, Moore County.

SEC. 2. An election in Moore County under the provisions of said Chapter forty-nine of the Public Acts of one thousand nine hundred thirty-seven upon the question of the establishment or operation or discontinuance of liquor stores in Moore County may be held only after three years from the ratification of this Act.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 610

**CHAPTER 461**

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWELVE PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE BUYING OF POULTRY FOR RESALE IN YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter four hundred and twelve of the Public-Local Laws of one thousand nine hundred and thirty-seven, be and the same is hereby repealed, and said Act relating to the buying and selling of poultry in Hyde County shall no longer apply to Yadkin County.

Ch. 412, Public-Local Laws, 1937, amended to exempt Yadkin County from regulations for buying and selling of poultry.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 702

**CHAPTER 462**

AN ACT TO AMEND CHAPTER ONE HUNDRED FIFTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE PROHIBITING THE SALE OF BEER, WINE AND ALCOHOLIC BEVERAGES WITHIN CERTAIN DISTANCES OF CHURCHES AND PUBLIC SCHOOLS IN THE TOWN OF HAYESVILLE, CLAY COUNTY, AND TO FURTHER REGULATE THE SALE OF BEER, WINE AND OTHER ALCOHOLIC BEVERAGES IN SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred fifty-seven of the Private Laws of one thousand nine hundred thirty-five be amended by striking out the words "church or" in line five thereof.

Ch. 157, Private Laws, 1935, amended as to sale of alcoholic beverages near churches and public schools, Town of Hayesville.

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.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 717

## CHAPTER 463

AN ACT TO PROVIDE FOR THE ELECTION OF COUNTY SURVEYOR, COUNTY COMMISSIONERS AND TOWNSHIP CONSTABLES OF CHEROKEE COUNTY FOR A TERM OF FOUR YEARS EFFECTIVE AT THE GENERAL ELECTION OF THE YEAR ONE THOUSAND NINE HUNDRED FORTY.

*The General Assembly of North Carolina do enact:*

Four-year term for County Surveyor, Cherokee County.

SECTION 1. That there shall be elected in Cherokee County at the general election to be held in the year one thousand nine hundred forty, and every four years thereafter, by the qualified voters thereof, a County Surveyor, who shall hold office for four years from the first Monday of December after his or her election and until his or her successor is elected and qualified.

Four-year term for township constables, Cherokee County.

SEC. 2. That at the general election to be held in the year one thousand nine hundred forty, and every four years thereafter, there shall be elected in each township of Cherokee County a constable, by the qualified voters of each township, who shall hold office for four years from the first Monday of December after his or her election and until his or her successor is elected and qualified.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 751

## CHAPTER 464

AN ACT TO CORRECT UNCERTAINTY IN THE LOCATION OF THE LINE BETWEEN THE COUNTIES OF WILKES AND ALLEGHANY.

Preamble: Uncertainty as to county line between Wilkes and Alleghany Counties.

*Whereas*, there is uncertainty as to the exact location of the county line between Wilkes and Alleghany Counties as the same runs through the Mary Baugus farm now owned by J. T. Inskeep: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Designation of dividing line between Wilkes and Alleghany Counties.

SECTION 1. That the county line between Wilkes and Alleghany Counties shall be and is hereby located as follows:

“Beginning on a locust in the county line and on the South bank of the old State road; runs South fifty degrees West sixty poles to a hickory on the West bank of Roaring



Branch, thence South sixty-seven degrees West thirty-two poles to a large white pine; thence South forty-eight degrees West twenty and two-tenths poles to a stake; thence North eighty-seven and one-fourth degrees West twenty-one poles to a Spanish oak, Chatham's corner, in the Wilkes-Alleghany County line."

That said line shall be the dividing line between the Counties of Wilkes and Alleghany.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 774

### CHAPTER 465

AN ACT TO AUTHORIZE THE SHERIFF OF STOKES COUNTY TO APPOINT A SPECIAL DEPUTY ON A SALARY BASIS AND TO PROVIDE A SCHEDULE OF OFFICER'S FEES IN CONNECTION WITH THE ENFORCEMENT OF THE STATE LIQUOR LAWS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Sheriff of Stokes County is hereby authorized and empowered to employ one special deputy and to prescribe his duties. The salary of said deputy to be fixed by the Sheriff, shall not exceed one hundred dollars (\$100.00) per month, and said special deputy shall receive the further sum of five cents (5c) per mile for traveling and other expense, which salary and expense shall be paid by Stokes County out of the general fund. Such special deputy shall receive no fees in addition to his salary and such fees as may accrue to such deputy shall be taxed as a part of the cost in criminal and civil actions and paid into the general county fund.

Appointment of special deputy sheriff, Stokes County.

Compensation of special deputy.

SEC. 2. In addition to all fees now allowed by law, all deputy sheriffs, constables and other law enforcement officers in Stokes County shall be entitled to and shall receive the sum of thirty-five dollars (\$35.00) for the capture of any automobile being used in the illegal transportation of non-tax paid liquor in quantities greater than five gallons, which amount shall be a first lien upon such automobile to the extent of the value thereof, and which shall be collectible as in case of storage charges against such automobile, which lien shall be superior to any existing lien thereon. Said fee shall cover the cost of capture, and removal: *Provided*, the special deputy herein provided for shall not receive the fee provided for in this section.

Additional fees to law enforcement officers, Stokes County, for capture of automobile used in transportation of non-tax paid liquor.

Exception.

Fee for transportation of prisoners.

SEC. 3. For the transportation of prisoners to and from the county jail of Stokes County, the arresting officer shall receive five cents (5c) per mile each way, such expense shall be taxed in the cost.

Sheriff, Stokes County, authorized to purchase automobile for official use.

SEC. 4. The Sheriff of Stokes County, if he finds it necessary, may purchase an automobile for the use of his department, which automobile and the expense of its operation shall be paid for out of the general fund of said county and such automobile shall be and remain the property of said county: *Provided*, if the special deputy herein provided for uses said automobile, he shall not be entitled to mileage.

Partial invalidity clause.

SEC. 5. If any portion, clause or section of this Act shall be declared invalid or unconstitutional, the remaining provisions of the same shall remain in full force and effect.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 790

## CHAPTER 466

AN ACT TO AMEND CHAPTER FIFTEEN PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE, ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY"; RELATING TO CLAIMS AND DEMANDS ARISING IN TORT AGAINST SAID CITY.

*The General Assembly of North Carolina do enact:*

Ch. 15, Private Laws, 1923, amended.

SECTION 1. That Chapter fifteen, Private Laws of one thousand nine hundred twenty-three, be, and the same is hereby, amended by adding a new section after Section one hundred forty-one to be known as Section one hundred forty-one and one-half to read as follows:

Presentation of claims and demands arising in tort against Elizabeth City.

"SEC. 141½. All claims and demands against the City of Elizabeth City 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."

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

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 808

**CHAPTER 467**

AN ACT TO AMEND CHAPTER ONE HUNDRED FIFTEEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED NINETY-NINE OF NORTH CAROLINA RELATING TO THE CHARTER OF THE CITY OF GREENVILLE SO AS TO AUTHORIZE THE BOARD OF ALDERMEN TO EMPLOY A CITY MANAGER UPON THE ADOPTION OF SAID ACT BY REFERENDUM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the City of Greenville shall be, and it is hereby authorized and empowered to employ a city manager, who shall be the executive agent of the board of aldermen in the administration of the affairs of the City of Greenville. He shall be chosen by the board of aldermen solely upon the basis of his training, experience and administrative qualifications, and the choice shall not be limited to inhabitants of the city or State. No member of the board of aldermen shall, during the term of his office, or within one year after the expiration of his term, be chosen as city manager. The city manager shall receive such compensation as shall be provided by the board of aldermen by ordinance; he shall give such bond for the faithful performance of his duties as may be required by said board, and shall be appointed for an indefinite period and shall serve at the will of said board of aldermen. The board of aldermen may suspend him from duty during his absence or inability to serve, and during his absence or inability to serve, the board may designate some properly qualified person to perform his duties. The city manager shall perform such duties in the administration of the affairs of the city as may be required of him by ordinance or resolution of the board of aldermen not inconsistent with law.

Employment of city manager, City of Greenville, authorized.

Qualifications.

Compensation.

Bond.

Term of office.

Duties.

SEC. 2. At the regular election for the city of Greenville in the year one thousand nine hundred forty, or at any regular election thereafter, the question of the adoption of this amendment to the Charter of the City of Greenville may, at the option of the board of aldermen, be submitted to the qualified voters of said city; the said election shall be held under the laws governing the holding of elections

Election on proposed employment of city manager.

Conduct of election.

Issues submitted. for the City of Greenville, without special registration and all those who favor the adoption of the amendment, shall vote a ballot upon which shall be printed or written the words, "For Amendment Providing for City Manager," and those who are opposed, shall vote a ballot upon which shall be printed or written the words, "Against Amendment Providing for City Manager." If in said election, a majority of the votes cast shall vote "For Amendment Providing for City Manager" the said amendment shall be adopted and become a part of the Charter of the City of Greenville; if a majority of the votes cast shall vote "Against Amendment Providing for City Manager," said amendment shall not become a part of the Charter of the City of Greenville.

Adoption of amendment in event of majority vote therefor.

Effective date. SEC. 3. If said amendment shall be adopted as herein provided for, then and in such event, it shall go into effect at the time of the qualification of such officers who were elected at the same election at which said amendment was adopted.

SEC. 4. Except as herein provided, this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 843

**CHAPTER 468**

**AN ACT RELATING TO STREET ASSESSMENTS IN THE TOWN OF SYLVA, JACKSON COUNTY.**

*The General Assembly of North Carolina do enact:*

Appointment of commission, Town of Sylva, Jackson County, for adjustment of street assessments.

SECTION 1. That the Board of Aldermen of Sylva, Jackson County, is hereby authorized and empowered to appoint a commission of three members who shall serve without compensation to investigate and make the matter of adjusting street assessments in said town and to make a report thereof to the said board with their recommendation and said board of aldermen is empowered to make such adjustments after considering said report as may be deemed proper and equitable.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 860

## CHAPTER 469

AN ACT TO EXTEND THE TERM OF OFFICE OF MAYOR  
AND ALDERMEN OF THE TOWN OF BRYSON CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Mayor and Board of Aldermen now holding office in the Town of Bryson City shall serve in such capacity until the year one thousand nine hundred and forty-one.

Four-year terms for Mayor and Aldermen, Town of Bryson City.

SEC. 2. That at the general election for the year one thousand nine hundred and forty-one, and quadrennially thereafter, the Mayor and Board of Aldermen for the Town of Bryson City shall be elected by the qualified voters of said Town of Bryson City for a term of four years.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 870

## CHAPTER 470

AN ACT TO ENABLE THE COUNTY OF NEW HANOVER  
AND THE CITY OF WILMINGTON TO MAKE PROPER  
PROVISION FOR THE MAINTENANCE OF THE INDI-  
GENT SICK AND AFFLICTED POOR.

*Whereas*, the Board of Commissioners of New Hanover County and the Council of the City of Wilmington have been making annual appropriations toward the support of the James Walker Memorial Hospital of Wilmington, North Carolina, for the care and maintenance of the indigent sick and afflicted poor of said county and city, respectively, under the provisions of Chapter eight of the Public-Local Laws of one thousand nine hundred and thirty-seven, and

Preamble: Annual appropriation to James Walker Memorial Hospital by Wilmington and New Hanover County under 1937 Act.

*Whereas*, under the terms and provisions of said Act the annual appropriations therein authorized and directed are limited to a period of three successive years, beginning with the fiscal year starting July first, one thousand nine hundred and thirty-seven, and

Limitation on appropriations.

*Whereas*, the Board of Commissioners of the County of New Hanover and the Council of the City of Wilmington, after due consideration, find that it is necessary to appropriate annually certain funds to the James Walker Memorial Hospital for the purpose of providing hospitalization, medical attention, and maintenance of the indigent sick

Necessity for medical attention and hospitalization for indigents.

Care and maintenance of indigents a necessary expense.

and afflicted poor of the said municipalities and that such maintenance and care is a necessary expense and that provision for the poor and unfortunate is one of the first duties of government and that their proper maintenance and care is required under the law and the Constitution of the State of North Carolina. *Therefore, The General Assembly of North Carolina do enact:*

Contract between City of Wilmington, New Hanover County and James Walker Memorial Hospital.

Effective date of contract.

Annual appropriations.

Expenditures declared proper and necessary.

Additional tax levy authorized.

Conflicting laws repealed.

SECTION 1. That the City of Wilmington and the County of New Hanover be and they hereby are authorized to enter into a contract with the James Walker Memorial Hospital, making proper and adequate provision for the hospitalization, medical attention, and care of the indigent sick and afflicted poor of said city and county, respectively, said contract to be effective as of the first day of July, one thousand nine hundred and forty, and upon the making of said contract the City of Wilmington and County of New Hanover, and each of them, is hereby authorized and fully empowered to appropriate to the said James Walker Memorial Hospital for such purpose annually an amount not to exceed the sum of twenty-five thousand (\$25,000.00) dollars, each, said payments to be made in equal monthly installments, beginning in the fiscal year starting the first day of July, one thousand nine hundred forty, and until the beginning of said fiscal period the appropriations now being made by said municipalities shall continue. The said expenditures of this Act authorized are hereby found to be proper and necessary for the adequate maintenance and care of the indigent sick and afflicted poor of said city and county and the same constitutes a necessary expense and is one of the first duties of government and is required under the laws and Constitution of the State of North Carolina.

SEC. 2. That in the event said Board of Commissioners of New Hanover County and the Council of the City of Wilmington, in order to make and pay the aforesaid annual appropriations and payments to the said hospital, find it respectively necessary to annually levy any additional taxes for the special purposes aforesaid, they and each of them, and their respective successors in office, are hereby authorized, empowered, and directed to levy and collect annually such additional taxes as may be necessary for the purpose of complying with and making annually the said appropriations for the purposes aforesaid.

SEC. 3. That all laws and clauses and parts of laws, Private, Public-Local, and Public, in conflict with this Act or any provisions hereof, are hereby repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 947

**CHAPTER 471**

AN ACT RELATING TO THE GENERAL COUNTY COURT FOR ALAMANCE COUNTY, AND PROVIDING FOR TRIAL BY JURY IN CERTAIN CASES AND TO OUTLINE THE PROCEDURE OF SAID COURT AND NAME THE CLERK, ASSISTANT CLERK AND DEPUTIES THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Clerk of the Superior Court for Alamance County, North Carolina, ex officio clerk of the General County Court for said county, is hereby authorized and empowered to name and designate the assistant clerk and any of the deputy clerks of the Superior Court for said county as assistant clerk to and/or deputy clerks of the General County Court for said Alamance County. The said Clerk of the Superior Court, ex officio clerk of the General County Court for said county, and the assistant clerk of the General County Court and any of the deputy clerks thereof are hereby authorized, empowered and clothed with all of the power now vested in the Clerk of the Superior Court, the assistant clerk of the Superior Court and the deputy clerks of said Superior Court, to do and perform the same duties as clerk, assistant or deputy clerk of the General County Court, as he and they now by law perform for the Superior Court; and the said Clerk of the Superior Court for Alamance County as clerk, and the assistant and/or deputy clerks of the said General County Court, are hereby specifically authorized and empowered and granted the right to issue summonses, warrants, subpoenas, subpoenas, and any and all other processes issued by the General County Court for said Alamance County. The said clerk shall have the same right to remove such assistants and deputies as he now has to remove them as assistants and deputies in the Superior Court.

Designation of assistant clerk and deputy clerks of General County Court, Alamance County.

Powers of ex officio clerk, assistant clerk and deputies.

SEC. 2. All of the justices of the peace, mayors and/or other judges of courts inferior to the General County Court are hereby required and directed to have in the hands of the clerk of the General County Court for Alamance County all warrants and processes returnable to said court which have been heard and passed upon by said justices of the peace, mayors and/or other judges of courts inferior to the General County Court, and on which either an appeal has been taken or the said case has been bound over to the said General County Court on probable cause, not later than twelve o'clock noon each Saturday before the said General County Court sits on the following Monday. That in all criminal cases heard by any said justices of the peace, mayors or judges inferior to the General County Court

Transmission of processes to General County Court.

Time for appearance of defendants bound over.

after the hour of twelve at noon of any Saturday of each week, said justices of the peace, mayors or judges of courts inferior to the General County Court, shall bind the defendants to appear before the judge of the General County Court on the Monday week after such Saturday; and all criminal cases heard by such justices of the peace, mayors and/or judges inferior to the General County Court on any day of the week other than Saturday shall be bound to appear before the General County Court on the Monday next following.

Sessions of General County Court.

SEC. 3. The General County Court for Alamance County shall open and begin its sitting on the first Monday of each month and remain in continuous session until the last day of the month, but may recess from time to time to a day certain.

Power of judge to change or modify judgments.

The judge of the said court shall have the power and authority to change or in any way to modify his judgments in any case at any time within thirty days after he has rendered his final judgment in such case; but after thirty days from the rendering of said final judgment, said judge shall not have the power or authority to in any way modify or change such judgment, except to require a defendant to comply with a judgment or suspended sentence. Neither shall the judge have the right or power to change or to modify any judgment at any time after the defendant has caused his appeal to be docketed in the Superior Court.

Appeals by State.

SEC. 4. The State shall have the right to appeal in the following cases:

1. Upon a special verdict
2. Upon motion to quash
3. Upon demurrer
4. Upon arrest of judgment.

Ch. 70, Public-Local Laws, 1933, repealed.

SEC. 5. Chapter seventy of the Public-Local Laws for the year one thousand nine hundred thirty-three abolishing the right of jury trial in the General County Court is hereby repealed. On the first Monday in each month the Board of County Commissioners of Alamance County shall cause to be drawn from the jury box in the same manner as now provided by law for drawing jurors in the Superior Court, sixteen jurors to be assigned to the General County Court for said county for the trial of any criminal or civil cases in which a jury has been requested. The said jurors shall be summoned by the Sheriff of Alamance County when and if he is directed to do so by the judge of the General County Court.

Trial by jury.

In all criminal cases in which the defendant demands a jury trial, the judge of the General County Court may, at



his election, transfer the said case to the Superior Court for trial, or may order the defendant tried before a jury in the General County Court, and the judge of said General County Court shall fix at least one day in each month for the trial of all criminal cases which he has ordered to be tried in said court and of all civil cases in which the interested parties have requested a jury. In all cases, both criminal and civil, which are for trial in said General County Court before a jury, shall be tried at the said time, and the court shall remain in session and retain said jury until all cases pending shall have been disposed of. In any month in which the judge of the General County Court deems that there is not a sufficient number of civil and criminal cases on docket to warrant a term of court during that month, he may order all cases docketed and on trial for such month to be continued to the next succeeding month. The trial of such cases before a jury shall, as near as possible, be tried in the same manner as tried before a jury in the Superior Court.

Transfer of cases to Superior Court, at election of judge, upon demand for jury trial.

That in all civil and criminal actions tried by a jury in said General County Court, there shall be assessed as a part of the costs a jury tax in the sum of five dollars (\$5.00); and in all cases where a court stenographer is required to take the evidence, either in the trial of criminal or civil cases, a stenographer's fee of two dollars (\$2.00) shall be taxed in the bill of costs, to be paid by the parties required by the judgment of the court to pay the costs. If no stenographer is requested by either side to take the evidence, the judge of said court shall pass upon and settle the case on appeal.

Additional cost in actions tried by jury.

SEC. 6. Chapter two hundred sixteen of the Public Laws of one thousand nine hundred twenty-three and all amendments thereto, and Section one thousand eight F of the Consolidated Statutes of North Carolina, are hereby amended; so that in all criminal cases tried before a jury in said General County Court and an appeal taken to the Superior Court, the appeal to the Superior Court shall be only for errors assigned in matters of law in the same manner as is now provided for appeal in civil cases from the General County Court to the Superior Court, and any criminal case tried by a jury in the General County Court shall not be heard de novo in the Superior Court; and in all criminal cases tried in the General County Court and on which a jury has not been demanded by the defendant and an appeal taken to the Superior Court, the trial in the Superior Court shall be de novo.

Appeals to Superior Court.

Upon a defendant being tried and convicted in the General County Court for Alamance County, he shall have ten days after such trial and conviction in which to appeal to

Time within which to appeal.

the Superior Court, and any appeal taken from the General County Court to the Superior Court shall be docketed in the Superior Court on the eleventh day after the trial and conviction in the General County Court, and no defendant who appeals from the General County Court to the Superior Court shall be permitted to withdraw said appeal.

Application of Act.

SEC. 7. This Act shall apply only to the General County Court for Alamance County, North Carolina.

Partial invalidity clause.

SEC. 8. That if any part of this Act shall be held unconstitutional, such unconstitutionality shall not affect the remainder of this Act.

Conflicting laws repealed.

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

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

#### H. B. 958

#### CHAPTER 472

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-SIX, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE CHARTER OF THE TOWN OF MACON IN WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 246, Private Laws, 1905, amended to increase maximum property tax, Town of Macon, Warren County.

SECTION 1. That Section five of Chapter two hundred and forty-six of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by striking out the words "thirty-three and one-third cents" in line six of said section and inserting in lieu thereof the words "fifty cents."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

#### H. B. 964

#### CHAPTER 473

AN ACT TO REGULATE THE GRAND JURY OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

Selection and terms of grand jury, Robeson County.

SECTION 1. That at the first term of court for the trial of criminal cases in Robeson County after the first day of July, one thousand nine hundred and thirty-nine, there

shall be chosen a grand jury as now provided by law, and the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter at the first term of criminal court after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one year.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 970

### CHAPTER 474

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF THE TOWN OF MOREHEAD CITY THE QUESTION OF LEVYING AN ANNUAL TAX OF NOT MORE THAN FIFTEEN CENTS ON EACH ONE HUNDRED DOLLARS VALUATION ON ALL PROPERTY IN SAID TOWN FOR MAINTENANCE AND OPERATION OF THE MUNICIPALLY OWNED HOSPITAL.

Whereas, due to depressed financial conditions in the operation and maintenance of the Morehead City Hospital, an emergency has arisen which necessitates the imposition of a direct and specific tax for the further and continued operation of said hospital; Now, therefore,

Preamble:  
Necessity of specific tax levy for continued operation of Morehead City Hospital.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Town Commissioners of the Town of Morehead City shall order a special election to be held in said town not later than June sixth, one thousand nine hundred thirty-nine, at which election there shall be submitted to the qualified voters of said town the question as to whether or not there shall be levied on each one hundred dollars value of assessed property in said town a tax of fifteen cents, which is to include the five cents levy already in force under existing provisions of the law, and which, in no event, shall exceed fifteen cents under all special levies, for the purpose of maintaining the Morehead City Hospital.

Election on proposed tax levy for maintenance of Morehead City Hospital.

SEC. 2. The said governing authorities shall appoint a registrar and two pollholders for the said election, which election shall be advertised as required by law, and the books shall be open for registration in such manner, place and period of time as are now prescribed under the law

Conduct of election.

for the holding of municipal elections, and so far as may be applicable and consistent with this Act, such election laws shall apply.

Ballots.

SEC. 3. At said special election there shall be voted a ballot, upon which shall appear the following:

FOR THE HOSPITAL TAX.

AGAINST THE HOSPITAL TAX.

And there shall be printed a square opposite each of the foregoing legends, and those desiring to vote for the tax shall so indicate by making a cross mark in the square opposite that legend, and those desiring to vote against the tax shall so indicate by making a cross mark in the square opposite that legend.

Declaration of results.

SEC. 4. It shall be the duty of the registrar and pollholders to canvass the ballots cast and declare the results of the election, as is now required in other municipal elections.

Tax levy authorized in event of majority vote therefor.

SEC. 5. If in said election the majority of the votes cast are in favor of the tax, then it shall be the duty of the governing authorities of the Town of Morehead City to annually levy the aforesaid tax and to collect and apply the same as directed in this Act.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 976

## CHAPTER 475

AN ACT TO REGULATE PAYMENT OF STREET AND SIDEWALK ASSESSMENTS BY CHURCHES IN CITY OF SALISBURY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Adjustment of street and sidewalk assessments against church properties, City of Salisbury, authorized.

SECTION 1. That the City of Salisbury and the city council thereof, be, and they are hereby authorized and empowered to accept the principal, without interest and penalties, of all street and sidewalk assessments outstanding and due by any and all churches on buildings, with the land upon which they are situated, lawfully owned and held by said churches, or religious bodies, wholly and exclusively used for religious worship or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for

the convenient use of any such building: *Provided*, that settlement be made within twelve months from the date of the ratification of this Act.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 997

CHAPTER 476

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF DARE COUNTY TO CONVEY A CERTAIN TRACT OF LAND TO THE METROPOLITAN LIFE INSURANCE COMPANY.

*Whereas*, the Metropolitan Life Insurance Company has conveyed to the County Board of Education of Dare County a certain tract or parcel of land, upon which is located the present East Lake School, in exchange for a tract or parcel of land, on which was located the old East Lake School; and

Preamble: Exchange of properties by Metropolitan Life Insurance Co. and County Board of Education, Dare County.

*Whereas*, the County Board of Education of Dare County is not at present authorized to execute a deed for this property: *Now, therefore*,

Board not authorized to execute deed.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Education of Dare County is hereby authorized and empowered to make, execute and deliver to the Metropolitan Life Insurance Company a sufficient deed for the tract or parcel of land on which was located the old East Lake School.

Execution of deed by Dare County Board of Education to Metropolitan Life Insurance Co. authorized.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 999

## CHAPTER 477

AN ACT TO PROVIDE FOR A NEW REGISTRATION OF THE QUALIFIED VOTERS OF THE TOWN OF JAMESVILLE, MARTIN COUNTY, AND TO PROVIDE FOR THE HOLDING OF MUNICIPAL ELECTIONS.

*The General Assembly of North Carolina do enact:*

Biennial election of Mayor and Commissioners, Town of Jamesville, Martin County.

SECTION 1. There shall be held by the qualified voters of the Town of Jamesville, Martin County, an election on the first Tuesday after the first Monday in May one thousand nine hundred thirty-nine, and biennially thereafter for the purpose of electing a mayor and three commissioners.

Appointment of Election Board.

SEC. 2. A new election board for the Town of Jamesville, Martin County, is hereby constituted and appointed as follows: R. O. Mobley, Registrar; L. W. Mizelle and Charlie Davenport, Judges of Election.

New registration ordered.

SEC. 3. The registrar is hereby instructed, authorized and empowered to call for a new registration of all the qualified voters within the town and to register them in accordance with the general law as pertains to the registration of voters in the general elections of the State and county.

Conflicting laws repealed.

SEC. 4. The provisions of the town charter affecting municipal elections and all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1000

## CHAPTER 478

AN ACT TO POSTPONE AND DEFER THE SALE OF LAND FOR DELINQUENT TAXES FOR THE YEARS ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT AND ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, IN NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Postponement of sales of land for delinquent taxes for 1938, 1939, Nash County and municipalities, authorized.

SECTION 1. That the Board of County Commissioners of Nash County and the Aldermen or Councilmen of the various municipalities therein are hereby authorized and empowered, in their discretion, to postpone and defer the sales of land for delinquent taxes for the years one thousand nine hundred and thirty-eight and one thousand nine hundred and thirty-nine to such time as they may deem just and proper, not later than the first Monday in October,

nineteen hundred and thirty-nine and the first Monday in October nineteen hundred and forty, respectively: *Provided, however,* this extension shall not affect the time of imposition of penalties for nonpayment of taxes.

SEC. 2. That the Board of County Commissioners or Aldermen, where there is a postponement of sale, may, in their discretion, extend the time of the Sheriff's or tax collector's settlement to a date not later than the first Monday in November, nineteen hundred and thirty-nine and nineteen hundred and forty, respectively.

Extension of time of sheriff's or tax collector's settlement authorized.

SEC. 3. That this Act shall apply only to Nash County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 1003

### CHAPTER 479

#### AN ACT RELATIVE TO FEES TO BE PAID OFFICERS OF CALDWELL COUNTY.

*Whereas,* heretofore the County of Caldwell has paid to officers and witnesses no fees on drunks and other misdemeanors convicted in the recorder's court of North Carolina where the defendants have elected to serve a road sentence rather than pay the cost; and

Arrest and witness fees in certain cases, Caldwell County.

*Whereas,* it is the purpose of the Board of Commissioners of Caldwell County to pay to such officers and witnesses one-half fees in all convictions of drunks and petty misdemeanors in the recorder's court of Caldwell County where the defendant serves a road sentence; *Now, therefore,*

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Caldwell County is hereby authorized to pay to the arresting officer and witnesses one-half the usual fees in all convictions in the Recorder's Court of said county of the defendants for being publicly drunk and other petty misdemeanors when, and in the event the defendant serves a road sentence rather than paying the cost or fine imposed upon such conviction.

Payment by county of one-half of arrest and witness fees, when sentence served by defendant.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1009

## CHAPTER 480

AN ACT TO EXTEND THE TERMS OF OFFICE FOR COUNTY SURVEYOR IN DARE COUNTY TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

Four-year term for County Surveyor, Dare County.

SECTION 1. At the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Dare County by the qualified voters thereof a county surveyor who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified. The county surveyor for Dare County elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred and forty-two.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1011

## CHAPTER 481

AN ACT TO ALLOW THE CITY OF ELIZABETH CITY TO COLLECT THE SAME INTEREST, FEES, PENALTIES AND OTHER CHARGES IN THE COLLECTION OF DELINQUENT TAXES AS PERMITTED THE COUNTY OF PASQUOTANK, UNDER PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

Rate of penalties charged on delinquent taxes, Elizabeth City.

SECTION 1. That the penalty for the non-payment of all taxes shall be charged at the same rate each year; and that the penalty shall be one-half of one per cent added each month, this penalty to begin in February of each year after the tax assessment is made for the given year's taxes; and this one-half of one per cent penalty added each month until all taxes are paid. This penalty shall apply to the taxes for the year one thousand nine hundred and thirty-eight and all years thereafter; also, this penalty shall apply to all years prior to the year one thousand nine hundred thirty-eight, taxes for which have not been paid, beginning with one-half per cent penalty in February after each year's tax assessment is made; and this one-half of one per cent



per month penalty shall be all the penalty and interest that the City of Elizabeth City shall collect in interest and penalties. The City of Elizabeth City shall discontinue the collection of eight per cent interest on certain years as heretofore collected.

SEC. 2. That in lieu of five per cent commission that the city attorney receives in tax foreclosure suits there shall be paid a flat rate of not less than one dollar (\$1.00) and not more than two dollars and fifty cents (\$2.50) for each suit for foreclosure, said rate to be determined by the Board of Aldermen of the City of Elizabeth City.

Compensation of city attorney for tax foreclosure suits.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 1017

## CHAPTER 482

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TWO, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, REGULAR SESSION, CHAPTER FOUR HUNDRED AND TWENTY-TWO OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, CHAPTER ONE HUNDRED AND EIGHTY-ONE OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE RECORDER'S COURT OF HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter six hundred and two of the Public-Local Laws of one thousand nine hundred and thirteen, regular session, be amended by striking out the words, "five hundred dollars" in lines five and six of Section sixteen, and inserting in lieu thereof the words, "one thousand dollars," and by striking out the words, "three hundred dollars" in lines eight and nine of said section and inserting in lieu thereof the words, "one thousand dollars"; also by striking out the period in the last line of Section three of said Chapter and inserting instead a colon followed by the following words, "Provided, that only the qualified voters residing within the jurisdiction of said court shall be permitted to vote in any primary or general election upon the judge of said court."

Sec. 16, Ch. 602, Public-Local Laws, 1913, amended to enlarge civil jurisdiction of Recorder's Court, Harnett County.

Sec. 3, amended as to election of judge of Recorder's Court.

SEC. 2. That Section three of Chapter four hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and fifteen, as amended by Chapter six hundred

Ch. 422, Public-Laws, 1915, amended as to sessions of court for trial of civil cases only.

and sixteen of the Public-Local Laws of one thousand nine hundred and twenty-seven, be further amended by adding to line thirteen after the period a new sentence to read as follows: "That said court shall convene on the first and third Wednesdays in each month for the trial of civil cases only, and shall continue in session daily until the civil business shall be concluded: *Provided*, the court, by consent of the parties, may hear civil cases at any sitting of the court, and criminal cases after the civil business shall have been concluded."

Ch. 181, Public-Local Laws, 1935, amended.

SEC. 3. That Section one of Chapter one hundred and eighty-one of the Public-Local Laws of one thousand nine hundred and thirty-five be amended by striking out the words, "Judge of the Recorder's Court" and "Solicitor of the Recorder's Court" in lines nine and ten, and by adding a new section to read as follows:

Compensation of Judge and Solicitor of Recorder's Court.

1-a. That the Judge of the Recorder's Court shall be paid a salary of not less than one hundred and twenty-five dollars per month, and not more than one hundred and seventy-five dollars per month; and the Solicitor of the Recorder's Court shall be paid a salary of not less than seventy-five dollars per month and not more than one hundred twenty-five dollars per month, the said salaries to be paid monthly and to be fixed in the discretion of the Board of Commissioners of Harnett County.

Transfer of cases to Superior Court upon demand for jury trial.

SEC. 4. That in the event a jury trial is demanded in any criminal case in said Recorder's Court said case shall be immediately transferred to the Superior Court of said county and the jurisdiction of the Superior Court shall immediately attach.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed insofar as said laws conflict with the provisions of this Act.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1022

## CHAPTER 483

AN ACT TO AMEND CHAPTER FIVE HUNDRED EIGHTY-EIGHT, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED THIRTEEN, RELATIVE TO COTTON WEAIGHER FOR RAEFORD TOWNSHIP, HOKE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 588, Public-Local Laws, 1913, amended.

SECTION 1. That Chapter five hundred eighty-eight of the Public-Local Laws of one thousand nine hundred thirteen, relative to cotton weigher for Raeford Township in Hoke

County, be amended by striking out the quotation mark at the end of the second paragraph of Section one and adding the following:

*Provided, further,* that in case there is a vacancy in the office of cotton weigher occasioned by death, resignation or other causes, the Board of Commissioners of Hoke County is authorized and directed to fill said vacancy for the unexpired term.

Vacancy appointments in office of cotton weigher, Hoke County.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1027                      CHAPTER 484

AN ACT TO VALIDATE THE ACTS OF THE BOARD OF COMMISSIONERS OF HARNETT COUNTY SET OUT IN A RESOLUTION ADOPTED AT THE REGULAR MEETING ON THE FIRST MONDAY IN MARCH, ONE THOUSAND NINE HUNDRED THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the acts of the Board of Commissioners of Harnett County, set out in a resolution adopted at the regular meeting on the first Monday in March, one thousand nine hundred and thirty-nine, be, and the same are hereby validated in every respect.

Certain acts of Board of Commissioners, Harnett County, validated.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1028                      CHAPTER 485

AN ACT RELATIVE TO ERECTION OF TEACHERAGES IN CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Education of Carteret County is hereby authorized and empowered to purchase sites at or near the White Oak School and at or near the Smyrna School in said County for the erection of teacherages on said sites, and to pledge the property and income from the teacherages, so erected, and the income from other teacherages in the county, if and as necessary, to secure funds borrowed to erect said teacherages.

Erection of teacherages at White Oak School and Smyrna School, Carteret County, authorized.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1040

## CHAPTER 486

### AN ACT TO REGULATE THE OPERATION OF AND TO PROHIBIT PUBLIC DANCES ON SUNDAY IN CABARRUS COUNTY.

*The General Assembly of North Carolina do enact:*

Sunday operation of public dance halls, etc., Cabarrus County, prohibited.

SECTION 1. It shall be unlawful for any person, firm, or corporation to operate a public dance hall, or engage in public dances or dancing in Cabarrus County between the hours of midnight Saturday and midnight Sunday.

Violations made misdemeanor.

SEC. 2. Anyone violating the provisions of this Act shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1041

## CHAPTER 487

### AN ACT TO FIX THE RATE OF INTEREST WHICH MAY BE CHARGED BY THE COUNTY OF MECKLENBURG AND THE CITY OF CHARLOTTE ON DELINQUENT TAXES AND REGULATING THE FORECLOSURE OF THE LIEN FOR DELINQUENT TAXES.

*The General Assembly of North Carolina do enact:*

Penalty or interest rate on delinquent taxes. City of Charlotte and Mecklenburg County.

SECTION 1. That all taxes now due or that might hereafter become due to the County of Mecklenburg and the City of Charlotte or any other taxing unit in said county, shall be subject, after February first, following the date on which said taxes become due and payable to the taxing unit, to a penalty or interest rate of one half per cent ( $\frac{1}{2}\%$ ) per month; *Provided*, that no interest or penalty shall exceed annually the rate of six per cent per annum.

Actions for enforcement of lien by taxing units.

SEC. 2. That it shall not be mandatory upon the County of Mecklenburg and/or the City of Charlotte or any other tax unit located in said county to make advertisement and sale of the property of delinquent taxpayers before enforcing its lien, and the time for bringing any action to enforce

such lien shall be determined by the governing body of the County of Mecklenburg and/or the City of Charlotte, or the governing body of the respective taxing unit of said county in its discretion, regardless of the provisions of any General Law with respect thereto; *Provided, further*, that in the event that the County of Mecklenburg and/or the City of Charlotte or any other taxing unit located in said county shall become the purchaser and owner of any real property in the enforcement of such tax liens, said real property so acquired may be sold by the County of Mecklenburg and/or the City of Charlotte, or such other taxing unit located in said county after one year from the date from its acquisition at either public or private sale and without public outcry; *Provided, further*, that each respective governing unit in said county may at any time convey to the person or persons who owned the real estate foreclosed at the time of the foreclosure proceeding upon the payment of all taxes, penalties or interest and all costs due the taxing unit on said property or incurred in the foreclosure proceeding. *Provided, further*, that nothing herein contained shall prevent or prohibit the taxing unit to convey a good fee simple title to any property thus acquired after one year from the date the taxing unit acquired title to said property.

Disposal of property acquired through tax foreclosures.

Reconveyance to owners.

SEC. 3. It is the purpose and intent of this Act that the provisions of the General Laws of the State of North Carolina now in force or which may hereafter be enacted shall apply to the governing units in Mecklenburg County and/or the City of Charlotte in reference to the foreclosure of liens for delinquent taxes, except as herein changed and modified.

Construction of Act.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 1053

## CHAPTER 488

AN ACT TO REGULATE THE SALARIES OF THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY, AND TO FIX THE DUTIES OF THE CHAIRMAN AS COUNTY MANAGER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Chairman of the Board of Commissioners of Haywood County, in addition to his duties as provided by law, as chairman of said board of commissioners, is appointed, and shall be manager for the County

Chairman of County Commissioners, Haywood County, to serve as county manager.

Powers and duties. of Haywood, and as such manager is vested with and shall have the following duties and authority, to-wit:

(1) To be the administrative head of the county government for the board of commissioners.

(2) To see that all orders, resolutions and regulations of the board of commissioners are faithfully executed.

(3) To attend all meetings of the board, and recommend such measures for adoption as he may deem expedient.

(4) To make reports to the board from time to time, upon the affairs of the county, and to keep the board fully advised as to the financial condition of the county, and its future financial needs.

(5) To supervise the courthouse, jail, county home, county hospital, and all other property owned by the county, and from time to time confer with and aid the County Superintendent of Public Instruction of Haywood County under the supervision of the County Board of Education in the management, care, repairs and construction of school buildings and school property.

(6) To direct the county auditor, and call to his attention for investigation any financial matter which the said chairman of said board of commissioners may deem proper to suggest and direct.

(7) To direct the tax supervisor as to the collection of taxes, and as to the listing of property for taxation, and to make search with the tax supervisor and aid him in the discovery of any property omitted from the tax books, and shall supervise, in conjunction with the tax supervisor, the listing of taxes and appraising of property.

(8) To nominate and recommend to the commissioners the appointment of all officers, agents and employees, including tax listers, courthouse janitors, and other similar employees.

(9) To act as purchasing agent for the purchase of supplies for the different departments of the county government, so as to prevent waste and duplication in purchasing, and to obtain the advantage of purchasing in larger quantities. The purchasing of school supplies shall continue under the direction of the board of education, and shall be made through the County Superintendent of Public Instruction, but all said purchases shall be approved by the said chairman of the board of commissioners, as general purchasing agent of the county.

(10) To do and perform such other work and service for the county as may from time to time be designated by the board of commissioners of the county.

SEC. 2. That the said chairman of said board of commissioners and his successor, as such manager of said county,

shall devote such time as may be required or needful for the full performance of the duties of said office as herein enumerated, and as provided by statute.

SEC. 3. That the said chairman of said board of commissioners, as such chairman and as county manager, shall receive a salary for his services the sum of fifteen hundred dollars up to the first Monday in December, one thousand nine hundred and thirty-nine, and the members of said board of commissioners shall receive as their salaries the sum of six hundred dollars each, for said salary up to the first Monday in December, one thousand nine hundred and thirty-nine, and thereafter the said chairman and manager of said board of commissioners shall receive an annual salary of fifteen hundred dollars per year, and each member of said board of commissioners shall receive an annual salary of six hundred dollars per year: *Provided*, that said commissioners shall cause said salaries to be paid in monthly installments.

Compensation as Chairman and County Manager.

Compensation of County Commissioners.

SEC. 4. That hereafter the chairman of the board of commissioners shall be nominated and elected as such chairman, and the other two members of the board of commissioners shall be nominated and elected as such commissioners.

Nomination and election of Chairman and Commissioners.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 1072

**CHAPTER 489**

**AN ACT RELATING TO THE SALARIES OF CITY COUNCILMEN IN THE TOWN OF WASHINGTON IN BEAUFORT COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That from and after the first day of April, one thousand nine hundred thirty-nine, the City Councilmen of the City of Washington in Beaufort County, North Carolina, shall receive a salary of ten dollars (\$10.00) per month each, said salaries to be paid out of the general fund of said city.

Compensation of City Councilmen, Town of Washington, Beaufort County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 742

## CHAPTER 490

## AN ACT TO RESTORE THE CHARTER OF THE TOWN OF SARATOGA IN WILSON COUNTY AND TO PROVIDE FOR THE INCORPORATION THEREOF.

Preamble:  
Incorporation of  
Town of Saratoga,  
Wilson County,  
in 1899.

*Whereas*, the Town of Saratoga in Wilson County was incorporated by Chapter two hundred and forty-eight of the Private Laws of North Carolina of one thousand eight hundred ninety-nine; and

Lapse of town  
charter.

*Whereas*, the said Charter of the Town of Saratoga has been permitted to lapse for a long period of time; and

Petition for  
restoration of  
charter.

*Whereas*, a petition has been signed by citizens of Saratoga, asking for the restoration of the Charter of the Town of Saratoga, *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Town of Saratoga  
incorporated.

SECTION 1. That the town in Wilson County known as Saratoga, be and the same is hereby incorporated under the name and style of "Saratoga," and it shall have the benefit of and shall be subject to all the provisions of law now existing in reference to incorporated towns not inconsistent with this Act.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: "Beginning at the intersection of the old plank road (United States Highway number two hundred and sixty-four) and the Tarboro Road, and thence along the old plank road North forty-seven degrees West two thousand one hundred twelve feet to a point; thence South forty-three degrees West two thousand one hundred twelve feet to a point; thence South forty-seven degrees East four thousand two hundred twenty-four feet to a point; thence North forty-three degrees East four thousand two hundred twenty-four feet to a point; thence North forty-seven degrees West four thousand two hundred twenty-four feet to a point; thence South forty-three degrees West two thousand one hundred twelve feet to a point on the old plank road, forming a square four-fifths of a mile on each side with the intersection of the old plank road and the Tarboro Road at the center."

Officers of town.

SEC. 3. That the officers of said corporation shall be a mayor, three commissioners, who shall hold office for a term of two years, and a chief of police, who shall be selected by the commissioners. The said commissioners shall have power to pass by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and the United States, and to levy and collect a tax on all subjects of State taxation, and to impose fines for violation of town ordinances and collect the same, and also levy and collect such license and privilege taxes as are provided by law.

Powers of  
commissioners.



SEC. 4. That as soon as practicable after the ratification of this Act the County Board of Elections of Wilson County shall call an election, which election shall be called prior to the first day of September, one thousand nine hundred thirty-nine, to be held in the territory hereinbefore described, for which election there shall be a registration of the voters of said area and said election shall be held under the rules and regulations governing municipal elections. The County Board of Elections of Wilson County is hereby authorized, directed and empowered to designate and appoint the appropriate election officials for the purpose of holding said election. At said election there shall be submitted to the qualified voters of the area proposed to be incorporated under the name of the town of Saratoga the question as to whether the said area shall be so incorporated, those favoring such incorporation shall vote a ballot on which shall be written or printed the words "For Incorporation" and those against incorporation shall vote a ballot on which shall be written or printed the words "Against Incorporation." At the said election a mayor and three commissioners for said town shall also be elected who shall hold office until the next municipal election to be held in the year one thousand nine hundred and forty-one.

Election on proposed incorporation.

Registration.

Conduct of election.

Issues submitted.

Ballots.

Election of officials.

SEC. 5. That if, at said election, a majority of the votes cast shall be "For Incorporation" then the area hereinabove described shall be incorporated under the name of the town of "Saratoga," and the candidate for mayor receiving the highest number of votes in said election shall be declared the mayor of said town and the three candidates for commissioners receiving the highest number of votes shall be declared the commissioners of said town, and the provisions of this Act shall be in full force and effect, otherwise, to be null and void.

Incorporation of town in event of majority vote therefor.

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

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

H. B. 890

## CHAPTER 491

AN ACT RELATING TO THE SALARY OF THE ASSISTANT CLERK OF THE SUPERIOR COURT OF COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the assistant or deputy clerk of the Superior Court of Columbus County may, at the option and with the approval of the Board of Commissioners of said county,

Compensation of assistant clerk of Superior Court, Columbus County.

be paid a salary of not less than twelve hundred dollars (\$1200.00) and not in excess of fifteen hundred dollars (\$1500.00) per year, payable monthly, from the general funds of the county.

SEC. 2. That the Clerk of the Superior Court of Columbus County may from time to time, employ, upon approval of the County Commissioners, such additional clerk help as may be required to properly perform the duties of his office.

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 full force and effect from and after the first day of April, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

## H. B. 953

## CHAPTER 492

### AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN HENDERSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That when it shall appear to the satisfaction of the Board of Commissioners of Henderson County that any real or personal property has been listed for taxes at an excessive valuation and on which there is outstanding delinquent taxes, the said board is hereby authorized and empowered to make such reduction of settlement with the taxpayer or other interested party for the taxes due Henderson County on said property as in their judgment is fair and just and will best subserve the interest of the county. All such taxes shall be payable in cash only, and no reduction shall be made unless the taxpayer at the time of such reduction is in position to, and does pay, the amount fixed by the commissioners as fair and just. When said money is paid the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable.

SEC. 2. The Board of Commissioners may, if they deem it advisable, employ some suitable person to aid in the collection of said taxes at a salary not exceeding one hundred dollars (\$100.00) per month, or in lieu of salary, may pay a reasonable commission on taxes collected, but such commission shall not exceed one hundred dollars (\$100.00) per month.

Employment of additional clerk help authorized.

Conflicting laws repealed.

Effective date.

Adjustment of delinquent taxes, Henderson County.

Adjusted taxes payable in cash only.

Full settlement receipt.

Employment and compensation of person to aid in collection.

SEC. 3. That the provisions of this Act shall also apply to the Town of Laurel Park, a municipal corporation in Henderson County. Act also applicable to Town of Laurel Park.

SEC. 4. That the provisions of this Act shall become void and inoperative at the expiration of two years from the date of the ratification of this Act. Time limitation.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

H. B. 971 **CHAPTER 493**

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the governing authorities, to-wit: the Mayor and Board of Commissioners of the Town of Morehead City, be and hereby are granted authority to acquire, lease, rent, maintain and operate property, both real and personal, outside of the corporate limits of said town at any time when the said governing authorities consider such acquirement, lease, rental, maintenance or operation for the economic and financial benefit of the said Town of Morehead City. Governing authorities, Town of Morehead City, authorized to acquire, lease, etc., property outside of corporate limits.

SEC. 2. That the acquirement, leasing, renting, maintenance and operation of any such property permitted by this Act is limited so as to be within the boundaries of Carteret County. Acquisition, etc. limited to property within Carteret County.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

H. B. 1042 **CHAPTER 494**

AN ACT TO EXTEND THE TERM OF OFFICE OF CERTAIN OFFICERS OF HARNETT COUNTY AND PROVIDING FOR THE ELECTION OF OTHERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the offices of the Register of Deeds, County Surveyor, and the Judge of the Recorder's Court of Harnett County are hereby extended to December first, one thousand nine hundred and forty-two, or until their Four-year terms for Register of Deeds, County Surveyor and Judge of Recorder's Court, Harnett County.

successors are elected and qualified. That at the general election in November, one thousand nine hundred and forty-two, and each four years thereafter, there shall be elected a Register of Deeds, a County Surveyor, and a Judge of the Recorder's Court of Harnett County.

Four-year terms  
for County  
Commissioners.

SEC. 2. That the office of the five County Commissioners of Harnett County shall and are hereby extended to December first, one thousand nine hundred and forty-two, or until their successors are elected and qualified. That at the general election in November, one thousand nine hundred and forty-two, and each four years thereafter, there shall be elected five commissioners for four-year terms each.

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.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

## H. B. 733

## CHAPTER 495

### AN ACT TO PROVIDE FOR THE COLLECTION OF THE DELINQUENT TAXES IN PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

Adjustment of  
certain delinquent  
taxes authorized,  
Pasquotank County  
and Elizabeth City.

SECTION 1. The County Commissioners of Pasquotank County and the City of Elizabeth City are hereby authorized, empowered and directed, to accept payment for taxes for the years one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty, one thousand nine hundred and twenty-nine, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-seven and all prior years, at the face value of the tax sale certificates issued for the respective years less all costs, penalties, interest charges, attorney's fees and advertising costs: *Provided*, the delinquent taxes for the aforesaid years are paid on or before January first, one thousand nine hundred and forty: *Provided, further*, that before any taxpayer shall be entitled to the benefits hereunder the county commissioners and the City of Elizabeth City may require the payment of the taxes owing by said delinquent taxpayer for the years one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight.

Conditions precedent to adjustments.

SEC. 2. All taxes owing to Pasquotank County and the City of Elizabeth City, levied for the year one thousand nine hundred and thirty-two or any year prior to one thousand nine hundred and thirty-two, which have not been paid prior to January first, one thousand nine hundred and forty, shall after that date bear interest at the rate of one-half of one per cent per month, which interest shall be computed on the amount of tax as originally levied and shall be in lieu of all other penalties, interest or costs, of any kind which have since accrued.

Interest rate on delinquent taxes.

SEC. 3. The action of the Tax Collector of Pasquotank County and the City of Elizabeth City, in accepting payment of taxes for the year one thousand nine hundred and thirty-two and prior years without requiring payment of the penalties, interest, costs or attorney's fees, is ratified, and where payment of the face amount of said taxes for the year one thousand nine hundred and thirty-two and prior years has been made such payment shall constitute a full settlement and discharge of the tax liability for said years.

Prior adjustments for 1932 and prior years validated.

SEC. 4. Nothing contained in this Act shall be construed as prohibiting the County of Pasquotank and the City of Elizabeth City from proceeding at any time with actions to foreclose the right or equity of redemption of the property owner, and the provisions of Sections one and two of this Act shall only apply in those cases where there has been no final foreclosure of the right or equity or redemption of the property owner. When sold in an action or proceeding for the collection of the tax and to foreclose the property owner's equity of redemption therein, Pasquotank County and the City of Elizabeth City shall have the right to collect the full amount of the tax, penalties, interests, costs, attorney's fees and other charges as provided by law.

Construction of Act.

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

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

H. B. 937

**CHAPTER 496**

**AN ACT RELATIVE TO THE COUNTY DEPOSITORY OF ROBESON COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred twenty-three of the Public-Local Laws of North Carolina, session of one thousand nine hundred and twenty-five be amended by adding the following at the end of Subsection (e) of Section one: "Provided, however, that if sufficient surplus funds not needed in the active transaction of the business of Robe-

Ch. 123, Public-Local Laws, 1925, amended as to designation of depositories for county funds, Robeson County.

son County shall accumulate in the depository named, the commissioners of said county may, in their discretion, remove such surplus funds not exceeding one hundred thousand dollars to any other bank or banks in Robeson County that shall comply with the terms of this Act with reference to security for deposits in the depository named."

Chapter further amended as to undertaking required of depositories.

SEC. 2. That Chapter one hundred twenty-three of the Public-Local Laws of North Carolina, session of one thousand nine hundred and twenty-five be further amended by adding the following at the end of Section one of said chapter, to be designated as Section one and one half: "(a) Any depository, bank or trust company designated or appointed as a depository of funds of Robeson County shall be required to furnish and hypothecate as collateral security for the aggregate balances standing to the credit of the county in its several accounts with said depository, acceptable bonds of the United States Government, or bonds fully guaranteed by the United States Government, State of North Carolina Bonds, Robeson County Bonds, or other governmental or municipal bonds approved by the Local Government Commission for investment by counties and municipalities. (b) Any depository, bank or trust company designated as a depository of the funds of Robeson County, under this Act, shall pay for or remit for checks drawn against the account or balances of Robeson County in said depository, promptly upon presentation, at par, and without deduction for exchange, and upon the failure of any such depository to so remit, the designation of such bank as a depository of the funds of Robeson County shall be revoked by the Board of Commissioners of Robeson County and all funds on deposit with such bank shall be removed to other depositories complying with this provision."

Conflicting laws repealed.

SEC. 3. That all laws or clauses of laws in conflict with this Act, to the extent of such conflict, are hereby repealed.

Effective date.

SEC. 4. That this Act shall be in full force and effect from and after the first Monday in October, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

H. B. 1081

## CHAPTER 497

AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

Appointment of William R. Kirk as member of Board of Water Commissioners, City of Hendersonville.

*The General Assembly of North Carolina do enact:*

SECTION 1. That pursuant to provisions contained in Chapter one hundred thirteen of the Private Laws of one thousand nine hundred twenty-one entitled "An Act to amend the Charter of the City of Hendersonville" ratified

December nineteenth, one thousand nine hundred and twenty-one, William Redin Kirk, be, and he is hereby re-elected and appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term to which he was duly elected by the provisions of Chapter one hundred thirteen, Private Laws of one thousand nine hundred twenty-one, as above set out.

Term of office.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

H. B. 1092

CHAPTER 498

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY AS IT RELATES TO THE SALE OF PROPERTY HELD BY THE CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred thirty-one of the Private Laws of one thousand nine hundred twenty-seven be and the same is hereby amended by adding at the end of Section sixty-two thereof the following paragraph: "In addition to the foregoing method of sale of property held by the city, the council may also receive and accept private offers for the purchase of any of its property, whether held for governmental purposes or otherwise, and whether real or personal. The highest private purchase price offer received in the contemplated sale of any property of the city shall be advertised in a newspaper of general circulation published in the City of Salisbury. The said advertisement shall set forth a description of the property and the amount of the purchase price offered, and shall contain the provision that the said property will be sold, at the discretion of the council, for the amount stated unless an increased offer in writing is made to the council within ten days from the date of the publication of the advertisement. If an increased offer is made within said period, the council may sell the said property for the amount of said increased offer without further advertisement. If no increased offer is made within said period, the council may sell the said property for the amount stated in said advertisement. But in either event the sale must be authorized by a recorded affirmative vote of the entire membership of the council."

Ch. 231, Private Laws, 1927, amended to provide for private sales of property owned by City of Salisbury.

Advertisement of private offers.

Contents.

Sale of property after advertisement.

SEC. 2. That this Act shall be effective from the date of its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

H. B. 1097

**CHAPTER 499**

AN ACT TO AUTHORIZE A BOARD OF COUNTY COMMISSIONERS OF SWAIN COUNTY TO ESTABLISH A COUNTY RECORDER'S COURT.

*The General Assembly of North Carolina do enact:*

Establishment of Recorder's Court, Swain County, authorized.

SECTION 1. That the Board of County Commissioners of Swain County are hereby authorized in their discretion to establish a recorder's court as provided by Chapter twenty-seven, Sub-chapter four, Article nineteen, Consolidated Statutes of North Carolina.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

H. B. 1101

**CHAPTER 500**

AN ACT TO REGULATE THE OPERATION OF AND TO PROHIBIT PUBLIC DANCES ON SUNDAY IN DAVIDSON COUNTY.

*The General Assembly of North Carolina do enact:*

Sunday operation of public dance halls, etc., Davidson County, prohibited.

SECTION 1. It shall be unlawful for any person, firm, or corporation to operate a public dance hall, or engage in public dances or dancing in Davidson County between the hours of midnight Saturday and midnight Sunday.

Violations made misdemeanor.

SEC. 2. Anyone violating the provisions of this Act shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.



H. B. 1103

CHAPTER 501

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE RELATIVE TO THE SALARY OF THE SHERIFF OF NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section seven of Chapter two hundred and twenty-five of the Public-Local Laws of one thousand nine hundred and thirty-three, be, and the same is hereby amended as follows: Strike out the words and figures "thirty-six hundred (\$3,600.00) dollars" in line two of said Section seven, and insert in lieu thereof, the words and figures "orty-two hundred (\$4200.00) dollars."

Ch. 225, Public-Local Laws, 1933, amended to increase salary of Sheriff, New Hanover County.

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

Conflicting laws repealed.

SEC. 3. That this Act shall be in force and effect from and after the first day of April, one thousand nine hundred thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

S. B. 405

CHAPTER 502

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO ISSUE BONDS FOR ROCKFISH TOWNSHIP FOR BUILDING A COMMUNITY BUILDING AND TO LEVY A TAX FOR PAYMENT OF SAME ON PROPERTY IN SAID TOWNSHIP, WHEN AUTHORIZED BY THE QUALIFIED VOTERS THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Duplin County are authorized and empowered to issue and sell bonds for Rockfish Township in the total sum not to exceed one thousand dollars (\$1,000.00), payable serially in such amounts as shall be determined by the said board of commissioners, and payable over such a period of time not exceeding five years, as may likewise be determined, and bearing interest not exceeding six per cent (6%); said bonds shall be sold in accordance with the provisions of the Local Government Act, and said board of commissioners are authorized and empowered to annually levy taxes upon all real and personal property listed for taxation in Rockfish Township to pay the principal and interest on said bonds as same shall mature.

Issuance of bonds by Duplin County Commissioners for Rockfish Township, authorized.

Sale of bonds.

Tax levy for payment of bonds.

"Rockfish Township Community Building Bonds."

SEC. 2. The said bonds when issued shall be issued by the Board of Commissioners of Duplin County for Rockfish Township and shall be denominated, "Rockfish Township Community Building Bonds" and shall not constitute a general obligation of said county, but shall be and constitute an obligation of the said Rockfish Township.

Election on proposed bond issue.

SEC. 3. That said bonds shall not be issued unless authorized by a majority of the qualified voters in Rockfish Township at an election to be called and held in said township for said purpose, which election shall be called and held in accordance with the provisions of the Consolidated Statutes, Section five thousand six hundred forty-one, so far as may be applicable thereto. At said election those favoring the issuance of said bonds and annually levying taxes on real and personal property in said township for the payment of same shall vote on a ballot containing the words: "For Community Building Bonds," and those opposing shall vote on a ballot containing the words: "Against Community Building Bonds." The board of commissioners may, in their discretion, order a new registration for said election.

Conduct of election.

Issues submitted.

New registration.

Bond issue and tax levy authorized in event of majority vote therefor.

SEC. 4. In case a majority of the qualified voters in said township shall vote at the election in favor of the issuance of said bonds and levying of said tax, said bonds may be issued by the board of commissioners for said township and the said bond shall annually levy and collect a tax on all real and personal property listed for taxation in said district sufficient to pay the said bonds and interest thereon, which taxes shall be collected as other taxes in said county.

Expenditure of proceeds from sale of bonds.

SEC. 5. That if said bonds are issued as herein authorized, the board of commissioners are hereby especially authorized to use and expend the net proceeds from the sale of same towards paying in part the cost of construction of the Community Building which is being constructed in said township for the use of the citizens of said township, which is hereby declared a special and public purpose.

Conflicting laws repealed.

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

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

S. B. 421

## CHAPTER 503

AN ACT PROVIDING FOR THE REAPPOINTMENT OF COMMISSIONERS OF THE IREDELL-ROWAN COUNTY DRAINAGE DISTRICT NUMBER ONE, RATIFYING ACTIONS OF SAID COMMISSIONERS HERETOFORE APPOINTED, AND TO PROVIDE FOR THE COLLECTION OF DELINQUENT ASSESSMENTS THEREIN.

*Whereas*, the Clerk of the Superior Court of Iredell County was authorized and empowered by Section one of Chapter four hundred sixty-one of the Public-Local Laws of one thousand nine hundred thirty-five to appoint commissioners for the Iredell-Rowan County Drainage District Number one, and, acting under said authority, appointed W. Scott Murdock, John F. Long and Sam Carsons as the three commissioners for said district in accordance with the provisions of said law; and

Preamble:  
Appointment of  
Commissioners of  
Iredell-Rowan  
County Drainage  
District No. 1.

*Whereas*, acting under and by virtue of the authority of said appointment, the said commissioners have proceeded in conformity with the law to perform the duties of said office and have made and levied assessments on the property in the district, as authorized by law, both under the Act aforesaid and under the authority of Chapter five hundred and nine of the Public-Local Laws of one thousand nine hundred thirty-seven, and have done other acts under and by virtue of their said offices; and

Performance by  
Commissioners  
of duties of office.

*Whereas*, there is outstanding indebtedness incurred by reason of court costs, engineering expenses, attorneys' costs and fees, and incidental expenses due by the said drainage district; and

Outstanding indebtedness of district.

*Whereas*, there are outstanding delinquent assessments due by the landowners in said district and which to date remain unpaid: *Now, therefore*,

Outstanding delinquent assessments.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the appointment of W. Scott Murdock, John F. Long and Sam Carsons, as commissioners for Iredell-Rowan Drainage District Number one by the Clerk of the Superior Court of Iredell County, is hereby ratified and confirmed, and all the acts and things done by said commissioners as commissioners for the said district, including the making of assessments against the landowners in said district and all other acts of said commissioners, are hereby ratified and confirmed and declared to be in all respects legal and binding to all intents and purposes; and the Clerk of the Superior Court of Iredell County is hereby authorized and empowered to reappoint said commissioners upon the expiration of their present terms, to the same extent and under the same authority and power and for the

Appointment and  
official acts of  
Commissioners  
validated.

Reappointment of  
Commissioners  
authorized.

same purposes as is set out in Chapter four hundred sixty-one of the Public-Local Laws of one thousand nine hundred thirty-five.

Collection of delinquent taxes and assessments authorized.

SEC. 2. That the said commissioners are hereby authorized, empowered and directed to proceed immediately with the collection of delinquent taxes in said drainage district and are authorized and directed to do all the things necessary to collect any and all delinquent assessments now due by the landowners in said district.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

## S. B. 428

## CHAPTER 504

### AN ACT TO ENLARGE THE BOUNDARIES OF THE TOWN OF COATS.

*The General Assembly of North Carolina do enact:*

Ch. 362, Private Laws, 1905, amended to extend boundaries of Town of Coats.

SECTION 1. That Section two of Chapter three hundred and sixty-two of the Private Laws of one thousand nine hundred and five as amended be and the same is hereby modified by enlarging the boundaries of the Town of Coats so that the boundaries hereafter shall be as follows:

Beginning at a stake corner in an old hedgerow path on the South side of a branch, and runs thence North four degrees fifteen minutes East, sixty-nine and twenty-five one hundredths chains (69.25) to a stake corner in Joseph Parrish's field; thence South eighty-five degrees forty-five minutes East, fifty-four and fifty one hundredths chains (54.50) to a stake corner in a hedgerow between J. Zeb. Williams and Elbert Capps, just East of and near said Capps' residence; thence South four degrees fifteen minutes West, passing Northeast corner of present limits of the town, and with the present Eastern boundary line of the town, passing Southeastern corner of the present limits, sixty-nine and twenty-five one hundredths chains (69.25) to a stake corner in open field; thence North eighty-five degrees forty-five minutes West, fifty-four and fifty one hundredths chains (54.50) to the beginning station, and is three hundred seventy-seven and four tenths acres (377.4).

Effective date.

SEC. 2. This Act shall be in force from and after the first day of July, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

S. B. 444

## CHAPTER 505

AN ACT TO AMEND SENATE BILL TWO HUNDRED AND EIGHTY-FOUR RATIFIED MARCH TWENTY-SECOND, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, ENTITLED "A BILL TO BE ENTITLED AN ACT TO PRESCRIBE THE FEES FOR PROBATE AND REGISTRATION OF CERTAIN RIGHT-OF-WAY DEEDS IN DUPLIN, PENDER, SAMPSON AND BLADEN COUNTIES," SO AS TO MAKE COLUMBUS COUNTY SUBJECT TO THE PROVISIONS OF SAID ACT.

*Whereas*, Senate Bill number two hundred and eighty-four introduced by Senator Ward, prescribing the fees for probate and registration of certain right-of-way deeds in the Counties of Duplin, Pender, Sampson and Bladen was enacted at this session of the General Assembly and ratified on March twenty-second, one thousand nine hundred and thirty-nine; and

Preamble: Enactment of S. B. 284 as to fees for probate and registration of certain right-of-way deeds.

*Whereas*, Columbus County now desires to have the said bill so amended as to include said county therein; *Now, therefore*,

Application of Act to Columbus County desired.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of said Act be and the same is hereby amended by adding after the word "Pender" and before the word "and" in line two thereof the following: "Columbus."

S. B. 284, Ch. 274, Public-Local Laws, 1939, amended to apply to Columbus County.

Said section is further amended by adding after the word "Superior" and before the word "Clerk's" in line seven thereof the following: "Court."

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

## S. B. 454

## CHAPTER 506

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ELEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE AS AMENDED BY CHAPTER ONE HUNDRED TEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATIVE TO THE EXPENSES OF COLLECTING TAXES IN FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 211, Public-Local Laws, 1935, amended to increase sum allowed for collection of taxes, Franklin County.

SECTION 1. That Chapter two hundred and eleven of the Public-Local Laws of one thousand nine hundred and thirty-three as amended by Chapter one hundred ten of the Public-Local Laws of one thousand nine hundred and thirty-five be and the same is hereby amended by striking out the word "fourteen" in line three and inserting in lieu therefor the word "eighteen": It being the purpose of this Act to make available for the purpose of collecting taxes in Franklin County the sum of eighteen hundred dollars per annum.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

## S. B. 498

## CHAPTER 507

AN ACT TO AMEND HOUSE BILL NUMBER ONE THOUSAND NINETY-THREE ENTITLED "AN ACT TO APPOINT A TAX COLLECTOR AND COUNTY ACCOUNTANT FOR YANCEY COUNTY AND DEFINE THEIR DUTIES."

*The General Assembly of North Carolina do enact:*

H. B. 1093, Ch. 400, Public-Local Laws, 1939, amended as to fees and expenses allowed sheriff and deputies, Yancey County.

SECTION 1. That Section five of House Bill one thousand ninety-three ratified the twenty-eighth day of March one thousand nine hundred thirty-nine be and the same is hereby amended by striking out of said section the following:

"*Provided*, the Board of County Commissioners of Yancey County may, in the exercise of its discretion, allow the Sheriff an additional sum of twenty-five dollars (\$25.00) per month for the total amount to be paid by the county for all other deputies, if the amount of work warrants it," and inserting in lieu thereof the following:

“*Provided*, that in addition to the foregoing salaries of the Sheriff and deputy, the Sheriff and deputies of Yancey County shall be allowed the fees and expenses provided in Section three thousand nine hundred eight of the Consolidated Statutes of North Carolina.”

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 1st day of April, 1939.

S. B. 49

**CHAPTER 508**

AN ACT TO EXTEND THE TERM OF OFFICE OF THE REGISTER OF DEEDS FOR MOORE COUNTY AND TO PROVIDE THE MANNER IN WHICH ANY VACANCY MIGHT BE FILLED IN SAID OFFICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Register of Deeds now holding said office in Moore County shall serve in such capacity until the first Monday in December, one thousand nine hundred forty-two and until his successor is elected and qualified. That at the general election to be held in one thousand nine hundred forty-two, and quadrennially thereafter, there shall be elected in Moore County a Register of Deeds who shall serve for a term of four years and until his successor is elected and qualified.

Four-year term for Register of Deeds, Moore County.

SEC. 2. That in case a vacancy in the office of Register of Deeds for Moore County should hereafter occur by reason of death, resignation or otherwise, the said vacancy shall be filled by action of the County Commissioners of Moore County upon recommendation by the County Executive Committee of the political party of the Register of Deeds causing such vacancy, and the person so appointed shall serve for the unexpired term of the person causing the vacancy and until his successor is elected and qualified.

Vacancy appointments in office of Register of Deeds.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 260

## CHAPTER 509

AN ACT TO AMEND CHAPTER NUMBER TEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE, AUTHORIZING THE BOARD OF COMMISSIONERS OF ROBESON COUNTY TO FIX, RAISE, LOWER OR ADJUST SALARIES OF COUNTY OFFICIALS AND SUBORDINATES IN ACCORDANCE WITH CHANGING ECONOMIC CONDITIONS AND FOR EFFICIENCY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter ten of the Public-Local Laws of one thousand nine hundred thirty-three be amended by striking out of said chapter all of Section six and inserting in lieu thereof two new sections to be known as Sections six and six-A, as follows:

"SEC. 6. That full power and authority are hereby vested in the Board of Commissioners to fix the salary of the Clerk of the Superior Court of Robeson County, but, in no event shall the said salary be fixed at less than two hundred fifty (\$250.00) dollars per month.

"SEC. 6-A. That the salary of the Clerk of the Superior Court of Robeson County shall be from and after the ratification of this Act two hundred fifty (\$250.00) dollars, per month, with the power hereby given to the Board of Commissioners of said county to fix his said salary at such sum in excess of two hundred fifty (\$250.00) dollars per month and not exceeding three hundred (\$300.00) dollars as to them may appear just and reasonable."

SEC. 2. That all laws and clauses of laws in conflict herewith, to the extent of such conflict, are hereby repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 298

## CHAPTER 510

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS IN BEHALF OF SCHOOL DISTRICTS AND SPECIAL BOND TAX UNITS AND THE LEVY OF TAXES WITHIN SUCH DISTRICTS AND UNITS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory described in such petition, praying that bonds be issued under the provisions of this Act, the Board of County

Ch. 10, Public-Local Laws, 1933, amended as to compensation of Clerk of Superior Court, Robeson County.

Conflicting laws repealed.

Special election on question of bond issue and tax levy for school improvement purposes, Iredell County.



Commissioners of Iredell County shall order a special election to be held in any such school district or in any such special bond tax unit for the purpose of voting upon the question of issuing bonds and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering, and equipping school buildings and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or such unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or of such unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds to be issued, the purpose or purposes for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be in substantially the words: "For the issuance of \$..... School Bonds and the levying of a sufficient tax for the payment thereof," and "Against the issuance of \$..... School Bonds and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the af-

Conduct of election.

Notice of election.

Contents of notice.

Publication of notice.

New registration.

Notice of registration.

Challenge day.

Issues submitted.

Ballots.

firmative and the negative forms, in one of which squares the voter may make a cross (x) mark.

Returns.

SEC. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners as aforesaid and the other filed with the Clerk of the Superior Court of the county in which the school district or unit is situated. The election officers shall

Results determined and declared.

Contents of returns.

incorporate in the returns not only the number of votes for and against the bonds, but also the number of voters registered and qualified to vote at the election, and the Board of County Commissioners shall include in their canvass not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election. The Board of County Commissioners shall prepare a statement showing the number of votes cast for and against the bonds, and the number of voters registered and qualified to vote at the election, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Statement of results by County Commissioners.

Publication.

Time limit on actions to contest validity.

SEC. 3. No right of action or defense founded upon the invalidity of such election shall be asserted, nor shall the validity of such election or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding section.

Issuance of bonds authorized.

SEC. 4. If a majority of the qualified voters of such district or such unit shall vote in favor of the issuance of such bonds and the levy of such tax, then the Board of County Commissioners shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name of the county, but they shall be made payable exclusive out of taxes to be levied in such district or such unit. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said Board of County Commissioners may determine, subject to the limitations and restrictions of this Act. They

Payment of bonds.

Form, denomination and provisions of bonds.

may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners, and the seal of the county shall be affixed to or impressed upon each bond and attested by the Register of Deeds of the county or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Interest rate.

Registration.

Execution of bonds.

Interest coupons.

SEC. 5. The Board of County Commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds.

Special tax levy authorized.

Collection and application.

SEC. 6. No bonds shall be issued on behalf of a school district or a special bond tax unit under this Act which, including indebtedness for schools thereof then outstanding, and a proportionate part of the indebtedness of the county for school purposes, including indebtedness for school purposes assumed by the county, shall exceed eight per cent of the assessed valuation of taxable property in such district or such unit. A proportionate part of the school indebtedness of the county for the purpose of this section shall be that proportion of such indebtedness which the valuation of taxable property of the school district or the special bond tax unit bears to the total valuation of the taxable property of the county.

Limitation on amount of bonds issued.

Powers conferred declared supplemental.

SEC. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of monies provided for such payment.

Act constitutes authority for powers authorized.

SEC. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsement of such approval upon bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds shall be paid out only upon order of the County Board of Education.

Application of Local Government Act.

Application of Act.

SEC. 9. This Act shall apply only to Iredell County.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 378

## CHAPTER 511

### AN ACT FOR THE RELIEF OF T. W. FERGUSON, JUSTICE OF THE PEACE IN AND FOR BEAVER CREEK TOWNSHIP, WILKES COUNTY.

Preamble: Election of T. W. Ferguson as Justice of Peace, Beaver Creek Township, Wilkes County.

*Whereas*, at the general election in Beaver Creek Township, Wilkes County, T. W. Ferguson was duly elected Justice of the Peace for said township, and properly qualified as said Justice of the Peace, and continued to exercise his office, and while so acting was re-elected said Justice of the Peace at the general election held in said township for the year one thousand nine hundred and thirty-eight, for a period of two years and continued to act as said Justice of the Peace not knowing that it was necessary to qualify under the second election; and,

Performance of official acts without qualification.

*Whereas*, he in good faith has performed his duties, making it necessary that his acts be confirmed and approved: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Official acts of T. W. Ferguson as Justice of Peace, validated.

SECTION 1. That all the judicial and ministerial acts which he has performed as Justice of the Peace, which would have been legal had the said Ferguson qualified as required by law, in and for said township from December

first, one thousand nine hundred and thirty-eight, to the present time be and the same is hereby ratified and confirmed, and that he have until April fifteenth, one thousand nine hundred and thirty-nine, to qualify as said Justice of the Peace. Qualification.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

S. B. 391

## CHAPTER 512

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred fourteen of the Private Laws of one thousand nine hundred and nine as amended by Chapter one hundred sixty-seven of the Private Laws of one thousand nine hundred twenty-three be and the same is hereby amended by striking out all of Section two of said chapter and inserting in lieu thereof the following: Ch. 314, Private  
Laws, 1909,  
amended.

#### *Corporate Limits*

Beginning at the mouth of Hendricks Creek, on Tar River, then up said creek to the southern line of the right of way of the East Carolina Railway; then with the southern line of said right of way South 85—34 West one hundred (100) feet, South 76—25 West two hundred eight and nine-tenths (208.9) feet, South 66—10 West one thousand five hundred twenty-two (1,522) feet, South 68—18 West two hundred fifty-three (253) feet, South 72—38 West one hundred eighty-eight and five-tenths (188.5) feet to the old Sparta Road; then with East side of said road or street North 18—06 West eight hundred fifty-four and one-tenth (854.1) feet to North side of Elm Street (Pitt Street extended), then with North side of this street South 66—55 West one thousand four hundred eighty-seven and nine-tenths (1,487.9) feet to a hedgerow, then with said hedgerow North 24—43 East five hundred (500) feet to South side of St. James Street, then crossing said street North 24—43 East two hundred sixty-one and two-tenths (261.2) feet to a stake on East side of Old Sparta Road; then with said road North 14—23 East one hundred (100) feet, North 1—35 West one hundred eighty-eight and six-tenths (188.6) feet, North 13—33 West four hundred eighty-two and two-tenths (482.2) feet to South side of Wilson Street extended; then with the South side of said street North 63—08 East three hundred seventy-seven and four-tenths (377.4) feet; Corporate limits,  
Town of Tarboro,  
extended.

then North 65—06 East one thousand five hundred eighty-eight (1,588) feet to a point opposite the line of field and yard at Hilma, home of Miss Reba Bridgers; then crossing street and along line of said field and yard North 24—54 West six hundred (600) feet to a stake; then North 65—06 East four hundred thirty-seven (437) feet to Hendricks Creek; then up said creek to a ditch, the southern line of property of Runnymede Mills, Incorporated; then up said ditch to a stake; then North 42—30 West six hundred thirty-four and eight-tenths (634.8) feet along line of Runnymede Mills, Incorporated, to the line of the Speight land; then North 12—29 East four hundred eighty-seven and two-tenths (487.2) feet; North 13—04 East six hundred seventy-three (673) feet to the right of way of the Atlantic Coast Line Railroad Company; then along said right of way North 79—21 West five hundred three and five-tenths (503.5) feet to a point just southwest of the guano factory of F. S. Royster Guano Company; then North 11—20 East nine hundred ninety-nine and four-tenths (999.4) feet to the northern line of said guano company; then along this line and the line of the Southern Cotton Oil Company South 51—50 East two hundred sixty-eight (268) feet, South 53—35 East three hundred forty-six and seven-tenths (346.7) feet to the C. J. Austin land; then with the Austin line and Southern Cotton Oil Company line South 42—11 East one hundred seventy-three and seven-tenths (173.7) feet, South 50—57 East four hundred ninety-seven and two-tenths (497.2) feet, South 47—45 East five hundred twenty-eight and two-tenths (528.2) feet to the right of way of the railroad; then along northern line of said right of way to the line of the late Mrs. W. H. MacNair; then along this line and the line of the Pinehurst Land Company North 40—41 West two hundred ninety and seven-tenths (290.7) feet; then North 7—41 East one thousand one hundred fifty-six and one-tenth (1,156.1) feet, North 66—15 East one thousand three hundred ninety-one and three-tenths (1,391.3) feet to the Tarboro-Leggetts Highway; then down the West side of said highway South 20—55 East one thousand four hundred twenty-eight and nine-tenths (1,428.9) feet to a point opposite the northwest corner of the yard enclosing the residence formerly occupied by the late Mrs. T. W. Thrash, now owned by the heirs of the late E. H. Morrison; then crossing said highway North 66—58 East seven hundred eighty-seven and one-tenth (787.1) feet along the line of said yard to the back corner; then South 23—55 East six hundred ninety-three (693) feet to the northern line of the right of way of the Atlantic Coast Line Railroad Company; then North 51—42 East one hundred forty-four (144) feet along said right of way to a stake; then South

37—58 East four hundred nine and four-tenths (409.4) feet to a stake in hedgerow; then South 33—15 East three hundred fifty-four and five-tenths (354.5) feet to a stake on North side of small ditch at the northwest corner of the baseball park; then down said ditch North 62—09 East five hundred twenty-one and five-tenths (521.5) feet, South 17—28 East six hundred forty-seven and one-tenth (647.1) feet, North 79—02 East two hundred fifty-nine (259) feet, North 84—32 East four hundred fifty-four and five-tenths (454.5) feet, South 15—24 East three hundred fifteen (315) feet to Philips Street; then up North side of said street North 67—48 East five hundred twenty-five (525) feet to a stake in hedgerow; then with said hedgerow South 3—45 East four hundred ninety-seven and five-tenths (497.5) feet, North 67—27 East two hundred eighteen and six-tenths (218.6) feet, South 23—05 East three hundred twenty-eight and four-tenths (328.4) feet; then crossing field North 63—52 East nine hundred ninety-three and six-tenths (993.6) feet to a stake in the field; then South 24—05 East one thousand four hundred seven and nine-tenths (1,407.9) feet to a stake in hedgerow, dividing line between the school property and Panola Farm; then along said hedgerow South 68—13 West eight hundred one and five-tenths (801.5) feet to Oakland Street; then with East side of said street South 23—19 East five hundred eighteen and four-tenths (518.4) feet to St. James Street; then along South side of St. James Street South 66—47 West seven hundred eighty-five and nine-tenths (785.9) feet to a hedgerow and ditch; then down said hedgerow and ditch South 32—55 West seven hundred fifteen and one-tenth (715.1) feet, South 34—32 West five hundred thirty-six and four-tenths (536.4) feet to a stake on West bank of canal running through Panola Farm; then South 17—50 East one thousand seventy-nine and six-tenths (1,079.6) feet to a sycamore on Tar River; then down said river to the beginning.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 419

## CHAPTER 513

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON, NORTH CAROLINA, SO AS TO INCLUDE GREENFIELD LAKE WITHIN THE BOUNDARIES OF SAID CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate limits and bounds of the City of Wilmington, North Carolina, shall be and are hereby extended so as to include within the said boundaries the following described territory:

Beginning at the intersection of the Southerly line of the right-of-way of Community Drive with the Southerly line of the City of Wilmington, said point being thirty (30) feet from the center line of said Community Drive and at the high water line of Greenfield Lake where Jumping Run Branch enters said lake, thence leaving said point in an Easterly direction and along said right-of-way of Community Drive as it meanders to its intersection with the Eastern line of Carolina Beach Boulevard; thence along the said Eastern line of Carolina Beach Boulevard in a Northerly direction to its intersection with the Southern line of the City of Wilmington; thence along said Southern line of the City of Wilmington to Greenfield Lake; thence along said edge of Greenfield Lake and the city limit of the City of Wilmington to the point of beginning; being all of that area lying between the edge of Community Drive from Jumping Run Branch to Greenfield Creek and the present city limits of the City of Wilmington.

SEC. 2. That all laws or parts of laws in conflict with this Act, to the extent of such conflict are hereby repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 435

## CHAPTER 514

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter sixteen of the Private Laws of North Carolina, session one thousand eight hundred and eighty-nine, entitled "An Act to Incorporate the Town of Liberty" be amended by adding the following at the end of Section three thereof:

Corporate limits,  
City of Wilmington,  
extended.

Conflicting laws  
repealed.

Sec. 3, Ch. 16,  
Private Laws,  
1889, amended.



“The Treasurer of Liberty shall be the tax collector for said municipality and all proceedings for the collection of taxes, including foreclosures, by the tax collector shall be by the treasurer, but he, or the mayor or commissioners, may delegate such duties as he, or they, may desire to the town constable, or such other suitable person as they may desire. All sales of personal property, and of real estate, for municipal taxes and, or, special assessments, for the Town of Liberty, shall be held at the post office door in Liberty, the town having no municipal building, and all other notices required under the Municipal Laws of North Carolina to be posted, relating to municipal affairs of cities and towns, shall be deemed to have been fully complied with by the Town of Liberty when posted at the required time at three or more public places in said town.”

Treasurer of Town of Liberty to serve as tax collector.

Delegation of duties authorized.

Place of tax sales, Town of Liberty.

Posting of legal municipal notices.

SEC. 2. That Section four of said Act be stricken out and the following inserted in lieu thereof:

Sec. 4, amended.

“SEC. 4. That there shall be an election held in the year one thousand nine hundred and thirty-nine and biennially thereafter, as provided in Chapter fifty-six, part six, Article three of the North Carolina Code, independent of the Act of one thousand nine hundred and seventeen, for the election of elective officers for said municipality, as provided by said chapter: *Provided*, that candidates for the elective offices of said municipality may be nominated at a mass meeting of the qualified voters of the said town not later than April fifteenth, of each municipal election year, and upon five days notice of a call by the mayor, or commissioners, posted at three public places in the town and published in a newspaper having circulation in the town, naming the time and place and purpose of the meeting. All persons entitled to vote in the town may participate in the meeting, and all persons qualified to hold office in the town that are nominated at such meeting shall, upon signing a written request to the mayor, have his, or her name placed upon the ballot as a candidate for the office for which nominated if filed with the mayor on or before April twentieth, of such election year: *Provided* that if the persons up to ten in number, or any part thereof, receiving the highest number of votes at such mass meeting as candidates for town commissioner, and person or persons, up to two in number, receiving the highest number of votes for other elective office fail to file a written request as herein provided, then in that event their names be placed upon the ballot anyway as candidates for the respective office for which such persons were nominated at such mass meeting. Any person qualified to hold office in said town, not having been nominated at the mass meeting, may have his, or her name placed upon the ballot as a candidate, for whatever

Biennial municipal elections.

Nomination of candidates for elective offices at mass meeting.

Notice of meeting.

Procedure for nomination of candidates.

office is designated, by filing with the mayor on or before April twentieth of such election year a request, accompanied by a petition signed by ten per cent of the qualified voters of said town, designating the office such person desires his, or her name placed upon the ballot as a candidate for and requesting that such person be filed as a candidate. The person receiving a plurality of votes for the office for which he, or she is a candidate will be declared elected to such office. In case of commissioners the five persons receiving the highest number of votes will be declared elected. In case of a tie vote for any office the registrar will cast the deciding vote."

Sec. 5, amended as to levy of tax, etc.

SEC. 3. That all of Section five of said Act after the comma following the word "States" in line three thereof be stricken out and the following added: "and levy a tax on all taxable property, objects and persons, that are now, or may be from time to time, taxable by cities and towns under the General Laws of the State of North Carolina, and all other persons that now are, or may hereafter be, delegated to cities and towns by statutes of North Carolina."

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 436

## CHAPTER 515

### AN ACT TO VALIDATE SPECIAL STREET ASSESSMENTS, AND TO VALIDATE SALES FOR TAXES AND SPECIAL STREET ASSESSMENTS, AND TO EXTEND THE TIME FOR STARTING FORECLOSURE PROCEEDINGS ON TAX SALE AND SPECIAL STREET ASSESSMENT SALES FOR THE TOWN OF LIBERTY.

*The General Assembly of North Carolina do enact:*

Special street assessments, Town of Liberty, validated.

SECTION 1. That all special street assessments heretofore assessed by the Town of Liberty, by its governing body, against real estate in the said town for street improvement, and all acts done by the commissioners and officers of said town, and any other person, persons, or body, relating to special street assessments in said town, whether performed in strict compliance of the statutes or not, including the assessment roll and the amounts assessed against each and every piece, parcel or tract of real estate, are hereby validated, and all unpaid special street assessments now held by the Town of Liberty against real estate for

Unpaid assessments declared liens against property.

street improvement, and water and sewer connections, including interest, are hereby declared to be specific liens against the real estate upon which such assessments are made.

SEC. 2. That all sales for taxes, and for special street assessments, heretofore made by the Town of Liberty, are hereby validated, whether made in strict compliance with the statute or not, and regardless of the time and place of said sales, all of them having been made in the Town of Liberty at public outcry after public advertisement giving the time and place of sale, and the same are hereby validated and declared to be valid as if the same had been held at such time and place after such advertisement as the law or Acts of the General Assembly may have heretofore provided.

Sales for taxes and special street assessments validated.

SEC. 3. That the time for beginning foreclosure proceedings, where such proceedings have not actually been commenced, on tax sales certificates, and on special street assessment sales certificates, for the years one thousand nine hundred thirty-four, one thousand nine hundred thirty-five, and/or one thousand nine hundred thirty-six, shall be and the same is hereby extended until the first day of December, one thousand nine hundred and thirty-nine, within which time and at any time prior to that date actions may be brought to foreclose upon said certificates of sale, and no statute of limitation shall bar the right and authority to foreclose under the said certificates.

Time for foreclosure of tax certificates and assessment certificates extended.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

S. B. 440

## CHAPTER 516

AN ACT TO CREATE A BOARD WHICH MAY ISSUE REVENUE BONDS ONLY FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, OPERATING AND MAINTAINING A MUNICIPAL HOSPITAL FOR THE CITY OF HIGH POINT.

Whereas, at the regular meeting of the Council of the City of High Point on December twenty-first, one thousand nine hundred thirty-eight, said Council unanimously selected and appointed J. E. Millis, O. A. Kirkman, Jos. D. Cox, Welch Harris, C. M. Waynick, W. T. Powell, Paul Ingle, James B. Lovelace and Glenn R. Ward as members of a board look-

Preamble:  
Appointment of municipal hospital board, City of High Point.

ing to the acquisition, construction, operation and maintenance of a municipal hospital for the City of High Point; and,

Chairman of Board and terms of office of members.

Whereas, the Council of the City of High Point named the said J. E. Millis Chairman of said board and fixed the terms of office of the members of said board as follows: J. E. Millis, O. A. Kirkman and Jos. D. Cox, three years; Welch Harris, C. M. Waynick and W. T. Powell, two years; and Paul Ingle, James B. Lovelace and Glenn R. Ward, one year, *Now therefore,*

*The General Assembly of North Carolina do enact:*

Appointment of board confirmed.

SECTION 1. That the action of the Council of the City of High Point as set forth in the preamble of this Act be and the same is hereby ratified and confirmed and that the said J. E. Millis, O. A. Kirkman, Jos. D. Cox, Welch Harris, C. M. Waynick, W. T. Powell, Paul Ingle, James B. Lovelace and Glenn R. Ward are created a hospital board for the City of High Point; that the board hereby created shall be a body corporate under the name of Hospital Board of the City of High Point, and shall have a seal bearing the words, "Municipal Hospital Board for the City of High Point, North Carolina," and shall have the power to sue and to be sued and by that name shall be capable of receiving gifts, grants, of making purchases, of buying and holding property, both real and personal, of mortgaging, transferring and conveying property, both real and personal, for municipal hospital purposes, of prosecuting and defending suits for and against the corporation hereby created; conveyances, mortgages and all other instruments to the said board shall be made to the members of said board and their successors in office. In case of the resignation or death of a member of the said board, a majority of the members of the said board shall supply the vacancy and the member so supplied shall serve during the remainder of the term so vacated. Upon the expiration of the terms of the members of the said board vacancies thereby created shall be filled by a majority of the members of said board.

Board to be a body corporate.

Powers.

Vacancy appointments on board.

Election of secretary to board.

SEC. 2. That the said hospital board hereby created shall have a secretary who shall be elected by a majority vote of the members of the said board and who shall be a member of such board. The duties of such secretary shall be to keep all records of such board and all the members of such board shall serve without compensation.

Duties.

Execution of contracts, deeds, etc.

SEC. 3. All contracts 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 hospital board and attested by the secretary of such board and the corporate seal of said board thereto affixed.

SEC. 4. The said hospital board hereby created shall have and may continue to exercise the powers conferred by the Revenue Bond Act of one thousand nine hundred thirty-eight and may pursuant to the provisions of said Revenue Bond Act of one thousand nine hundred thirty-eight issue in its own name revenue bonds for the purpose of constructing a building to be used as a public municipal hospital in and for the City of High Point, and acquiring any land, furnishings, equipment and apparatus needed therefor and may execute a mortgage or deed of trust on any property that may be acquired by such hospital board for the purpose of securing the payment of such revenue bonds. Such revenue bonds shall be deemed sufficiently executed or issued when signed by the chairman of such hospital board and attested by the secretary of the board and the corporate seal thereto affixed.

Power of board to issue revenue bonds for construction, operation, etc. of hospital.

Execution of bonds.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

S. B. 445

## CHAPTER 517

AN ACT TO AMEND CHAPTER TWO HUNDRED NINETY-SEVEN PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, PROVIDING FOR AN ALLOWANCE TO THE SHERIFF AND RURAL POLICEMEN OF ROBESON COUNTY FOR TRAVELING EXPENSES INCURRED IN LINE OF DUTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred ninety-seven Public-Local Laws of North Carolina, session of one thousand nine hundred thirty-five, be amended by striking out the words "Sheriff and" in line two thereof.

Ch. 297, Public-Local Laws, 1935, amended, as to traveling expenses allowed Sheriff of Robeson County.

SEC. 2. That a new section be added to Chapter two hundred ninety-seven Public-Local Laws of North Carolina, session one thousand nine hundred thirty-five, between Sections one and two, which new section shall be numbered "Section one and one-half" and which shall read as follows:

"That in addition to the salary that is now or may hereafter be allowed by law to the Sheriff of Robeson County, there shall be paid to him from the public funds of said county the sum of seventy-five dollars each month, on account of traveling expenses incurred by him in the performance of his duties as Sheriff."

SEC. 3. That except as herein amended Chapter two hundred ninety-seven, Public-Local Laws of North Carolina, session of one thousand nine hundred thirty-five, shall remain in full force and effect.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

S. B. 449

CHAPTER 518

AN ACT RELATING TO THE LEVYING OF TAXES IN THE TOWN OF DOBSON.

*The General Assembly of North Carolina do enact:*

Act of 1939  
General Assembly  
as to levy of additional  
taxes, Town of Dobson,  
applicable to taxes  
for public improvements  
only.

SECTION 1. That the Act passed at this term of the General Assembly authorizing the levying of additional taxes within the Town of Dobson, other than the twenty-five cent levy provided for in the Charter of the Town of Dobson, shall be construed and held to relate to taxes for public improvements only, such as water and light, sewerage or other necessary public local improvements within the said town.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

S. B. 470

CHAPTER 519

AN ACT TO AMEND PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED FIFTEEN, CHAPTER FIVE HUNDRED TWENTY, ESTABLISHING THE FORSYTH COUNTY COURT, AND ALL ACTS RELATING THERETO, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Ch. 520, Public-  
Local Laws, 1915,  
amended.

SECTION 1. That Public-Local Laws of one thousand nine hundred fifteen, Chapter five hundred twenty, entitled "An Act to establish a special court for Forsyth County with civil jurisdiction, to be known as 'Forsyth County Court'," and all Public-Local Laws and other laws thereafter enacted relating to said Forsyth County Court be, and the same are, hereby amended as follows:

1. There shall be no trial by jury in the Forsyth County Court in any action arising in contract involving one thousand dollars (\$1,000.00) or less, exclusive of interest, or in any action arising in tort involving five hundred dollars (\$500.00) or less, exclusive of interest, but the judge of said court shall try both the facts and the law and render his judgment thereon. From such judgment any party may appeal to the Superior Court by giving such notice and bond and paying such fees as are hereinafter provided. Where any appeal is taken under this paragraph, trial in the Superior Court shall be de novo.

Trials by jury,  
Forsyth County  
Court.

Appeal to  
Superior Court.

2. Except when sitting in term as hereinafter provided for the trial of actions by jury, the Forsyth County Court shall sit daily at the court house in Winston-Salem at such hours as shall be fixed by the judge thereof for the trial of cases without a jury. Actions returnable before the judge for trial without a jury shall be tried on the day on which they are returnable, unless the judge shall fix some other day to try them.

Sessions of court  
for trial of cases  
without jury.

3. In all actions in the Forsyth County Court in which neither party is entitled to a trial by jury the forms of summons, attachment, claim and delivery, and all other process or pleading, original or ancillary, shall be as nearly as possible the same as those in force at the time in Forsyth County in actions before justices of the peace, wherever such a form is provided by statute, and in any such action in which equitable or other relief is demanded for which no form is provided for justices of the peace, the form shall be such as is provided by law for the Superior Court. The judge of the Forsyth County Court shall have the power upon his own motion, or upon the application of any party, to require the filing of written pleadings in such actions within such time as he shall allow, and may continue the cause for trial until such time as he shall fix after pleadings are filed. In all actions in which justices of the peace have original jurisdiction summons and other process shall be returnable according to the law and practice provided in like actions before justices of the peace. In all other actions in which no jury trial can be demanded, summons and other process shall be returnable not less than ten days nor more than thirty days after the date of issue, except that in all cases in which process runs out of the county the return date shall be thirty days after the date of issue. In all actions in which justices of the peace have original jurisdiction summons and other process shall run out of the county in the same manner as is provided in like actions before justices of the peace. In all other actions in the Forsyth County Court summons and other process may issue out of the county when issued under the seal of

Form of pleadings  
and processes.

Written pleadings.

Return date of  
summons and other  
process.

Issuance of process.

the court. Summons and other process may be signed by the clerk of said court or any deputy thereof.

Demand for trial  
by jury.

4. In all actions in the Forsyth County Court, except those in which no party is entitled to a trial by jury as provided in paragraph one of this section, any party to such action may demand and shall be entitled to a trial by jury. Such demand must be made in the first complaint, answer, demurrer, interplea, or other pleading actually filed by said party, although the time for filing the same may have been extended. In all actions in which a party has the right to demand a trial by jury the summons or other process first served upon such party shall have a notice attached thereto or included therein informing such party that the right to demand a trial by jury exists, and stating the time in which it must be demanded. In all actions in which a party has the right to demand a trial by jury in the Forsyth County Court, the failure to demand it as allowed herein shall constitute a waiver of the right.

Removal of cause  
to Superior Court  
upon written  
demand therefor.

5. In any action in the Forsyth County Court in which any party may demand a trial by jury, any party to said cause, whether as plaintiff, defendant, intervener, or otherwise, may demand a removal of the cause to the Superior Court by filing such demand in writing, signed by such party or his counsel, at or before the time such party is required, either by law or by order of the court, to file his first pleading in said cause. Any party demanding removal as herein provided is entitled thereto as a matter of right, except that in cases in which a permanent receiver has been appointed, and no appeal has been taken from the order appointing the receiver, and in any case in which a trial by jury as to any phase of the case has already been had, said action shall not be removed to the Superior Court upon the application of any person becoming a party thereafter. In any case in which a demand for removal is made as provided herein, and no objection thereto is filed within five days after the last day on which it could have been filed, the Clerk of the Forsyth County Court shall docket said cause in the Superior Court and shall transfer to the records of said court the summons, pleadings and all other papers in said cause, and thereupon said cause shall be conducted according to the law and practice of the Superior Court. Any judge presiding at any term of the Superior Court shall have the authority after notice and hearing to remand to the Forsyth County Court any cause removed in violation of this paragraph. No objection to removal or motion to remand shall be made on any other ground than that the cause is not a removable cause.

Transfer of record,  
etc. for docketing  
in Superior Court.

Motions to  
remand.

Fees.

6. In all actions in the Forsyth County Court of which justices of the peace have original jurisdiction, the fee bill



both before and after judgment, and including executions and all other remedies after judgment and including fees for appeals and removals, shall be the same as that which is applicable to justices of the peace in Forsyth County.

7. In all other actions in the Forsyth County Court in which no party is entitled to a trial by jury, in which justices of the peace have no jurisdiction, the fee bill shall be as follows:

Schedule of Clerk's fees in Forsyth County Court.

#### *Clerk's Fees*

Issuing summons .....	\$ .50
Issuing summons for each additional defendant.....	.20
Issuing subpoena each witness.....	.25
Issuing execution .....	.50
Issuing each renewal of execution.....	.50
Issuing attachment papers, original.....	.50
Issuing attachment papers, each copy.....	.50
Issuing claim and delivery papers.....	2.50
Order of arrest in civil cases.....	.50
Return to notice of appeal.....	.50
Taking affidavit .....	.25
Transcript of judgment.....	.50
Trial and judgment.....	3.00
Witness fee, per day.....	.50

#### *Officers' Fees*

Officers' fees.

Summons, notice or order.....	\$1.00
Subpoena .....	.50
Claim and delivery—one defendant.....	2.50
Claim and delivery—each additional defendant.....	1.00
Execution—service fee .....	1.00
Execution for the first \$200.00 or less.....	.5 per cent
Execution for any amount over \$200.00.....	2½ per cent
Posting notices—each .....	.25
Laying off exemption.....	3.00
Appraisers' fee for same—each.....	1.00
Levying an attachment.....	1.50
Serving execution in ejectment.....	1.50
Taking bond .....	1.00

The actual expenses of keeping all property seized under process or order of court to be allowed by the court on affidavit of the officer in charge.

Except as herein provided in this paragraph, the fees in actions referred to in this paragraph shall be the same as those allowed in like actions before justices of the peace of Forsyth County as provided in paragraph six of this section.

8. In all actions in the Forsyth County Court in which either party has the right to demand a trial by jury the costs shall be the same as is provided in like actions in the

Costs in jury cases.

Superior Court of Forsyth County, except that where no jury trial is actually demanded, no costs shall be taxed for a jury. If such an action is tried before the judge without a jury, the judge shall make his findings of fact and rulings of law in the manner required of referees, and shall enter his judgment thereon, and appeal therefrom may be taken to the Superior Court of Forsyth County in the same manner as is provided for appeals in like cases where a judgment is entered after a hearing upon the report of a referee.

Prosecution bonds.

9. Upon appeal from a judgment of the Forsyth County Court to the Superior Court in any action in which a justice of the peace has jurisdiction, the appellant is not required to furnish a prosecution bond in the Superior Court, but shall pay all costs and fees required upon an appeal from a justice of the peace. In all other cases in which neither party is entitled to a trial by jury in the Forsyth County Court and in which a justice of the peace does not have jurisdiction, the appellant shall pay the same costs and fees required upon an appeal from a justice of the peace, and, in addition thereto, shall file with the Clerk of the Superior Court a prosecution bond, as if said action had been commenced originally in the Superior Court.

Terms for jury trials.

10. The Judge of the Forsyth County Court shall have the power to fix the terms of court for the trial of cases in which a jury trial has been or could have been demanded, after giving notice thereof as now provided by law, and the procedure and practice during a term shall be the same as is now provided by law for terms in the Forsyth County Court.

Docketing of judgments.

11. No judgment of the Forsyth County Court in any action in which no party is entitled to demand a trial by jury as provided in paragraph one of this section shall be docketed as a judgment of the Superior Court, except upon the application of a party to said cause and the payment of the fees required for such docketing. Execution may issue upon any judgment not docketed in the Superior Court in the same manner as is provided for judgments of justices of the peace in Forsyth County upon the payment of the fees required by paragraphs six and seven of this section. All other judgments of the Forsyth County Court shall be docketed in the manner now provided by law.

Issuance of execution.

Trial of cases upon removal from J. P. Courts.

12. In any civil action brought in Forsyth County before a justice of the peace after the ratification of this Act, in which the removal of the action shall be requested or demanded in the manner provided by law, the justice before whom the summons is returnable may remove said action to the Forsyth County Court, and when removed said court shall then proceed to try and hear the same as if the sum-

mons or other process had been issued originally in that court.

13. Whenever the jurisdiction of the Forsyth County Court or the manner of trial therein is made to depend upon whether or not the cause of action arises in contract or in tort, the principal relief sought shall determine whether or not the action arises in contract or in tort.

Determination of jurisdiction in certain cases.

14. The salary of the Judge of the Forsyth County Court shall be fixed from time to time by the Board of County Commissioners of Forsyth County. The Board of County Commissioners shall also have the power to elect an assistant judge of the Forsyth County Court who shall have the authority to sit when the regular judge is unable to sit, and said judge may also sit for the trial of cases without a jury when the regular judge is engaged in the trial of cases before a jury. The Board of County Commissioners shall have the authority to fix the compensation of the assistant judge.

Compensation of Judge of Forsyth County Court.

Appointment of assistant judge authorized.

Compensation.

15. That the Board of Commissioners of Forsyth County shall have the right to abolish or temporarily suspend the said Forsyth County Court after the expiration of twelve months from the ratification of this Act; and that in the event the said court is abolished or temporarily suspended all cases then pending therein shall be transferred to the civil issue docket of the Superior Court of Forsyth County and the offices herein created shall ipso facto terminate.

Power of County Commissioners to abolish or suspend court.

SEC. 2. All other laws and clauses of laws in conflict with this Act are hereby repealed: *Provided, however*, that except as herein amended, Public-Local Laws of one thousand nine hundred fifteen, Chapter five hundred twenty, and all Public-Local Laws and other laws thereafter enacted relating to said Forsyth County Court shall remain in full force and effect.

Conflicting laws repealed.

Exception.

SEC. 3. This Act is hereby declared to be divisible, and if any part thereof shall be declared invalid for any reason whatever, the remainder hereof shall remain in full force and effect.

Partial invalidity clause.

SEC. 4. This Act shall take effect on ratification, but shall not apply to pending actions.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 473

## CHAPTER 520

AN ACT TO REENACT CHAPTER SEVENTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AS AMENDED HEREIN RELATING TO COLLECTION OF BACK TAXES IN NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 70, Public-Local Laws, 1937, amended as to adjustment of delinquent taxes, New Hanover County.

SECTION 1. That Chapter seventy of the Public-Local Laws of one thousand nine hundred and thirty-seven be and the same is hereby amended as follows: Amend Section one of said Act by inserting between the words "taxes" and "are" in line three of said Act the words and figures "for one thousand nine hundred and thirty-eight and prior years"; and further amend said section by adding at the end of said section the words "up and until January first, one thousand nine hundred and forty."

Sec. 2, amended as to delinquent tax penalties, New Hanover County and City of Wilmington.

SEC. 2. Amend by striking out all of Section two and inserting the following to be known as Section two: "That the County Commissioners of New Hanover County and the City of Wilmington are hereby authorized and directed to receive in full settlement of all taxes for one thousand nine hundred and thirty-eight and prior years payment of said taxes as follows: After January first, one thousand nine hundred and forty, in addition to the three per cent penalty an additional penalty of one per cent shall be added for each ninety days thereafter until a total penalty of ten per cent plus advertising fees is reached."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with or repugnant to the provisions of this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 474

## CHAPTER 521

AN ACT TO AMEND HOUSE BILL NUMBER SEVEN HUNDRED SIXTY-FOUR OF THE PRESENT SESSION OF THE GENERAL ASSEMBLY RELATIVE TO POLICE PENSION OF THE CITY OF WILMINGTON.

*The General Assembly of North Carolina do enact:*

H. B. 764, Ch. 268, Public-Local Laws, 1939, as to police pension of City of Wilmington, amended to apply to Police Women of Wilmington Police Dept.

SECTION 1. That House Bill number seven hundred and sixty-four of the present session of the General Assembly be and the same is hereby amended by adding at the end of Section one the following:

“The provisions of this Bill shall apply also to the Police Woman of the Wilmington Police Department, and the provisions of this Act shall not be construed to repeal the provisions of Chapter two hundred forty-six of the Private Laws of one thousand nine hundred thirty-five.”

SEC. 2. That all laws or clauses of laws in conflict with or repugnant to the provisions of this Act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

S. B. 489

### CHAPTER 522

AN ACT TO AMEND CHAPTER THREE HUNDRED NINETY-EIGHT, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND FIVE, EXTENDING THE JURISDICTION OF THE MAYOR'S COURT OF THE TOWN OF CREEDMOOR AND ESTABLISHING THE FEES TO BE COLLECTED BY SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section twelve of Chapter three hundred ninety-eight of the Private Laws of one thousand nine hundred and five be, and the same is hereby amended to read as follows: Ch. 398, Private Laws, 1905, amended.

“SEC. 2. The Mayor of the Town of Creedmoor is hereby constituted a special court and as such shall concurrently with Justices of the Peace of Granville County have jurisdiction to try and finally determine all criminal offenses occurring within the limits of the Town of Creedmoor, of which justices of the peace now or hereafter may have jurisdiction under the laws of the State of North Carolina. The mayor shall have jurisdiction of violations of town ordinances; he shall take care to preserve and keep the peace; he shall have power to issue warrants under his hand and seal, attested by the seal of the Corporation of Creedmoor, running to any county in the State of North Carolina; he shall have power to issue precepts without affidavit, when he is satisfied that an offense has been committed, and in general he shall have all of the powers and jurisdiction that justices of the peace now, or may hereafter, have in criminal matters under the laws of the State of North Carolina, and said Mayor of the Town of Creedmoor shall concurrently with the Superior Court of Granville County, North Carolina, and the Recorder's Court of Granville County, North Carolina, have jurisdiction to try Mayor's Court, Town of Creedmoor.

Jurisdiction and powers of Mayor.

and finally determine all criminal offenses wherein the offense alleged or charged is that of assault or assault and battery, either with or without deadly weapon; carrying concealed weapons; gambling; or any violation of any law of the State of North Carolina, pertaining to the sale, manufacture, possession of, receiving or the handling of spirituous, vinous or malt liquors; operating motor vehicle while intoxicated, or under the influence of intoxicating liquors, or bitters, morphine, or other drugs or opiates; and violations of the traffic laws of North Carolina, as set out in Chapter four hundred seven of the Public Laws of North Carolina, one thousand nine hundred thirty-seven session of the General Assembly of North Carolina, and as elsewhere and otherwise defined, including the enforcement of the North Carolina Driver's License Law, occurring within the limits of the Town of Creedmoor, of which the Superior Court of Granville County, North Carolina, and the Recorder's Court of Granville County, North Carolina, now, or hereafter, may have jurisdiction under the laws of the State of North Carolina. The Mayor of Creedmoor shall have power over all criminal matters arising with said Town of Creedmoor, of which final jurisdiction is not herein conferred upon said Mayor, to hear such causes and bind over to the proper court all persons charged with the commission of such offenses in the same manner as is now provided by law for justices of the peace. The Mayor of the Town of Creedmoor may, whenever a defendant or witness, or other person shall be adjudged to be imprisoned by said court, to sentence such persons to imprisonment in the county jail for such terms as may be provided by the law, and to adjudge also that such persons shall work during the period of their confinement on the public roads of the State under the supervision of the State Highway and Public Works Commission. The Mayor of the Town of Creedmoor may issue his precepts, processes and warrants to the chief of police or other police of the Town of Creedmoor, and to such other officers as the justices of the peace may issue his precepts, and the same may be served by the police officers of the town or other officers authorized to serve processes anywhere in the County of Granville. An endorsement by the Mayor of the Town of Creedmoor of the names of witnesses upon a warrant or other precept shall be sufficient authority to the officer to execute the same and to subpoena the witnesses. The mayor shall keep a faithful record of the warrants issued by him in a book kept for that purpose to be furnished by the Board of Commissioners, and such book shall be open to the inspection of the public at any and all times, and a list of said cases, showing the offense with which each defendant is charged,

Issuance and service  
of warrants, etc.

Record of warrants  
issued.

Open to inspection.

shall be furnished the Solicitor for the State at each term of the Superior Court of Granville County.

The following fees shall be charged and collected by the Mayor of the Town of Creedmoor from all persons adjudged to pay costs or a fine and costs in his court for violation of any ordinances or the commission of any offense, of which he shall have final jurisdiction:

Schedule of fees  
for Mayor's Court.

Affidavit for warrant, twenty-five cents; issuing warrant for arrest of persons, each person, one dollar and fifty cents; executing such warrant, each person, one dollar and fifty cents; trial and judgment, each person found guilty, one dollar and fifty cents; subpoenas, each witness, twenty-five cents; serving subpoenas, each witness, fifty cents; taking bond, each person, fifty cents; recognizance to Superior Court, or recorder's court, each person, twenty-five cents; continuance of a case, fifty cents; commitment, each person, fifty cents. In all matter heard before the mayor, where he shall not have jurisdiction, and shall bind over to the Superior Court or the recorder's court, the rule of fees as herein provided for shall obtain, and such fees shall be paid upon the final determination of the cause in the Superior Court or the recorder's court, in the same manner as is prescribed by law for the payment of fees to justices of the peace. Each witness appearing in the mayor's court, who is duly sworn in and examined by the mayor, shall receive and be allowed for each day he is in attendance one dollar. All of the above fees, when collected, except for persons not in the employ or service of the town, unless their employment is on a fee basis, shall be paid into the town's treasury for the benefit of the town. It shall be the duty of the mayor to see that all fees are collected by police officers of the town; upon the collection of such fees by police officers they shall be turned over to the mayor, who shall make report of the same at the regular monthly meetings of the board of commissioners and shall at said time pay said fees over to the Town Treasurer."

Fees paid into  
treasury of town.

Collection of fees.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 491

## CHAPTER 523

## AN ACT TO VALIDATE TAX SALES IN BRUNSWICK COUNTY AND THE CITY OF SOUTHPORT.

*The General Assembly of North Carolina do enact:*

Delinquent tax sales, 1934-1937, City of Southport and Brunswick County, validated.

SECTION 1. That all acts and things done by the Board of County Commissioners of Brunswick County, and the Board of Aldermen of the City of Southport, relating to the sale of lands of the delinquent taxpayers for taxes due the said county and city for the years one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven, be and the same are hereby in all respects validated.

Pending litigation unaffected.

SEC. 1½. This Act shall not apply to pending litigation.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 499

## CHAPTER 524

## AN ACT TO REPEAL THE CHARTER OF THE TOWN OF UNION IN HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 131, Private Laws, 1889, Charter of Town of Union, repealed.

SECTION 1. That Chapter one hundred thirty-one of the Private Laws of one thousand eight hundred eighty-nine, relating to the Charter of the Town of Union in Hertford County, be, and the same is hereby repealed.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.



H. B. 247

CHAPTER 525

AN ACT TO AUTHORIZE CREATION OF SCHOOL DISTRICTS, THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF SCHOOL DISTRICTS FOR SPECIAL BOND TAX UNITS AND THE LEVY OF TAXES WITHIN SUCH DISTRICTS AND UNITS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred sixty-two of the Public-Local Laws of one thousand nine hundred thirty-five be, and the same is, hereby repealed.

Ch. 362, Public-Local Laws, 1935, repealed.

SEC. 2. Upon receipt of a petition, signed by not less than ten (10%) per cent of the qualified voters of the territory described in such petition, praying that such territory be created into a school district and that bonds and/or notes be issued under the provisions of this Act, the County Board of Education of the county in which such territory is located shall cause notice to be given by posting at the courthouse door, and at three public places in such territory, and by three weekly publications in a newspaper circulating in such territory, that on a date to be named in such notice, which shall not be earlier than twenty days after the first posting and publication of such notice, it will hold a public hearing upon the question of creating a school district comprising the territory described in such petition and set forth in such notice, and that any taxpayer or other interested person may appear and be heard. At the time and place stated in such notice, the board shall hear all interested persons and may adjourn the hearing from time to time.

Petition for public hearing on creation of school district, Yadkin County.

Notice of hearing.

Hearing.

SEC. 3. Such hearing shall be advisory only to the County Board of Education and the board may deny such petition, or it may grant such petition and enter an order creating a school district, comprising either the territory described in such petition or a part of such territory and additional territory, and the order of the board creating such school district shall define the boundaries thereof: *Provided, however,* that all the territory embraced in a new school district shall be located in one county. Each school district so created shall be designated by the board as the "..... School District of Yadkin County," inserting in the blank space some name identifying the locality.

Hearing to be advisory only, to final determination County Board of Education.

Designation of district.

SEC. 4. Whenever the County Board of Education shall so petition, the Board of County Commissioners shall order a special election to be held in any such school district or in any such special bond tax unit for the purpose of voting upon the question of issuing bonds and/or notes and levying a sufficient tax for the payment thereof for the purpose of

Special election on order of County Commissioners.

acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such district or unit, or for the purpose of operating a school therein of a higher standard than that provided by State support in said district, or for any one or more of said purposes. In all such elections the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or such unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or of such unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be in substantially the words: "For the issuance of \$..... School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of \$..... School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (x) mark.

Conduct of election.

Notice of election.

Contents of notice.

Publication of notice.

New registration.

Notice of registration.

Contents of notice of registration.

Challenge day.

Issues submitted.

Ballots.

SEC. 5. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners as aforesaid and the other filed with the Clerk of the Superior Court of the county in which the school district or unit is situated. The Board of County Commissioners shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Returns.

Results determined and declared.

Statement of results by County Commissioners.

Publication.

SEC. 6. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding section.

Time limit on actions to contest validity.

SEC. 7. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the Board of County Commissioners may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but they shall be made payable exclusively out of taxes to be levied in such district or such unit, except the Board of County Commissioners may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said Board of County Commissioners may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in

Issuance of bonds authorized in event of majority vote therefor.

Payment of bonds.

Form, denomination and provisions of bonds.

Issue.

annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment, or the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the Register of Deeds of the county or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

**SEC. 8.** The Board of County Commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

**SEC. 9.** That in case a county, through its Board of Education and County Commissioners, or any other governing body, shall borrow money for school purposes from the State of North Carolina Literary Fund or from any of the special building funds of the State, or shall contract an indebtedness to any other source for the benefit of any school district coming within the provisions of this Act, the county shall have full power and authority to pay said indebtedness exclusively out of taxes to be levied in such district or unit receiving the benefit of said loan or indebtedness, except the Board of County Commissioners may pay from county funds any part of the principal and interest of said indebtedness: *Provided*, that if the county shall not take over and pay such indebtedness, any unit or units established hereunder shall not be liable for any indebtedness incurred in the future by any other unit or units of the county for similar purposes.

SEC. 10. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of monies provided for such payment.

Powers conferred declared supplemental.

SEC. 11. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the County Board of Education.

Act constitutes authority for powers authorized.

Application of Local Government Act.

SEC. 12. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. No caption of any section or set of sections shall in any way affect the interpretation of this Act or any part thereof.

Partial invalidity section.

SEC. 13. This Act shall apply only to Yadkin County.

Application of Act.

SEC. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 342

**CHAPTER 526**

AN ACT TO VEST IN THE BOARD OF COUNTY COMMISSIONERS OF MOORE COUNTY THE EXCLUSIVE RIGHT TO LICENSE AND REGULATE AGRICULTURAL FAIRS IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Moore County are hereby vested with the exclusive right to license all agricultural fairs, shows or displays, exhibiting and showing products of the farm or fruits of the field, at

Power of County Commissioners, Moore County, to license and regulate agricultural fairs.

any point in said county, and are hereby authorized to promulgate such rules and regulations as it may see fit and proper for the conduct and operation of any and all agricultural fairs advertised to be held, shown or exhibited at which any exhibit of agricultural products, implements or machinery designed and intended for use on the farm or for any other purposes are shown to the public for advertising purposes.

Operation of agricultural fair without permit made misdemeanor.

SEC. 2. That any person, firm, partnership, copartnership, association or corporation which shall operate any agricultural fair at any point in Moore County, without first applying to and obtaining from said Board of County Commissioners of Moore County, a permit as herein required shall be guilty of a misdemeanor and shall upon conviction be fined or imprisoned in the discretion of the court.

Construction of Act.

SEC. 3. Nothing in this Act contained shall be deemed, held, or construed by any court to alter, amend, change, repeal, vacate, set aside, or render void any law now enacted or any rule now promulgated by the Department of Revenue relating to the taxes or license fees by the State of such agricultural fairs, but the sole purpose and intent of this Act is simply to authorize and permit the Board of County Commissioners of Moore County to control such agricultural fairs and to promulgate such necessary rules and regulations thereof as to protect the public from false advertisements.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with or repugnant to the provisions of this Act shall be, and the same are hereby repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 366

## CHAPTER 527

AN ACT TO EXTEND THE TERMS OF OFFICE OF THE JUDGE OF THE RECORDER'S COURT OF LINCOLN COUNTY, AND THE SOLICITOR OF THE RECORDER'S COURT OF LINCOLN COUNTY TO FOUR YEARS; AND TO AMEND SECTION ONE THOUSAND FIVE HUNDRED EIGHTY-TWO OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED NINETEEN INsofar AS SAID SECTION IS APPLICABLE TO THE RECORDER'S COURT IN LINCOLN COUNTY.

*The General Assembly of North Carolina do enact:*

Four-year terms for Judge and Solicitor of Recorder's Court, Lincoln County.

SECTION 1. At the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Lincoln County by the qualified voters thereof the following officers: A Judge of the

Recorder's Court of Lincoln County and a Solicitor of the Recorder's Court of Lincoln County, which officers shall serve for a term of four years from the first Monday in December after their election and until their successors are elected and qualified. The Judge of the Recorder's Court of Lincoln County and the Solicitor of the Recorder's Court of Lincoln County, elected at the general election held in the year one thousand nine hundred and thirty-eight shall hold office for the term of four years and until their successors are elected at the general election to be held in the year one thousand nine hundred and forty-two.

SEC. 2. Section one thousand five hundred and eighty-two of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by adding at the end thereof the following: "This section shall not apply to Lincoln County."

C. S. 1582,  
amended to exempt  
Lincoln County.

SEC. 3. The Board of County Commissioners of Lincoln County is hereby empowered, in its discretion, at any regular monthly meeting, by appropriate resolution, to discontinue the Recorder's Court of Lincoln County, and, upon the adoption of such resolution, no further compensation shall be paid to the Judge of the Recorder's Court or the Solicitor of the Recorder's Court, both of whose terms shall immediately expire upon such discontinuance by resolution of the County Board of Commissioners: *Provided*, that upon such discontinuance of the Recorder's Court of Lincoln County all cases pending therein shall automatically be transferred to the Superior Court of Lincoln County, and the defendant shall execute a new bond in such amount as is named by the court for his appearance at the next term of the Superior Court.

Power of County  
Commissioners,  
Lincoln County, to  
discontinue  
Recorder's Court.

Cases pending at  
time of discon-  
tinuance transferred  
to Superior Court.

SEC. 4. The Board of County Commissioners of Lincoln County is hereby authorized and empowered, from time to time, at any regular monthly meeting of said board, to fix and determine the compensation of the Judge of the Recorder's Court of Lincoln County, and the Solicitor of said court, and whether said compensation shall be paid as a salary or by fees, in the discretion of said Board of County Commissioners.

Compensation of  
Judge and Solicitor  
of Recorder's  
Court.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 6. This Act shall be in full force and effect from and after May first, one thousand nine hundred and forty.

Effective date.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 443

## CHAPTER 528

## AN ACT AUTHORIZING ELECTIONS BY SCHOOL DISTRICTS IN LEE COUNTY FOR THE PURPOSE OF SUPPLEMENTING STATE SCHOOL FUNDS.

*The General Assembly of North Carolina do enact:*

School supplements authorized for Lee County school districts.

Limitation on length of term.

Petition for supplemental funds.

Authorization of supplement.

Election as to tax levy in petitioning district.

Conduct of election.

Eligibility of voters.

Election procedure.

Construction of Act.

Application of Act.

SECTION 1. That any school district in the Lee County administrative school unit is hereby authorized and empowered to supplement any object or item of school expenditure within said district, but in no event to provide for a term of more than one hundred eighty days.

SEC. 2. That the school committee of any school district in the Lee County administrative unit may petition the Board of Education of Lee County for funds to supplement any object or item of school expenditure for said district; that upon the receipt of said petition, the said Board of Education, with the approval of the tax-levying authorities of Lee County, and with the approval of the State School Commission, in order to operate the school or schools in said district at a higher standard than that provided by State support, may supplement any object or item of school expenditures: *Provided*, that before making any levy for supplementing State budget allotments, an election shall be held in each petitioning district to determine whether there shall be levied a tax to provide said supplemental funds, and to determine the maximum rate which may be levied therefor. Upon the request of the members of the Board of Education of Lee County the tax-levying authorities of said county shall provide for an election to be held under the laws governing such elections as set forth in Articles twenty-three, twenty-four and twenty-six of Chapter ninety-five of the Consolidated Statutes of North Carolina, Volume III: *Provided*, that the rate voted shall remain the maximum until revoked or changed by another election.

SEC. 3. That only those qualified electors of the school district in which the election is being held shall be eligible to vote in said election.

SEC. 4. That, except as provided in this Act, the procedure prior to the holding of said elections and also subsequent thereto shall be the same as provided by law for supplementing State school funds in a county administrative unit.

SEC. 5. That nothing in this Act shall be construed as conferring additional powers to levy taxes on the tax-levying authorities of Lee County, but this Act shall be construed as a limitation on existing powers to levy taxes.

SEC. 6. That this Act shall apply only to Lee County.



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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 505

**CHAPTER 529**

**AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS OF THE TOWN OF BLADENBORO FOR THE ISSUANCE OF CERTAIN BONDS OF SAID TOWN.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all acts and proceedings, including election proceedings, heretofore taken for the issuance of twenty-two thousand dollars (\$22,000.00) Water Bonds, eighteen thousand dollars (\$18,000.00) Sanitary Sewer Bonds, and five thousand dollars (\$5,000.00) Street Improvement Bonds of the Town of Bladenboro, North Carolina, which were authorized by three separate ordinances, each of which was approved by the vote of a majority of the qualified voters of said town voting at an election held on January sixth, one thousand nine hundred thirty-nine, are hereby ratified and validated, and that when the bonds authorized by any one or more of said ordinances shall have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Bladenboro, and, as required by the Municipal Finance Act, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in the town sufficient to pay the principal and interest of said bonds as such principal and interest become due. Proceedings for issuance of water bonds and street improvement bonds, Town of Bladenboro, validated.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Bonds to constitute valid obligation of town.

SEC. 3. That this Act shall be in full force and effect from and after its ratification. Tax levy for payment of bonds authorized.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939. Conflicting laws repealed.

H. B. 529

CHAPTER 530

AN ACT TO PERMIT THE SALE AND USE OF HOG CHOLERA VIRUS IN HERTFORD COUNTY UNDER CERTAIN CONDITIONS. (APPLICABLE ALSO TO GATES AND TYRRELL COUNTIES.)

*The General Assembly of North Carolina do enact:*

Selection of persons to distribute, sell and use virus against hog-cholera, Hertford, Gates and Tyrrell Counties.

SECTION 1. That the Farm Demonstration Agents of Hertford, Gates and Tyrrell Counties shall select suitable and qualified persons, not more than one from each township, and grant permission to such persons in writing to distribute, sell, or use virulent blood from hog-cholera-infected hogs, or virus, in Hertford, Gates and Tyrrell Counties, such appointments made by Farm Demonstration Agents to be approved by the Board of County Commissioners. The Farm Demonstration Agents shall have authority to fix the rate of compensation to be paid such persons and shall have the authority to revoke the permission granted any such person or persons. In addition to such persons as may be selected by the Farm Demonstration Agents of Hertford, Gates and Tyrrell Counties and approved by the Board of County Commissioners, as provided for in this Act, any and all of the Vocational Teachers of Agriculture in the schools of Hertford, Gates and Tyrrell Counties shall be permitted to vaccinate or inoculate hogs in said counties with virus or virulent blood from the hog-cholera-infected hogs and for such purpose shall be permitted to buy, sell, distribute and use said virus or virulent blood from hog-cholera-infected hogs.

Compensation.

Vocational Teachers of Agriculture permitted to vaccinate hogs.

Authority to sell, distribute and use virus.

C. S. 4492 and C. S. 4879 not applicable.

SEC. 2. That the provisions of Section four thousand four hundred and ninety-two of the Consolidated Statutes of North Carolina and of Section four thousand eight hundred and seventy-nine of the Consolidated Statutes of North Carolina shall not apply to any person distributing, selling or using virulent blood from hog-cholera-infected hogs or virus in Hertford, Gates and Tyrrell Counties with the written permission of the Farm Demonstration Agents of Hertford, Gates and Tyrrell Counties, and shall not apply to any of the Vocational Teachers of Agriculture in the schools of Hertford, Gates and Tyrrell Counties when they are buying, selling, distributing and using said virus or virulent blood from hog-cholera-infected hogs for the purpose of vaccinating or inoculating hogs in said counties.

Application of Act.

SEC. 3. That this Act shall apply only to Hertford, Gates and Tyrrell Counties.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act to the extent of such conflict are hereby repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 624

**CHAPTER 531**

**AN ACT TO FIX THE FEES OF WITNESSES IN COURTS OF JUSTICES OF THE PEACE IN LINCOLN COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all actions tried in Courts of Justices of the Peace in Lincoln County, witnesses residing in the township in which the action is tried, shall be entitled to a fee of seventy-five cents (75c) per day upon proof of their attendance, and no more.

Witness fees in Courts of Justices of the Peace, Lincoln County.

SEC. 2. In all actions tried in Courts of the Justices of the Peace in Lincoln County, witnesses residing outside of the township in which the action is tried, shall be entitled to a fee of one dollar (\$1.00) per day upon proof of their attendance, and also shall be entitled to receive the same mileage allowance as is now provided for by law for witnesses in the Superior Court.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 693

**CHAPTER 532**

**AN ACT ENLARGING AND FIXING THE CORPORATE LIMITS OF THE TOWN OF SPINDALE.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate limits of the Town of Spindale in Rutherford County, North Carolina, be, and the same are hereby declared to be as follows:

Corporate limits, Town of Spindale, Rutherford County, extended.

“Beginning at a concrete marker situated on the South side of Federal Highway number seventy-four, in the outside line of the western boundary of the corporate limits of said Town of Spindale, and runs South 14 degrees West seven hundred eighty-five and one-half (785½) feet to a concrete marker; thence South 52 degrees East one thousand one hundred eighty-five (1185) feet to a concrete marker; thence South 3 degrees 5 minutes East one thou-

sand one hundred thirty-five (1135) feet to a concrete marker; thence South 46 degrees 15 minutes East three thousand eight hundred four and nine-tenths (3804.9) feet to a concrete marker located about seven (7) feet to the North of the Duke Power Company's high tension steel tower; thence South 88 degrees 30 minutes East three thousand one hundred ten and two-tenths (3110.2) feet to a concrete marker on the West shoulder of the Frog Level Road; thence North 48 degrees 20 minutes East two thousand one hundred (2100) feet to a concrete marker located about one hundred (100) feet South of Federal Highway number seventy-four; thence North 10 degrees 50 minutes West crossing said highway nine hundred sixty-three and one-half ( $963\frac{1}{2}$ ) feet to a concrete marker on the Duke Power Company's power line right-of-way; thence North 24 degrees 30 minutes West six hundred (600) feet to a concrete marker; thence North 32 degrees 15 minutes West three thousand twenty-four and four-tenths (3024.4) feet to a concrete marker; thence North 8 degrees 40 minutes West one thousand four hundred twelve and two-tenths (1412.2) feet to a concrete marker on the West shoulder of Spring Branch Road; thence North 10 degrees East six hundred eighty-five and one-half ( $685\frac{1}{2}$ ) feet to a concrete marker located at the northeast corner of the Spindale disposal plant property; thence North 16 degrees 25 minutes West three thousand four hundred sixty-eight and eight-tenths (3468.8) feet to a concrete marker; thence South 75 degrees West one thousand four hundred twenty-seven and two-tenths (1427.2) feet to a concrete marker; thence South 53 degrees 30 minutes West nine hundred ninety-five and six-tenths (995.6) feet to a concrete marker; thence South 35 degrees West running near the present corporate limits of said Town of Spindale, four thousand three hundred thirty-six (4336) feet to a concrete marker; thence South 30 degrees 45 minutes West eight hundred (800) feet to a concrete marker on the South side of the Southern Railroad right-of-way; thence South 21 degrees 25 minutes West two hundred seventy-three (273) feet to the beginning."

SEC. 2. That the territory embraced and included within the boundaries hereinbefore set forth shall be and constitute the Town of Spindale and the corporate limits of said town as heretofore existing are hereby declared to be changed and enlarged to conform to the boundaries hereinbefore set forth and the certificate of incorporation of the Town of Spindale which was issued August twenty-first, one thousand nine hundred and twenty-three, pursuant to (Subchapter II, Municipal Government Act of one thousand nine hundred and seventeen, Article twelve as set forth in Michie's Code of North Carolina, Section two thousand

seven hundred and seventy-seven and subsequent sections of said chapter), be and the same is hereby changed and amended to conform to the provisions of this Act.

SEC. 3. That no tax shall be levied by the Town of Spindale against any property embraced within the new territory included within the boundaries hereinbefore set forth and which was not included within the corporate limits of said town before the passage of this Act until the regular tax levy of said town is made for the year one thousand nine hundred and forty-two.

No tax levy to be made by town against annexed territory until 1942.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 787

### CHAPTER 533

AN ACT TO CREATE AND ESTABLISH THE LAURINBURG ADMINISTRATIVE UNIT AND TO PROVIDE FOR THE ADMINISTRATION AND CONTROL THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Laurinburg district, as has heretofore been defined and established by the Board of Education of Scotland County and approved by the State School Commission, is hereby declared to be an administrative unit within the contemplation of the Acts of the General Assembly of North Carolina; and the operation of the public schools within said district shall be vested in a board of trustees as provided for city administrative units.

Laurinburg school administrative unit.

SEC. 2. The boundaries of said administrative unit shall remain the same as it is now constituted, but it may be changed from time to time by the recommendation of the Scotland County Board of Education and the Board of Trustees of the Laurinburg Administrative Unit herein established, with the approval of the State School Commission.

Boundaries of unit.

SEC. 3. The Board of Trustees of the Laurinburg Administrative Unit shall be composed of the members of the present Board of Trustees of the Laurinburg district, and shall be elected to membership upon the expiration of their present terms in the same way and manner as they have heretofore been elected to membership of the Board of Trustees of the Laurinburg district.

Board of Trustees of unit.

SEC. 4. The said Board of Trustees of the Laurinburg Administrative Unit is hereby vested with all the authority, rights, powers and duties which are now or may hereafter be granted to city administrative units under the general school laws of North Carolina.

Powers and duties of Board.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 789

## CHAPTER 534

AN ACT TO AMEND CHAPTER TWO HUNDRED EIGHTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED NINETY-ONE, RELATIVE TO THE CHARTER OF THE TOWN OF DOBSON AND RELATING TO THE POWER OF THE BOARD OF COMMISSIONERS OF THE TOWN OF DOBSON TO LEVY AND COLLECT TAXES.

*The General Assembly of North Carolina do enact:*

Ch. 282, Private Laws, 1891, amended.

SECTION 1. That Chapter two hundred eighty-two of the Private Laws of the General Assembly of North Carolina, session one thousand eight hundred ninety-one be amended by adding to Section fifteen of said Act the following:

Additional tax levy, Town of Dobson.

That in addition to the power and authority of the Board of Commissioners of said Town of Dobson to levy and collect a tax of twenty-five cents on the one hundred dollars valuation of property within the corporate limits of said Town of Dobson, the said board of commissioners is authorized and empowered to levy and collect an additional tax of not exceeding one dollar and twenty cents (\$1.20) on the one hundred dollars (\$100.00) valuation of property within said town; *Provided, however,* that the said board of commissioners shall not have power and authority to levy or collect a tax in excess of the twenty-five cents on the one hundred dollars (\$100.00) valuation of property as in Section fifteen of said Private Act of one thousand eight hundred ninety-one, unless and until such levy shall be approved by a vote of the qualified voters of the Town of Dobson.

Election on proposed additional tax levy.

SEC. 2. That the Board of Commissioners of the Town of Dobson is authorized to call an election for the purpose of ascertaining the will of the qualified voters of said town as to the levy of said additional tax of one dollar and twenty cents (\$1.20) or less on the one hundred dollars (\$100.00) valuation of property within the Town of Dobson.

Resolution authorizing election.

SEC. 3. That in the event the Board of Commissioners of the Town of Dobson shall determine to submit said question to a vote of the people for the purpose of authorizing the levy of a tax not exceeding one dollar and twenty cents

(\$1.20) on the one hundred dollars (\$100.00) valuation of property, above the twenty-five cents authorized in said Section fifteen of the Private Laws of one thousand eight hundred ninety-one, the said board of commissioners shall adopt resolutions authorizing such election. That in said resolutions the board of commissioners shall name a day for such election, not less than fifty days, including Sundays, from the date of the adoption of such resolutions. Said resolutions shall appoint a registrar and two judges of election, all of whom shall be bona fide citizens of the Town of Dobson.

Contents of resolution.

Said resolutions shall require a new registration of voters within the corporate limits of said town and shall provide that the registration books shall be opened as many as thirty days (including Sundays) before the date designated for the holding of said election, and all qualified voters of the Town of Dobson shall be eligible to register for said election. Said board of commissioners shall cause said resolutions to be posted at the courthouse door in Dobson for thirty days (including Sundays) prior to the date of the holding of said election and to publish the same in a newspaper, published in Surry County, for four weeks prior to the date of the holding of said election. The said notices, or resolutions, as published, shall state the purpose of said election and the time for holding the same and the hours during which the polls shall be open for voting in said election, which shall be from eight o'clock A. M. of said date, to five o'clock P. M. of said date. That the said resolutions shall state the rate of taxation to be voted on, not exceeding one dollar and twenty cents (\$1.20) on the one hundred dollars (\$100.00) valuation of property; and shall provide ballots reading as follows: "For Improvement Tax," and ballots reading "Against Improvement Tax."

New registration.

Posting of resolution.

Publication of resolution.

Contents.

SEC. 4. That the election officials, upon the holding of said election, shall report to the board of commissioners the result of said election within five days after said election.

Report of result of election.

SEC. 5. That if the result of said election shall authorize the levy of the tax provided for in the resolutions, the Board of Commissioners of the Town of Dobson shall thereupon be authorized to annually levy and collect, in addition to the twenty-five cent levy provided for in the Act of one thousand eight hundred ninety-one, the taxes set out in the resolutions, and submitted to a vote of the qualified voters of said town. That said board of commissioners may levy, by authority of the result of said election, a tax upon all property within the corporate limits of the Town of Dobson, at such rate as said board of commissioners shall, from year to year, determine, not in any year to exceed the one dollar and twenty cents (\$1.20) on the one hundred

Additional tax levy authorized in event of majority vote therefor.

Collection of tax.

dollars (\$100.00) authorized by said election. That such taxes shall be collected as is provided for the collection of other taxes in Chapter two hundred eighty-two of the Private Laws of North Carolina, session one thousand eight hundred ninety-one.

Privilege and license taxes authorized.

SEC. 6. That in addition to the foregoing taxes and in addition to the twenty-five cents levy provided for in Chapter two hundred eighty-two of the Private Laws of one thousand eight hundred ninety-one, and without a vote, the Board of Commissioners of the Town of Dobson is authorized and empowered to annually levy and collect all privilege and license taxes on all subjects, trades, businesses as is authorized by the laws of the State of North Carolina relating to municipalities or towns and cities; and in addition thereto a privilege or license tax of one dollar (\$1.00) on each motor vehicle owned by any and all residents or citizens of the Town of Dobson.

Application of Act.

SEC. 7. That this Act shall embrace all territory by law constituting the municipality of the Town of Dobson, as provided for in Chapter two hundred eighty-two, Private Laws of one thousand eight hundred ninety-one and all amendments thereto.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 798

### CHAPTER 535

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS IN BEHALF OF SCHOOL DISTRICTS AND SPECIAL BOND TAX UNITS AND THE LEVY OF TAXES WITHIN SUCH DISTRICTS AND UNITS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

*The General Assembly of North Carolina do enact:*

Petition for public hearing on creation of school district, Randolph County.

SECTION 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory described in such petition, praying that such territory be created into a school district and that bonds be issued under the provisions of this Act, the County Board of Education of the county in which such territory is located shall cause notice to be given by posting at the courthouse door and at three public places in such territory and by three weekly publications in a newspaper circulating in such territory, that on a date to be named in such notice, which shall not be earlier than twenty days after the first

Notice of hearing.



posting and publication of such notice, it will hold a public hearing upon the question of creating a school district comprising the territory described in such petition and set forth in such notice, and that any taxpayer or other interested person may appear and be heard. At the time and place stated in such notice, the board shall hear all interested persons and may adjourn the hearing from time to time.

Hearing.

SEC. 2. Such hearing shall be advisory only to the County Board of Education and the board may deny such petition, or it may grant such petition and enter an order creating a school district, comprising either the territory described in such petition or a part of such territory and additional territory, and the order of the board creating such school district shall define the boundaries thereof: *Provided, however*, that all the territory embraced in a new school district shall be located in one county. Each school district so created shall be designated by the board as the "..... School District of.....County," inserting in the blank spaces some name identifying the locality and the name of the county.

Hearing to be advisory only, to final determination by County Board of Education.

Designation of district.

SEC. 3. Whenever the County Board of Education shall so petition, the Board of County Commissioners shall order a special election to be held in any such school district or in any such special bond tax unit for the purpose of voting upon the question of issuing bonds and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the Board of County Commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or such unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or of such unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds to be issued, the purpose or purposes for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such

Special election on order of County Commissioners.

Conduct of election.

Notice of election.

Contents of notice.

New registration.

Notice of registration.	<p>new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be substantially the words: "For the issuance of \$.....School Bonds and the levying of a sufficient tax for the payment thereof," and "Against the issuance of \$.....School Bonds and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (x) mark.</p> <p>SEC. 4. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners as aforesaid and the other filed with the Clerk of the Superior Court of the county in which the school district or unit is situated. The election officers shall incorporate in the returns not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election and the Board of County Commissioners shall include in their canvass not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election. The Board of County Commissioners shall prepare a statement showing the number of votes cast for and against the bonds, and the number of voters registered and qualified to vote at the election, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.</p>
Contents of notice of registration.	
Challenge day.	
Issues submitted.	
Ballots.	
Returns.	
Contents of returns.	
Statement of results by County Commissioners.	
Publication.	

SEC. 5. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding section.

Time limit on actions to contest validity.

SEC. 6. If a majority of the qualified voters of such district or such unit shall vote in favor of the issuance of such bonds and the levy of such tax, then the Board of County Commissioners may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name of the county, but they shall be made payable exclusively out of taxes to be levied in such district or such unit, except the Board of County Commissioners may pay from county funds any part of the principal and interest of said bonds. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said Board of County Commissioners may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners, and the seal of the county shall be affixed to or impressed upon each bond and attested by the Register of Deeds of the county or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time

Issuance of bonds authorized in event of majority vote therefor.

Payment of bonds.

Form, denomination and provisions of bonds.

Interest rate.

Registration.

Execution of bonds.

Delivery of bonds.

of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Special tax levy authorized.

SEC. 7. The Board of County Commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds.

Collection and application.

Limitation on amount of bonds issued.

SEC. 8. No bonds shall be issued on behalf of a school district or a special bond tax unit under this Act which, including indebtedness for schools thereof then outstanding, and a proportionate part of the indebtedness of the county for school purposes, including indebtedness for school purposes assumed by the county, shall exceed eight per cent of the assessed valuation of taxable property in such district or such unit. A proportionate part of the school indebtedness of the county for the purpose of this section shall be that proportion of such indebtedness which the valuation of taxable property of the school district or the special bond tax unit bears to the total valuation of the taxable property of the county.

Powers conferred declared supplemental.

SEC. 9. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of moneys provided for such payment.

Act constitutes authority for powers authorized.

SEC. 10. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsement of such approval upon bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds shall be paid out only upon order of the County Board of Education.

Application of Local Government Act.

Application of Act.

SEC. 11. This Act shall apply only to Randolph County.

Conflicting laws repealed.

SEC. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 858

## CHAPTER 536

AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION OF MITCHELL COUNTY TO PUBLISH A MONTHLY STATEMENT OF ALL CLAIMS AUDITED AND PAID BY SAID BOARDS AND THE ANNUAL BUDGETS OF SAID BOARDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Mitchell County and the Board of Education of Mitchell County within one week after each regular or called meeting of said boards shall cause to be published in some newspaper published in Mitchell County, for one issue, the name of every person or corporation whose accounts and/or claims have been audited, the amount allowed and paid, and the purpose for which said claim is allowed and paid. The said Board of County Commissioners and the Board of Education are hereby ordered and directed to prepare a statement of said claims and furnish it to said publisher for publication.

Publication of claims audited and paid by County Commissioners and County Board of Education, Mitchell County.

Statement of claims.

SEC. 2. That the Board of County Commissioners and the Board of Education are hereby ordered and directed to cause to be published in some newspaper published in Mitchell County all budgets which the said Board of County Commissioners and the Board of Education purposed to adopt for the fiscal year for which said budgets are prepared before said budgets are finally approved and adopted by the respective boards of said county.

Publication of budgets of County Commissioners and County Board of Education.

SEC. 3. That the said Board of County Commissioners be and they are hereby authorized and empowered to pay the publisher or newspaper not more than ten dollars, monthly, for publishing the claims and accounts set forth in Section one of this Act.

Publication fees.

SEC. 4. That nothing in this Act shall apply to the County Board of Welfare or to any of the records of, or pertaining to, said board.

County Board of Welfare exempt.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 949

## CHAPTER 537

AN ACT TO REPEAL CERTAIN PROVISIONS OF CHAPTER FOUR HUNDRED SIXTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE AS AMENDED BY CHAPTER SIXTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE RELATIVE TO THE PITT COUNTY PEACE OFFICERS' PROTECTIVE ASSOCIATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred sixty of the Public-Local Laws of one thousand nine hundred thirty-one as amended by Chapter sixty-seven of the Public-Local Laws of one thousand nine hundred thirty-five is hereby amended as follows: By striking out of Section one, Chapter sixty-seven, Public-Local Laws of one thousand nine hundred and thirty-five, such portion as designated Section six, and inserting in lieu thereof the following:

“SECTION 6. Sources of Revenue. That in all criminal actions in Pitt County, North Carolina, brought in courts other than courts of a justice of the peace, wherein the defendant shall enter a nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of a fee of one dollar, to be known as the Officers' Emergency Fee, and shall be collected as all other costs in criminal cases are collected, by the clerk or other officer of the court authorized to receive costs; and such funds so received shall be accounted for monthly, a copy of which report shall be sent to the chairman of the executive board, and such funds turned over to the treasurer of Pitt County Peace Officers' Protective Association, to be by him held and securely kept for the purposes of the association. Donations and contributions to said Pitt County Peace Officers' Relief Fund may be received from any source approved by the executive board.”

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.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

Ch. 460, Public-Local Laws, 1931, and Ch. 67, Public-Local Laws, 1935, as to Pitt County Peace Officers' Protective Association, amended.

Emergency fee taxed in criminal actions.

Donations and contributions.

Conflicting laws repealed.

H. B. 980

## CHAPTER 538

AN ACT TO CREATE A PEACE OFFICERS' RELIEF  
FUND FOR THE CITY AND COUNTY OF DURHAM.*The General Assembly of North Carolina do enact:*

SECTION 1. That this Act shall be known and may be cited as The Durham Peace Officers' Relief Fund Act of one thousand nine hundred thirty-nine.

Title of Act.

SEC. 2. Peace officers, within the meaning of this Act, shall include all officers of the City and County of Durham, North Carolina, or subdivision thereof, who are clothed with the power of arrest, and who are required by the terms of their employment or by the requirements of their office or position to give their full time to the duties of their office.

"Peace officers" defined.

SEC. 3. An association to be known and designated as The Durham Peace Officers' Protective Association shall be formed, and peace officers, as above defined, shall be entitled to membership in said association: *Provided*, said officers comply with the requirements of this Act, with the constitution and by-laws of said association, and with the rules and regulations which may be promulgated by the executive board hereinafter created.

Durham Peace Officers' Association created.

SEC. 4. For the purpose of administering the provisions of this Act, there is hereby created a board to be known as the Executive Board of Durham Peace Officers' Protective Association, which said board shall consist of the Chairman of the Board of County Commissioners of Durham County, the Chairman of the Public Safety Committee of the City of Durham, the Sheriff of Durham County, the chief of police of the City of Durham, and two members of the Durham Peace Officers' Protective Association who have been members of the association for at least five years and who shall be elected to the executive board by the membership of said association. The officers of said board shall be a chairman, a vice chairman, and a secretary-treasurer, all of whom shall be elected annually by said board and shall serve until their successors are duly elected and qualified. The secretary-treasurer may be elected from the membership of the board, or may be selected by said board from the membership of the association. A majority of the members of said executive board shall constitute a quorum for the transaction of business.

Executive Board.

Members.

Election of officers of Board.

Quorum.

All officers and members of the executive board shall serve without compensation: *Provided, however*, that a sum not to exceed twenty-five dollars (\$25.00) per month may be paid by the board to the secretary-treasurer. The necessary operating and administrative expenses shall be paid out of the funds of the association.

Officers and members of Board to serve without compensation.

Exception.

Administrative expenses.

## Duties of Board.

The executive board hereby created shall have control over all payments to be made from the fund hereinafter provided for. It shall hear and decide all applications for benefits created and allowed by this Act, and shall have power to make all rules and regulations necessary to make effective the provisions of this Act.

## Records of Board.

Records shall be kept in the office of the said executive board, which shall give a complete record of its meetings and proceedings and of all actions of the board in passing upon claims and in granting benefits to peace officers as herein defined.

## Applications for and determination of benefits.

All peace officers entitled to benefits under this Act shall make application to the executive board, and the decision of the executive board shall be final and conclusive as to what peace officers are entitled to benefits, and as to the amount of benefit to be paid, subject to the provisions of this Act, and its decision shall be final and conclusive, and not subject to review except by the board itself, and no action at law or suit in equity shall be maintained against said board or against the Durham Peace Officers' Protective Association to enforce any claim or recover any benefit under this Act: *Provided, however,* that if said board or any officer or member thereof neglects or refuses to perform any duty imposed upon it or him, nothing herein contained shall be construed to prevent any proceeding against said board or said officer to compel it or him to perform such duty.

## Decisions of Board to be final and conclusive.

## Rules and regulations of Board.

The executive board shall have power to promulgate rules and regulations, and to set up standards under and by which it may determine the eligibility of peace officers or their dependents for benefits under this Act, and under which it may determine the amount to be paid said peace officers or their dependents.

## Application by peace officers for membership in association.

SEC. 5. In order to share in the benefits provided for in this Act, all peace officers who are entitled to membership in the association, shall, within one year after taking the oath of office, make application for membership in the association on forms furnished for that purpose, giving such information as may be required by the executive board, and if said application is accepted by the board, then said peace officers shall join the association, and shall pay an initiation fee and annual dues to be fixed by the board: *Provided, however,* that such initiation fee shall not exceed ten dollars (\$10.00), and that such dues shall not exceed forty-eight dollars (\$48.00) per year: *Provided, further,* that any peace officer as herein defined who does not apply for membership as herein required may at any time thereafter apply for membership in the association, and may become a member if the application is accepted by the

## Initiation fee and annual dues.



board, and entitled to the benefits of this Act upon the payment of the initiation fee, the dues then required, and, in addition thereto, one-half of the amount of back dues which said officer would have paid had he joined the association within one year from the beginning of his services as herein provided: *Provided, further*, that any member of the association who has been retired, or who has become incapacitated, or who has been allowed compensation or benefits under this Act, shall not be required to pay dues to said association during the period of his retirement or disability. All money paid into the hands of the secretary-treasurer under the provisions of this Act or now in the treasury of the Durham Peace Officers' Protective Association shall be known as the Durham Peace Officers' Benefit Fund.

Durham Peace  
Officers' Benefit  
Fund.

SEC. 6. That in all criminal actions in Durham County, North Carolina, brought in courts other than the courts of a justice of the peace, wherein the defendant shall enter a plea of *nolo contendere*, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar (\$1.00), to be known as the officers' emergency fee, and shall be collected, as all other costs in criminal cases are collected, by the clerk or other officer of the court authorized to receive costs, and such funds so received shall be accounted for by monthly reports, a copy of which report shall be sent to the chairman of the executive board, and the funds so collected turned over to the secretary-treasurer of the Durham Peace Officers' Protective Association: *Provided, however*, that such officers' emergency fee of one dollar (\$1.00) shall not be taxed in the costs in cases of violation of city ordinances.

Emergency fee taxed  
in criminal actions.

Payment to Peace  
Officers' Protective  
Association.

Fee not taxed in  
certain cases.

The executive board herein created 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.

SEC. 7. All members of the Durham Peace Officers' Protective Association who have complied with the provisions of this Act and with the rules and regulations of the association and executive board, and who have had twenty-five years' continuous service as such peace officer, and all peace officers as herein defined who have had less than twenty-five years' continuous service and who have attained the age of sixty years, shall be eligible for retirement benefits under the provisions of this Act, and upon being retired shall be paid a benefit not to exceed fifty dollars (\$50.00) per month from said fund: *Provided, however*, that all

Eligibility of  
officers for retire-  
ment benefits.

retired peace officers entitled to draw retirement benefits from said fund shall receive the same amount.

Pensions to widow in event of death of officer.

If any member of the Durham Peace Officers' Protective Association who has complied with the provisions of this Act, and with the rules and regulations of the association and executive board, shall die before or after retirement and leave surviving him a widow or child or children who do not receive compensation as provided by the North Carolina Workmen's Compensation Act, said widow shall be entitled to a pension in an amount not to exceed thirty dollars (\$30.00) per month as long as she remains unmarried, and in the event of the death of said widow and there are not more than two minor children of the deceased peace officer, each such child shall receive from said fund not in excess of fifteen dollars (\$15.00) per month until said child has reached the age of eighteen years: *Provided, however,* if there are more than two minor children, not more than thirty dollars (\$30.00) per month shall be paid to said minor children: *Provided, further,* that if said peace officer shall die and leave surviving him not more than two minor children (and no widow), who do not receive compensation as provided by the North Carolina Workmen's Compensation Act, each such child shall receive from said fund not in excess of fifteen dollars (\$15.00) per month until said child has reached the age of eighteen years: *Provided, however,* that if there are more than two minor children, not more than thirty dollars (\$30.00) per month shall be paid to said minor children.

Pensions to children.

Pensions to officers disabled during active service.

If any member of the Durham Peace Officers' Protective Association who has complied with the provisions of this Act, and with the rules and regulations of the association and executive board, shall become disabled because of sickness, or because of injuries received in line of duty, and it is proven to the satisfaction of the executive board that said peace officer is physically unfit, and unable to perform his duties as an officer, and has been released from the service because of such physical unfitness or inability to perform his duties, then the executive board shall pay said disabled peace officer not to exceed forty dollars (\$40.00) per month during the period of his disability: *Provided,* said officer does not receive compensation as provided by the North Carolina Workmen's Compensation Act.

Limitations on total amount paid during calendar year.

The total amount paid by the executive board from the fund created under this Act for all purposes during a calendar year shall not exceed the total amount of revenue from all sources received by the secretary-treasurer of said association during the next preceding calendar year. In case the amount available for payments as above set forth shall not be sufficient to enable the executive board to pay

to each person entitled to benefits the full amount allowed, then an equitably created percentage of such payment or payments shall be made to each beneficiary.

The executive board, in its discretion, is hereby authorized and empowered, upon finding that any member of the association who has complied with the terms of this Act, and the rules and regulations of the executive board and the association, has been discharged from the service or who has lost his position or has resigned from the service, to reimburse said peace officer from the fund created in an amount not to exceed that which said officer has contributed to the fund, less twenty-five per cent thereof and less the amount of the initiation fee paid by said officer.

Reimbursement to officers discharged or resigned.

SEC. 8. That the executive board, for the purposes hereinafter set out, shall appoint a bank or trust company doing business in the City of Durham, State of North Carolina, to be known and designated as "Fiscal Agent of the Durham Peace Officers' Protective Association." The executive board, through its secretary-treasurer, shall deposit all funds collected from all sources with the "Fiscal Agent," and all disbursements and distributions shall be made by it upon the written authorization of the chairman of the executive board and the secretary-treasurer of said association.

Appointment of bank as Fiscal Agent of Durham Peace Officers' Protective Association.

That the said executive board shall have power to enter into a contract or agreement with the "Fiscal Agent," which said agreement shall prescribe the duties, powers, liability and compensation of said "Fiscal Agent," and shall include such provisions as said executive board may deem necessary. The "Fiscal Agent" shall have power to invest and reinvest all funds deposited with it, except such funds as may be retained in cash for purposes of distribution, in direct or indirect obligations of the United States Government, obligations of the State of North Carolina or any political subdivision thereof, and such other securities as said executive board may, from time to time, designate or approve.

Contract or agreement between Board and Fiscal Agent.

Investment of funds authorized.

SEC. 9. The secretary-treasurer of Durham Peace Officers' Protective Association shall give a surety bond of one thousand dollars (\$1,000.00), or more, the amount to be determined and the bond to be approved by the executive board, for the faithful performance of his duties, and the executive board shall pay the premium on said bond out of the funds of the association. Said bond shall be given in some surety company authorized to do business in North Carolina.

Bond required of secretary-treasurer.

Payment of premium.

SEC. 10. The Durham Peace Officers' Protective Association shall adopt a suitable constitution and by-laws, to be approved by the executive board.

Constitution and by-laws of Association.

Group insurance authorized.

SEC. 11. The executive board shall have authority to insure the members of the Durham Peace Officers' Protective Association against death or disability, or both, and the premiums of such insurance shall be payable out of the funds of the association.

Funds exempt from taxation.

SEC. 12. The funds of the Durham Peace Officers' Protective Association shall not be subject to State, county, or municipal taxation.

Transfer of funds, memberships, records, etc. of existing organizations.

SEC. 13. All funds now in the possession of the existing Durham Peace Officers' Protective Association shall be transferred to the association created by this Act, and all members of said existing association are hereby made members of the Durham Peace Officers' Protective Association provided for by this Act. The executive board and the officers of the existing Peace Officers' Protective Association shall be the executive board and officers of the association created by this Act, and all records of said existing association and of the executive board shall be transferred to the executive board created hereunder.

Additional funds and gifts.

SEC. 14. Said association shall have the authority to receive additional funds or gifts from any other sources than those mentioned herein.

Conflicting laws repealed.

SEC. 15. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 16. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 984

## CHAPTER 539

### AN ACT RELATING TO THE ELECTION AND DUTIES OF THE MEMBERS OF THE BOARD OF ALCOHOLIC CONTROL OF CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

Election of Alcoholic Control Board, Carteret County.

SECTION 1. That at the time of the regular meeting of the County Board of Commissioners of Carteret County in June, one thousand nine hundred and thirty-nine, and annually thereafter, there shall be assembled a joint meeting for the purpose of electing an Alcoholic Control Board in accordance with the law. There shall be three members of the Control Board elected—one to serve for a period of one year, one for two years, and one for three years, or until their successors are qualified. At each succeeding election one shall be elected for three years. Should a member of the Control Board resign, or be disqualified from any cause, his successor shall be elected to fill out the unexpired term by the procedure as provided for the regular election.

Vacancy elections.

SEC. 2. That the Carteret County Board of Alcoholic Control shall meet weekly if necessary, and each member present shall receive a per diem of five dollars, the amount paid each member not to exceed the sum of two hundred and fifty dollars in any one year. They may employ such assistance as may be necessary for the successful operation of the Alcoholic Beverage Control Stores in Carteret County.

Meetings of Board.  
Compensation.  
Assistance for operation of A.B.C. stores.

SEC. 3. That the said board shall make a report to the Board of County Commissioners of Carteret County on the first Monday of each month showing the operation of the Alcoholic Beverage Control Stores in said county for the preceding month and said report shall contain the total amount of sales, the total purchases, the amount of money on hand and the total amount of outstanding indebtedness at the end of such preceding month and also an itemized statement of all expenses.

Monthly reports by Board.

Contents.

SEC. 4. That five per cent of the gross sales after the payment of State tax of said Alcoholic Beverage Control Stores shall be paid into the general fund of each particular town, the amount so paid to Morehead City shall be used for the maintenance and upkeep and necessary repairs to the Morehead City Hospital.

Allocation of proceeds of sales.

SEC. 5. That the County Board of Alcoholic Control shall retain in its hands sufficient funds to liquidate all indebtedness, maintain reasonable stocks of goods and any excess in the hands of said board, after the payments, deductions and expenses herein provided for, shall be paid into the general fund of Carteret County.

Funds retained for liquidation of indebtedness, etc.

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

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 993

**CHAPTER 540**

**AN ACT CREATING THE MOREHEAD CITY RACING COMMISSION FOR THE TOWN OF MOREHEAD CITY IN THE STATE OF NORTH CAROLINA AND PROVIDING FOR AN ELECTION THEREON.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created the Morehead City Racing Commission for the Town of Morehead City, North Carolina, consisting of three members to exercise and administer the power and authority hereinafter set

Morehead City Racing Commission created.

- Members. forth. The members of the commission are to be appointed by the Board of Commissioners of the Town of Morehead City and the term of office for the first member appointed shall be for one year; the second member, two years; and the third member three years, and at the expiration of the first term their successors in office shall be appointed each for the term of four years: *Provided, however,* that any vacancy occurring in said commission by reason of death or inability to serve, or otherwise, in such event such unexpired term of office shall be filled by the remaining members of such commission. In the further event that the remaining members of such commission can not agree on the new member, then the Mayor of the Town of Morehead City shall act with the members of said commission filling the vacancy on said commission.
- Terms.
- Vacancy appointments.
- Compensation of members.
- Organization of Commission.
- Bond of treasurer.
- Clerical and legal assistance authorized.
- Designation of Commission.
- Commission authorized to grant franchise for construction and operation of course.
- The salaries of each member of the commission shall be determined and fixed by a committee of three, consisting of the chairman of the commission herein created, the Mayor of the Town of Morehead City and a duly authorized representative of the person, firm or corporation or association to whom the franchise or privilege hereinafter referred to is granted.
- After the creation of the commission by the enactment of this bill by the Legislature of North Carolina and their appointment by the Board of Commissioners of the Town of Morehead City, the members of said commission will meet at their convenience as soon as possible thereafter and organize by electing one of their members chairman, one as vice-chairman and the other treasurer. The treasurer before handling any funds of the commission, is to file with the Board of Commissioners of the Town of Morehead City a bond in the sum of five thousand dollars (\$5,000.00) for the faithful performance of his duties.
- The commission shall have full power and authority to employ or otherwise secure in their discretion necessary clerical and legal assistance and all salaries and expenses of the commission shall be borne and paid as hereinafter set out.
- The commission shall be known and designated as the Morehead City Racing Commission and shall exercise its authority and act both generally and specifically by and under such name.
- SEC. 2. That the commission shall have full power and authority to grant to any person, firm, association or corporation a franchise or privilege for a term of years, not to exceed ten, to construct, own, lease, operate and maintain a race course or driving park for trotting, pacing and running races for horses and dogs in the manner hereinafter set out.

(a) No franchise or privilege shall be granted by the commission to any person, firm, association or corporation unless and until the commission is satisfied as to the financial responsibility and ability to comply with all the rules and regulations of the commission and is fully able to financially and otherwise maintain and operate its properties in accordance with such rules and regulations as the commission shall from time to time prescribe; and

Requirements for obtaining franchise.

(b) That, as a prerequisite to the issuance of the franchise or privilege, the said person, firm, association or corporation desiring said franchise or privilege shall at the time of making application therefor pay to the said commission the following charges or fees:

Payment of charges prerequisite to issuance of franchise.

*First.* For the franchise or privilege sought to be granted, a sum to be agreed upon as annual rental or lease for the grounds for the term of the franchise or privilege.

Rental or lease fee.

*Second.* In the event such franchise or privilege is granted, the person, firm, association, or corporation shall also pay to the commission for each day or part of day during which races or racing is conducted, a sum equivalent to ten per cent (10%) of the gross receipts derived from all sources or operations connected with or incident to the operation of such races or racing conducted during such day or part of day. In no event, however, the amount so paid to exceed the amount of five thousand dollars (\$5,000.00) per day and said amount to be paid in addition to any tax as may be now or hereafter fixed by law on such gross receipts.

Payment of 10% of gross receipts from racing operations.

Maximum payment.

SEC. 3. That when the commission shall have granted a franchise or privilege as aforesaid to any person, firm, association or corporation as aforesaid, the said person, firm, association or corporation is hereby fully authorized and empowered to legally construct, build, lease, carry on, maintain and operate a park, driving ground or race course on property owned or leased by the Town of Morehead City outside the corporate limits thereof but within the limits of Carteret County, and to conduct and maintain therein horse and dog races. That such person, firm, association or corporation is hereby expressly granted full power and authority to operate and maintain what is generally known as "Pari Mutuel Machines or Appliances" of the kind employed and in use at recognized racing courses in America: *Provided, however,* that said Pari Mutuel Machines and Appliances shall only be maintained and operated within the enclosure of said park, driving grounds or race course and only on days or parts of days when races or racing is being therein conducted, and it shall be legal for any and all persons twenty-one years of age legally within the en-

Construction and operation of racing course.

Pari mutuel machines or appliances authorized.

Regulations as to operation.

closure of said park, driving grounds or race courses while said park, driving grounds or race courses are open for racing, to participate in the operation, or become a patron of said Pari Mutuel Machines and Appliances.

Franchise irrevocable during compliance with regulations, etc. of Commission.

(a) Any franchise or privilege granted by the commission to any person, firm, association or corporation under the provisions of this Act shall be and remain irrevocable so long as said person, firm, association or corporation complies with the terms and provisions of said franchise and complies with the rules and regulations of the said commission promulgated from time to time and set forth in its contracts: *Provided, however,* that no franchise granted to any person, firm, association, or corporation by said commission shall be transferred or assigned to any other person, firm, association or corporation except by and with the written consent of the Commission first obtained.

Franchise not transferable without consent of Commission.

Regulations by Commission.

SEC. 4. That the commission herein appointed shall have full power and authority to adopt such rules and regulations as it may from time to time deem necessary to properly carry out the intentions of this Act, and any violations of any of the rules and regulations of the commission by any person, firm, association, or corporation holding a franchise or by any of its officers, agents or employees shall be a misdemeanor.

Election on proposed establishment of racing commission.

SEC. 5. That the governing authorities of the Town of Morehead City shall order a special election to be held as early after the passage and ratification of this Act as practicable and advisable, at which election there shall be submitted to the qualified voters of said town the question as to whether or not the said Racing Commission shall be created, and at said election those who favor the adoption of this Act will vote "For Creating the Morehead City Racing Commission" and those who are opposed to the adoption of this Act will vote "Against Creating the Morehead City Racing Commission." It shall be the duty of the said governing authorities to name a registrar and two pollholders for the said election, which election shall be advertised as required by law and the books shall be open for registration in such manner, place and for such period of time as are now prescribed under the law for the holding of municipal elections, and so far as may be applicable and consistent with this Act, such election laws shall apply. This Act shall be in full force and effect if a majority of the qualified voters shall declare themselves in favor of the creation of the said Racing Commission, which, in effect, shall mean that said voters have declared in favor of this Act. In the event that a majority of the qualified voters, as expressed by their ballots, are not in favor of this Act, then the said governing authorities of the town shall not

Conduct of election.



hold another election under this Act until six months have expired from the date of said previous election. It shall be the duty of the registrar and pollholders to canvass the ballots cast and declare the results of the election as is now required in other municipal elections.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 994

### CHAPTER 541

#### AN ACT TO FIX THE FEES OF THE SHERIFF OF MITCHELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Sheriff of Mitchell County shall receive and be allowed the following fees and expenses, and no other, namely: Schedule of fees for sheriff, Mitchell County.

Executing summons or any other writ or notice, one dollar.

Arrest of a defendant in a civil action and taking bail, including attendance to justify, and all services connected therewith, one dollar and fifty cents.

Arrest of a person indicted, or on a justice of the peace warrant, including all services connected with the taking and justification of bail, two dollars.

Imprisonment of any person in a civil or criminal action, fifty cents; and release from prison, fifty cents.

Executing a subpoena on a witness, forty cents.

Conveying a prisoner to jail to another county, five cents per mile each way.

For prisoner's guard, if any necessary, going and returning, per mile for each, five cents.

Expense of guard and all other expenses of conveying prisoner to jail, or from one jail to another for any purpose, or to any place of punishment, or to appear before a court or justice of the peace in another county, or in going to another county for a prisoner to be taxed in a bill of costs and allowed by the board of commissioners of the county in which the criminal proceedings were instituted.

For conveying prisoners from an incorporated town in the county to the county seat, five cents per mile each way.

For allotment of widows years allowance, two dollars.

In claim and delivery for serving the original papers in each case, one dollar, and for taking the property claim, two dollars, with the actual costs of keeping the same until discharged by law, to be paid on the affidavit of the returning officer.

For conveying prisoners to the penitentiary, three dollars per day and actual necessary expenses; also one dollar a day and actual necessary expenses for each guard, not to exceed one guard for every three prisoners, to be paid by the board of commissioners of the county in which the criminal proceedings were instituted.

Providing prisoners in county jail with suitable beds, bed-clothing, other clothing and fuel, and keeping the prison and grounds clean, whatever sum shall be allowed by the commissioners of the county.

Collecting fine and costs from convict, two and one-half per cent on the amount collected.

Collecting executions for money in civil actions, two and one-half per cent on the amount collected; and the like commissions for all monies which may be paid to the plaintiff by the defendant while the execution is in the hands of the Sheriff.

Advertising a sale of property under execution at each public place required, twenty cents.

Seizing specific property under order of a court, or executing any other order of a court or judge, not specially provided for, to be allowed by the judge or court.

Taking any bond or undertaking, including furnishing the blanks, fifty cents.

The actual expense of keeping all property seized under process or order of court, to be allowed by the court on the affidavit of the officer in charge.

Summoning a grand or petit jury, for each man summoned, forty cents, and twenty cents for each person summoned on the special venire.

For serving any writ or other process with the aid of the county, the usual fee of one dollar and the expense necessarily incurred thereby, to be adjudged by the county commissioners, and taxed as other costs.

All just fees paid to any printer for any advertisement required by law to be printed.

Bringing up a prisoner upon habeas corpus, to testify or answer to any court or before any judge, two dollars, and all actual and necessary expenses for such services, and five cents per mile by the route most usually traveled, and all expenses for any guard actually employed and necessary.

For summoning and qualifying any appraisers, and for performing all duties in laying off homesteads and personal

property exemptions, or either, three dollars, to be included in the bill of costs.

For levying an attachment, two dollars.

For attendance to qualify jurors to lay off dower, or commissioners to lay off years allowance, two dollars; and for attendance, to qualify commissioners for any other purpose, one dollar.

Executing a deed for land or any interest in land sold under execution, two dollars, to be paid by the purchaser.

Service of writ of ejectment, two dollars.

For every execution, either in civil or criminal cases, one dollar.

Whenever any precept or process shall be directed to the Sheriff of any adjoining county to be served out of his county, such Sheriff shall have for such service not only the fees allowed by law, but a further compensation of five cents per mile for every mile of travel going to and returning from service of such precept or process: *Provided*, that whenever any execution of five hundred dollars or upwards shall be directed to the Sheriff of an adjoining county under this chapter, such Sheriff shall not be allowed mileage, but only the commissions to which he shall be entitled: *Provided*, that when the summons in a civil action or special proceedings shall be from any court of any county other than his own county, the Sheriff's fees for serving the same shall be two dollars for one defendant and one dollar for each additional defendant named therein; and such service shall include the delivery of copy of said summons and complaint or petition attached to the original summons; and that for subpoenas served from other than the county of said Sheriff he shall receive a fee of seventy-five cents for each witness named therein.

Service of processes outside of county.

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

Conflicting laws repealed.

SEC. 3. That this Act shall apply to Mitchell County only.

Application of Act.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 998

## CHAPTER 542

AN ACT TO ESTABLISH A QUASI-PUBLIC CORPORATION TO BE KNOWN AS THE DARE COUNTY COMMUNITY CENTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a quasi-public corporation to be known as the Dare County Community Center is hereby created

Dare County Community Center created.

for the purpose of acquiring, maintaining and operating a community building and public grounds in the Town of Manteo in Dare County.

Governing body.

SEC. 2. The governing body of the Dare County Community Center shall be a board of trustees composed of five members who shall be selected by the County Commissioners and the County Board of Education in joint session. Within thirty days after the ratification of this Act the Chairman of the Board of County Commissioners shall call a joint session of the Board of County Commissioners and the Board of Education for the purpose of selecting five trustees, who shall serve until the first day of January one thousand nine hundred forty-three, or until their successors are duly elected and qualified, and thereafter shall be elected for a term of four years. Any vacancy occurring by death, resignation or removal for other cause, shall be filled by the County Commissioners and the County Board of Education in joint session.

Selection of trustees.

Vacancy appointments.

Dare County Board of Education to convey certain land to Community Center.

SEC. 3. The Board of Education of Dare County is hereby authorized and directed to make, execute and deliver to the Dare County Community Center, without consideration, a deed conveying the tract of land now owned by the said Board of Education of Dare County, upon which the community building now stands, and which was a part of the tract of land upon which the old Manteo School was located, the said lot located in the Noreast intersection of the North Carolina State Highway, number three hundred forty-five, and Highway Street in the Town of Manteo.

Powers and duties of Trustees of Dare County Community Center.

SEC. 4. The Board of Trustees of the Dare County Community Center shall have full power and authority to acquire by purchase, gift, or otherwise, lands, property or equipment for the purpose of carrying out the provisions of this Act; to dispose of same by public or private sale; to lease any part or parts of said building or grounds for such consideration as the board of trustees shall deem to be adequate, and any money received in consideration of any such lease shall be used by the board of trustees for the maintenance and improvement of the buildings and grounds; to mortgage or otherwise encumber its property for the purpose of borrowing money in carrying out the provisions of this Act; to execute any note or other paper required to complete any loan or other transaction; and to control, manage and operate its buildings and grounds, and to make any rules and regulations necessary for the proper administration of the Dare County Community Center and for the purpose of carrying out the provisions of this Act.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1008

**CHAPTER 543**

AN ACT TO AMEND CHAPTER SEVENTY-EIGHT PRIVATE LAWS EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY RELATIVE TO ENLARGING THE CORPORATE LIMITS OF THE TOWN OF CANTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter seventy-eight Private Laws, extra session, one thousand nine hundred and twenty, be and the same is hereby amended by inserting after the word "crossing" and before the word "the," in line nine (9), before end of Section two of Chapter ninety, the following:

Corporate limits,  
Town of Canton,  
extended.

"State Highway Number ten, at a point where the 'City Limit' signboard now stands on the West side of State Highway Number ten, and running thence West with the Western margin of the concrete paving on Highway Number ten, to a point opposite the dividing line between the lands of H. A. Smathers and the heirs of Jesse R. Smathers, deceased, and following said dividing line a North course to the North end of a barn on the lot now occupied by Charles C. Smathers; thence East to where said line intersects with the line running 'thence South 21 West crossing Southern Railroad to a spanish oak on the bank of railroad cut above the Tennessee and North Carolina Railroad Company's depot in West Canton,' the said line and embracing all of the street leading from Highway Number ten to the residence of Mr. H. A. Smathers."

SEC. 2. That all laws and clauses or parts of clauses in conflict with any of the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1013

## CHAPTER 544

AN ACT TO PERMIT THE CITIZENS OF PLEASANT GROVE TOWNSHIP, JOHNSTON COUNTY, TO HOLD A LOCAL TAX ELECTION FOR THE PURPOSE OF ERECTING A SCHOOL BUILDING.

*The General Assembly of North Carolina do enact:*

Petition for local tax election for school building Pleasant Grove Township, Johnston County.

SECTION 1. The citizens of Pleasant Grove Township, Johnston County, are hereby authorized to petition for a local tax election for a school building in said township as follows: A written petition signed by twenty-five qualified voters who have resided at least twelve months within said township, shall be presented to the County Board of Education for an election in said township to ascertain whether there shall be levied in said township a local annual tax not to exceed fifty cents (50c) on the one hundred dollars (\$100.00) valuation of all property, real and personal, to accumulate funds to erect a school building in said township.

Petition to be endorsed by County Board of Education.

SEC. 2. When such petition is presented to the County Board of Education and found to be in correct form and substance it shall be endorsed by the chairman and secretary of said board and a record of the endorsement shall be made in the minutes of said board. The petition shall then be presented to the Board of County Commissioners, and it shall be the duty of the board of commissioners to call an election and fix the date for the same. Said election shall be held under "rules governing elections for local taxes" as now, or may hereafter be provided by Chapter one hundred and thirty-six, Section two hundred and twenty-one of the Public Laws of one thousand nine hundred and twenty-three, and the Public Laws amendatory thereto.

Calling of election.

Conduct of election.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1029

CHAPTER 545

AN ACT TO PROVIDE FOR PRIMARY ELECTION TO NOMINATE THE OFFICERS FOR THE TOWN OF ROCKINGHAM, RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All candidates for all elective offices in the Town of Rockingham to be voted for at the general municipal election, at which time a mayor, commissioners, members of the school board, or any other elective officers 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.

Nomination of candidates for elective offices, Town of Rockingham, in primary elections.

SEC. 2. How Primaries Held. The primary election for such nominations shall be held in the town hall on the second Monday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practicable, be the judges of the primary election, and it shall be held at the same place, and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as required for the general municipal election.

Conduct of primary elections.

SEC. 3. Notice of Candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or one of the five town commissioners, or a member of the Rockingham School Board, or any other elective office shall, at least five days prior to the primary election, file with the town clerk a statement of such candidacy in substantially the following form:

Notice of candidacy.

“State of North Carolina, County of Richmond:

I, ....., an elector of the Town of Rockingham, hereby give notice that I am a candidate for nomination to the office of (mayor, or commissioner) to be voted upon at the primary election to be held on the .....Monday of April, 19....., and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

Form of notice.

(Signed).....”

Any person who is a candidate for the office of mayor shall at the same time pay to the town clerk the sum of three dollars, and any person who is a candidate for town commissioner shall pay to the town clerk the sum of two dollars, and any person who is a candidate for the school board shall at the same time pay to the town clerk the sum of one dollar, to be turned over to the town treasurer.

Filing fee of candidates.

Publication of names of candidates.

SEC. 4. Publication of Names. Immediately upon the expiration of the time for filing the petition of candidates, the town clerk shall cause to be published in one issue of the newspapers of the Town of Rockingham, in proper form, the names of the persons as they are to appear upon the primary ballots.

Time for registration.

SEC. 5. Time for Registration. Each registrar shall, between the hours of nine o'clock A.M. and five o'clock P.M. on each day (Sunday excepted) for seven days preceding the day for closing the registration books, as hereinafter provided, keep open said books for the registration of any new electors residing in the Town of Rockingham, and entitled to register, whose names have never been before registered in said town, or do not appear in the revised list. Such book shall be open until nine o'clock P.M. on each Saturday during such registration period, and shall be closed for registration on the second Saturday before each primary election. Challenge day shall be on the last Saturday preceding the primary election.

Ballots prepared.

SEC. 6. Ballots Prepared. The clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the ballot the names of the candidates for mayor, arranged alphabetically, shall be placed, with a square at the left of each name, and immediately below the words "Vote for one." Following the names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioners, with a square at the left of each name, and below the names of such candidates shall appear the words "Vote for five." Like provision shall be made for the names of candidates for the school board, and the names of candidates for each other elective office provided by law. The ballots shall be printed upon white paper and shall be headed: "Candidates for nomination for mayor, commissioners, and school board, of the Town of Rockingham, North Carolina, at the primary election," but shall have no party designation or mark whatever.

Form of ballots.

SEC. 7. Form of Ballots. The ballots shall be prepared and conform as nearly as possible to the rules and regulations prescribed by the General Election Laws of the State of North Carolina.

Eligibility of voters.

SEC. 8. Who May Vote. All qualified electors, who shall have resided for four months immediately preceding a primary election within the limits of the Town of Rockingham, and not otherwise, shall have the right to vote in such primary election for mayor and other town officers.

Returns by election officials.

SEC. 9. Ballots Counted. Judges of election shall, immediately upon the closing of the polls, count the ballots and



ascertain the number of votes cast for each of the candidates, and make due return thereof to the town clerk, upon blanks to be furnished by the clerk, within six hours of the closing of the polls.

SEC. 10. Returns Canvassed. On the day following the primary election the town clerk, under the supervision and direction of the mayor, shall canvass such returns, and shall make and publish in some newspaper in the town, at least once, the result thereof. Returns canvassed.

SEC. 11. Who to be Canvassed. The two candidates receiving the highest number of votes for mayor, and the ten candidates receiving the highest number of votes for commissioners, and the candidates (double in number of the number to be selected for the school board) receiving the highest number of votes for the school board, and the two candidates receiving the highest number of votes for any other elective office, shall be candidates, and the only candidates whose names shall be placed upon the ballot for mayor, commissioners, members of the school board, and other elective officers at the next succeeding general municipal election: *Provided, however*, if any candidate for mayor receives a majority of all the votes cast for the office of mayor, or if any candidate or candidates for commissioner (up to five in number) or candidate for the school board (up to the required number) received a majority of all the votes cast for the office of commissioner or for the members of the school board, then only the names of the candidates receiving a majority of all the votes cast for such positions shall be placed upon the ballot for mayor or commissioner or school board at the next succeeding general municipal election. Determination of results.

SEC. 12. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 13. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1034

## CHAPTER 546

AN ACT TO AMEND CHAPTER THIRTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF GREENSBORO, TO DEFINE ITS CORPORATE LIMITS AND TO PROVIDE FOR ITS GOVERNMENT; TO REPEAL THE CHARTER OF THE PRESENT CITY OF GREENSBORO, EXCEPT AS PROVIDED HEREIN: TO PROVIDE FOR THE CONTROL AND SUPPORT OF THE PRESENT GREENSBORO SCHOOL DISTRICT, AND FOR OTHER PURPOSES."

*The General Assembly of North Carolina do enact:*

Ch. 37, Private Laws, 1923, as to incorporation of City of Greensboro, amended.

SECTION 1. That Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, entitled "An Act to Incorporate the City of Greensboro, to Define its Corporate Limits and to Provide for its Government; to Repeal the Charter of the Present City of Greensboro; Except as Provided Herein: To provide for the Control and Support of the present Greensboro School District, and for Other Purposes," as subsequently amended, be and the same is hereby further amended by adding at the end of Section two (a) the following:

Sec. 2, amended to exclude certain territory from corporate limits.

"The corporate limits of the City of Greensboro, as hereinbefore defined, are hereby altered so as to exclude therefrom the following territories, to-wit:

Tract No. 1. Beginning at a point where the North line of West Market Street extension intersects the center line of Holding Road, said point being referenced by co-ordinates 20,134.71 North and 36,963.49 West, City of Greensboro, North Carolina Datum, and running thence with the present corporation line along the center line of Holding Road North 2 degrees 50 minutes 30 seconds East two hundred eleven and sixty-nine one hundredths (211.69) feet to a point; thence continuing with present corporation line North 48 degrees 31 minutes 43 seconds East six hundred eighty-two and fifty-seven one hundredths (682.57) feet to a concrete monument; thence continuing with the present corporation line North 58 degrees 50 minutes 29 seconds East seven hundred sixty-seven and ninety-nine one hundredths (767.99) feet to a concrete monument; thence continuing with the present corporation line North 80 degrees 47 minutes 20 seconds East seven hundred eighty-five and twenty-one one hundredths (785.21) feet to a concrete monument, thence continuing with the present corporation line South 20 degrees 26 minutes 40 seconds East four hundred twenty-seven and eight-three one hundredths (427.83) feet to a point in the North line of West Market Street;

thence with the North line of West Market Street, North 87 degrees 08 minutes West one thousand twenty-five and eight one hundredths (1,025.08) feet to a point of curvature, thence continuing with the North line of West Market Street on a 504.18 foot radius curve to left, chord being South 69 degrees 06 minutes 15 seconds West four hundred three and sixty-eight one hundredths (403.68) feet to a point of tangency; thence continuing with the North line of West Market Street South 45 degrees 20 minutes 30 seconds West nine hundred eighty-four and forty-two one hundredths (984.42) feet to the point of beginning.

Tract No. 2. Beginning at a point where the South line of West Market Street intersects the East line of Ingleside Drive, said point being referenced by co-ordinates 20,792.60 North and 34,308.69 West, City of Greensboro, North Carolina Datum, and running thence with the East (changing to North), line of Ingleside Drive as it curves the following courses: Along a 10 degree 44 minute curve to left, chord being South 2 degrees 28 minutes East eighty and thirteen one hundredths (80.13) feet to point of compound curvature, thence along a 10 degree 44 minute curve to left, chord being South 25 degrees 16 minutes East three hundred forty-two and ten one hundredths (342.10) feet to a point of compound curvature, thence along a 24 degree 07 minute curve to left, chord being South 73 degrees 57 minutes East two hundred thirty-nine and forty-two one hundredths (239.42) feet to a point of compound curvature, thence along a 10 degree 34 minute curve to left, chord being North 66 degrees 03 minutes East one hundred eighty-eight and seventy-three one hundredths (188.73) feet to a point of reverse curvature, thence on a 12 degree 42 second curve to right, chord being North 77 degrees 07 minutes East three hundred twenty-four and seventy-six one hundredths (324.76) feet to a point of compound curvature, thence on a 2 degree 51 minute curve to right, chord being South 80 degrees 52 minutes East sixty-two and four one hundredths (62.04) feet to a point of compound curvature; thence on a 2 degree 51 minute curve to right chord being South 78 degrees 31 minutes East one hundred five and sixteen one hundredths (105.16) feet to a point of reversed curvature, thence on a 15 degree 26 minute curve to left, chord being North 81 degrees 29 minutes East two hundred seventy-two and forty-six one hundredths (272.46) feet to a point of compound curvature, thence on a 6 degree 53 minute curve, to left about three hundred forty (340) feet to the southwest intersection of Ingleside Drive with West Market Street, thence across West Market Street in a northeastwardly direction about one hundred fifty (150) feet to the northeast intersection of West Market Street with Ingleside Drive; thence along the northern margin of

West Market Street, North 87 degrees 08 minutes West about two hundred twenty-five (225) feet to a point one hundred fifty (150) feet distant at right angles from Ingleside Drive; thence along a line parallel to and one hundred fifty (150) feet North of the North line of Ingleside Drive in a generally westward direction as it curves about one thousand six hundred (1,600) feet to a point in the North line of West Market Street, thence with the North line of West Market Street, thence with the North line of West Market Street North 87 degrees 08 minutes West one hundred fifty (150) feet to the East line of Starmount Drive; thence across West Market Street South 2 degrees 52 minutes West one hundred (100) feet to the point of beginning.

Corporate limits extended to include certain territory.

The corporate limits of the City of Greensboro as hereinbefore defined are hereby extended to include the following described territory:

Tract No. 3. Beginning at a point where the center line of Friendly Road intersects the center line of North Buffalo Creek, said point being referenced by co-ordinates 23,-408.07 North and 31,396.35 West, City of Greensboro datum, and running thence with the present corporation line up the meanderings of the center line of North Buffalo Creek in a southwestwardly direction about three thousand two hundred (3,200) feet to the North line of West Market Street, thence with the North line of West Market Street North 87 degrees 08 minutes West about one hundred sixty (160) feet to the northeast corner of West Market Street and Ingleside Drive; thence with the East line of Ingleside Drive on a 882.38 foot radius curve to left about seventy-five (75) feet to a point of compound curvature, thence continuing with the East line of Ingleside Drive the following courses: On a 1764.10 foot radius curve to right chord being North 35 degrees 58 minutes East six hundred eleven and thirty-one one hundredths (611.31) feet to a point of reversed curvature, thence on a 913.08 foot radius curve to left chord being North 27 degrees 13 minutes East five hundred forty-four and twenty-nine one hundredths (544.29) feet to a point of reversed curvature, thence on a 558.02 foot radius curve to right chord being North 22 degrees 56 minutes East two hundred fifty-four and twenty-one one hundredths (254.21) feet to a point of reversed curvature, thence on a 290.31 foot radius curve to left, chord being North 19 degrees 10 minutes East one hundred sixty-eight and ninety-four one hundredths (168.94) feet to a point of compound curvature, thence on a 842.48 foot radius curve to left, chord being North 4 degrees 46 minutes West two hundred six and thirty-two one hundredths (206.32) feet to a point of reversed curvature, thence on a 985.91 foot radius curve to right chord being North 01

degree 21 minutes East four hundred forty-eight and four one hundredths (448.04) feet to a point of compound curvature, thence on a 643.32 foot radius curve to right, chord being North 26 degrees 35 minutes East two hundred sixty-nine and ninety-two one hundredths (269.92) feet to a point of tangency; thence North 38 degrees 41 minutes East ninety-eight and seventy-five one hundredths (98.75) feet to a point of curvature; thence on a 1134.60 foot radius curve to left, chord being North 33 degrees 32 minutes East two hundred three and sixty-eight one hundredths (203.68) feet to a point of tangency, thence North 28 degrees 23 minutes East sixty-nine and seventy-nine one hundredths (69.79) feet to a point in the center line of Friendly Road, said point being the intersection of the East line of Ingleside Drive with the center line of Friendly Road, thence with the center line of Friendly Road and the existing corporation line South 53 degrees 15 minutes East about one hundred fifty (150) feet to the point of beginning.

That the tract of land hereby annexed to the City of Greensboro shall be a part of District Number two, as the same is defined in Section thirty-five of said Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three.

Annexed territory  
made part of  
District No. 2.

SEC. 2. That the City Council be and it is hereby authorized and empowered, in its discretion, to convey to the Town of Hamilton Lakes for a public park for public recreation, a tract of land conveyed to City of Greensboro by Starmount Company, a portion of which is by this Act excluded from the corporate limits of the City of Greensboro, said tract of land being described as follows:

City Council  
authorized to  
convey certain  
excluded territory  
to Town of  
Hamilton Lakes.

Tract No. 4. Beginning at a point where the North line of West Market Street intersects the East line of Holding Road, said point being referenced by co-ordinates 20,186.73 North and 36,910.85 West, City of Greensboro datum, and running thence with the East line of Holding Road North 2 degrees 50 minutes 30 seconds East one thousand ninety-one and sixty-seven one hundredths (1091.67) feet to a point of curvature, thence ninety-nine and eleven one hundredths (99.11) feet on a 5728.85 foot radius curve right to a point of tangency, thence continuing with the East line of Holding Road North 3 degrees 50 minutes East one hundred eighty-three and seven one hundredths (183.07) feet to the point where the East line of Holding Road intersects the South line of Starmount Drive, thence along the South line of Starmount Drive, as follows: South 70 degrees 01 minute East two hundred twenty-nine and sixty-two one hundredths (229.62) feet to a point of curvature, thence one hundred two and four one hundredths (102.04) feet on a 1695.28 foot radius curve left to a point of tangency, thence

South 74 degrees 28 minutes East two hundred twenty-four and sixty-four one hundredths (224.64) feet to a point of curvature, thence one hundred seventy and forty-two one hundredths (170.42) feet on a 497.75 foot radius curve left to a point of tangency, thence North 85 degrees 55 minutes East one hundred ninety-nine and twenty-eight one hundredths (199.28) feet to a point of curvature, thence one hundred ninety-three and eighty-two one hundredths (193.82) feet on a 1179.16 foot radius curve right to a point of tangency, thence South 84 degrees 40 minutes East two hundred twenty-four and four one hundredths (224.04) feet to a point of curvature, thence two hundred eleven and sixty-one one hundredths (211.61) feet on a 510.91 foot radius curve left to a point of tangency, thence North 71 degrees 36 minutes East two hundred eighty-one and ninety-three (281.93) feet to a point of curvature, thence one hundred seventy-eight and fifteen one hundredths (178.15) feet on a 354.24 foot radius curve right to a point of tangency, thence South 79 degrees 34 minutes East thirty-seven and eighteen one hundredths (37.18) feet to a point of curvature, thence one hundred fifty-one and twenty-four one hundredths (151.24) feet on a 158.61 radius curve right to a point of tangency, thence South 24 degrees 56 minutes East sixty-eight and sixty-nine one hundredths (68.69) feet to a point of curvature, thence two hundred twelve and thirty-four one hundredths (212.34) feet on a 473.09 foot radius curve left to a point of tangency, thence South 50 degrees 39 minutes East five and sixty one hundredths (5.60) feet to a point of curvature, thence two hundred six and ninety-five one hundredths (206.95) feet on a 933.61 foot radius curve left to a point of reversed curvature, thence one hundred thirty and ninety-seven one hundredths (130.97) feet on a 106.37 foot radius curve right to a point of tangency, thence continuing with the said line of Starmount Drive South 07 degrees 12 minutes West fifty and seventy-seven one hundredths (50.77) feet to the northwest intersection of Starmount Drive and West Market Street, thence along the North line of West Market Street North 87 degrees 08 minutes West one thousand five hundred fifty-two and twenty-one one hundredths (1,552.21) feet to a point of curvature, thence on a 504.18 foot radius curve left, chord being South 69 degrees 06 minutes 15 seconds West four hundred six and thirty-eight (406.38) feet to a point of tangency, thence continuing with the North line of West Market Street South 45 degrees 20 minutes 30 seconds West nine hundred ten and forty-one one hundredths (910.41) feet to the point of beginning."

Conflicting laws  
repealed.

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed in so far as they affect this Act.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1035

### CHAPTER 547

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF HAMILTON LAKES, CHANGING THE BOUNDARIES THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred sixty-one of the Private Laws of the State of North Carolina of the session of one thousand nine hundred twenty-five, as amended by Chapter one hundred ninety of the Private Laws of North Carolina of the session of one thousand nine hundred twenty-seven, be further amended by adding at the end of Section two the following:

Ch. 161, Private Laws, 1925, amended to re-define boundaries of Town of Hamilton Lakes.

“SEC. 2 (a). The corporate limits of the Town of Hamilton Lakes, as hereinbefore defined, are hereby altered so as to exclude therefrom the following territories, to-wit:

Tract No. 1: Beginning at a point where the center line of Friendly Road intersects the center line of North Buffalo Creek, said point being referenced by co-ordinates 23,408.07 North and 31,396.35 West, City of Greensboro datum, and running thence with the present corporation line up the meanderings of the center line of North Buffalo Creek in a southwestwardly direction about three thousand two hundred (3,200) feet to the North line of West Market Street; thence with the North line of West Market Street North 87 degrees 08 minutes West about one hundred sixty (160) feet to the northwest corner of West Market Street and Ingleside Drive; thence with the East line of Ingleside Drive on a 882.38 foot radius curve to left about seventy-five (75) feet to a point of compound curvature; thence continuing with the East line of Ingleside Drive, the following courses: On a 1764.10 foot radius curve to right chord being North 33 degrees 58 minutes East six hundred eleven and thirty-one one hundredths (611.31) feet to a point of reversed curvature; thence on a 913.08 foot radius curve to left chord being North 27 degrees 13 minutes East five hundred forty-four and twenty-nine one hundredths (544.29) feet to a point of reversed curvature; thence on a 558.02 foot radius curve to right chord being North 22 degrees 56 minutes East two hundred fifty-four and twenty-one one hundredths (254.21) feet to a point of reversed curvature; thence on a 290.31 foot radius curve to left chord being North 19 de-

Territory excluded from corporate limits.

grees 10 minutes East one hundred sixty-eight and ninety-four one hundredths (168.94) feet to a point of compound curvature; thence on a 842.48 foot radius curve to left, chord being North 4 degrees 46 minutes West two hundred six and thirty-two one hundredths (206.32) feet to a point of reversed curvature; thence on a 985.91 foot radius curve to right chord being North 01 degree 21 minutes East four hundred forty-eight and four one hundredths (448.04) feet to a point of compound curvature; thence on a 643.82 foot radius curve to right chord being North 26 degrees 35 minutes East two hundred sixty-nine and ninety-two one hundredths (269.92) feet to a point of tangency; thence North 38 degrees 41 minutes East ninety-eight and seventy-five one hundredths (98.75) feet to a point of curvature; thence on a 1134.60 foot radius curve to left chord being North 33 degrees 32 minutes East two hundred three and sixty-eight one hundredths (203.68) feet to a point of tangency; thence North 28 degrees 23 minutes East sixty-nine and seventy-nine one hundredths (69.79) feet to a point in the center line of Friendly Road, said point being the intersection of the East line of Ingleside Drive with the center line of Friendly Road; thence with the center line of Friendly Road and the existing corporation line South 53 degrees 15 minutes East about one hundred fifty (150) feet to the point of beginning.

“SEC. 2. (b). The corporate limits of the Town of Hamilton Lakes, as hereinbefore defined, are hereby extended so as to include within the same the following described territory, to-wit:

Territory to be included in extended limits.

Tract No. 1: Beginning at a point where the North line of West Market Street extension intersects the center line of Holden Road, said point being referenced by co-ordinates 20,134.71 North and 36,963.49 West, City of Greensboro, North Carolina datum, and running thence with the present corporation line along the center line of Holden Road North 2 degrees 50 minutes 30 seconds East two hundred eleven and sixty-nine one hundredths (211.69) feet to a point; thence continuing with present corporation line North 48 degrees 31 minutes 43 seconds East six hundred eighty-two and fifty-seven one hundredths (682.57) feet to a concrete monument; thence continuing with the present corporation line North 58 degrees 50 minutes 29 seconds East seven hundred sixty-seven and ninety-nine one hundredths (767.99) feet to a concrete monument; thence continuing with the present corporation line North 80 degrees 47 minutes 20 seconds East seven hundred eighty-five and twenty-one one hundredths (785.21) feet to a concrete monument; thence continuing with the present corporation line South 20 degrees 26 minutes 40 seconds East four hundred twenty-



seven and eighty-three one hundredths (427.83) feet to a point in the North line of West Market Street; thence with the North line of West Market Street, North 87 degrees 08 minutes West one thousand twenty-five and eight one hundredths (1,025.08) feet to a point of curvature; thence continuing with the North line of West Market Street on a 504.18 foot radius curve to left, chord being South 69 degrees 06 minutes 15 seconds West four hundred three and sixty-eight one hundredths (403.68) feet to a point of tangency; thence continuing with the North line of West Market Street South 45 degrees 20 minutes 30 seconds West nine hundred eighty-four and forty-two one hundredths (984.42) feet to the point of beginning.

Tract No. 2: Beginning at a point where the South line of West Market Street intersects the East line of Ingleside Drive, said point being referenced by co-ordinates 20,792.60 North and 34,308.69 West, City of Greensboro, North Carolina datum, and running thence with the East (changing to North) line of Ingleside Drive as it curves the following courses: Along a 10 degrees 44 minutes curve to left, chord being South 2 degrees 28 minutes East eighty and thirteen one hundredths (80.13) feet to point of compound curvature; thence along a 10 degrees 44 minutes curve to left, chord being South 25 degrees 16 minutes East three hundred forty-two and ten one hundredths (342.10) feet to a point of compound curvature; thence along a 24 degrees 07 minutes curve to left, chord being South 73 degrees 57 minutes East two hundred thirty-nine and forty-two one hundredths (239.42) feet to a point of compound curvature; thence along a 10 degrees 34 minutes curve to left, chord being North 66 degrees 03 minutes East one hundred eighty-eight and seventy-three one hundredths (188.73) feet to a point of reversed curvature; thence on a 12 degrees 42 minutes curve to right, chord being North 77 degrees 07 minutes East three hundred twenty-four and seventy-six one hundredths (324.76) feet to a point of compound curvature; thence on a 2 degrees 51 minutes curve to right, chord being South 80 degrees 52 minutes East sixty-two and four one hundredths (62.04) feet to a point of compound curvature; thence on a 2 degrees 51 minutes curve to right, chord being South 78 degrees 31 minutes East one hundred five and sixteen one hundredths (105.16) feet to a point of reversed curvature; thence on a 15 degrees 26 minutes curve to left, chord being North 81 degrees 29 minutes East two hundred seventy-two and forty-six one hundredths (272.46) feet to a point of compound curvature; thence on a 6 degrees 53 minutes curve, to left about three hundred forty (340) feet to the southwest intersection of Ingleside Drive with West Market Street; thence across West Market Street in a northeastwardly direction about one hundred fifty

(150) feet to the northeast intersection of West Market Street with Ingleside Drive; thence along the northern margin of West Market Street, North 87 degrees 08 minutes West about two hundred twenty-five (225) feet to a point one hundred fifty (150) feet distant at right angles from Ingleside Drive; thence along a line parallel to and one hundred fifty (150) feet North of the North line of Ingleside Drive in a generally westward direction as it curves about one thousand six hundred (1,600) feet to a point in the North line of West Market Street, thence with the North line of West Market Street North 87 degrees 08 minutes West one hundred fifty (150) feet to the East line of Star-mountain Drive; thence across West Market Street South 2 degrees 52 minutes West one hundred (100) feet to the point of beginning.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1045

## CHAPTER 548

AN ACT TO VALIDATE THE ESTABLISHMENT, ASSESSMENTS, AND BONDS OF CUMBERLAND COUNTY DRAINAGE DISTRICT NUMBER THREE, AND TO AUTHORIZE SAID DISTRICT TO ISSUE REFUNDING BONDS AND EXTEND THE TIME OF PAYMENT OF ASSESSMENTS HERETOFORE LEVIED AND LEVY ADDITIONAL ASSESSMENTS.

*The General Assembly of North Carolina do enact:*

Establishment, etc. of Cumberland County Drainage District No. 3, validated.

SECTION 1. The establishment and present existence of Cumberland County Drainage District Number three and all assessments heretofore levied and all bonds heretofore issued thereby are hereby validated.

Issuance of refunding bonds by drainage commissioners authorized.

SEC. 2. The board of drainage commissioners of said district is hereby authorized and empowered, without an election, to issue not exceeding thirty-six thousand four hundred ninety-nine dollars and eighty-four cents refunding bonds for the purpose of refunding, par for par, any or all of the presently outstanding bonds of the district as the holders thereof may be willing to surrender. Such refunding bonds shall be issued at any time or times after the expiration of the period hereinafter allowed for an appeal to the Superior Court from the confirmation of additional assessments, shall bear such date, shall mature annually in such amounts and

at such time or times not exceeding thirty years from their date, shall be made payable as to principal and interest at such place or places, and shall be in such form as the board of drainage commissioners may determine. Such refunding bonds shall not exceed the aggregate amount of bonds refunded thereby, shall bear interest from date until paid at the rate of four per centum per annum, payable annually, and shall be exchanged for a like amount of outstanding bonds of the district. The refunding bonds shall be issued in the name of the district, but the principal and interest thereof shall be payable from the proceeds of assessments as hereinafter provided. The issue of the refunding bonds shall be subject to the approval of the Local Government Commission, as provided by the Local Government Act.

Issuance of bonds subject to approval of Local Government Commission.

SEC. 3. All assessments (except those made for repairs or maintenance) heretofore levied and now unpaid are hereby made payable in thirty equal annual installments beginning with the first Monday of September one thousand nine hundred thirty-nine, but this shall not impair the rights of the holders of the bonds now outstanding. The board of drainage commissioners shall prepare and file in the manner prescribed by Section five thousand three hundred sixty of the Consolidated Statutes as amended (exclusive of the ten per cent additional as prescribed in Section five thousand three hundred fifty-three) assessment rolls covering such extended payments, which shall have the force and effect of a judgment as in the case of State and county taxes, and said assessments shall continue to constitute a first and paramount lien, second only to State and county taxes, on the respective parcels of land subject thereto, and shall be collected as provided by law.

Provision for payment of prior assessments.

Assessment rolls covering extended payments.

SEC. 4. The board of drainage commissioners shall also levy additional assessments upon all lands in the district benefited by the improvements made by the district sufficient when added to the extended assessments provided by Section three to provide for the payment of the principal and interest of all refunding bonds to be issued hereunder. They shall prepare and file in the manner prescribed by Section five thousand three hundred sixty of the Consolidated Statutes as amended (including the ten per cent additional as prescribed in Section five thousand three hundred fifty-five) assessment rolls covering such additional assessments, and shall give notice that such assessments rolls have been prepared and filed, and are open to public inspection in the office of the clerk of court, and that the commissioners will meet at a time and place therein specified for the purpose of hearing objections to such additional assessments from any landowner or other person interested. Such notice shall be given by publication once a week for

Levy of additional assessments authorized.

Assessment rolls covering additional assessments.

Notice of preparation of rolls.

Publication of notice.

Hearings on assessments.

three consecutive weeks, the first publication to be at least twenty-one days before the date of the said meeting, in a newspaper published in Cumberland County, and also by posting a copy of such notice at the courthouse door and at five other conspicuous places in the district at least ten days before the said meeting. At said meeting or an adjournment thereof, the board of drainage commissioners shall hear and consider all such objections and shall determine whether such additional assessments are for the correct total amount and have been properly apportioned between the different parcels of land subject thereto, and are within the amount of the special benefits derived by the respective parcels of land from the improvements made by the district. The commissioners may make any change in said assessments to correct the total amount thereof or to correct the apportionment thereof or to reduce the assessments on any particular parcel of land to the amount of such benefits, and if such changes would result in a reduction in the total amount of the assessments, the assessments on all parcels may be correspondingly increased pro rata: *Provided*, the assessments on any parcel shall not exceed such benefits. The board of drainage commissioners shall by resolution confirm the levy of the additional assessments as so amended, and they thereupon shall have the force and effect of a judgment as in the case of State and county taxes. Said assessments from the date of such confirmation shall constitute, together with the existing assessments, a first and paramount lien, second only to State and county taxes, on the respective parcels of land subject thereto and shall be collected as provided by law.

Commissioners authorized to change assessments.

Confirmation of levy of additional assessments.

Appeal to Superior Court by aggrieved party.

SEC. 5. Any party aggrieved by such confirmation of the additional assessments may within ten days thereafter appeal to the Superior Court, which appeal shall be taken and prosecuted as provided in special proceedings. Every landowner or other person affected by such assessment, who fails to take such appeal, shall be bound by the assessments shown in said assessment rolls as so amended, notwithstanding any irregularity in the proceedings authorizing the same except a substantial failure to give the required notice.

Payment of assessment and release of property from liability.

SEC. 6. Any landowner may pay all of said assessments against his land in full, less the amount included therein on account of interest to accrue on the refunding bonds, within ten days after the expiration of the period allowed for an appeal to the Superior Court from the confirmation of additional assessments, and thereby have his lands released from liability from such assessments: *Provided, however*, his lands shall continue liable for any future assessment for maintenance or for any increased assessment au-

thorized under the law. The proceeds of all such additional assessments and of the extended assessments provided by Section three shall be held in a separate fund and applied only to the payment of the principal and interest of the refunding bonds authorized hereby. If, upon the payment of all said bonds and principal thereof in full, any balance shall remain in said fund, such balance may be used for the general purposes of the district.

Application of  
proceeds.

SEC. 7. That this Act shall be in force from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1047

### CHAPTER 549

#### AN ACT TO REGULATE THE OPERATION OF MOVING PICTURE SHOWS IN NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That from and after the ratification of this Act, persons, firms or corporations operating moving picture shows in Northampton County shall be permitted to operate the same on Sundays only between the hours of one o'clock P. M. and six o'clock P. M. and between the hours of nine o'clock P. M. and twelve o'clock P. M.

Operation of moving picture shows on Sunday regulated, Northampton County.

SEC. 2. Any person, firm or corporation operating moving picture shows on Sundays during hours other than those set out in Section one hereof shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or imprisoned for not more than thirty days, or both, in the discretion of the court.

Violations made misdemeanor.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1048

## CHAPTER 550

AN ACT RELATING TO THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT AND AMENDING CHAPTER TWO HUNDRED NINE OF THE PRIVATE LAWS OF NINETEEN HUNDRED SEVEN, AS AMENDED.

*The General Assembly of North Carolina do enact:*

Ch. 209, Private  
Laws, 1907,  
amended.

SECTION 1. That Section two of Chapter two hundred nine of the Private Laws of nineteen hundred seven, entitled, "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount, to be hereafter known as the City of Rocky Mount," as amended, be and the same is hereby further amended as follows:

Ch. 187, Private  
Laws, 1927,  
amended to extend  
corporate limits of  
City of Rocky  
Mount.

1. By inserting the following additional calls after the semicolon following the words, "fair grounds," in line thirteen and before the word, "thence," in line fourteen of Subdivision one of Section one of Chapter one hundred eighty-seven of the Private Laws of nineteen hundred twenty-seven, the said Act being an amendment to Chapter two hundred nine of the Private Laws of nineteen hundred seven;

"thence in a Southerly direction along the Western property line of said fairground road to its intersection with the center line of Tarboro Street extended; thence in a Westerly direction along the center line of Tarboro Street extended to its intersection with the center line of Oakwood Street."

2. By striking out all after the semicolon after the words, "eight hundred and eighty-six feet to a stake," in line twelve through the words, "Nashville-Rocky Mount Highway," in lines twenty-three and twenty-four of Subdivision two of Section one of Chapter one hundred eighty-seven of the Private Laws of nineteen hundred twenty-seven, and inserting in lieu thereof the following: "thence in a Northerly direction to a point in the center line of Arrington Avenue, 250 feet Westerly from its intersection with the center line of Boone Street; thence in a Northwesterly direction along the center line of Arrington Avenue with its intersection of the center line of Raleigh Road; thence Southwesterly along the center line of Raleigh Road to its intersection with the center line of Williford Street; thence Northwesterly with the center line of Williford Street extended to the mean low water line on the East bank of Tar River; thence in a Northerly direction along the Southern bank of Tar River to a stake ten feet Westerly from the intersection of the mean low water line on the Southern bank of Tar River and the Western line of the Nashville-Rocky Mount Highway."

SEC. 2. That so much of Section three of Chapter two hundred nine of the Private Laws of nineteen hundred seven, as amended, as defines the Second, Fourth and Sixth wards be and the same is hereby stricken out and the following inserted in lieu thereof:

Ch. 209, Private Laws, 1907, amended to redefine boundaries of second, fourth and sixth wards.

Second Ward: All that territory of the city lying East of the center line of the main line of the Atlantic Coast Line Railroad and North of Tarboro Street and Tarboro Street extended shall constitute the Second ward.

Second ward.

Fourth Ward: That part of the territory of the city embraced within the following boundaries shall constitute the Fourth Ward: Beginning at a point where the center of the main line of the Atlantic Coast Line Railroad is intersected by the center line of Sunset Avenue; thence Westerly and Northerly down the center line of Sunset Avenue to a point where it is intersected by the Western boundary of the city; thence Southerly along the Western boundary to a point where it is intersected by the center line of Nashville Road; thence Southeasterly along the center line of Nashville Road to a point where it is intersected by the center line of Hammond Street; thence Northeasterly along the center of Hammond Street to a point where it is intersected by the center line of the Nashville Branch of the Atlantic Coast Line Railroad; thence Southeasterly with the center line of the Nashville Branch of the Railroad and an extension thereof through the "Y" to a point where the same intersects the center of the main line of the Atlantic Coast Line Railroad; thence in a Northerly direction with the center of the main line of the Atlantic Coast Line Railroad to the point of beginning.

Fourth ward.

Sixth Ward: That part of the territory of the city embraced within the following boundaries shall constitute the Sixth Ward, to-wit: "Beginning at a point in the center line of the main line of the Atlantic Coast Line Railroad where the center line of the Nashville Branch of said Railroad if extended through the "Y" would intersect the same; thence Westerly down the center line of the Nashville Branch of the Railroad to a point where it is intersected by the center line of Hammond Street; thence Westerly along the center of Hammond Street to its intersection with the center line of Nashville Road; thence Westerly along the center line of Nashville Road to its intersection with the Western boundary line of the city; thence along the said Western boundary line in a Southerly direction and continuing in a general Southwesterly direction to the point where it intersects the center line of the main line of the Atlantic Coast Line Railroad; thence Northerly along the center of said railroad to its beginning."

Sixth ward.

Tax levy in  
annexed territory.

SEC. 3. That there shall be levied and collected in the new territory herein annexed to said city the same tax for all municipal purposes that is levied and collected within the territory heretofore within the corporate limits of the said city.

Conflicting laws  
repealed.

SEC. 4. That all laws or clauses of laws in conflict herewith are hereby repealed.

Effective date.

SEC. 5. That this Act shall be in force from and after the first day of July, A. D., nineteen hundred thirty-nine.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1049

## CHAPTER 551

AN ACT TO FURTHER AMEND CHAPTER TWO HUNDRED NINE OF THE PRIVATE LAWS OF NINETEEN HUNDRED AND SEVEN AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT RELATING TO THE POWER OF ITS BOARD OF ALDERMEN.

*The General Assembly of North Carolina do enact:*

Ch. 209, Private  
Laws, 1907,  
amended as to  
powers of Board  
of Aldermen, City  
of Rocky Mount.

SECTION 1. That Chapter two hundred nine of the Private Laws of nineteen hundred and seven, entitled, "An Act to revise and consolidate the Charter of the Town of Rocky Mount to be hereafter known as the City of Rocky Mount," as amended, shall be and the same is hereby further amended by adding as Subdivisions forty-one and forty-two of Section forty thereof the following:

Regulations of taxis  
and other hire  
vehicles, etc.

"(41). To regulate and control all taxis and other vehicles operated for hire in the city (other than busses operated under the jurisdiction of the Utilities Commission of North Carolina); to prescribe and pass upon the qualifications of the operators thereof and to prescribe and enforce such other rules and regulations for the operation thereof as in its judgment will fully protect the public.

Regulation, etc.  
of junk yards.

(42). To control, regulate and prohibit junk yards and other places where automobiles, scrap metal and junk are dismantled or stored."

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.



H. B. 1055

## CHAPTER 552

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

SECTION 1. That Section nineteen of Chapter one hundred and seventy-seven of the Private Laws of North Carolina, one thousand nine hundred and five, amending the Charter of the Town of Clyde, be and the same is hereby repealed, and the following enacted in lieu thereof:

Ch. 177, Private  
Laws, 1905,  
amended.

“SEC. 19. Whenever, in the opinion of the Board of Aldermen of said town, it is advisable to obtain land or right-of-way thereon, for the purpose of opening a new street or making culverts or waterways for carrying water out of any street thereon, or for changing, altering or widening any street, or laying any sewer or water line within the corporate limits of said town, the Board of Aldermen of said town shall have full power and authority to enter upon said lands and cause said street or streets to be built, widened, altered or changed, and water or sewer lines or other improvements to be made, and if the said Board of Aldermen and the owner or owners of said land over which said street or sewer or water line or other improvement is to be made, cannot agree as to the amount of damages, if any, the owner of the land shall file his claim with the clerk of the said town and it shall be the duty of the Board of Aldermen forthwith, to appoint three freeholders, residents of said town, connected with said claimant neither by consanguinity nor affinity, who shall forthwith go upon the premises and view the same, and assess the damages which will accrue to such property, taking into consideration the benefits which will accrue to such property from the improvements, and report the same to the Board of Aldermen. The said Board of Aldermen shall have the right to accept and approve the report of said jury or commissioners, and pay said damages, if any; or said Board of Aldermen may set aside said report in their discretion, upon motion of the property owner or of their own motion, and appoint another jury to assess said damages; or said Board of Aldermen may appeal from the report of said jury to the Superior Court of Haywood County. If the owner of said premises is dissatisfied with said assessment, he may appeal from the findings of the jury to the Superior Court of Haywood County. Upon appeal by the property owner or by said town, the same shall be tried before a jury, but such appeal shall not stay the improvements.”

Acquisition of  
right-of-ways for  
streets and other  
public improve-  
ments, Town of  
Clyde.

Settlement of  
claims for damages.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1057

CHAPTER 553

AN ACT TO REQUIRE LAND OWNERS IN MOORE COUNTY TO FILL UP OR ERECT BARRIERS AROUND ABANDONED WELLS OR EXCAVATIONS MADE IN MINING OPERATION SO AS TO PROTECT PEOPLE AND LIVE STOCK FROM FALLING THEREIN.

*The General Assembly of North Carolina do enact:*

Land owners, Moore County, required to fill up or erect barriers around abandoned wells or excavations made in mining operations.

SECTION 1. That all land owners in Moore County upon whose premises is situated any abandoned well, hole in the ground or other excavation dug or made in any mining operation be and he is hereby required to fill up such abandoned well, hole in the ground or other excavation or opening or to erect around such abandoned well, hole in the ground, opening or excavation made in any mining operation a barrier or fence sufficient to prevent a person or animal such as horses, mules, cows, sheep, goats or other animals from falling therein and injuring or killing such persons or animals by reason of falling into such abandoned well, hole in the ground, or open excavation from mining operation.

Liability of land owner upon failure to comply with provisions of Act.

SEC. 2. That any land owner in Moore County who fails to comply with the provisions by filling up or erecting proper barrier or protection around such abandoned well, hole in the ground or open excavation caused from mining operation, shall be liable in damages to any person who may fall into such exposed and open well, hole in the ground or other excavation made in mining operation, and such damage to be recovered in a civil action in any court of competent jurisdiction in said county for such injury as any person may suffer to himself or to any live animal or live stock owned by him by reason of such person or domestic animal or live stock falling into such open well, hole in the ground or other excavation made in mining operation and the fact that the land owner upon whose premises such open well, hole in the ground or other excavation caused in mining operation was not protected as in this Act required shall be prima facie evidence of culpable civil negligence on the part of such land owner and shall be sufficient to carry the case to the jury on the question of damages in any action which may be instituted in any court of said county in which said action is instituted for the purpose of recovering damages for said injuries to either

Actions for recovery of damages.

person or other said live stock or animal.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall apply exclusively to Moore County and shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1063

### CHAPTER 554

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY TO REGULATE AND LEVY A TAX ON PERSONS, FIRMS, OR CORPORATIONS CARRYING PASSENGERS FOR COMPENSATION IN AIRPLANES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Transylvania County be, and they are hereby authorized by appropriate resolution to levy a tax against every person, firm, or corporation engaged in the business of transporting persons or property for compensation in airplanes, or advertising by means of airplanes, using temporary landing fields within the boundaries of Transylvania County. Tax levy on aircraft transportation, Transylvania County.

SEC. 1½. That the operation of a business as described in this Act, without payment of such tax as may be levied by the board of county commissioners, hereunder, shall be a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for each separate offense. Operation without payment of tax made misdemeanor.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1064

**CHAPTER 555**

AN ACT TO AMEND CHAPTER ONE HUNDRED SEVENTY-SIX OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA SESSION ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, PROVIDING FOR THE OFFICE OF TAX COLLECTOR FOR WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 176, Public-Local Laws, 1937, amended.

Biennial appointment of tax collector, Wake County.

Conflicting laws repealed.

SECTION 1. That Chapter one hundred seventy-six of the Public-Local and Private Laws of North Carolina, session one thousand nine hundred thirty-seven be, and the same is hereby amended by striking out the words, in Section two, "Each and every" in line four thereof, and the words, "Succeeding year" in line five thereof, and adding in lieu thereof "every succeeding two years thereafter."

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 and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1065

**CHAPTER 556**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND SEVENTEEN AND CHAPTER FOUR HUNDRED AND NINETY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE RECORDER'S COURT FOR THE TOWN OF APEX AND WHITE OAK TOWNSHIP IN WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 497, Public-Local Laws, 1929, repealed.

Ch. 282, Public-Local Laws, 1917, amended to extend jurisdiction of Apex Recorder's Court, Wake County.

SECTION 1. That Section one of Chapter four hundred and ninety-seven of the Public-Local laws of one thousand nine hundred and twenty-nine, be and the same is hereby repealed.

SEC. 2. That Section one of Chapter two hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and seventeen be and the same is hereby amended to read as follows:

"SECTION 1. That a special or recorder's court for the trial of certain criminal and civil causes herein provided for, and to be designated as "The Recorder's Court of

White Oak, Buckhorn, Cedar Fork, Leesville Townships' is hereby created and established."

SEC. 3. That the above Acts be and they are hereby further amended by striking out the words "Town of Apex and White Oak Township" and/or the words "White Oak and Buckhorn Townships" wherever they occur therein and inserting in lieu thereof the words "White Oak, Buckhorn, Cedar Fork, Leesville Townships."

SEC. 4. That in the trial of all criminal actions in the court mentioned in this Act, the clerk of said court, where the action originated in the court of a justice of the peace, shall tax in the costs in said action the costs which accrued in the said justice's court and if there is no prosecutor in such criminal action and the defendant is acquitted, or convicted and unable to pay the costs, a nolle prosequi is entered, or judgment arrested, or prayer for judgment continued, the county shall pay the clerks, Sheriffs, constables, justices and witnesses one-half their lawful fees so taxed in the costs unless judgment otherwise shall be entered by said court. In all such actions it shall be the duty of the clerk of said courts to make out a statement of such costs from the record or docket and file the same with the Board of Commissioners of the County within thirty days after the hearing, trial, determination or other disposition of such case.

Costs in criminal actions originating in courts of Justices of the Peace.

Provision for payment of certain fees by county in enumerated instances.

Statement of costs.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1066

## CHAPTER 557

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FIFTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE RECORDER'S COURT OF WAKE FOREST.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter five hundred and fifty of the Public-Local Laws of one thousand nine hundred and thirty-seven be and the same is hereby amended so as to extend the territorial jurisdiction of the Wake Forest Recorder's Court to include, in addition to its present jurisdiction, Barton's Creek Township and thus embracing within the civil and criminal jurisdiction of the Wake Forest Recorder's Court, all of the territory within Wake Forest Township,

Ch. 550, Public-Local Laws, 1937, amended to extend jurisdiction of Wake Forest Recorder's Court,

New Light Township, Barton's Creek Township, of Wake County.

Election of officers of court.

SEC. 2. That the election of officers of the Wake Forest Recorder's Court as provided in said Act shall be governed and controlled by the laws in force controlling and governing the general election of the municipal officers of the Town of Wake Forest, Wake County, North Carolina, and the person or persons who are in charge of and responsible for the conducting of the municipal election of the Town of Wake Forest shall be responsible for the election of the officers of the Wake Forest Recorder's Court as provided in said Act, and shall appoint the necessary registrars and order a registration of the qualified voters of Wake Forest Township, New Light Township, Barton's Creek Township, of said Wake County, forthwith and prior to the next primary and election of the municipality of Wake Forest.

Costs in criminal actions originating in courts of Justices of the Peace.

SEC. 3. That in the trial of all criminal actions in the court mentioned in this Act, the clerk of said court, where the action originated in the Court of a Justice of the Peace, shall tax in the costs in said action the costs which accrued in the said Justice's Court and if there is no prosecutor in such criminal action and the defendant is acquitted, or convicted and unable to pay the costs, or a nolle prosequi is entered, or judgment arrested, or prayer for judgment continued, the county shall pay the clerks, Sheriffs, constables, justices and witnesses one-half their lawful fees so taxed in the costs unless judgment otherwise shall be entered by said court. In all such actions it shall be the duty of the clerk of said courts to make out a statement of such costs from the record or docket and file the same with the Board of Commissioners of the county within thirty days after the hearing, trial, determination or other disposition of such case.

Provision for payment of certain fees by county in enumerated instances.

Statement of costs.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1067

**CHAPTER 558**

AN ACT TO AMEND CHAPTER TWENTY-SEVEN, SUB-CHAPTER FOUR, ARTICLES EIGHTEEN, TWENTY-ONE, AND TWENTY-THREE, OF THE CONSOLIDATED STATUTES AND AMENDMENTS THERETO, RELATING TO MUNICIPAL RECORDER'S COURTS TO EXTEND THE CRIMINAL AND CIVIL JURISDICTION OF THE RECORDER'S COURT OF WENDELL TO INCLUDE ALL OF MARK'S CREEK TOWNSHIP, SAINT MATTHEWS, TOWNSHIP, SAINT MARY'S TOWNSHIP, AND NEUSE RIVER TOWNSHIP, IN WAKE COUNTY, AND TO PROVIDE FOR THE ELECTION OF THE RECORDER OF SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all of the criminal and civil jurisdiction of the Recorder's Court of Wendell, established under Chapter twenty-seven, sub-chapter four, Articles eighteen, twenty-one and twenty-three, of the Consolidated Statutes and amendments thereto, shall extend to and include all of Mark's Creek Township, Saint Matthews Township, Saint Mary's Township, and Neuse River Township, in Wake County, with the same rules and procedure and right of appeal as now provided by law.

C. S., Ch. 27, subchapter 4, Arts. 18, 21 and 23, amended to extend jurisdiction of Recorder's Court of Wendell, Wake County.

SEC. 2. That the recorder of said court shall be nominated in the primary and elected in the general election by the qualified voters of Mark's Creek Township, Saint Matthews Township, Saint Mary's Township, and Neuse River Township, in the same manner and at the same time as other officers of Wake County are nominated and elected, and shall hold office for two years and until his successor is elected and qualified.

Nomination and election of Recorder.

Term of office.

SEC. 3. That the recorder of said court shall be a person of good moral character, qualified to vote in Wake County, and a resident of Mark's Creek Township, Saint Matthews Township, Saint Mary's Township, or Neuse River Township.

Qualifications of Recorder.

SEC. 4. That in the trial of all criminal actions in the court mentioned in this Act, the clerk of said court, where the action originated in the court of a Justice of the Peace, shall tax in the costs of said action the costs which accrued in the said Justice's Court and if there is no prosecutor in such criminal action and the defendant is acquitted, or convicted and unable to pay the costs, or a nolle prosequi is entered, or judgment arrested, or prayer for judgment continued, the county shall pay the clerks, Sheriffs, constables, justices and witnesses one-half their lawful fees so taxed in the costs unless judgment otherwise shall be en-

Costs in criminal actions originating in courts of justices of the peace.

Provision for payment by county of certain fees in enumerated instances.

Statement of costs. tered by said court. In all such actions it shall be the duty of the clerk of said courts to make out a statement of such costs from the record or docket and file the same with the Board of Commissioners of the county within thirty days after the hearing, trial, determination or other disposition of such case.

Conflicting laws repealed. 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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1068

**CHAPTER 559**

**AN ACT TO AUTHORIZE THE CELEBRATION OF THE CENTENNIAL ANNIVERSARY OF THE INCORPORATION OF THE MUNICIPALITY OF HENDERSON.**

*The General Assembly of North Carolina do enact:*

Celebration of centennial anniversary of incorporation of City of Henderson, authorized.

SECTION 1. That whereas the present City of Henderson, in Vance County was first incorporated by the General Assembly in the year one thousand eight hundred and forty-one and the said city was named in honor of Leonard Henderson, Chief Justice of the Supreme Court of the State of North Carolina, and the City Council of said city has resolved that the anniversary should be observed; *Now, therefore*, in order to properly observe the same, the Mayor and City Council of the City of Henderson be and they are hereby authorized to include in the annual budget of the year one thousand nine hundred forty, one thousand nine hundred forty-one the sum of one thousand (\$1,000.00) dollars and expend so much thereof for advertising, policing and rendering public facilities as may be necessary for the observance of said one hundredth anniversary; *Provided, however*, that the citizens of said city shall contribute a like amount.

Appropriation for celebration.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.



H. B. 1074

**CHAPTER 560**

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF CALDWELL COUNTY TO APPOINT PAID DEPUTIES AND FIX THE COMPENSATION THEREOF FOR CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Caldwell County may, in their discretion, and upon the request and recommendation of the Sheriff of said county, appoint not to exceed two paid deputies from the Sheriff's department of said county and fix the term of such appointment and the compensation thereof. The said Board of Commissioners are authorized and empowered to relieve or discharge any and all persons from office, who may be appointed under the provisions hereof.

Appointment and compensation of deputy sheriffs, Caldwell County.

SEC. 2. This Act shall apply only to Caldwell County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1075

**CHAPTER 561**

AN ACT TO RATIFY AND APPROVE BONDS OF EAST LENOIR SANITARY DISTRICT, AS AUTHORIZED BY CHAPTER ONE HUNDRED, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AND HERETOFORE VOTED BY THE QUALIFIED VOTERS OF THE SAID DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Sanitary District Board of East Lenoir Sanitary District, Caldwell County, is hereby authorized and empowered to issue twelve thousand dollar (\$12,000.00) bonds on behalf of the said sanitary district as authorized by an election held in said district on February twentieth, one thousand nine hundred and thirty-nine, pursuant to Chapter one hundred, Public Laws of one thousand nine hundred and twenty-seven.

East Lenoir Sanitary District Board, Caldwell County, authorized to issue bonds pursuant to election held Feb. 20, 1939.

SEC. 2. The Sanitary District Board of said district is hereby authorized and empowered to issue said bonds and cause the same to bear interest at not to exceed six per cent per annum, payable semiannually, both principal and interest to be payable at some bank in New York City, and they are hereby authorized and empowered to cause said bonds to mature in twenty-five years after their date.

Issuance of bonds.

Interest rate.

Maturity.

Special tax levy for payment of bonds authorized.

SEC. 3. The Sanitary District Board is hereby authorized and empowered to levy a special tax upon all of the taxable property within said district sufficient to pay the interest and principal on said bonds as interest and principal may become due, as provided by Chapter one hundred, Public Laws of one thousand nine hundred and twenty-seven.

Election authorizing bond issue validated.

SEC. 4. That the said election held February twentieth, one thousand nine hundred and thirty-nine, is hereby ratified, approved and confirmed, and the said bonds are hereby in all respects declared to be valid and binding obligations of the East Lenoir Sanitary District.

Proceedings as to bond issue, etc., validated.

SEC. 5. That the proceedings and actions of the said Sanitary District Board heretofore had relating to the issuance and sale of said bonds be and the same are hereby ratified and approved.

Conflicting laws repealed.

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

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1076

## CHAPTER 562

### AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF DARE COUNTY TO EXCHANGE A TRACT OF LAND WITH U. G. WISE TO CORRECT AN ERROR IN A PREVIOUS DEED.

Preamble: Purchase of property by Board of Education, Dare County.

*Whereas*, heretofore the Board of Education of Dare County purchased from U. G. Wise a tract of land adjoining the Stumpy Point School property; and

Error in description in deed.

*Whereas*, in writing said deed an error was made in the description thereof, leaving out a part of the property intended to be purchased and conveying other property not intended to be included therein; and

Correction of error desired.

*Whereas*, the Board of Education of Dare County and U. G. Wise desire to exchange quitclaim deeds correcting said error: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Exchange of quitclaim deeds between Dare County Board of Education and U. G. Wise for correction of error authorized.

SECTION 1. That the Board of Education of Dare County is hereby authorized and empowered to make, execute and deliver to U. G. Wise a deed for the lands referred to in the preamble, in exchange for a conveyance by the said U. G. Wise and wife for land therein referred to, to correct an error in the description of lands heretofore conveyed and properly define the boundaries between said lands.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1077

### CHAPTER 563

AN ACT TO REENACT CHAPTER ONE HUNDRED AND SIXTY-NINE AND CHAPTER FOUR HUNDRED AND SEVEN, PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATIVE TO THE PREPARATION OF THE TAX BOOKS IN HYDE COUNTY AND THE PUBLIC-LOCAL LAWS ENACTED BY THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATIVE TO HYDE COUNTY.

*Whereas*, committee substitute for House Bill Number forty-five which is known as the Machinery Act of one thousand nine hundred and thirty-nine repeals certain Public-Local Laws which were passed by the General Assembly of one thousand nine hundred and thirty-seven and also possibly repeals certain Public-Local Laws passed during the General Assembly of one thousand nine hundred and thirty-nine relative to Hyde County and in order to clarify the situation this Act is being passed to reenact such Public-Local Laws as might have been thereby repealed; *Now, therefore*,

Preamble:  
Machinery Act of 1939 repeals certain Public-Local Laws relative to Hyde County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and thirty-seven entitled "An Act Relating to the Preparation of the Tax Books in Hyde County" be and the same is hereby reenacted.

Ch. 169, Public-Local Laws, 1937, as to preparation of tax books, Hyde County, reenacted.

SEC. 2. That Chapter four hundred and seven of the Public-Local Laws of one thousand nine hundred and thirty-seven entitled "An Act to Amend House Bill Two Hundred and Sixty-two, Ratified March First, One Thousand Nine Hundred and Thirty-seven, Relating to the Preparation of the Tax Books in Hyde County" be and the same is hereby reenacted.

Ch. 407, Public-Local Laws, 1937, reenacted.

SEC. 3. That all Public-Local Laws enacted during the General Assembly of one thousand nine hundred and thirty-nine relative to Hyde County which may have been repealed directly or by implication by committee substitute for House Bill forty-five, known as the Machinery Act, be and the

Public-Local Laws of 1939 session relative to Hyde County repealed by Machinery Act, reenacted.

same are hereby reenacted and shall be of the same force and effect as they were prior to the enactment of said House Bill forty-five and this Act shall be in full force and effect even though ratified prior to the ratification of committee substitute for House Bill forty-five.

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

Conflicting laws  
repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1078

## CHAPTER 564

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF SCOTLAND COUNTY TO REMIT TO THE DELINQUENT TAXPAYERS OF THAT COUNTY ALL PENALTIES AND INTEREST UPON UNPAID TAXES LEVIED AND ASSESSED PRIOR TO THE YEAR ONE THOUSAND NINE HUNDRED THIRTY-THREE, UPON THE CONDITION THAT SUCH DELINQUENT TAXPAYERS SHALL HAVE PAID ALL TAXES LEVIED AND ASSESSED SINCE THE YEAR ONE THOUSAND NINE HUNDRED THIRTY-THREE, AND SHALL PAY ONE-FIFTH OF SUCH DELINQUENT TAXES EACH YEAR FOR FIVE CONSECUTIVE YEARS, TOGETHER WITH INTEREST THEREON AT THE RATE OF SIX PER CENT PER ANNUM FROM THE DATE THAT SUCH BOARD OF COMMISSIONERS ENTER INTO SUCH AN AGREEMENT WITH SAID DELINQUENT TAXPAYERS.

*The General Assembly of North Carolina do enact:*

Powers of Scotland  
County Commis-  
sioners as to  
delinquent taxes.

SECTION 1. The Board of County Commissioners of Scotland County, from and after the ratification of this Act, shall have power and authority:

Remission of cer-  
tain delinquent tax  
penalties and  
interest.

(1) To remit to all taxpayers of Scotland County who shall have failed to pay the taxes levied and assessed against them or their property for any of the years prior to the year one thousand nine hundred thirty-three, or any portion of such taxes, all the penalties and interest which have now accrued upon such taxes or any unpaid portion thereof, but they shall have no power to remit court costs in suits previously instituted for the collection of such taxes.

Acceptance of notes  
for unpaid taxes.

(2) To accept from such taxpayers their note or notes for such unpaid taxes, less the said penalties and interest. But such notes shall be for the full amount of unpaid taxes prior to the year one thousand nine hundred thirty-three,

less the said penalties and accrued interest, and shall be payable in five years from the date of such note, and in five consecutive, equal, annual installments, with interest on the whole amount due at the rate of six per cent per annum until paid, payable annually at the same time the installments of principal are payable. The said notes shall contain a clause providing that, upon default in the payment of any installment of either principal or interest when the same shall become due and payable, the whole amount shall immediately become due and payable.

Payment of notes.

Acceleration clause in notes.

SEC. 2. The authority given in Section one cannot be exercised:

Limitations on authority granted.

(1) In cases in which the County of Scotland has not already instituted suits for the foreclosure of the liens for delinquent taxes against the property of such taxpayers, it being the intent and purpose of this Act that the board of commissioners shall have no right to release the lien of the county for taxes, but that they shall have the right, under prescribed conditions, to extend the time of payment.

(2) In cases in which the owner, or one of the owners of the land, is a minor or is non compos mentis, unless the duly appointed guardian of such owner shall, under proper order of a court of competent jurisdiction, be duly authorized to execute such note for his ward.

(3) Unless the delinquent taxpayer has, at the time of the execution of the note, paid in full all taxes assessed against him and his property since the year one thousand nine hundred thirty-three.

(4) Unless a note, conditioned as provided in Section one, is executed and delivered by all the owners of the land listed by the delinquent taxpayer.

SEC. 3. The acceptance of a note for such delinquent taxes, conditioned as provided in this Act, shall not release the lien of the County of Scotland for such delinquent taxes, but shall simply give the board of commissioners the power to release the penalties and accrued interest, and to extend the time for payment, in accordance with the terms of the note.

Acceptance of note does not release lien of county for delinquent taxes.

SEC. 4. In the event that the board of county commissioners accept a note from any delinquent taxpayer under the terms of this Act, such taxpayer or taxpayers shall keep all current taxes paid promptly during the life of the note. If such taxpayer fails to pay his current taxes by the first day of each November following the execution and delivery of such note, then all the installments unpaid upon said note shall, on the first day of the November that such taxpayer fails to pay his current taxes, immediately become due and payable; and each note accepted by the board of

Taxpayer giving note for delinquent taxes required to pay current taxes.

county commissioners shall contain this provision for accelerating the maturity of all installments.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1080

## CHAPTER 565

### AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES AND PAVING ASSESSMENTS IN THE CITY OF HENDERSONVILLE.

*The General Assembly of North Carolina do enact:*

Adjustment of delinquent taxes and street and sidewalk assessments, City of Hendersonville.

SECTION 1. When it shall appear to the satisfaction of the Board of Commissioners of the City of Hendersonville that the unpaid portion of street and sidewalk assessments due and to become due, together with all unpaid taxes heretofore levied by the City, or by the County of Henderson, against any piece or parcel of land within the City of Hendersonville, shall, in the opinion of the commissioners, amount in the aggregate to as much or more than the reasonable market value of any such piece or parcel of land, the said commissioners are hereby authorized and empowered to reduce the amount of said assessments and taxes to such sum as is fair and just, and will best subserve the interests of the city. That the application for such reduction shall be in writing and shall be made by some person, firm or corporation, who has an interest in the property, and such reduction as may be allowed shall be deducted by the city tax collector upon the payment of the unpaid balance, and which balance shall be paid within ten days from the making of the order allowing such reduction, or such order shall thereupon become null and void: *Provided*, that this Act shall apply only to taxes for the year one thousand nine hundred and thirty-eight, and previous years.

Application for reduction.

Act applicable only to 1938 and prior years.

Filing of application.

Deposit required.

Appointment of appraisers.

SEC. 2. The application for reduction of taxes and paving assessments provided for in the preceding section shall be filed with the mayor and shall be accompanied by a deposit of three dollars (\$3.00) to pay the cost of the appraisal herein provided for. The mayor shall thereupon appoint one member of the Board of City Commissioners, and two resident taxpayers of the City of Hendersonville to appraise the property mentioned and referred to in the application. Said appraisers shall view the premises and shall file with

the mayor a report showing their valuation of said property within ten days from their notification of said appointment, and which said report, together with the application for reduction of taxes and paving assessments, shall be considered and passed upon by the Board of City Commissioners at any special or regular meeting of said board, and such action shall thereupon be taken by the board with respect to the value of the property and the reduction of taxes and street assessments as it may deem fair and just under all the circumstances: *Provided*, that any reduction in valuation made hereunder shall only apply to the year one thousand nine hundred and thirty-eight, and previous years, and shall not be construed as changing the valuation of any of said property placed thereon by the Board of Commissioners of Henderson County for any year subsequent to the year one thousand nine hundred and thirty-eight.

Appraisal of property.

Action of City Commissioners as to reduction.

Time limitation on reduction.

SEC. 3. That in settlement of any adjustment of taxes made hereunder, the city tax collector shall accept at their face value in payment of any taxes for the year one thousand nine hundred and thirty-three, and previous years, the coupons, interest claims and refunding bonds mentioned in Section three of Chapter two hundred and eighty-five, of the Public-Local Laws of the one thousand nine hundred thirty-seven session of the General Assembly: *Provided*, the bonds to which said coupons were attached, and the bonds and notes on which said interest claims have accumulated have been deposited with the Bondholders Committee referred to in said section.

Acceptance of refunding bonds, etc. in settlement of adjusted taxes.

SEC. 4. That in settlement of any adjustment of paving assessments made pursuant to the provisions of this Act, the city tax collector shall accept at their face value in payment thereof, the coupons, interest claims and unmatuired refunding bonds mentioned in Section eight of the Act referred to in the next preceding section: *Provided*, the bonds to which such coupons were attached and the bonds and notes on which such interest claims have accumulated have been deposited with the aforementioned Bondholders Committee.

Acceptance of refunding bonds, etc. in settlement of adjusted paving assessments.

SEC. 5. That any and all settlements heretofore made by the Commissioners of the City of Hendersonville, with taxpayers wherein reductions have been allowed in taxes or paving assessments, or both, be and the same are hereby in all respects ratified and confirmed.

Prior settlements validated.

SEC. 6. That this Act shall become inoperative and void from and after the thirty-first day of December, nineteen hundred and thirty-nine.

Act inoperative after Dec. 31, 1939.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1082

CHAPTER 566

AN ACT RELATING TO COURTS OF JUSTICES OF THE PEACE IN HENDERSON COUNTY.

*The General Assembly of North Carolina do enact:*

Costs and fees in courts of Justices of the Peace, Henderson County, regulated.

SECTION 1. That whenever any criminal case is sent to a higher court by any justice of the peace of Henderson County the said justice shall not be entitled to receive any costs or fees in those cases where a true bill is not returned by the grand jury or where a nonsuit is granted by the judge on State's evidence and the officer or officers who serve the process in the court below, and the witnesses in said case shall not be entitled to receive costs and fees unless ordered by the judge of the higher court, and no witness fees shall ever be allowed in any case to any policeman, Sheriff or deputy sheriff, or any other officer on a salary basis.

Issuance of separate warrants.

SEC. 2. It shall be unlawful for any justice of the peace to issue separate warrants on different charges against any person where all of said charges might have been included in one warrant and no justice of the peace shall be allowed costs in more than one case where separate warrants have been issued in violation of this section.

Fees for issuance and service of subpoenas.

SEC. 3. Every justice of the peace shall be allowed only the sum of fifty cents for each subpoena issued by him regardless of the number of witnesses named therein, and the officer serving same shall be allowed the sum of thirty cents for each witness actually subpoenaed.

Penalty for violations.

SEC. 4. Any justice of the peace who shall wilfully tax and collect costs in any case in excess of the amount allowed by law, or shall wilfully issue separate warrants on separate charges for any person when said charges might all have been grouped in the same warrant, or shall wilfully violate any other provision of this Act, may also be removed from office upon facts found by the judge on the complaint of any person.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.



H. B. 1083

**CHAPTER 567**

AN ACT TO PROHIBIT THE OPERATION OF MOTOR BOATS WITHOUT MUFFLERS ON LAKE SUMMIT IN HENDERSON COUNTY DURING SUNDAY CHURCH HOURS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person, or persons, who shall operate, or cause to be operated, any motor boat of any kind or make upon the waters of Lake Summit in Henderson County without a closed muffler on any Sunday between the hours of nine-thirty A. M. and twelve-thirty P. M., and between the hours of seven P. M. and nine P. M., shall be guilty of a misdemeanor and fined not exceeding fifty dollars (\$50.00), or imprisoned not exceeding thirty days.

Regulation of operation of motor boats on Lake Summit, Henderson County, during Sunday church hours.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1084

**CHAPTER 568**

AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES AND PAVING ASSESSMENTS IN THE TOWN OF EAST FLAT ROCK.

*The General Assembly of North Carolina do enact:*

SECTION 1. When it shall appear to the satisfaction of the Board of Commissioners of the Town of East Flat Rock, that the unpaid portion of street and sidewalk assessments due and to become due, together with all unpaid taxes heretofore levied by the town, or by the County of Henderson, against any piece or parcel of land within the Town of East Flat Rock, shall in the opinion of the commissioners, amount in the aggregate to as much or more than the reasonable market value of any such piece or parcel of land, the said commissioners are hereby authorized and empowered to reduce the amount of said assessments and taxes to such sum as is fair and just, and will subserve the interests of the town. That the application for such reduction shall be in writing and shall be made by some person, firm or corporation, who has an interest in the property, and such reduction as may be allowed shall be deducted by the town tax collector upon the payment of the unpaid balance, and which balance shall be paid within ten days from the making of the order allowing such reduction, or such order

Adjustment of delinquent taxes and paving assessments, Town of East Flat Rock.

Application for reduction.

Act applicable only to 1938 and prior years.

Filing of application.

Deposit required.

Appointment of appraisers.

Appraisal of property.

Action of Town Commissioners as to reduction.

Time limitation on reductions.

Settlement of adjustments in cash.

Act inoperative after two years.

Conflicting laws repealed.

shall thereupon become null and void: *Provided*, that this Act shall apply only to taxes for the year one thousand nine hundred thirty-eight, and previous years.

SEC. 2. The application for reduction of taxes and paving assessments provided for in the preceding section shall be filed with the mayor and shall be accompanied by a deposit of three dollars (\$3.00) to pay the cost of the appraisal herein provided for. The mayor shall thereupon appoint one member of the Board of Town Commissioners, and two resident taxpayers of the Town of East Flat Rock, to appraise the property mentioned and referred to in the application. Said appraisers shall view the premises and shall file with the mayor a report showing their valuation of said property within ten days from their notification of said appointment, and which said report, together with the application for reduction of taxes and paving assessments, shall be considered and passed upon by the Board of Town Commissioners at any special or regular meeting of said board, and such action shall thereupon be taken by the board with respect to the value of the property and the reduction of taxes and street assessments as it may deem fair and just under all the circumstances: *Provided*, that any reduction in valuation made hereunder shall only apply to the year one thousand nine hundred thirty-eight, and previous years, and shall not be construed as changing the valuation of any of said property placed thereon by the Board of Commissioners of Henderson County for any years subsequent to the year one thousand nine hundred thirty-eight.

SEC. 3. That the settlement of any adjustment of taxes or paving assessments made hereunder, shall be made in cash.

SEC. 4. That this Act shall become inoperative and void at the expiration of two years from its ratification.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1086

**CHAPTER 569**

AN ACT AUTHENTICATING A CERTAIN MAP AS THE OFFICIAL MAP AND PLAN OF THE TOWN OF MOREHEAD CITY, CARTERET COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the certain map dated March twenty-second, one thousand nine hundred thirty-nine, made by George W. Brooks, Registered Engineer, recorded in Book of Maps, Number 1 (one) at page 139 (one hundred thirty-nine), in the office of the Register of Deeds of Carteret County, is hereby authenticated as the "Official Map and Plan of the Town of Morehead City."

Designation of official map and plan of Town of Morehead City.

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

Conflicting laws repealed.

SEC. 3. That this Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1088

**CHAPTER 570**

AN ACT TO PROVIDE COMPENSATION FOR THE MEMBERS OF THE COUNTY BOARD OF WELFARE OF MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the members of the County Board of Charities and Public Welfare, or the County Board of Welfare of Mecklenburg County shall each receive as compensation for their services the sum of five dollars (\$5.00) per diem for each meeting of said board not to exceed, however, two meetings per month; also mileage at rate of five cents (5c) per mile for those members living outside of the City of Charlotte, to be paid out of the appropriation for administrative expense of the County Welfare Fund of said county.

Compensation of members of County Board of Welfare, Mecklenburg County.

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

Conflicting laws repealed.

SEC. 3. That this Act shall be in force and effect from and after July first, one thousand nine hundred and thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1089

## CHAPTER 571

AN ACT TO ALLOW THE COMMISSIONERS OF WASHINGTON COUNTY TO ALLOCATE A PART OF THE NET PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES TO THE TOWNS IN WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact:*

Allocation of portion of net profits from liquor stores, Washington County, to municipalities.

SECTION 1. That the Board of Commissioners for the County of Washington are hereby enabled and permitted to make such contributions or allotments from the net profits of the Alcoholic Beverage Control Stores in Washington County to the towns in said county through their board of aldermen or town council, as in the discretion of said Board of County Commissioners they deem it wise and expedient so to do, but no contribution or allotment shall be made under the provisions of this Act until said net profits have been paid over to the county by the Alcoholic Beverage Control Board.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1090

## CHAPTER 572

AN ACT TO VALIDATE SALES OF LAND FOR TAXES IN THE COUNTY OF CHATHAM OR ANY MUNICIPALITY OR OTHER TAXING DISTRICT THEREIN FOR THE YEARS ONE THOUSAND NINE HUNDRED THIRTY-SIX AND ONE THOUSAND NINE HUNDRED THIRTY-SEVEN.

*The General Assembly of North Carolina do enact:*

Delinquent tax sales, 1936, 1937, Chatham County, and municipalities, etc. on day of other than provided by statute, validated.

SECTION 1. That all sales for failure to pay taxes held, conducted or made by the tax collector of Chatham County, or of any municipality or taxing district therein during the years of one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven or any dates subsequent to or other than the date prescribed by law, and all certificates of sale executed and issued pursuant to and in accordance with such sales be, and the same are hereby approved, confirmed and validated, and shall have the same force and legal effect as if said sales had been held and conducted on the date prescribed by law.

Certificates of sale validated.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1094

**CHAPTER 573**

AN ACT TO AMEND CHAPTER TWO HUNDRED FIFTEEN OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA RELATIVE TO THE CORPORATE LIMITS OF THE TOWN OF BRYSON CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred fifteen of the Private Laws of the State of North Carolina, be, and the same is hereby amended by striking out after the colon after the word "following" all of the remainder of the provisions of said section, and inserting in lieu thereof the following: Beginning at a point in the center of the Public Square of said town and running South 55 degrees West with the center line of Main Street and a continuance of said line six thousand six hundred (6,600) feet to a stake; then South 35 degrees East, two thousand six hundred forty (2,640) feet to a stake; then North 55 degrees East, thirteen thousand two hundred (13,200) feet to a stake; then North 35 degrees West, five thousand two hundred eighty (5,280) feet to a stake; then South 55 degrees West, thirteen thousand two hundred (13,200) feet to a stake; then South 35 degrees East, two thousand six hundred forty (2,640) feet to a stake, corner situated 55 degrees West, six thousand six hundred (6,600) feet from the center of the Public Square. Said boundary including an oblong square, the four corners of which are equidistant from the center of said Public Square. Corporate limits, Town of Bryson City, re-defined.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1100

## CHAPTER 574

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CATAWBA COUNTY TO MORE ADEQUATELY PROVIDE FOR THE PROPER PROTECTION OF HEALTH.

*The General Assembly of North Carolina do enact:*

County Commissioners, Catawba County, authorized to cooperate with drainage districts and citizens in providing for drainage.

SECTION 1. That it shall be lawful for the Board of County Commissioners of Catawba County, North Carolina, in order to more adequately provide for the proper protection of the health of the citizens of said county and the elimination of malaria infested areas, to co-operate with and enter into contracts and agreements with any drainage district, or citizen or group of citizens, on any stream or in any particular locality in said county, and/or with other persons or corporations in order to dredge, redredge, ditch or improve any stream or low lands in said county, and to do any and all things connected therewith which may be necessary, including the furnishing of equipment and/or the rental thereof, and/or the levying and collecting of sufficient taxes and providing sufficient moneys to cover the expense thereof and the entering into agreements with the land owners affected by and/or adjacent to said stream or streams, providing for the contribution of said interested land owners to the expense of such dredging and ditching, and to enter into contracts and/or agreements with any governmental agency to drain and reclaim the bottom and/or low lands in said county in such manner as may be deemed necessary and/or advisable in the discretion of said Board of Commissioners of Catawba County.

Tax levy authorized.

SEC. 2. That this Act shall apply to Catawba County only.

Powers granted declared supplemental.

SEC. 3. That the powers granted by this Act are granted in addition and not in substitution for existing powers of said Board of County Commissioners of Catawba County.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1102

**CHAPTER 575**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED THIRTY-THREE, RELATIVE TO SALARY OF OFFICERS IN NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section ten of Chapter two hundred and twenty-five of the Public-Local Laws of one thousand nine hundred thirty-three, be, and the same is hereby amended by striking out in lines four and five in said section, wherever they appear, the words and figures "Nineteen Hundred and Twenty (\$1,920.00) Dollars" and inserting in lieu thereof the words and figures "Twenty-four Hundred (\$2,400.00) Dollars": *Provided, however,* that the Board of Commissioners of New Hanover County may make such additions to the salaries of the Assistant Clerks and Deputy Clerks of the Superior Court of New Hanover County as they may in their discretion see fit.

Ch. 225, Public-Local Laws, 1933, amended as to salary of Assistant Clerk Superior Court, New Hanover County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act be, and they are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1105

**CHAPTER 576**

AN ACT TO VALIDATE THE ACTS AND ORDINANCES OF THE BOARD OF ALDERMEN OF THE TOWN OF WINTERVILLE, NORTH CAROLINA, AND THE ALDERMEN MEMBERS THEREOF.

*Whereas,* in the original Charter of the Town of Winterville, North Carolina, the governing body of said town was referred to as a board of commissioners, and the members of said board or governing body were referred to as commissioners; and

Preamble: Governing body, Town of Winterville, referred to as Board of Commissioners in original charter.

*Whereas,* in subsequent amendments to said charter the said governing body of said town was referred to as the board of aldermen and the members thereof were referred to as aldermen; and

Subsequent amendments referred to Board of Aldermen.

*Whereas,* both of the above mentioned governing bodies and the members thereof whether called commissioners or aldermen were one and the same; and

Commissioners and aldermen the same.

Acts of governing  
body performed  
under name of  
Board of Aldermen.

*Whereas*, for many years the said governing body has been constantly referred to as a board of aldermen and the members thereof referred to as aldermen, and all acts of said governing body have been done and performed through and under the name of the Board of Aldermen of the Town of Winterville, North Carolina, by and through its members who have been constantly elected and referred to as aldermen: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Governing body of  
Town of Winterville  
to be known  
as Board of  
Aldermen.

SECTION 1. That the governing body of the Town of Winterville, North Carolina, is and shall be known as the Board of Aldermen of the Town of Winterville, North Carolina, and the members thereof are and shall be known as aldermen, and the duties and authority of the said Board of Aldermen of the Town of Winterville, North Carolina, and the aldermen who compose its membership are and shall be the same as those conferred upon the Board of Commissioners of the Town of Winterville and the commissioners composing the membership thereof as provided in the original Charter of the Town of Winterville, North Carolina, as amended, and all acts and ordinances of the Board of Aldermen of the Town of Winterville, North Carolina, and the aldermen composing the membership thereof, done and enacted in the name of the Board of Aldermen of the Town of Winterville, North Carolina, and through and by the aldermen members thereof, be and the same are hereby in all respects validated, ratified, approved and confirmed, and without limiting the generality of the foregoing, and notwithstanding any want of power of the members of the said governing body to adopt and use the name of the Board of Aldermen of the Town of Winterville, North Carolina, and to adopt and use the name of aldermen as the name of its members, and all acts and ordinances heretofore done or enacted in the name of the Board of Commissioners of the Town of Winterville, North Carolina, and the commissioner members thereof, are hereby declared to be the legal, valid and enforceable acts and ordinances of the said Town of Winterville, North Carolina.

Acts of Board of  
Aldermen validated.

Conflicting laws  
repealed.

SEC. 2. That all laws, parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.



H. B. 1106

**CHAPTER 577****AN ACT TO INCORPORATE BETHEL HIGH SCHOOL DISTRICT IN WATAUGA COUNTY, NORTH CAROLINA.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Bethel High School District in Watauga County, North Carolina, be, and the same is hereby incorporated under the name and style of "Bethel High School District," and it shall have and exercise all of the powers and be subject to all of the provisions contained in Chapter fifty-six of the Consolidated Statutes of North Carolina, Volume one, one thousand nine hundred nineteen, as amended, and all other General Laws which are now or may hereafter be enacted for the organization of government of cities and towns in North Carolina.

Bethel High School District, Watauga County, incorporated.

SEC. 2. That the corporate limits of Bethel High School District shall extend in every direction for a distance of one mile from the Bethel High School Building in Beaver Dam Township, Watauga County, North Carolina.

Corporate limits.

SEC. 3. That the following named persons shall fill the offices of mayor and aldermen from the date of their qualification until the municipal election to be held in one thousand nine hundred forty-one, and until their successors are elected and qualified, to-wit: Dudley Greene, Mayor; John Ward, Ed Farthing and Roby Vines, Aldermen.

Officers of District.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1121

**CHAPTER 578****AN ACT PLACING THE EMPLOYEES OF NEW HANOVER COUNTY UNDER CIVIL SERVICE, AND CREATING A CIVIL SERVICE COMMISSION FOR SAID COUNTY.***The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of New Hanover County on the first Monday of June, one thousand nine hundred thirty-nine, shall appoint three Civil Service Commissioners, who shall serve without compensation, and who shall hold office for a term of four years. Said Civil Service Commission shall elect a chairman, and two members shall

Appointment of Civil Service Commissioners, New Hanover County.

Qualification of Commissioners.

constitute a quorum to transact business. The said Civil Service Commissioners shall have been citizens of North Carolina and residents of the County of New Hanover for more than three years next preceding their appointment.

Removal of Commissioners.

The Board of Commissioners of New Hanover County may remove any of said Civil Service Commissioners, during their term of office, for cause, and shall fill for the unexpired term, any vacancy that may occur in said Civil Service Commission.

Rooms for meetings of Commission.

The said Board of Commissioners of New Hanover County shall provide suitable rooms in which said Civil Service Commission may hold its meetings.

Clerk to Commission.

The Clerk of the Board of Commissioners of New Hanover County shall be Clerk to the Civil Service Commission, and he shall keep a record of all its meetings and business done at said meetings.

Equipment.

The Board of Commissioners of New Hanover County shall supply the said Civil Service Commission with all necessary equipment for carrying on its business.

Oath of Commissioners.

SEC. 2. Before entering upon the duties of their office, each of said Civil Service Commissioners shall take and subscribe an oath which shall be filed in the office of the Board of County Commissioners, to support the Constitution of the United States, the Constitution of the State of North Carolina, and to perform the duties of his office to the best of his ability, freed from partisan distinction and control.

Examinations to be held by Civil Service Commission.

SEC. 3. Said Civil Service Commission shall on the first days of December and June of each year, or oftener, if it shall be deemed necessary, under such rules as may be prescribed by the Board of County Commissioners, hold examinations for the purpose of determining the qualifications of applicants for positions, which are to be filed by the Board of Commissioners of New Hanover County, or by any officer of said county, which examinations shall be practical and shall fairly test the fitness of the persons examined for the discharge of the duties of the position to which they seek to be appointed. Said Civil Service Commission shall, as soon as possible after such examination, certify to the Board of Commissioners of New Hanover County, or to any officer of said county who is permitted by law to appoint deputies or assistants, double the number of persons necessary to fill vacancies, who, according to its records, had the highest standing for the positions they seek to fill, as a result of such examination, and all vacancies which occur between the date of said examination and the date of the next regular examination shall be filled from said lists so certified.

Certification of successful applicants.

Said Civil Service Commission shall, as soon as possible after such examination, certify to the Board of Commissioners of New Hanover County, or to any officer of said county who is permitted by law to appoint deputies or assistants, double the number of persons necessary to fill vacancies, who, according to its records, had the highest standing for the positions they seek to fill, as a result of such examination, and all vacancies which occur between the date of said examination and the date of the next regular examination shall be filled from said lists so certified.

Vacancies filled from certified lists.

- SEC. 4. Any person now or hereafter employed by New Hanover County may be suspended, removed or discharged from said employment for misconduct or failure to perform the duties of such employment, under such rules and regulations as the Board of Commissioners of New Hanover County may adopt, and any such employee suspended, removed or discharged, as aforesaid, may within ten days appeal to the Board of Commissioners of New Hanover County, and the said board shall hear and determine the said appeal, at its regular meeting or earlier, and the decision of said board shall be final.
- SEC. 5. All of the present regular employees of New Hanover County shall retain the positions held by them without further examination, unless removed for cause, and in the event that any of the said present regular employees of the said county shall resign, or be removed for cause, their positions shall be filled from those persons certified by the Civil Service Commission, provided for herein, after examinations conducted as provided herein.
- SEC. 6. Said Civil Service Commission shall have the power to enforce the attendance of witnesses, the production of books and papers and power to administer oaths, in the same manner and with like effect and under the same penalties as in the case of justice of peace exercising criminal or civil jurisdiction under the laws of North Carolina.
- SEC. 7. Said commission shall make an annual report to the Board of Commissioners of New Hanover County and the said Board of Commissioners of New Hanover County may require a special report from the said Civil Service Commission at any time; and the said Board of Commissioners of New Hanover County may prescribe such rules and regulations for the proper conduct of the business of the said Civil Service Commission, as shall be found expedient.
- SEC. 8. The Board of Commissioners of New Hanover County shall have the power to pass ordinances imposing suitable punishment of persons violating any of the provisions of this Act, relating to the Civil Service Commission.
- SEC. 9. The provisions of this Act shall include and be applicable to persons employed jointly by the City of Wilmington and the County of New Hanover, as well as persons employed only by the County of New Hanover.
- SEC. 10. All employees of New Hanover County shall be elected or appointed with reference to their qualifications and fitness, including their moral character, and for the good of the public service, and without regard to their political faith or party affiliations.

Provision for suspension, removal, etc. of employees.

Employee's right of appeal.

Determination of appeal.

Present employees retained without examination.

Judicial powers of Commission.

Annual report to County Commissioners.

Special reports.

Rules and regulations for conduct of Commission.

Ordinances for punishment of violators.

Application of Act.

No political discrimination in selection of employees.

Conflicting laws  
repealed.

SEC. 11. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1122

## CHAPTER 579

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MOORE COUNTY TO FIX THE FEES AND COMPENSATION OF THE CORONER OF MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of  
Coroner, Moore  
County.

SECTION 1. That the Board of County Commissioners of Moore County is hereby authorized and empowered, in its discretion, to fix the compensation of the coroner of Moore County as follows:

For each investigation he is called upon or required to make at five dollars (\$5.00) plus five (5c) cents per mile traveled in going and coming to and from the point of investigation;

For each inquest held by him at ten dollars (\$10.00) plus five (5c) cents per mile traveled each way in going and coming to and from the point of inquiry.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1123

## CHAPTER 580

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MOORE COUNTY TO APPROPRIATE FUNDS FOR THE PURPOSE OF ERECTING MEMORIALS OR MONUMENTS TO THE HEROIC DEAD OF SAID COUNTY.

Preamble: No  
provision for me-  
morials to heroes  
of Confederacy,  
Moore County.

*Whereas*, no provision has been made for the erection of any memorial or monument to the sons of Moore County who died or perished while in the defense of their native land in any of the wars fought by the United States and especially has no memorial ever been erected commemorating the names of those who gave their lives in defense of

the doctrine of States' rights for which they fought in what is commonly termed the Civil War, which right has now become a recognized principle by the great United States of America; and

*Whereas*, no memorial or other tribute has ever been made or paid to the heroic dead of said county who perished and gave their lives in defense of the idea that Democracy should not perish from the earth but that by their sacrifice they might make our Country a safe place in which to live by their supreme sacrifice in the World War; and

Heroic dead of  
World War.

*Whereas*, it is fitting that every people pay tribute to those who transmit to posterity the priceless name of a noble ancestry;

*Now, therefore*, for and in consideration of the premises stated and to the end that Moore County may pay such tribute as it may deem mete and proper to those who lay down their lives for their Country,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Moore County be, and it is, hereby authorized and empowered in its discretion to make such appropriations as it may deem expedient to perpetuate to coming generations the memory of those of her sons who died in behalf of their native land in any of the wars fought by the United States and especially in memory of those who died while following the immortals Lee and Jackson in defense of their Great Southland in the War of One Thousand Eight Hundred and Sixty-one to One Thousand Eight Hundred and Sixty-five.

County Commis-  
sioners authorized  
to make appropria-  
tions for suitable  
memorials.

SEC. 2. That said Board of County Commissioners are further authorized to accept any gifts, donations or other contributions in money or property to carry out the provisions of this Act and to have inscribed upon such memorial or monument as may be erected for the purposes stated in this Act such suitable words or phrase as may commemorate the deeds done, and especially shall they have inscribed thereon the names of all those sons of Moore County who died in the Army of the Confederacy.

Acceptance of gifts  
and donations.

SEC. 3. That any law or clause of any law in conflict with or repugnant to the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1126

## CHAPTER 581

## AN ACT TO EMPOWER THE COMMISSIONERS OF THE TOWN OF LOUISBURG TO CONVEY ABANDONED PORTION OF STREET.

Preamble:  
Abandonment of  
portion of certain  
street in Town of  
Louisburg for use  
as a street or  
public highway.

*Whereas*, that strip or parcel of land in the Town of Louisburg, State of North Carolina formerly a part of Kenmore Avenue, and lying North of a line, beginning at a point where the Northern boundary line of Railroad Street intersects said Kenmore Avenue and running thence South 58 degrees East fifty (50) feet, was abandoned by said Town of Louisburg for use as a street or public highway more than forty years ago, and is not now nor has, since the date of said abandonment, been used as a street or public highway; and

Erection of storage  
warehouse which  
encroaches on  
abandoned  
property.

*Whereas*, the then owners of property abutting on the Western boundary of said strip or parcel of land, in ignorance of the property line along said Western boundary, erected in one thousand nine hundred twenty a brick storage warehouse which, it is now ascertained, encroaches for a depth of approximately five feet along and upon the Western edge of said strip or parcel of land; and

Request by Town  
Commissioners for  
authority to convey  
property.

*Whereas*, the Commissioners of the Town of Louisburg have requested authority to convey that portion of said strip or parcel of land upon which the said brick storage house encroaches: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Town Commis-  
sioners authorized  
to sell and convey  
property upon  
which warehouse  
is situate.

SECTION 1. That the Commissioners of the Town of Louisburg be and it or they are hereby authorized and empowered to bargain, sell, convey and forever quitclaim all that portion of the said strip or parcel of land upon which said brick storage warehouse or any part thereof is situate.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1129

## CHAPTER 582

## AN ACT TO LIMIT THE FEES OF THE CORONER OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Schedule of fees of  
Coroner, Guilford  
County.

SECTION 1. That the Coroner of the County of Guilford shall receive payment for his services in accordance with law from the County Treasurer of Guilford County upon the presentation of his reports, as follows:

In the performance of his duties as required by law he shall be paid the sum of fifteen dollars (\$15.00) for each investigation in which it is necessary that a Coroner's jury be empanelled and an autopsy performed, or either of them.

For each investigation required of the Coroner by law in the performance of his duties as such Coroner, he shall be paid the sum of ten dollars (\$10.00); and further and in addition thereto in each investigation in which the Coroner in the performance of his duties is required to devote more than one day to such investigation, he shall be paid for each additional day or part thereof for his services as Coroner the additional sum of ten dollars (\$10.00) per day or part thereof.

The Coroner of Guilford County shall further be required to furnish his own automobile or other means of transportation and as compensation for required mileage traveled in the performance of his duties as such Coroner, he shall be paid the sum of five cents per mile.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1133

## CHAPTER 583

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY TO ACCEPT A DEED FROM THE COUNTY BOARD OF EDUCATION TO CERTAIN LANDS IN CURRITUCK COUNTY AND TO USE AND MAINTAIN THE SAME AS A PUBLIC CEMETERY FOR BURIAL OF PERSONS OF THE WHITE RACE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Currituck County be, and it is hereby authorized to accept a deed from the County Board of Education to that certain tract or lot of land situated in the village of Shawboro in Currituck County now owned by the Board of Education, containing three acres more or less.

Currituck County Commissioners authorized to accept deed to certain property from County Board of Education.

SEC. 2. The Board of County Commissioners of Currituck County, upon accepting the deed referred to in Section one of this Act, shall use the said lot or tract of land only for the purpose of a public cemetery for the burial of people of the white race, and they are hereby authorized to cooperate with the Woman's Club and the Parent-Teachers Associa-

Use of property as public cemetery.

tion of the Shawboro Community for the purpose of carrying out the provisions of this Act and the establishment on said lot or tract of land the cemetery herein provided for.

Conflicting laws repealed.

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

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

### H. B. 1135

### CHAPTER 584

#### AN ACT TO PROVIDE FOR THE SURVEY OF CERTAIN STATE WATERS IN CURRITUCK SOUND.

Preamble:  
Encroachment by Swan Island Club, Currituck County, upon adjacent waters.

*That, Whereas,* the owners of Swan Island Club on Knott's Island in Currituck County have encroached upon and are now claiming certain waters adjacent thereto; and

Survey necessary.

*Whereas,* in order to establish the lines of said landowners in said county it is necessary that a survey be made to determine the same: *Now, therefore,*

*The General Assembly of North Carolina do enact:*

Survey of properties of Swan Island Club for determination of boundary lines authorized.

SECTION 1. That the Board of County Commissioners of Currituck County be, and they are hereby authorized and directed, within ninety days from the ratification of this Act, to employ a competent surveyor and have a survey made of the property now owned by the Swan Island Club in Currituck County in the vicinity of Knott's Island, and from said survey to determine the boundary lines of said club and place thereon permanent markers marking the said lines so surveyed.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

### H. B. 1138

### CHAPTER 585

#### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HARNETT COUNTY TO FIX THE SALARIES OF CERTAIN OFFICERS.

*The General Assembly of North Carolina do enact:*

County Commissioners, Harnett County, authorized to increase salaries of certain county officials.

SECTION 1. That effective July first, one thousand nine hundred and thirty-nine, the Board of Commissioners of Harnett County is authorized, in its discretion, to increase the salaries of the Clerk of the Superior Court, the Register



of Deeds, the County Auditor, the County Tax Collector, and the Sheriff, in an amount not in excess of fifteen per cent based on their present salaries.

SEC. 2. That the said Board of Commissioners of Harnett County may, in its discretion, provide an assistant to the State Solicitor for the prosecution of criminal cases and fix his compensation, which compensation shall be paid by the County of Harnett.

Assistant to State Solicitor in prosecution of criminal cases authorized.

SEC. 3. That all laws and clauses of laws in conflict with this Act are, to the extent of such conflict, hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1139

### CHAPTER 586

AN ACT TO PROVIDE FOR NECESSARY REPAIRS, REBUILDING AND CONSTRUCTION OF PUBLIC BUILDINGS IN CRAVEN COUNTY, INCLUDING SCHOOL BUILDINGS, AND FOR COOPERATION IN THE MATTER OF USE OF COUNTY AND DISTRICT FUNDS FOR SCHOOL PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Craven County be, and it is hereby authorized and empowered to use any funds or assets of said county, (other than funds belonging to the Refunding Bonds Debt Service Fund), for the purpose of repairing, rebuilding, and/or the construction of necessary public buildings in Craven County, including school buildings, and for the satisfaction of obligations incurred for said purposes.

Use of county funds, Craven County, for construction and repair of necessary public buildings.

SEC. 2. To the end that any funds or assets authorized to be used in Section one hereof, shall be utilized most effectively, it shall be the duty of the Board of County Commissioners, in so far as such is practical, to enlist the aid and assistance of the Works Progress Administration of the Federal Government in the matter of such repairs, rebuilding and construction of necessary public buildings, as shall be undertaken under the authority of this Act.

Enlistment of aid of Works Progress Administration authorized.

SEC. 3. In order that the limited county and district funds for school purposes shall be utilized to the greatest advantage to the public school interest in the county, without excess burden on the taxpayers, the Board of Education and Board of County Commissioners of Craven County are hereby authorized and empowered, in considering the bud-

Distribution of funds for public school purposes.

getary needs of the schools of the county, (including Special Charter Schools), to so provide for the distribution of such funds, irrespective of per capita distribution, as in their judgment, will best serve the interest of the schools of the county.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1143

### CHAPTER 587

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-FIVE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AND CHAPTER TWO HUNDRED AND SIXTY-SIX, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of County Commissioners and members of Board of Education, McDowell County.

SECTION 1. That in lieu of the compensation now provided in Chapter one hundred and fifty-five, of the Public-Local Laws of one thousand nine hundred and twenty-nine, or any amendment thereto, for County Commissioners of McDowell and that provided in Chapter two hundred and sixty-six, Public-Local Laws, one thousand nine hundred and thirty-one, or any amendment thereto, for members of the Board of Education of said county, the County Commissioners of McDowell County, may, in their discretion, pay as compensation to members of both of the above boards for attending meetings, both regular and special, the sum of not exceeding six dollars per day and may also allow five cents (5c) per mile, both ways, traveling to and from meetings.

Travel allowance.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1144

**CHAPTER 588**

AN ACT TO AMEND SECTION FOUR OF CHAPTER FOUR HUNDRED AND NINETY-NINE, PUBLIC-LOCAL LAWS, ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter four hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out the first paragraph of said section and inserting in lieu thereof the following:

Ch. 499, Public-Local Laws, 1933, amended as to compensation of Clerk Superior Court, McDowell County.

“That the Clerk of the Superior Court of McDowell County shall receive as his only compensation for services as Clerk of Superior Court a salary not exceeding two thousand four hundred dollars, per annum, in the discretion of the county commissioners, payable in equal monthly installments out of the general county fund.”

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1145

**CHAPTER 589**

AN ACT TO AMEND SECTION FOUR OF CHAPTER FIVE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

\* SECTION 1. That Section four of Chapter five hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and thirty-seven, be and the same is hereby amended by adding at the end of said section the following:

Ch. 558, Public-Local Laws, 1937, amended.

“The County Commissioners are hereby empowered, in their discretion to pay the sum of twenty-five dollars (\$25.00) a month to a deputy Sheriff to be stationed at the town of Old Fort in McDowell County, who shall be designated and chosen by the Sheriff of McDowell County.”

Appointment and compensation of deputy sheriff, Town of Old Fort, McDowell County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1146

CHAPTER 590

AN ACT TO AMEND SECTION FOUR OF CHAPTER FIVE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 558, Public-Local Laws, 1937, amended as to compensation and appointment of chief deputy sheriff, McDowell County.

SECTION 1. That Section four of Chapter five hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and thirty-seven, be and the same is hereby amended to read as follows:

“SEC. 4. The County Commissioners are empowered in their discretion, to pay from the general funds of the county the sum of not exceeding seventy-five dollars (\$75.00) per month for a chief deputy Sheriff who shall be designated and chosen by the Sheriff of McDowell County.”

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1151

CHAPTER 591

AN ACT TO FIX THE SALARIES OF OFFICERS AND EMPLOYEES OF DURHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Schedule of salaries of officers and employees of Durham County.

SECTION 1. From and after the first day of July, one thousand nine hundred thirty-nine, the officers and employees of Durham County hereinafter enumerated in this Act shall receive salaries according to the following schedule:

Sheriff of Durham County.....	\$4250.00
Deputy Sheriffs who furnish their own transportation .....	2100.00
Deputy Sheriffs whose transportation is furnished by the county.....	1980.00
Jailer .....	1800.00
Office Deputy .....	1560.00
Clerk of Superior Court.....	4250.00
Assistant Clerk of Superior Court.....	2500.00
Court Room Deputy Clerk.....	2220.00
Two Deputy Clerks, each.....	1980.00
Register of Deeds.....	3600.00

Chief Deputy Register of Deeds.....	2220.00
One Deputy Register of Deeds.....	1800.00
Clerk Register of Deeds Office.....	1440.00
Treasurer of Durham County.....	2400.00

The salaries for the officers and employees enumerated in this section shall be paid out of the general fund of Durham County in twelve equal monthly installments, payable on the twenty-fifth day of each and every month and such salaries shall begin as of July first, one thousand nine hundred thirty-nine.

Enumerated salaries payable from general fund of county.

SEC. 2. From and after the first day of July, one thousand nine hundred thirty-nine, the officers and employees of Durham County hereinafter enumerated in this Act shall receive salaries according to the following schedule:

Judge of Recorder's Court.....	\$4200.00
Assistant Judge Recorder's Court.....	600.00
Prosecuting Attorney for Recorder's Court.....	3250.00
Clerk Recorder's Court.....	2400.00
One Deputy Clerk Recorder's Court.....	1680.00
One Deputy Clerk Recorder's Court.....	1440.00
One Deputy or Stenographer.....	1440.00

Salaries of Recorder's Court officials and employees.

The salaries for the officers and employees enumerated in this section shall be paid out of the Durham County Recorder's Court fund in twelve equal monthly installments, payable on the twenty-fifth day of each and every month and such salaries shall begin as of July first, one thousand nine hundred thirty-nine.

Payment from Recorder's Court fund.

SEC. 3. The assistant Judge of the Recorder's Court of Durham County shall not be permitted to practice law in said court and shall serve as many days as may be necessary: *Provided, however,* that the provisions of this section (Section three) relative to the assistant Judge of the Recorder's Court and the provision of Section two of this Act relative to the compensation of the assistant Judge shall not become effective until the first Monday in December, one thousand nine hundred forty.

Restrictions upon Assistant Judge.

Provisions as to assistant judge not effective until Dec., 1940.

SEC. 4. In the event any of the assistants or deputies named in Section one of this Act should cease to hold such positions, the heads of the respective offices in filling such vacancies shall be authorized to pay less than the amounts herein provided.

Vacancy appointments of assistants and deputies named in Section 1.

SEC. 5. Nothing contained in this Act shall be considered to repeal or alter Chapter ..... of the Public-Local Laws of the session of one thousand nine hundred thirty-nine, being entitled "An Act to authorize the Sheriff of Durham County to appoint additional Deputies," and ratified on the twenty-seventh day of February, one thousand

Ch. 117, Public-Local Laws, 1939, unaffected by provisions of this Act.

nine hundred thirty-nine; it being House Bill Number three hundred ninety-two.

Sheriff authorized to appoint office deputy.

SEC. 6. The Sheriff of Durham County is hereby authorized in his discretion to appoint an office deputy who shall also be a clerk or stenographer in the said office.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1153

## CHAPTER 592

AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF THE TOWN OF JACKSONVILLE TO CONVEY THE CEMETERY LOT TO TRUSTEES AND TO AUTHORIZE THE TRUSTEES TO MANAGE, CONTROL, SELL AND CONVEY LOTS THEREIN.

*The General Assembly of North Carolina do enact:*

Mayor and Commissioners, Town of Jacksonville, authorized to convey town cemetery to three Trustees.

SECTION 1. That the Mayor and Board of Commissioners of the Town of Jacksonville, North Carolina, are hereby authorized and empowered to convey the Jacksonville cemetery to three trustees to be named by said Mayor and Board of Commissioners, to be known as the Trustees of the Jacksonville cemetery. The said lands herein referred to are particularly described in a deed from W. B. Murrill et ux to the Town of Jacksonville, dated the twenty-first day of December, one thousand eight hundred and ninety-seven, and registered in book sixty-six at page one hundred and thirty-eight, Onslow County Registry. That after the said Commissioners of said town have passed an appropriate resolution authorizing the conveyance of the aforesaid lands, the mayor and town clerk are hereby authorized to execute a deed in the name of the Town of Jacksonville and convey said land to said trustees.

Trustees to sell and convey cemetery lots.

SEC. 2. That said trustees shall hold the legal title to said land until the same is conveyed by them or their successors and shall have authority to sell said lands in parcels or lots to such persons as the trustees elect to convey the same to and said trustees shall have the right to fix the price for said parcels or lots of land and to collect from the purchasers and to use the proceeds from the sale of said land exclusively for the purpose of maintaining, beautifying and caring for said Jacksonville cemetery. The said Board of Trustees shall have the exclusive control and management of said property.

Use of proceeds of sales.

Control and management of property.

SEC. 3. That the monies derived from the sale of said lots or parcels of land may be deposited with the Treasurer of the Town of Jacksonville and kept in a separate fund by said treasurer and expended upon approval of a majority of said trustees, or if the Mayor and Board of Commissioners of the Town of Jacksonville elect to do so, they may designate one of said trustees as treasurer of said cemetery fund and in this event require such person to give a bond to protect said cemetery trustees against loss of funds.

Funds derived from sales deposited with Treasurer of Town.

SEC. 4. That immediately following June thirtieth of each year the said cemetery trustees shall file an itemized statement of their receipts and disbursements for the previous year with the Mayor of the Town of Jacksonville.

Annual statement of Trustees.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1157

**CHAPTER 593**

**AN ACT CREATING AN AGRICULTURAL AND BREEDERS' ASSOCIATION FOR THE COUNTY OF ONSLOW ON APPROVAL OF THE BOARD OF COMMISSIONERS OF SAID COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created an Agricultural and Breeders' Association Commission for the County of Onslow to consist of three members to have and exercise the power and authority hereinafter set forth, and which Commission hereby established shall for the first term consist of the following citizens of Onslow County, North Carolina, to-wit:

Agricultural and Breeders' Association Commission, Onslow County, created.

Clyde Sabiston, Chairman, Harry Moore, and Ed Smith of Richlands.

Members.

The term of office of said commissioners shall be for a period of six years from the date of the ratification of this Act and their successors in office shall be appointed by the Legislature for a like term: *Provided, however,* that any vacancies occurring in said commissioners by reason of resignation, death, inability to serve or otherwise then and in such event such unexpired term of office shall be filed by the remaining members of such commission: *Provided, further,* that at all times two members of such commission shall be residents of Onslow County, North Carolina.

Terms.

Successor appointments.

Vacancy appointments.

The chairman of the commission shall receive as compensation the sum of twelve hundred dollars (\$1200.00) per year and each member of the commission other than the

Compensation of members.

Employment of secretary authorized.

Legal and clerical assistance authorized.

Commission designated as Onslow County Agricultural and Breeders' Association Commission.

Power of Commission to grant franchise for construction and operation of race course.

Corporations entitled to franchise.

Financial requirements.

Conduct of races.

Payment of charges prerequisite to issuance of franchise.

Charge for franchise for minimum period.

Additional fees.

chairman shall receive as compensation the sum of ten dollars (\$10.00) per diem; and said commission shall have full power and authority to employ or otherwise secure in their discretion a secretary for the commission, the salary of such secretary to be designated by the commission and also to employ or otherwise secure such legal and clerical assistance as the commission shall deem necessary and all salaries and expenses of the commission shall be borne and paid as hereinafter set out.

The commission herein appointed shall be known and designated as the Onslow County Agricultural and Breeders' Association Commission and shall exercise its authority and act both generally and specially by and under such name.

SEC. 2. The commission herein appointed shall have full power and authority to grant to any association duly incorporated under the laws of North Carolina a franchise or privilege for a term of years not less than five nor more than ten to construct, own, operate and maintain a race course or driving park for trotting, pacing and running races of horses in the manner hereinafter set out:

(a) No franchise or privilege shall be granted by the commission to any corporation except one created especially for the purpose of improving and promoting the breeding of quality horses; and

(b) That said corporation have sufficient capitalization and financial resources to satisfy the commission that it is financially able to comply with all the rules and regulations of the commission and is fully able to financially and otherwise to maintain and operate its properties in accordance with such rules and regulations as the commission shall from time to time prescribe; and,

(c) That any corporation holding such a franchise, in the event it shall desire to conduct trotting, pacing or running horses, shall conduct such races only upon days and dates set by, and under the rules and regulations of the Jockey Club, which now maintains offices and headquarters at number two hundred fifty Park Avenue, New York City.

(d) That as a prerequisite to the issuance of a franchise or privilege, the said corporation desiring said franchise or privilege shall at the time of making application therefor pay to the said commission for the use and benefit of Onslow County the following charges or fees:

First: For the franchise or privilege sought to be granted, the minimum sum of one hundred dollars (\$100.00), and, in the event the said corporation shall desire a franchise or privilege for more than the minimum period allowed by this Act, such corporation shall pay in addition to the minimum fee of one hundred dollars (\$100.00) an additional



fee of one hundred dollars (\$100.00) for each additional year, and in the event said franchise or privilege is refused, the said fee shall be returned to the applicant, otherwise said fee shall be forthwith paid into the treasury of Onslow County; and,

Fee returned if franchise is refused.

Second: In the event such franchise or privilege is granted said corporation, the said corporation shall also pay to the commission for the use and benefit of Onslow County for each day or part of day during which said corporation conducts races or racing, a sum equivalent to ten per cent (10%) of the gross receipts of the corporation derived from all operations connected with or incident to the operation of such races or racing conducted during such day or part of day. In no event, however, the amount so to be paid to exceed the sum of five thousand dollars (\$5,000.00) per day, and said amount to be paid in addition to such tax as may be now or hereafter fixed by law.

10% of gross receipts from racing operations payable to Commission.

Maximum payment.

(e) In addition to the foregoing fees, all costs and expenses of the Agricultural and Breeders' Association Commission shall be borne by the corporation holding a franchise from said commission and if more than one corporation shall hold a franchise, the costs and expenses of said commission shall be prorated among the holding franchises.

Payment of costs and expenses of Commission.

SEC. 3. That when the commission shall have granted a franchise or privilege as aforesaid to any corporation as aforesaid, the said corporation is hereby fully authorized and empowered to legally construct, build, carry on, maintain and operate a park, driving ground or race course inside the limits of Onslow County and to conduct and to maintain therein horse races: *Provided, however,* that no race or racing shall be conducted on Sunday and no race or racing shall begin or commence before the hour of one P.M., Eastern Standard Time, and that no person under the age of twenty-one years shall be admitted as a patron within the grounds of said park, driving ground or race course, unless such person is accompanied by his or her parent or guardian, and such corporation is hereby expressly granted full power and authority to operate and maintain what is generally known as "Pari Mutuel Machines or Appliances" of the kind employed and in use at recognized racing courses in America: *Provided, however,* that said Pari Mutuel Machines and Appliances shall only be maintained and operated within the enclosure of said park, driving ground, or race course and only on days or parts of days when races or racing is being therein conducted, and it shall be legal for any and all persons legally within the enclosure of said park, driving ground, or race course, while said park, driving ground, or race course is open for racing, to participate in the operation, or become a patron of said Pari Mutuel Machines and Appliances.

Construction and operation of racing course.

Races prohibited on Sunday and before one P. M.

Attendance by minors.

Pari mutuel machines or appliances authorized.

Regulations as to operation.

Franchise irrevocable during corporation's compliance with regulations.

(a) Any franchise or privilege granted by the commission to any corporation under the provisions of this Act shall be and remain irrevocable so long as said corporation complies with the terms and provisions of said franchise and complies with the rules and regulations of the said commission: *Provided, however,* that no franchise granted to any corporation by said Agricultural and Breeders' Association Commission shall be transferred or assigned to any other corporation except by and with the written consent of the commission first obtained.

Franchise not transferable without consent of Commission.

Regulations by Commission.

SEC. 4. That the commission herein appointed shall have full power and authority to adopt such rules and regulations as it may from time to time deem necessary to properly carry out the intentions of this Act and any violations of any of the provisions of this Act, or any violations of any of the rules and regulations of the commission by any corporation holding a franchise, or by any of its officers, agents, or employees, shall be a misdemeanor.

Violations made misdemeanor.

Effective date.

SEC. 5. That the provisions of this Act shall become effective only when the same has been approved by the Board of Commissioners of said county.

Application of Act.

SEC. 6. That this Act shall apply only to Onslow County, and when and if approved by the Board of Commissioners of said county, Onslow County shall be exempted from such provision of Chapter thirty-nine and Article XXXIV, subchapter twelve of Chapter eighty-two, of the Consolidated Statutes of North Carolina as may be in conflict therewith.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1159

## CHAPTER 594

AN ACT TO PERMIT THE COUNTY COMMISSIONERS OF ONSLOW COUNTY TO ESTABLISH A COUNTY RECORDER'S COURT IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Establishment of County Recorder's Court, Onslow County, authorized.

SECTION 1. That the County Commissioners of Onslow County be, and they are hereby authorized in their discretion to establish a County Recorder's Court for said county, under the provisions of Sub-chapter four of Chapter twenty-seven of the Consolidated Statutes, Volume one, one thousand nine hundred nineteen.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1161

**CHAPTER 595**

**AN ACT TO INCORPORATE THE ANSON COUNTY RECREATION COMMISSION.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That there hereby is created in Anson County, North Carolina, a corporation to be known as the "Anson County Recreation Commission," composed of the following citizens and residents of said county who shall serve from and after the date of the ratification of this Act and until their successors shall have been selected, as hereinafter provided, for terms as follows: James A. Hardison, W. Bryan Moore, H. J. Dockery and F. G. Fetzer, for a term of four years; and G. E. Andes, W. L. Marshall, Jr., K. M. Hardison and F. Y. Sorrell, for a term of two years; and the chairman of the Board of County Commissioners of said county shall at all times be an ex officio member of said commission.

Anson County  
Recreation Com-  
mission created.

Members.

Chairman.

SEC. 2. That the general control, management and authority of and over the lands and properties now in and owned by Anson County, upon which there is now situated a club house, nine hole golf course, tennis courts, lake, and other facilities for recreation, together with all buildings, equipment, appliances, furnishings and other properties, real and/or personal, and appurtenances thereto, and used in connection therewith, be, and the same hereby is vested in said corporation.

Properties under  
control and  
management of  
Commission.

SEC. 3. The powers and duties of said corporation shall be to control, manage, operate and superintend the aforesaid properties in such manner as it may deem best for the preservation and improvement of the same and for the benefit and accommodation of the residents of said county; to prescribe and enforce rules and regulations pertaining to the use of the aforesaid recreational facilities and properties by the residents of said county, and others, and to fix, determine, collect and receive such dues, charges and fees for the use of such facilities and properties by the residents of said county and others, as it may deem best for the proper preservation, improvement and maintenance of the same; to acquire, on behalf of said county, for the recreational purposes herein contemplated and none other, by purchase, lease, gift or otherwise, and hold, manage, control and operate in the same manner as above stated

Powers and duties  
of Commission.

any and all other properties, real and/or personal, that may be necessary or convenient to the preservation, improvement and/or expansion of the aforesaid recreational facilities and properties, and to do and perform any and all other acts and things necessary or convenient to the accomplishment of the foregoing purposes.

Vacancy  
appointments.

SEC. 4. All vacancies occurring on said commission, either by expiration of term of office, or otherwise, shall be filled by appointment or election in accordance with such rules and regulations and in such manner as shall be prescribed by this commission, and said commission shall have the power to prescribe such rules.

Non-profit  
corporation.

SEC. 5. This corporation shall be a non-stock, non-profit corporation, and no dividends or pecuniary profits shall be declared to any of its membership, but all revenues received shall be used in the maintenance, improvement and/or expansion of the recreational facilities and properties controlled by this corporation.

Further limitations  
on powers.

SEC. 6. That this corporation shall have no power to mortgage, encumber or convey in any way any of the properties under its supervision nor any power to contract any debt or incur any obligation in excess of its anticipated revenues.

Conflicting 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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1166

## CHAPTER 596

AN ACT TO EXTEND THE JURISDICTION OF THE MUNICIPAL COURT OF THE CITY OF WINSTON-SALEM TO INCLUDE ALL OF FORSYTH COUNTY, TO PROVIDE FOR THE REMOVAL OF CRIMINAL ACTIONS FROM JUSTICES OF THE PEACE TO SAID COURT, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Jurisdiction of  
Municipal Court  
of Winston-Salem  
extended.

SECTION 1. The jurisdiction of the Municipal Court of Winston-Salem as created and defined by Private Laws, one thousand nine hundred twenty-seven, Chapter two hundred thirty-two, Article XV, is hereby extended so that the jurisdiction of said court shall include all that part of Forsyth County, except the municipality of Kernersville, now outside of the jurisdiction of said court: *Provided*, that this section shall not be construed to deprive a justice of

the peace of concurrent jurisdiction of any misdemeanor within the jurisdiction of his court, nor of the power to sit as a committing magistrate, when in either case the alleged offense was committed outside of the corporate limits of the City of Winston-Salem.

SEC. 2. Whenever a motion or demand for removal shall be made before a justice of the peace in any criminal action or proceedings arising out of an offense committed in Forsyth County outside of the corporate limits of the City of Winston-Salem, said action shall be removed by said justice of the peace to the Municipal Court of the City of Winston-Salem. The procedure for such removal and the fees and costs therefor shall be the same as is provided for removal from one justice of the peace to another. When any action or proceeding is removed to the Municipal Court of the City of Winston-Salem under this section, said court shall then proceed to try and hear the same as if the warrant or other process had been issued originally in that court. Justices of the peace of Forsyth County may issue warrants of arrest, returnable before the Municipal Court of Winston-Salem, for any offense committed in Forsyth County outside of the City limits of Winston-Salem and within the jurisdiction of said court, and when such warrants are issued and returned to said court, the action or proceeding shall be heard and tried as if the warrant had been originally issued in the Municipal Court of Winston-Salem.

Provision for removal of criminal actions or proceedings from courts of Justices of the Peace.

SEC. 3. The costs or fees for service of process or other services performed by Sheriffs, constables, or other officers other than police officers of the City of Winston-Salem, including witness fees, shall be paid to the officer entitled thereto, or shall be paid as otherwise provided by law for the payment of such fees as if the action or proceeding in which the same are payable had been commenced prior to the effective date of this Act: *Provided*, that where actions or proceedings are removed from justices of the peace to the Municipal Court of Winston-Salem or a warrant or other process is issued by a justice of the peace of Forsyth County and returnable before the Municipal Court of the City of Winston-Salem, the City of Winston-Salem shall pay to the justice of the peace when collected the fees for issuing the warrant or other process as allowed by law.

Payment of costs and fees.

SEC. 4. If, in the opinion of the Board of Aldermen of the City of Winston-Salem, the business of the Municipal Court of the City of Winston-Salem is sufficient to require the services of a full time judge, the said board of aldermen is authorized to require the judge of said court to devote his entire time to the performance of the duties of his office.

Full-time Judge.

Partial invalidity clause.

SEC. 5. This Act is hereby declared to be divisible, and if any part thereof shall be declared invalid for any reason whatever, the remainder hereof shall remain in full force and effect.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. This Act shall take effect on July first, one thousand nine hundred thirty-nine, but shall not apply to any action or proceeding pending prior to that date.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 1170

## CHAPTER 597

### AN ACT TO AMEND CHAPTER FIVE HUNDRED THIRTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, RELATING TO PUBLIC GUARDIAN OF FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 537, Public-Local Laws, 1937, amended.

SECTION 1. That Section one of Chapter five hundred thirty-seven of Public-Local Laws of one thousand nine hundred thirty-seven be and the same is hereby amended by striking out all of the provisions of said section and inserting in lieu thereof the following:

Payment of small sums due minors, incompetents, etc. without guardian to Clerk Superior Court, Forsyth County.

“Whenever any minor, indigent or needy child or insane or incompetent person for whom no guardian or trustee has theretofore been appointed shall be entitled to receive from any person a sum of money to the extent of five hundred (\$500.00) dollars or less, it shall be lawful for the person, firm or corporation owing such sum of money or having the same in hand for the benefit of such minor, indigent child, insane or incompetent person to pay the same over to the Clerk of the Superior Court of the county of which said minor, indigent child, insane or incompetent person is a legal resident.”

Sections 2 through 11, repealed.

SEC. 2. That Sections two, three, four, five, six, seven, eight, nine, ten, and eleven of Chapter five hundred thirty-seven of Public-Local Laws of one thousand nine hundred thirty-seven be and the same are hereby repealed.

Investment of funds by Clerk Superior Court.

SEC. 3. That the Clerk of the Superior Court of Forsyth County shall invest all funds in his hands held under this Act in accordance with Sections nine hundred sixty-two-B, four thousand eighteen, four thousand eighteen (a), four thousand eighteen (b) of the Consolidated Statutes, provided however the Clerk of the Superior Court shall not be required to invest funds held under this Act where he is disbursing them for the support of said minor, indigent, or

needy child, or insane or incompetent person by the week or the month.

SEC. 4. This Act shall apply to Forsyth County only.

SEC. 5. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

S. B. 244

**CHAPTER 598**

**AN ACT TO PERMIT WILSON COUNTY SCHOOL DISTRICTS TO VOTE A LOCAL SUPPLEMENT.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Board of Education in any County Administrative Unit, with the approval of the tax levying authorities in said county and the State School Commission, in order to operate the schools of any district as now constituted, or a district that may be set up by joint action of the County Board of Education and State School Commission, of a higher standard than that provided by State support in any of said districts, but in no event to provide for a term of more than one hundred and eighty days, may supplement the funds from State or county allotments available to said districts: *Provided*, that before making any levy for supplementing State allotments, an election shall be held in said district or districts to determine whether there shall be levied a tax to provide supplemental funds, and to determine a maximum amount to be levied therefor. The election shall be called after a petition signed by one half of the qualified voters of the school district desiring the opportunity to vote has been presented to the County Board of Education and tax levying authorities. Upon receipt of this request the tax levying authorities of such district or districts shall provide for an election to be held under the laws governing such election as set forth in Articles XXIII, XXIV and XXVI of Chapter ninety-five of the Consolidated Statutes of North Carolina, Volume three: *Provided*, that the rate voted shall remain the maximum until revoked or changed by another election.

Local supplements for schools in Wilson County Administrative Unit, authorized.

Election on proposed tax levy.

Calling of election.

Conduct of election.

Maximum rate.

SEC. 2. That a request for funds to supplement State school funds, as permitted under the above conditions shall be filed with the tax levying authorities in each County Administrative Unit, on or before the fifteenth day of June on forms provided by the State School Commission, which shall have the authority to approve or disapprove any object or item contained therein. In the event of approval by the State School Commission, the same shall be shown in

Filing of request for supplemental funds.

detail upon the minutes of said tax levying body, and a special levy shall be made therefor, and the tax receipt shall show upon the face thereof the purpose of said levy.

Compliance with regulations of State School Commission.

SEC. 3. That the tax levying authority of the said Administrative Unit shall comply with all the regulations set up by the State School Commission.

Application of Act.

SEC. 4. That this Act shall apply only to Wilson County Administrative Unit.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

### S. B. 402

### CHAPTER 599

#### AN ACT PROVIDING FOR THE RETIREMENT OF COUNTY EMPLOYEES IN PITT COUNTY.

*The General Assembly of North Carolina do enact:*

Retirement of county employees, Pitt and Lenoir Counties authorized.

SECTION 1. That the Board of Commissioners of Pitt County and of Lenoir County be and they are hereby authorized and empowered, in their discretion, to retire any employee of said county who has reached the age of sixty-five and has been in the employ of the county for a period of twenty years, and has become permanently disabled, and shall fix such monthly allowance to be paid to such retired employee, not to exceed one-third of the monthly salary or wage as just prior thereto paid such retired employee.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

### S. B. 437

### CHAPTER 600

#### AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE AND ALL ACTS AMENDATORY THEREOF RELATING TO THE CHARTER OF THE CITY OF HIGH POINT.

*The General Assembly of North Carolina do enact:*

Board of Power Commissioners, City of High Point, created.

SECTION 1. There is hereby created a Board of Power Commissioners of the City of High Point, which board shall consist of five members who shall be appointed by the



Council of the City of High Point prior to May first, one thousand nine hundred and thirty-nine. The Board of Power Commissioners of the City of High Point shall not be a body corporate or politic, but shall be the agency or department of the City of High Point through which the city shall exercise the powers and authority hereinafter specified. Appointments shall be made in such a manner that the said Board of Power Commissioners shall consist of three members of the political party which polled the greatest number of votes for mayor in the last election in said city, and two members of the political party which polled the next largest number of votes for mayor in the last election in said city. The members of said board and their successors shall be appointed for a term of ten years: *Provided* that the term of office of the members of said board first appointed shall be for two, four, six, eight and ten years, respectively. The member first appointed for the term of ten years shall be the chairman of such board, and thereafter the members of the board shall elect one of their members as chairman. The members of the board shall, within three days after their appointment, take an oath or affirmation similar to that required of members of the City Council. Vacancies on the board shall be filled by the Council of the City of High Point by appointment of a member or members of the same political party as that with which the deceased or resigned member or members was affiliated, but, so long as there shall be three members in office, such vacancies shall not impair the powers of the board and three members shall constitute a quorum for the transaction of the business of the board. The city clerk shall ex officio act as clerk of the Board of Power Commissioners without additional compensation.

Appointment of members.

Oath of members.

Vacancy appointments.

SEC. 2. All of the powers and duties of the City of High Point, North Carolina, with respect to the establishment, acquisition, construction, improvement and operation of an electric light, heat and power plant and system of said city pursuant to the resolution adopted by the Council of the City of High Point on April twenty-seventh, one thousand nine hundred and thirty-eight, and amendments thereto, shall be vested in and exercised by the Board of Power Commissioners, in the name of the City of High Point, and all resolutions and acts of the Council of the City of High Point prior to May first, one thousand nine hundred and thirty-nine, with respect to the said electric light, heat and power plant and system shall be deemed and considered as acts of said Board of Power Commissioners. The City Council after May first, one thousand nine hundred and thirty-nine, shall no longer exercise the powers or authority theretofore vested in them with respect to said electric light, heat and power plant and system. The Board of

Powers and duties of Board of Power Commissioners.

Power Commissioners shall have full authority to provide all necessary personnel for the efficient construction and operation of said electric plant and system, and to fix the compensation of all such employees. The Civil Service provisions of Article XIV of the City Charter shall not apply to such personnel. The board shall have authority to provide for compensation of its members, provided that such compensation for all members of the board shall not exceed two per cent (2%) per annum of the gross annual revenues of the hydro-electric plant and system.

Compensation of members of Board.

Electric distribution system under jurisdiction of City Council.

SEC. 3. The existing electric distribution system of the City of High Point shall remain under the jurisdiction and authority of the City Council of the City of High Point as heretofore.

Power to acquire land, etc. for use in connection with electric plant and system.

SEC. 4. The power to acquire lands or other property for use in connection with said electric plant and system, either by purchase or by condemnation, shall be exercised by the City of High Point through the Board of Power Commissioners. Any lands acquired by purchase or condemnation for such purpose, but which the Board of Power Commissioners may find to be no longer required for public use, may be sold at the direction of the Board of Power Commissioners, pursuant to the provisions of Section two thousand six hundred and eighty-eight of the Consolidated Statutes: *Provided*, that no sale shall become effective until it shall be approved by the Board of Power Commissioners; and *provided further*, that at any time within ninety days after the public sale such lands may be sold at private sale at an increased price, subject to the approval of the Board of Power Commissioners. The proceeds from the sale of such lands shall be paid into the Hydro-electric Revenue Fund established pursuant to the Electric Revenue Bond resolution adopted April twenty-seventh, one thousand nine hundred and thirty-eight, as amended, and treated as other revenues of said system. All deeds and contracts authorized by the Board of Power Commissioners shall be executed in the name of the City of High Point, and shall be signed by the Chairman of the Board of Power Commissioners and attested by the city clerk, and the official seal of the City of High Point shall be affixed thereto.

Construction of Act.

SEC. 4A. Nothing herein contained shall be construed to grant to the City of High Point or the said Board of Power Commissioners any new or additional powers not heretofore conferred by law upon the City of High Point. Nor shall this Act affect pending litigation. Nothing herein shall be construed to permit the taking of property without due process of law.

SEC. 5. The amendments set forth in this Act shall be subject to amendments or repeal in accordance with the provisions of Article twenty, Chapter fifty-six, of the Consolidated Statutes of North Carolina, entitled, "Amendment and Repeal of Charter," but the provisions of said Article twenty of Chapter fifty-six shall not be invoked to repeal or amend this Act before the lapse of fifteen months following the ratification of this Act; nor after the expiration of twenty months following ratification of this Act. All such elections held on this Act shall be initiated, called and conducted only by the Municipal Board of Elections of the City of High Point as provided for by the City Charter of the City of High Point, being Chapter one hundred seven of Private Laws of one thousand nine hundred and thirty-one as amended.

Amendment and repeal.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in force from and after May first, one thousand nine hundred and thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

S. B. 482

## CHAPTER 601

### AN ACT TO PROVIDE A SPECIAL ANNUAL TAX LEVY FOR GASTON COUNTY FOR THE MAINTENANCE AND SUPPORT OF PUBLIC LIBRARIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners for Gaston County may, by a majority vote of the board, after thirty days notice at the courthouse door and publication in one or more newspapers published in Gaston County, order a special election to be held at such time as they may fix, to determine the will of the people of the county as to whether or not the Board of County Commissioners of the county shall levy a special annual tax not to exceed five cents on each one hundred dollars of the assessed value of the real and personal property taxable in Gaston County to be set aside and used as a fund for the maintenance and support of public libraries in Gaston County. The question of levying such special annual tax shall be submitted to the qualified voters of the county at an election to be held as hereinbefore provided. In the event the Board of Commissioners for Gaston County shall order a special election to determine the will of the people of the county, the question of levying such special annual tax, they may order a new registration of the qualified voters of the county for

Special election on question of annual tax levy for maintenance of public libraries, Gaston County.

New registration.

Notice of registration.	such election, and notice of such new registration shall be deemed sufficiently given by publication once in some newspaper published in said county at least thirty days before
Contents of notice.	the close of the registration books. The published notice of registration shall state the days on which the books will be open for registration of voters and the places at which they will be open on Saturdays, and the names of the polling places. It shall be sufficient notice of the election if such notice is published thirty (30) days before the election. The books of such new registration shall open on the fourth Saturday before the election day and close on the second Saturday before the election day. The Saturday before the election day shall be "Challenge Day."
Challenge day.	
Ballot box.	SEC. 2. The Board of County Commissioners for Gaston County at said special election shall cause to be placed at each voting precinct in the county a ballot box marked
Eligibility of voters.	"Maintenance and support of Public Libraries." That at said election, all voters of the county who are duly qualified electors and have duly registered for said election may vote in such special election. Each of said voters when they come to the polling places to vote on the day of the election shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words, "For Maintenance and Support of Public Libraries," and "Against Maintenance and Support of Public Libraries," which alternatives shall appear, separate from each other on one ballot containing, opposite and to the left of each alternative squares of appropriate size in one of which squares the voter may make a mark "X" to designate the voter's vote for or against such tax levy. Such ballots shall be printed on white paper, and the Gaston County Board of Elections shall cause to be printed and delivered at each polling place in Gaston County not later than the day before the election a sufficient number of said ballots to supply the voters of the precinct. If a majority of the qualified voters at said special election vote "For Maintenance and Support of Public Libraries," then the Board of County Commissioners for Gaston County is authorized, in its discretion, to levy a special annual tax not to exceed five cents on each one hundred dollars of the assessed value of the real and personal property taxable in Gaston County and cause same to be set aside for the use and maintenance of Public Libraries in Gaston County and the City of Gastonia. The election herein referred to shall be held and conducted under the exclusive supervision of the County Board of Elections of Gaston County, and except as herein otherwise provided, shall be conducted in accordance with the General Election Laws as provided for the election of the members of the General Assembly.
Issues submitted.	
Ballots.	
Preparation of ballots.	
Special tax levy authorized in event of majority vote therefor.	
Conduct of election.	

SEC. 3. In case a majority of the qualified voters of Gaston County approves the levying of the special annual tax for the support of public libraries of Gaston County, then said public libraries shall be under the control and management of a board of eight trustees, of which four shall be appointed by the Mayor of the City of Gastonia, and the other four trustees shall consist of the Mayor of the City of Gastonia, the Superintendent of the Public School System of the City of Gastonia, the Superintendent of the Public School System of Gaston County, and the Chairman of the Board of County Commissioners for Gaston County. The trustees selected by the Mayor of the City of Gastonia shall each serve for a term of four years, except that the mayor shall select after the first meeting of the council subsequent to the municipal election in the year one thousand nine hundred thirty-nine, or as soon thereafter as practicable, two trustees to serve upon said board until the first Tuesday after the first Monday in May, one thousand nine hundred forty-one, or until their successors are appointed and qualified, and in addition two trustees who shall serve until the first Tuesday after the first Monday in May, one thousand nine hundred forty-three, or until their successors are appointed and qualified, and such trustees shall serve without compensation. *Provided*, that the Chairman of the Board of County Commissioners and the Superintendent of the County Public Schools shall not be entitled to membership on said board unless the county contributes to the support of public libraries in the City of Gastonia and the County of Gaston with funds derived from taxation or otherwise.

Control and management of libraries.

Trustees.

Terms of office of Trustees.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed; *provided*, that if said county-wide tax herein referred to is not approved by a majority of the qualified voters at said election then, and in that event, nothing in this Act shall be construed as in any wise repealing the provisions of any Public, Public-Local, or Private Act now in effect relative to the authority of the Governing Body of the City of Gastonia or Gaston County to appropriate certain funds for the maintenance and operation of public libraries in the City of Gastonia.

Conflicting laws repealed.

SEC. 5. That this Act shall apply to Gaston County only.

Application of Act.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

## S. B. 486

## CHAPTER 602

## AN ACT TO VALIDATE CERTAIN TAX SALES MADE ON THE WRONG DATE IN MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

Certain tax sales validated, Moore County.

SECTION 1. That all tax sales made in Moore County on the first Monday in December, one thousand nine hundred and thirty-eight, be and they are hereby validated with the same force and effect as if they had been made according to the law heretofore in effect.

Conflicting laws repealed.

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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

## H. B. 203

## CHAPTER 603

## AN ACT TO PROHIBIT THE OPERATION OF MOVING PICTURE SHOWS, POOL TABLES, AND THE SALE OF WINE AND/OR BEER IN YADKIN COUNTY ON SUNDAY.

*The General Assembly of North Carolina do enact:*

Regulation of Sunday operation of moving picture shows in municipalities of Yadkin County.

SECTION 1. That it shall be unlawful, unless authorized by the Board of County Commissioners, for any person, firm or corporation to operate any moving picture show within the limits of any incorporated town in Yadkin County of less than fifteen hundred population between the hours of twelve o'clock Saturday night and twelve o'clock Sunday night.

Violations made misdemeanor.

SEC. 2. That 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 not more than fifty dollars (\$50.00) or imprisoned not more than thirty days.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 761

**CHAPTER 604****AN ACT TO EXTEND THE TERMS OF OFFICE OF COUNTY COMMISSIONERS IN THIS STATE TO FOUR YEARS.***The General Assembly of North Carolina do enact:*

SECTION 1. The County Commissioners now holding office in all of the counties of this State shall serve in such capacity until the year one thousand nine hundred forty-two.

Four-year term for County Commissioners, Craven County.

SEC. 2. At the general election for the year one thousand nine hundred forty-two, and quadrennially thereafter, County Commissioners in each county in this State shall be elected by the qualified voters thereof for a term of four years from the first Monday in December after their election, or until their successors are elected and qualified.

SEC. 2½. This Act shall apply only to County Commissioners for Craven County and nothing in this Act shall be construed to affect the term of office of the County Commissioners in any other county in this State.

Application of Act.

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

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 1046

**CHAPTER 605****AN ACT TO RE-ESTABLISH THE FALCON SCHOOL DISTRICT IN CUMBERLAND COUNTY.**

*Whereas*, formerly there existed a regularly established school district constituting the area contained within the incorporated limits of the Town of Falcon, said school district being known as The Falcon School District; and

Preamble: Prior existence of Falcon School District, Cumberland County.

*Whereas*, in said district there were and still are buildings constructed and maintained for the purpose of operating a school with grammar grades and high school grades, said buildings having been constructed by Falcon Orphanage, Inc., without any expense to the County of Cumberland or the State of North Carolina; and

Buildings constructed and used by district.

*Whereas*, the boys and girls of school age, residing within the aforesaid Falcon School District, including those who resided within the Falcon Orphanage as well as those who resided within said district but outside of the Orphanage, attended school within the aforesaid buildings; and

School attendance in said buildings.

School conducted without county or State aid.

*Whereas*, the aforesaid school is still being conducted in the aforesaid buildings but without any county or State aid; and

Continuance of school desired.

*Whereas*, it is deemed to be for the best interest of the boys and girls in the Falcon Orphanage and those within the Town of Falcon that they be permitted to continue to attend the aforesaid school at Falcon; *Now, therefore, The General Assembly of North Carolina do enact:*

Falcon School District re-established and reinstated.

SECTION 1. That the school district formerly known as the Falcon School District, constituting and including the area within the corporate limits of the town of Falcon, may be, upon approval of the State School Commission and the Board of Education of Cumberland County, re-established and reinstated as a school district.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

#### H. B. 1155

#### CHAPTER 606

#### AN ACT RELATING TO GAME LAWS IN ONSLOW COUNTY.

*The General Assembly of North Carolina do enact:*

Fox hunting, Onslow County.

SECTION 1. That it shall be lawful to hunt fox with dog or gun in Onslow County at any season of the year.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

#### H. B. 1174

#### CHAPTER 607

#### AN ACT RELATING TO THE MUNICIPAL COUNTY COURT OF THE COUNTY OF LENOIR.

*The General Assembly of North Carolina do enact:*

Ch. 506, Public-Local Laws, 1937, amended to increase salary of Solicitor, Municipal County Court, Lenoir County.

SECTION 1. That Section two of Chapter five hundred and six of Public-Local Laws of one thousand nine hundred and thirty-seven be amended as follows: By striking out the words and figures "twenty-two hundred and twenty dollars (\$2220.00)" in line six of said section and inserting in lieu thereof the words and figures "twenty-four hundred dollars (\$2400.00)."



SEC. 2. That the salary increase herein provided for the Solicitor of said Municipal County Court shall be in effect from and after April first, one thousand nine hundred thirty-nine.

Effective date.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

## H. B. 1182

### CHAPTER 608

AN ACT TO REPEAL HOUSE BILL NUMBER ONE THOUSAND NINETY-THREE ENTITLED "A BILL TO BE ENTITLED AN ACT TO APPOINT A TAX COLLECTOR AND COUNTY ACCOUNTANT FOR YANCEY COUNTY AND DEFINE THEIR DUTIES" WHICH WAS RATIFIED ON THE TWENTY-EIGHTH DAY OF MARCH ONE THOUSAND NINE HUNDRED THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That House Bill Number one thousand ninety-three, entitled "A Bill to be entitled an Act to appoint a Tax Collector and County Accountant for Yancey County and define their duties," ratified on the twenty-eighth day of March, one thousand nine hundred thirty-nine, be, and it is hereby repealed.

H. B. 1093, Ch. 400, Public-Local Laws, 1939, repealed.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

## H. B. 1163

### CHAPTER 609

AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR THE POLICE DEPARTMENT FOR THE CITY OF FAYETTEVILLE, AND TO PROVIDE THE NECESSARY MACHINERY AND RULES FOR THE ORGANIZATION AND OPERATION OF SAID CIVIL SERVICE COMMISSION AND DEPARTMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created a Civil Service Commission of Fayetteville, North Carolina, for the Police Department of said city to consist of three members, each of whom shall be a resident and citizen of the City of Fay-

Civil Service Commission for Police Department, City of Fayetteville, created.

etteville, one to be appointed by a two-thirds majority action of the members present Board of Aldermen of the City of Fayetteville at any regular or special meeting of the board, one to be appointed by a majority action of the members of the Police Department of the City of Fayetteville, and one to be appointed by the Board of Audit and Finance of the said city. The first appointments under the provisions of this Act shall be made during the month of June, one thousand nine hundred thirty-nine, and the members thus appointed shall take office, and the duties of said commission shall begin, the second Monday in June, one thousand nine hundred thirty-nine. The member appointed by the Police Department shall serve for a period of two years. The member appointed by the Board of Aldermen shall serve for a period of one year and the member appointed by the Board of Audit and Finance shall serve for a period of three years. Thereafter all successors of such original appointees shall be appointed for a term of three years by the authority by which the members, whose terms are expiring, were originally appointed. All subsequent appointments shall be made during the month of June of those years in which the expiration of terms shall occur; and all such appointees shall take office on the second Monday of June following such appointment. Appointments to fill vacancies for any unexpired term, whether such vacancy shall be caused by death, resignation, or disqualification, shall be made by the authority which appointed the member whose office has expired or whose office has by some reason been vacated; and the person appointed to fill such vacancy shall take office as soon as practicable, after his appointment. Any member of said board shall be eligible for reappointment. No official or employee of the City of Fayetteville shall be eligible for appointment to membership on the said Civil Service Commission, and no attorney practicing in any of the criminal courts of Cumberland County shall be eligible for appointment to membership on the said commission.

Terms of office of members.

Subsequent appointments.

Vacancy appointments.

Quorum.

SEC. 2. That three members shall constitute a quorum to transact the business of the commission and no appointment or action shall be taken without a quorum present.

Oath of office.

SEC. 3. That the members of the commission, before entering upon the duties of their office, shall take and subscribe an oath of office, which shall be filed in the office of the city clerk, to support the Constitution of the United States and the Constitution of the State of North Carolina, to obey all the laws not inconsistent therewith, to strive to secure and maintain an honest and efficient administration of the Civil Service Commission, free from partisan distinction and control, and otherwise to perform the duties

as members of the Civil Service Commission, to the end that a more efficient personnel be made available to the City of Fayetteville.

SEC. 4. That no person while a member of said commission shall be a candidate for any office of public trust.

SEC. 5. That the Civil Service Commission shall have full and complete power of determining the qualifications and eligibility of all persons to be appointed to the Police Department of the City of Fayetteville, except the Chief of the said department. The commission, subject to the terms of this Act, shall have full power and authority to remove and discharge any employee from the Police Department of the City of Fayetteville.

Determination of qualifications and eligibility of appointees to Police Department.

Removal and discharge of employees.

SEC. 6. That no person shall be eligible under the terms of this Act for employment as a member of the Police Department, nor shall any member of the said department be removed, suspended or discharged therefrom except by the majority action of the Civil Service Commission; and said commission shall prescribe and make available all necessary rules and regulations relating to the qualification of the applicants for positions in the said department and shall establish such rules and regulations as may be necessary for the maintenance of a high standard of service in the Police Department. All rules and regulations so prescribed shall be printed and made available for public inspection for the guidance of employees and applicants for employment in said department. *Provided, however,* that all such administrative or supervisory powers and authority of said Police Department as are not specifically delegated in this Act shall be retained by the Board of Aldermen of the City of Fayetteville.

Rules and regulations of Commission.

Printing of rules and regulations.

SEC. 7. That all applicants for positions in the Police Department of the City of Fayetteville shall be required to take a written examination prepared by and conducted under the supervision of the commission, which examination shall be competitive and open to all persons possessing the right of suffrage, and otherwise qualified under the terms of this Act as to age, residence, health and moral character. Such examinations shall be practical in their character and shall relate to subjects tending fairly to test the mental, physical, professional and moral fitness of the applicants for the positions designated in the examination. No applicant in the course of such examination shall be examined in any manner touching his religious or political opinion or qualifications.

Examinations required of applicants for positions.

Nature of examinations.

SEC. 8. That the Civil Service Commission shall provide in its system for grading applicants that all applicants who have had former service in the Police Department of the City of Fayetteville and who are now employed by said

System for grading of applicants.

department shall be given ten points credit upon the mental requirements on account of such former service and experience. *Provided, however,* no applicant shall be allowed any credit for his former service if he shall have been dismissed from the service on account of incompetence, moral unfitness, or because of the violation of any regulation incident to his service. No person shall be appointed to the Police Department who is more than thirty-five years of age. *Provided, however,* in the case of all police officers now engaged as employees of the City of Fayetteville in the said Police Department, who, prior to the ratification of this Act, has served continuously and satisfactorily in said department for a period of six months shall not be subjected to the age limitation, and any employee with three years honorable service.

Notice of time and place of examinations.

SEC. 9. That notice of the time and place of all examinations conducted by the commission under this Act shall be made by publication once a week for two successive weeks immediately preceding such examination in a newspaper published in the City of Fayetteville and by placing a notice in a conspicuous place in the office of the Civil Service Commission and on the bulletin board at the police station for at least two weeks preceding such examination.

Maintenance of record of successful applicants.

SEC. 10. That said commission shall prepare and keep a permanent record of all persons successfully passing such examinations, accurately reflecting the grades made by the applicants, and upon a vacancy in the Police Department, the said commission shall certify to the governing body of the City of Fayetteville five names of men whose grades are highest, the five being certified for each appointment, and appointment shall be made from the list of the five men certified for each vacancy.

Appointment of Chief of Police.

SEC. 11. That the Chief of Police shall be appointed by the Board of Aldermen of the City of Fayetteville or the governing body of the city by whatever name called, and promotion shall be made in the department by the Chief of Police with the approval of the Board of Aldermen and the Civil Service Commission.

Complaints against employees, and hearings by Commission.

SEC. 12. That no officer or employee of the Police Department of the City of Fayetteville shall be fined, suspended or discharged except for cause and upon written complaint and after he shall have been given reasonable opportunity for an open hearing by the commission. In the event charges preferred against any officer shall be sustained the said Civil Service Commission, in the exercise of its discretion, and upon a majority vote, may either dismiss the accused officer or employee from the service, suspend him without pay for not more than three months; or impose a fine against him in an amount not in excess of thirty days' pay. The

commission, in its discretion, may suspend an officer or employee against whom charges have been preferred, pending a hearing, such suspension, however, not to exceed thirty days, or to act in any way prejudiced to the hearing of the complaint. In the event a member of the department commits any flagrant offense, he may be suspended immediately by the Chief of Police for a period not exceeding thirty days. In the conduct of all trials or investigations by the commission, the commission shall have the power and authority to issue subpoenas requiring the attendance of witnesses and the production of records necessary for a proper investigation and complete hearing of the matter at issue, and conduct itself as a court of inquiry and follow the usual procedure with reference to evidence. The action of said Civil Service Commission with respect to the matters contained in this section shall be final and conclusive.

Judicial powers of Commission.

SEC. 13. That said commission at the end of the fiscal year, shall make an annual report of its administration for the preceding year, and it may include in said report the opinions of the said commission as to the practical effects of the rules, plans, or system in use, together with recommendations for the improvement of the department, which annual report shall be kept in the office of the commission and a copy transmitted to the governing body of the City of Fayetteville.

Annual report by Commission.

SEC. 14. That said commission, as soon as practicable, after its appointment, shall meet and organize by electing one of its members chairman and one as secretary. That the secretary shall keep the minutes of the proceedings and shall be the custodian of all papers, books and records pertaining to the business of the commission. The secretary shall keep a record of all examinations held and perform other duties as may be prescribed by the commission, for which he shall be paid a compensation to be fixed by the governing body of the City of Fayetteville in an amount not to exceed one hundred fifty dollars (\$150.00) per year, to be paid monthly out of the general fund of the city.

Organization of Commission.

Duties of secretary.

SEC. 15. The governing body of the City of Fayetteville shall provide suitable rooms for the said commission and allow such reasonable use of the public buildings for conducting examinations and hearings by the commissioners as may be necessary. The City of Fayetteville shall also pay all necessary expenses of the said commission incident to its operation, and the governing body shall include in its budget such necessary expenses.

Rooms provided for Commission.

Payment of expenses of Commission.

SEC. 16. That the members of the Civil Service Commission shall be paid from the general funds of the City of Fayetteville, the sum not to exceed one hundred dollars

Compensation of members of Commission.

(\$100.00) per year, except the secretary, whose compensation is otherwise provided for.

Construction of Act. SEC. 17. That nothing in this Act shall be construed as to deprive the governing body of the City of Fayetteville of its control over the finances of the city. The salaries of the officers, or members of the Police Department shall be fixed by the governing body of said city.

Election on proposed establishment of Civil Service Commission. SEC. 18. This Act shall not become operative until it has been approved by a majority of the qualified voters of the City of Fayetteville, voting in the regular municipal election of said city for the election of officers in the coming election for the year one thousand nine hundred thirty-nine, in the same manner, and under the same rules and regulations as provided by law, for the election of the Mayor and the Board of Aldermen of the City of Fayetteville.

Issues submitted. SEC. 19. The electors favoring the adoption of a Civil Service Commission, as provided for in this Act, shall vote ballots on which shall be printed or written the words "For a Civil Service Commission"; and those opposed shall vote ballots on which shall be printed or written the words "Against the Civil Service Commission."

Status of present police force. SEC. 20. That at the time of the ratification of this Act, all members of the present police force of the City of Fayetteville and now employed by said city shall be deemed as applicants and shall be entitled to receive the next examination, and to become applicants for positions under this Act, subject to the credit herein given for their service in the Police Department, and the said commission is authorized and empowered, in their discretion, to consider these men for retention in their present position, upon a successful completion of such test as required by the commission. The said commission is also authorized and empowered to continue in service, in their discretion, any police officer with five years experience, who has failed to pass the standard of requirements set up by the said commission.

Conflicting laws repealed. SEC. 21. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date. SEC. 22. That this Act shall be in full force and effect from and after its ratification, and upon the approval of same by the majority action of the qualified electors of the City of Fayetteville in the regular city election for the year one thousand nine hundred thirty-nine.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 1186

**CHAPTER 610****AN ACT TO ABOLISH THE COUNTY RECORDER'S COURT OF RICHMOND COUNTY.***The General Assembly of North Carolina do enact:*

SECTION 1. That the County Recorder's Court or the Recorder's Court of Richmond County be, and the same is hereby abolished.

County Recorder's Court, Richmond County, abolished.

SEC. 2. That the Clerk of the Superior Court of Richmond County shall immediately transfer and docket into the proper docket and record of the Superior Court of Richmond County, each and every case remaining upon the criminal docket of said County Recorder's Court or Recorder's Court of Richmond County, at the date of the ratification of this Act, and said criminal cases shall take their places on the docket of said Superior Court in their regular order and shall be duly tried in said Superior Court when reached for trial.

Transfer of criminal cases from Recorder's Court docket to Superior Court.

SEC. 3. That all laws and clauses of laws relating to the election and salary of the Judge of said Recorder's Court of Richmond County or County Recorder's Court are hereby repealed, and all laws and clauses of laws relating to the election and salary of the Solicitor of said County Recorder's Court or Recorder's Court of Richmond County are hereby repealed.

Laws relating to election and compensation of Judge and Solicitor, Recorder's Court, repealed.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 996

**CHAPTER 611****AN ACT TO PROHIBIT THE SALE OF BEER AND WINE WITHIN THREE HUNDRED FEET OF ANY CHURCH OR SCHOOL IN DUPLIN COUNTY.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm, or corporation, to sell any beer or wine within three hundred feet of any church or school in Duplin County.

Sale of beer or wine near church or school, Duplin County, prohibited.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

## H. B. 1116

## CHAPTER 612

## AN ACT TO PROVIDE FOR ADDITIONAL COUNTY COMMISSIONERS FOR ANSON COUNTY, AND FOR THE MANNER OF ELECTION OF COUNTY COMMISSIONERS HEREAFTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Anson County shall hereafter consist of five members. The Clerk of the Superior Court of Anson County shall, upon and after ratification of this Act, appoint two members of said board in addition to those now serving, who shall hold their office until the next general election for the election of county officers in Anson County, or until their successors are elected and qualified. The two commissioners so appointed shall be persons residing outside of Wadesboro Township.

SEC. 2. For the purpose of nominating and electing County Commissioners of Anson County, the county shall be divided into four districts as follows: District numbered one shall be composed of Wadesboro Township; district numbered two shall be composed of Ansonville and Lilesville Townships; district numbered three shall be composed of Morven and Gullede Townships; district numbered four shall be composed of Burnsville, Lanesboro and White Store Townships. There shall serve on the board of county commissioners two commissioners from district numbered one, and one commissioner from each of the districts numbered two, three and four.

SEC. 3. At the next primary election for the election of county officers in Anson County there shall be nominated by each of the political parties one commissioner from each of the districts numbered two, three and four, and two commissioners from the district numbered one. The candidates receiving the greatest number of votes in districts numbered two, three and four shall be declared nominated. The two candidates receiving the greatest number of votes in district numbered one shall be declared nominated: *Provided*, that the candidate nominated for and from each district shall be a resident of the district for which he offers himself as a candidate.

SEC. 4. At the next general election for the election of county officers in Anson County there shall be elected one commissioner from each of the districts numbered two, three and four, and two commissioners for the district numbered one. The candidates from the districts numbered one, two and four who shall receive the greatest number of votes shall be elected for a term of four years, or until their

Membership of Board of County Commissioners, Anson County, increased.

Appointment of additional members.

County divided into four districts for nomination and election of Commissioners.

Nomination of candidates for Commissioners at primary election.

Election of Commissioners.



successors are elected and qualified, and their successors shall be nominated and elected quadrennially thereafter in the manner herein prescribed. The candidate from district numbered one who shall receive the next greatest number of votes, and the candidate from the district numbered three who shall receive the greatest number of votes shall be elected for a term of two years, or until their successors are elected and qualified. Thereafter, their successors in office shall be elected in the manner above prescribed quadrennially, and shall serve for a term of four years: *Provided, however,* that in the succeeding biennial elections only one candidate shall be elected from district numbered one, and that the person so nominated and elected shall be the candidate who receives the greatest number of votes.

SEC. 5. The candidate for nomination to the office of county commissioner shall be voted upon in the primary only by the qualified voters of the district from which he shall be selected, but, in the general election, the candidates so nominated shall be voted upon by the qualified voters of the entire county, regardless of the district from which they have been nominated.

Nomination of candidates by districts.

County-wide election.

SEC. 6. From and after the next general election for county officers to be held in Anson County the chairman of the board of commissioners may be paid a salary not to exceed four hundred dollars per annum in lieu of the per diem remuneration now allowed to him by law.

Compensation of Chairman of Board of Commissioners.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 1137

## CHAPTER 613

AN ACT TO AUTHORIZE MUNICIPALITIES IN HARNETT COUNTY TO DISPOSE OF REAL ESTATE UNDER THE SAME LAW APPLICABLE TO COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the several municipalities in the County of Harnett be and they are hereby authorized to sell and make title to any real estate acquired by each of said municipalities in satisfaction of tax liens under the same law and procedure as is provided under the Machinery Act applicable to Boards of County Commissioners.

Disposition by municipalities, Harnett County, of real estate acquired in satisfaction of tax liens.

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 872

**CHAPTER 614**

AN ACT TO AMEND SECTION FOUR, CHAPTER FIVE HUNDRED AND SEVENTY-FIVE OF PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AND TO PROVIDE FOR A GUARANTEE THAT AT ALL TIMES A MEMBER OF THE BOARD OF COMMISSIONERS OF WILSON COUNTY AND A MEMBER OF THE BOARD OF COMMISSIONERS OF THE TOWN OF WILSON, NORTH CAROLINA, SHALL BE ON THE BOARD OF TRUSTEES OF THE FREE PUBLIC LIBRARY ESTABLISHED UNDER THE ABOVE-MENTIONED ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter five hundred and seventy-five of the Public-Local Laws of North Carolina, session one thousand nine hundred and thirty-seven, be amended by adding thereto the following: "*Provided, further*, that no member of the said board of trustees appointed by either the Board of County Commissioners or the Board of Town Commissioners shall remain a member of the said board of trustees under such appointment, after his term of office as commissioner (town or county) shall expire; and in such event his successor shall be appointed by the board which originally appointed him, as above provided for. *Provided*, that nothing in this Act shall affect L. F. Watson until his present term as a member of the board expires."

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

SEC. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

Ch. 575, Public-Local Laws, 1937, amended, as to membership on board of trustees, Free Public Library, Wilson County.

Conflicting laws repealed.

H. B. 1187

**CHAPTER 615**

AN ACT TO AMEND HOUSE BILL NUMBER NINE HUNDRED FORTY-SIX, SAME BEING "AN ACT DESIGNATING FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY, NORTH CAROLINA," SAID ACT HAVING BEEN RATIFIED BY THE ONE THOUSAND NINE HUNDRED THIRTY-NINE SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA ON THE THIRTIETH DAY OF MARCH, ONE THOUSAND NINE HUNDRED THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section eighty-seven of House Bill Number nine hundred forty-six, same being "An Act designating fees to be collected by the Clerk of the Superior Court of Forsyth County, North Carolina," which Act was ratified by the one thousand nine hundred thirty-nine session of the General Assembly of North Carolina on the thirtieth day of March, one thousand nine hundred thirty-nine, be amended by inserting in line four after the word "day" and before the word "and" the following: ", except grand jurors who shall be entitled to the sum of five dollars (\$5.00) per day,".

H. B. 946, Ch. 422, Public-Local Laws, 1939, amended as to compensation of grand jurors, Forsyth County.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 1147

**CHAPTER 616**

AN ACT TO VALIDATE CERTAIN BONDS FOR THE CITY OF WILMINGTON, NORTH CAROLINA.

*Whereas*, the Council of the City of Wilmington at a regular public meeting duly called and held on July twentieth, one thousand nine hundred thirty-eight, among others, duly adopted two several ordinances, the first reciting that it was deemed advisable and necessary to acquire land for parks and play grounds and to develop and improve such lands and to acquire equipment and apparatus therefor and that it was necessary to issue bonds of said city in sum of not exceeding thirty-five thousand dollars (\$35,000.00) for said purposes; and the second of said ordinances reciting that it was deemed advisable and necessary to acquire lands for recreation and athletic grounds and to develop and im-

Ordinances of City of Wilmington, providing for issuance of bonds for parks, play-grounds and athletic grounds.

prove the same and to locate thereon a suitable building for athletic and recreational purposes and that said ordinances should take effect when approved by the voters of said city at an election to be held as provided by law; and

*Whereas*, at the public meeting aforesaid the Council of the City of Wilmington, duly called a special bond election to be held on the thirtieth day of August, one thousand nine hundred thirty-eight; and,

*Whereas*, pursuant to the foregoing, the said special bond election was duly held on the thirtieth day of August, one thousand nine hundred thirty-eight, and at said election the voters qualified to vote in said election cast one thousand seventy-eight (1078) votes for the approval of the ordinance authorizing thirty-five thousand dollars (\$35,000.00) of bonds of said city for acquiring lands for the public parks and play grounds and the development of said lands and equipping the same, and one thousand and one (1001) voters of said city voted against the approval of said ordinance and one thousand fifty-one (1051) voters of said city qualified to vote in said election voted for the approval of the ordinance authorizing not exceeding thirty thousand dollars (\$30,000.00) of bonds of said city for acquiring lands for recreation and athletic grounds, equipping the same and erecting suitable buildings thereon for said purposes and one thousand sixteen (1016) voters voted against the approval of said ordinance; and,

*Whereas*, at said election both of the ordinances providing for the purposes aforesaid were duly approved and adopted by the affirmative vote of the majority of the voters of said city actually voting in said special bond elections: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the two special bond ordinances of the City of Wilmington, North Carolina, hereinbefore recited and referred to, were duly adopted and approved by the affirmative vote of a majority of the qualified voters of said city voting in said election, that said bonds of said city in the respective amounts of thirty-five thousand dollars (\$35,000.00) and thirty thousand dollars (\$30,000.00) approved for the purposes hereinbefore recited, were duly approved and adopted as required by law and that said bonds are hereby validated and the proper officers of said city are hereby authorized to take such steps and to do such acts and things as may be appropriate and necessary to issue said bonds of the said city in the respective amounts aforesaid for the purposes set forth herein and that said bonds when so issued shall be and become and are hereby declared to be valid obligations of said city and that the

Special bond election.

Results of election.

Ordinances approved.

Officials of city authorized to issue bonds in the amounts and for the purposes set forth.

Bonds declared valid obligation of city.

issuance of said bonds are hereby declared to be for necessary expenses of said city and the council is hereby authorized to levy and collect annually a tax sufficient to pay the principal and interest of said bonds and that all of the said proceedings looking to the issuance of said bonds and the issuance thereof are hereby declared to be regular in all respects and hereby validated.

Proceedings validated.

SEC. 2. That all laws and parts of laws in conflict herewith to the extent of such conflict are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall not be effective unless and until ratified at the next election held in the City of Wilmington by a majority of the qualified voters of the City of Wilmington.

Act effective upon ratification by majority of voters.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 1044

### CHAPTER 617

AN ACT TO DEFINE THE BOUNDARIES OF BEAUFORT HARBOR, TO PROVIDE FOR THE APPOINTMENT OF A HARBOR MASTER AND PILOTS, AND TO REGULATE PILOTAGE FEES.

*The General Assembly of North Carolina do enact:*

SECTION 1. Beaufort harbor or port is hereby defined as follows:

Boundaries of Beaufort Harbor defined.

Beginning at the beacon at the mouth of the dredged channel leading to the Town of Beaufort; thence with the western boundaries of said channel to the beacon opposite the point locally known as "Town Marsh"; thence in a northwesterly direction to the marsh on Shark Shoal; thence in an easterly direction to the junction on Hederick Street with the limits of the Town of Beaufort; thence along Hederick Street and the Town limits in a southerly direction across Taylor Creek to Shackleford Banks; thence along Shackleford Banks in a westerly direction to Shackleford Point and thence in a northwesterly direction to the beacon at the point of beginning.

SEC. 2. The Beaufort Port Commission is hereby created to be composed of three members as follows: G. W. Huntley, Paul Jones and J. O. Barber, who shall hold office until July first, one thousand nine hundred forty, one thousand nine hundred forty-one and one thousand nine hundred forty-two, respectively, or until their successors are duly selected and qualified. At the expiration of each term as set out above the remaining members of the commission are hereby authorized to select a successor for the member whose term has expired and thereafter the term of office shall be for three years.

Beaufort Port Commission created.

Appointment of  
Harbor Master.

SEC. 3. The Beaufort Port Commission is hereby vested with full power and authority to appoint annually a harbor master for said port district, define his duties, and determine and fix his compensation. The harbor master so appointed shall at all times be under the jurisdiction of the Beaufort Port Commission and may at any time be removed by said commission, for cause, upon ten days' notice.

Licensing and super-  
vision of Pilots.

SEC. 4. Beaufort Port Commission shall from time to time make and establish such rules and regulations respecting the qualifications, arrangements and stations of pilots as to the said commission shall be deemed most advisable, including the power and authority to declare, prescribe, and otherwise limit the number of pilots necessary to maintain an efficient pilotage service for Beaufort port district. It shall have authority to impose such reasonable fines, penalties and forfeitures as may be prescribed by the said port commission for the purpose of enforcing any and all such rules and regulations as may from time to time be prescribed by the commission. It shall have power and authority, if and when it may be caused to appear that the best interest of the said port so requires, to organize into a mutual association all pilots licensed by it, and under such reasonable rules and regulations as may be prescribed; and any licensed pilot failing or refusing to become a member of such association so organized shall be subject to suspension or a revocation of his license in the judgment and at the discretion of the said port commission. The port commission may from time to time examine, or cause to be examined, such persons as may offer themselves to be licensed as pilots and, under the seal of the said commission, shall execute and issue commissions to all such applicants as may be approved.

Rules and  
regulations.

License fees for  
Pilots.

SEC. 5. The said port commission shall have authority to determine and fix the license fees to be paid by all pilots so commissioned by it, including the renewal fees for said licenses, and which fees shall be paid to and used by said port commission in partial defrayal of its expenses; and it shall have power and authority (and it is hereby declared to be its duty) to establish the rate or rates of pilotage in and over the said port district, and by appropriate action shall publish and promulgate such rates as may be declared. Said port commission shall also have jurisdiction to hear and determine any and all matters of dispute between any pilot and any master of a vessel, or between pilots themselves, respecting the pilotage of any vessel.

Rates of pilotage.

Determination of  
disputes.

Bond required of  
Pilots.

SEC. 6. Every person before being commissioned as a pilot shall give bond for the faithful performance of his duties, acceptable to said Beaufort Port Commission, and payable to the State of North Carolina, in a sum to be

authorized by the said commission of not less than two hundred dollars nor more than one thousand dollars. Every bond so taken shall be filed with and preserved by the said port commission and by it held in trust for every person, firm or corporation who may be injured by the negligence or the misconduct of any such pilot, and any such person, firm or corporation so injured may severally bring suit against the penalty of said bond.

SEC. 7. Beaufort Port Commission is hereby vested with the power and authority to name, and/or authorized to designate, and approve stevedoring companies organized or to be organized for the purpose of carrying on the business of stevedoring in and at aforesaid harbor, to fix and prescribe the rules and regulations for their operation, and to fix and determine the fees that shall be paid to said port commission by such company or companies for such privilege.

Regulation of stevedoring companies.

SEC. 8. It is hereby declared to be the purpose of this Act to vest in Beaufort Port Commission the power and authority to exercise full jurisdiction and control over Beaufort harbor, as herein defined, and in the exercise of such jurisdiction it is expressly authorized and empowered to make any and all reasonable rules and regulations within the scope of its authority and to do any and all things necessary and/or required to be done in the furtherance of the interests of navigation, as the same may relate itself to the said harbor. To this end all authority heretofore by legislative Act vested in any board of commissioners of navigation, pilots' association or other board or agency for the regulation of Beaufort harbor, as herein defined, or any portion of the same, or regulating the licensing and appointment of pilots, is hereby deemed and declared vested in Beaufort Port Commission, and any and all provisions of any Public, Public-Local or Private Acts and any and all powers therein conferred, wherever the same may be in conflict with the provisions of this Act and the general purposes of the same, are hereby repealed.

Jurisdiction of Beaufort Port Commission.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

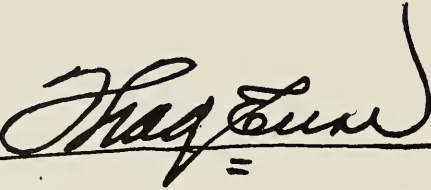
In the General Assembly read three times and ratified, this the 4th day of April, 1939.

STATE OF NORTH CAROLINA

OFFICE OF SECRETARY OF STATE

RALEIGH, N. C., APRIL 4, 1939

I, THAD EURE, 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.



A handwritten signature in cursive script, reading "Thad Eure", is written over a solid horizontal line. A small equals sign "=" is positioned directly below the signature, centered under the line.

*Secretary of State.*



# PRIVATE LAWS

OF THE

## STATE OF NORTH CAROLINA

SESSION 1939

H. B. 85

### CHAPTER 1

AN ACT TO REPEAL CHAPTER TWENTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATIVE TO PAYMENT OF TAXES WITH BONDS IN THE TOWN OF SYLVA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter twenty-four, Private Laws of one thousand nine hundred and thirty-five, be, and the same is hereby repealed.

Ch. 24, Private Laws, 1935, repealed.

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

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after January twenty-fifth, one thousand nine hundred and thirty-nine.

Effective date.

In the General Assembly read three times and ratified, this the 24th day of January, 1939.

S. B. 51

### CHAPTER 2

AN ACT TO AUTHORIZE COMMISSIONERS OF BEAUFORT COUNTY TO SETTLE CLAIM FOR BUILDING BURNED WHILE USED AS PUBLIC SCHOOL HOUSE.

*Whereas*, suit is pending in the Superior Court of Beaufort County by Mrs. Katie F. Waters and N. A. Cutler against School Committeemen, Superintendent of Public Schools, and members of the Board of Education of Beaufort County for damages for burning of building used for public school purposes; and

Preamble:  
Pendency of suit for damage to building used for school purposes, Beaufort County.

*Whereas*, settlement and adjustment has been agreed upon by counsel of opposing sides and approved by Board of County Commissioners and Board of Education: *Now, Therefore,*

Settlement of suit agreed upon.

*The General Assembly of North Carolina do enact:*

Payment of  
\$1250.00 and  
costs, in full settle-  
ment, authorized.

SECTION 1. That the Board of Commissioners of Beaufort County is hereby authorized and empowered to pay to Mrs. Katie F. Waters and N. A. Cutler not to exceed twelve hundred and fifty (\$1250.00) dollars and the cost of the pending actions, in settlement of all claim for damages for burning of store building in Pinetown used as a school house and the subject of the actions above referred to.

Payment made  
from 1939 school  
fund.

SEC. 2. That the said Board of Commissioners is authorized and empowered to apply the above-named sum from funds accruing for school purposes for the year one thousand nine hundred and thirty-nine (1939) and to borrow such amount in anticipation of uncollected taxes, not otherwise appropriated.

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

In the General Assembly read three times and ratified, this the 7th day of February, 1939.

H. B. 164

### CHAPTER 3

#### AN ACT TO EXEMPT MEMBERS OF FIREMEN'S ORGANIZATIONS IN PAMLICO COUNTY FROM PAYMENT OF POLL TAX FEES.

*The General Assembly of North Carolina do enact:*

Members of Fire-  
men's organiza-  
tions, Pamlico  
County, exempt  
from poll tax fees.

SECTION 1. That members of all Firemen's organizations or agencies, now existing or later to be organized in Pamlico County, be and they are hereby, exempt from payment of the annual poll tax fees.

Application of  
Act.

SEC. 2. That this Act shall apply to the one thousand nine hundred thirty-nine poll tax assessments and thereafter.

Conflicting laws  
repealed.

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.

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

H. B. 255

**CHAPTER 4**

AN ACT TO AMEND THE CHARTER OF THE GOLDSBORO HOSPITAL, AS CONTAINED IN CHAPTER SEVENTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter seventy-four of the Private Laws of one thousand nine hundred and three be, and the same is hereby, amended by adding at the end of said section the following, to-wit:

Ch. 74, Private Laws, 1903, amended.

“And the trustees appointed as hereinbefore provided shall, at the first meeting held after the ratification of this Act (or at some subsequent meeting if lack of quorum or other circumstance prevents at the meeting herein designated), and biennially thereafter at the meeting in May, appoint eight trustees from the community at large, at least four of whom shall be women, to serve for the term of two years, provided the first appointees named in accordance with this Act shall serve until the first day of June, one thousand nine hundred and forty-one.

Appointment of trustees, Goldsboro Hospital.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

H. B. 158

**CHAPTER 5**

AN ACT FOR THE RELIEF OF ROY EDWARD FISHER, FORMER STATE HIGHWAY PATROLMAN, FOR INJURIES RECEIVED IN LINE OF DUTY.

*Whereas*, Roy Edward Fisher, on the twenty-fifth day of September, one thousand nine hundred and thirty-one, while he was about his official duties as a Highway Patrolman on State Highway number ten, at or near the Town of Burlington, in Alamance County, was thrown from his motorcycle, and suffered severe injuries to his right ankle and foot; and

Preamble: Roy Edward Fisher, Highway Patrolman, injured in line of duty.

*Whereas*, he was taken to various hospitals and doctors for treatment of the bones in said ankle and foot for a period of approximately five years; and

Hospital and medical treatment necessary.

*Whereas*, the bones in the said ankle and foot being so severely crushed and mutilated that they failed to knit and heal properly that the said former highway patrolmen, due

Amputation of leg.

to such constant and severe pain was compelled, in order to relieve himself of further suffering, to have his right leg amputated below the knee; and

Claim for compensation barred.

*Whereas*, the said Fisher, not understanding the provisions of the Workmen's Compensation Law, and through no fault of his own, allowed the Statute of Limitations relative to the allowance of further compensation for the injury, which arose out of and in the course of his employment, to run to the extent that he now, under the Workmen's Compensation Law, cannot secure compensation for the loss of his right leg; and

Artificial limb provided by Dept. of Revenue.

*Whereas*, A. J. Maxwell, Commissioner of Revenue, as provided and directed by Chapter fifteen of the Private Laws of one thousand nine hundred thirty-seven, provided and has maintained an artificial limb for the said Fisher and has paid the cost of such artificial limb and the maintenance thereof out of funds from the State Department of Revenue; and

Further operation necessary.

*Whereas*, the wound caused by the amputation of the said Fisher's leg failed to heal properly and became inflamed, necessitating a further operation in order that the difficulty might be corrected; and

Operation performed at expense of Patrolman.

*Whereas*, the said Fisher had an operation performed at expense to himself and which he has paid in hospital and medical bills instant to such operation, in the amount of one hundred twenty-five dollars (\$125.00); *Now, therefore,*

*The General Assembly of North Carolina do enact:*

Reimbursement for hospital and medical expenses authorized.

SECTION 1. That A. J. Maxwell, Commissioner of Revenue, is hereby authorized and directed to pay out of the funds of the State Department of Revenue, to reimburse the said Roy Edward Fisher for his actual expenses incurred incident to this further operation upon his leg in the amount of one hundred twenty-five dollars (\$125.00); and the Commissioner of Revenue is further authorized and directed to pay out of the funds of said Department of Revenue any further actual hospital and medical expenses which may be in the future incurred by the said Roy Edward Fisher, by reason of the injury heretofore sustained as herein set out.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified this the 16th day of February, 1939.

H. B. 186

**CHAPTER 6**

**AN ACT TO REPEAL THE CHARTER OF THE TOWN OF ABBOTTSBURG, IN BLADEN COUNTY.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and twelve of the Private Laws of one thousand nine hundred and three entitled "An Act to Incorporate the Town of Abbottsburg, in Bladen County," be and the same is hereby repealed.

Ch. 312, Private Laws, 1903, incorporating Town of Abbottsburg, repealed.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

H. B. 376

**CHAPTER 7**

**AN ACT TO AUTHORIZE THE COMMISSIONERS OF WASHINGTON COUNTY TO PROVIDE FOR THE RETIREMENT OF MISS AUGUSTA CARSTARPHEN.**

*Whereas*, Miss Augusta Carstarphen of Washington County is now eighty-three years old and has been a public school teacher in Washington County for over fifty years; and

Preamble: Service of Miss Augusta Carstarphen, as school teacher, Washington County.

*Whereas*, because of her age, Miss Augusta Carstarphen is no longer able to carry on the active duties of a public school teacher in Washington County; *Now, therefore*,

Inability to carry on active duties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Washington County be, and they are hereby, authorized and empowered to provide for the retirement of said Miss Augusta Carstarphen and to pay her the sum of fifty dollars (\$50.00) a month, to be paid from the general funds of the county.

Retirement of Miss Augusta Carstarphen authorized.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

H. B. 394

## CHAPTER 8

## AN ACT TO INCORPORATE THE GROUNDS IN CONNECTION AND SURROUNDING SENTER PRIMITIVE BAPTIST CHURCH IN ASHE COUNTY AND PROVIDING FOR PROTECTION THEREFOR.

*The General Assembly of North Carolina do enact:*

Incorporation of  
"The Senter Primitive Baptist Church Grounds."

SECTION 1. That a boundary constituting a mile square, with Senter Primitive Baptist Church in Ashe County, North Carolina, the center thereof, shall be and the same is hereby incorporated under the style and name of "The Senter Primitive Baptist Church Grounds."

Rules and regulations for government and protection of grounds.

SEC. 2. That the trustees and/or proper officers or governing body of said church shall have full and ample power and authority to make and prescribe such rules and regulations for the governing and protection of said grounds when a congregation is there assembled for the purpose of religious worship as to them may seem wise and proper: *Provided*, the same are not inconsistent with the Constitution of this State.

Enforcement of rules and regulations.

SEC. 3. That the trustees and/or officers or other governing bodies of said church are hereby authorized to appoint a special police or policemen to enforce the rules and regulation of the said body as above provided, or to arrest any person for disorderly conduct or for any offense in violation of the laws of the State committed within the limits of said incorporation, and when any person is so arrested said officer shall take said person before the nearest available Justice of the Peace, who shall upon complaint issue a warrant against such offender and proceed with the case as is provided by law.

SEC. 4. That said church grounds shall be considered as occupied for worship on each and every day during which religious services are held in said church.

Conflicting laws repealed.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1939.

H. B. 442

## CHAPTER 9

## AN ACT TO RELIEVE E. H. MURRAY, FORMER CLERK OF THE SUPERIOR COURT, ALAMANCE COUNTY, FROM PAYMENT OF FUNDS STOLEN BY THE COURTHOUSE JANITOR.

*Whereas*, Joe Glover, former courthouse janitor, of Alamance County, North Carolina, stole from the office of the Clerk of the Superior Court, county funds in the sum of nine hundred forty-six dollars and sixty-three cents (\$946.63) for which offense the said Joe Glover has been sentenced by the Superior Court of Alamance County; and

*Whereas*, the then incumbent Board of County Commissioners for said county and State did on Monday, December fifth, one thousand nine hundred thirty-eight, pass a resolution expressing doubt of the authority of the said Board of Commissioners to relieve the said E. H. Murray, Clerk of the Superior Court, from the payment of the said sum of nine hundred forty-six dollars and sixty-three cents (\$946.63), stolen by the said janitor, Joe Glover, but recommended to the incoming board that it relieve the said E. H. Murray from the payment of the said sum, if and when authority was obtained; and

*Whereas*, the now incumbent Board of County Commissioners has required the said E. H. Murray to obtain an Act of the legislature, authorizing and empowering them to release the said E. H. Murray from payment of the said sum, before acting favorable on the resolution passed by the former Board of County Commissioners; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Alamance County, North Carolina, is hereby authorized, empowered and directed to fully and completely relieve, release and discharge the said E. H. Murray, former Clerk of the Superior Court of Alamance County from payment of the sum of nine hundred forty-six dollars and sixty-three cents (\$946.63), representing money stolen from the office of the Clerk of the Superior Court by Joe Glover.

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

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

In the General Assembly read three times and ratified, this the 10th day of March, 1939.

Preamble:  
Alamance County funds stolen from office of Clerk of Superior Court by former Courthouse janitor.

Authority of former County Commissioners to relieve C. S. C. from liability, doubtful.

Recommendation to incoming board.

Act of legislature authorizing County Commissioners to release Clerk from liability required.

County Commissioners authorized to release and discharge E. H. Murray, former C. S. C., from liability for stolen funds.

Conflicting laws repealed.

## H. B. 554

## CHAPTER 10

AN ACT TO PERMIT F. P. MARKHAM, JR., AND WIFE, GOLDIE LISTER MARKHAM, TO DISINTER AND REMOVE ALL BODIES AND GRAVES FROM THEIR PROPERTY ON THE NORTH SIDE OF COLONIAL AVENUE IN THE CITY OF ELIZABETH CITY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Disinterment and removal of bodies and tombstones from cemetery, Elizabeth City, by F. P. Markham, Jr., authorized.

SECTION 1. That F. P. Markham, Jr., and wife, Goldie Lister Markham, be, and they are hereby authorized to disinter and remove, or cause to be disinterred or removed, all bodies and tombstones in that burial ground located on the north side of Colonial Avenue, in the block back of the First Baptist Church, said burial ground being located on the property of the said F. P. Markham and wife, said bodies and tombstones not now enclosed by any kind of a fence, to a suitable lot in Hollywood, New Hollywood, or any other cemetery in Pasquotank County in which they are able to obtain permission to reinter said bodies: *Provided*, that all expense in connection with said burial ground, removal and re-interment shall be paid by the said F. P. Markham, Jr., and wife, Goldie Lister Markham.

Payment of expenses of removal, etc.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

## H. B. 664

## CHAPTER 11

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, AND CHAPTER THREE PRIVATE LAWS, EXTRA SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO THE CHARTER OF LENOIR RHYNE COLLEGE AT HICKORY, CATAWBA COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Ch. 307, Private Laws, 1905, amended.

SECTION 1. That the Act incorporating the Trustees of Lenoir College, ratified March fourth, one thousand nine hundred and five, Chapter three hundred and seven, Private Laws of one thousand nine hundred and five, and amendments thereto, be amended so that said Section two of said Act or Acts shall read as follows:

Sec. 2, amended as to Board of Trustees of Lenoir College.

“SEC. 2. That the persons named in Section one of this Act shall constitute the Board of Trustees of said corporation until their successors are respectively nominated and elected, and that said trustees or said corporation shall be



capable in law to sue and be sued in all the courts of this State, and may have and use a common seal, may take, demand, receive, and possess all lands and tenements, moneys, goods, and chattels which have been or which may be given, sold or transferred to them or it by will or otherwise for the proper use of said Lenoir Rhyne College in Hickory, and shall have power to make all needful rules and regulations not in conflict with the laws of this State and the United States for the government of themselves and of the college.”

SEC. 2. That Chapter three hundred and seven, Private Laws of nineteen hundred and five, and that Chapter three of the Private Laws of the State of North Carolina, Extra Session, one thousand nine hundred and twenty-one, be amended by striking out Section three of said Act or Acts and inserting in lieu thereof the following:

“SEC. 3. That it shall be the duty of the United Evangelical Lutheran Synod of North Carolina to nominate and elect a Board of Trustees of Lenoir Rhyne College from the active membership of its constituent congregations, consisting of twenty-one (21) members for a term or terms as the Synod may determine, who, together with the President of said Synod and the President of said College, who are hereby made ex-officio advisory members without a vote, shall constitute the Board of Trustees of this corporation: *Provided*, that the Board of Trustees as now constituted shall be the Board of Trustees of this corporation until the said board shall be perfected under the provisions of this Act, and, *provided further*, that this Act shall not affect the terms of office to which present members of the board have been elected. Any vacancies occurring in the said Board of Trustees in the interim between the annual conventions of the said Synod shall be filled by the Executive Committee of the United Evangelical Lutheran Synod of North Carolina. The Board of Trustees of Lenoir Rhyne College and/or said corporation shall be the successor of and shall succeed to any and all rights, powers, privileges, advantages, title, and property heretofore conferred upon or which may hereafter be acquired by the Board of Trustees for Educational Institutions of the United Evangelical Lutheran Synod of North Carolina, the Board of Trustees of Lenoir College and/or Lenoir College; the Board of Trustees of Daniel Rhyne College and/or Daniel Rhyne College; the Board of Trustees of Lenoir Rhyne College and/or Lenoir Rhyne College; the Board of Trustees of Mount Amoena Seminary and/or Mount Amoena Seminary: *Provided*, that nothing contained herein shall alter, change or modify any existing contract or contracts, agreement or agreements heretofore made by Lenoir Rhyne College.”

Ch. 307, Private Laws, 1905, and Ch. 3, Private Laws, Extra Session, 1921, amended.

Procedure for nomination and election of Board of Trustees.

Vacancy appointments.

Powers, rights, etc. of Board of Trustees.

Conflicting laws repealed.

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.

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 665

## CHAPTER 12

AN ACT TO DISSOLVE THE CHARTER OF MONT AMOENA FEMALE SEMINARY, MOUNT PLEASANT, NORTH CAROLINA, AND TO REPEAL CHAPTER FIFTY-EIGHT PRIVATE LAWS, ONE THOUSAND EIGHT HUNDRED NINETY-ONE, AND CHAPTER TWO, PRIVATE LAWS, EXTRA SESSION ONE THOUSAND NINE HUNDRED TWENTY-ONE.

Preamble:  
Dissolution of charter of Mont Amoena Female Seminary, Mount Pleasant, N. C.

*Whereas*, by proper resolution of the Board of Trustees of Mont Amoena Female Seminary, Mount Pleasant, Cabarrus County, State of North Carolina, it has been duly determined that the business and purposes for which the corporation was created, no longer exist, and in the judgment of the Board of Trustees it is for the best interest of the corporation to sell, transfer and assign to Lenoir Rhyne College, or to the Trustees of Lenoir Rhyne College, all of its rights, title and interest of every nature in and to any and all property now owned, or which may at any future time, be acquired by said corporation, or the Board of Trustees of said corporation, and that said sale and transfer has been duly made, and that said Lenoir Rhyne College, its successors and assigns, succeeds to all rights and benefits of this corporation, that the business and books of said corporation be closed, and its charter repealed: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Ch. 58, Private Laws, 1891, and Ch. 2, Private Laws, Extra Session, 1921, repealed.

SECTION 1. That Chapter fifty-eight, Private Laws, one thousand eight hundred ninety-one, and Chapter two Private Laws of Extra Session, one thousand nine hundred twenty-one, of the State of North Carolina, and all Acts and amendments thereto, be and the same are hereby repealed.

Conflicting Laws repealed.

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

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 666

## CHAPTER 13

AN ACT TO AMEND CHAPTER THREE HUNDRED FIFTY-SEVEN, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND NINE, AND CHAPTER ONE, PRIVATE LAWS, EXTRA SESSION, ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO THE CHARTER OF NORTH CAROLINA COLLEGE, MOUNT PLEASANT, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Act incorporating the Trustees of North Carolina College, ratified, the eighth day of March, one thousand nine hundred and nine, Chapter three hundred fifty-seven, Private Laws of one thousand nine hundred and nine, and Chapter one, Private Laws of the State of North Carolina, extra session, one thousand nine hundred and twenty-one, be amended by striking out all of Section two of the Act of one thousand nine hundred and nine, which section is the second paragraph of Chapter one of the Private Laws of the extra session, one thousand nine hundred twenty-one, and inserting in lieu thereof the following:

“SEC. 2. That it shall be the duty of the United Evangelical Lutheran Synod of North Carolina to nominate and elect a Board of Trustees of North Carolina College, from the active membership of its constituent congregations, consisting of twenty-one (21) members for a term or terms as said synod may determine, who, together with the President of said synod and the President of said college, who are hereby made ex officio advisory members without a vote, shall constitute the Board of Trustees of this corporation: *Provided*, that the Board of Trustees as now constituted shall be the Board of Trustees of this corporation until the said board shall be perfected under the provisions of this Act: *Provided, further*, that this Act shall not affect the terms of office to which present members of the board have been elected. Any vacancies occurring in said Board of Trustees in the interim between the annual conventions of the said synod shall be filled by the Executive Committee of the United Evangelical Lutheran Synod of North Carolina. The Board of Trustees of North Carolina College and/or North Carolina College shall be the successor of and shall succeed to any and all the rights, powers, privileges, advantages, title and property heretofore conferred upon or which may hereafter be acquired by the Board of Trustees of Western North Carolina Academy, and/or Western North Carolina Academy, the Board of Trustees of North Carolina College and/or North Carolina College: *Provided*, that nothing contained herein shall alter, change

Ch. 357, Private Laws, 1909, and Ch. 1, Private Laws, Extra Session, 1921, amended.

Nomination and election of Board of Trustees of North Carolina College at Mount Pleasant.

Vacancy appointments.

Powers, rights, etc. of Board of Trustees.

or modify any existing contract or contracts, agreement or agreements heretofore made by North Carolina College.”

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

### S. B. 367

### CHAPTER 14

AN ACT TO AMEND CHAPTER THREE HUNDRED FOUR OF THE PRIVATE LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED SEVEN RELATING TO THE INCORPORATION OF THE TABERNACLE BAPTIST CHURCH OF RALEIGH.

*The General Assembly of North Carolina do enact:*

Ch. 304, Private Laws, 1907, amended.

SECTION 1. That Chapter three hundred four of the Private Laws of the State of North Carolina passed by the General Assembly at its session in one thousand nine hundred seven be amended by striking therefrom all of Section six and substituting therefor the following, to-wit:

Authority of Tabernacle Baptist Church, Raleigh, to issue notes or bonds, to incur indebtedness, etc.

“SEC. 6. That the said corporation shall have authority and power to issue its notes or bonds or other evidences of indebtedness and to incur indebtednesses in such amount or amounts as it may deem proper and to secure the same by a lien or liens upon its property as it may deem best; and it may do any and all of said acts as often and at such times as it in its discretion may deem best.”

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

### H. B. 64

### CHAPTER 15

AN ACT TO AUTHORIZE THE REVENUE COMMISSIONER TO REFUND TWO HUNDRED FORTY-FOUR DOLLARS AND SIXTY-FIVE CENTS (\$244.65) TAX PAID ON GASOLINE USED IN THE MANUFACTURE OF FURNITURE.

Preamble: Use by Drexel Furniture Company of tax paid gasoline in manufacture of furniture.

*Whereas*, the Drexel Furniture Company, of Drexel, North Carolina, during the quarter ending March thirty-first, one thousand nine hundred thirty-eight, used four thousand eight hundred ninety-three gallons of tax paid

gasoline in the manufacture of furniture, on which the refund tax amounted to two hundred forty-four dollars and sixty-five cents (\$244.65); and

Amount of tax refund.

Whereas, claim for gasoline tax refund was prepared prior to April fifteen, one thousand nine hundred thirty-eight, and was not filed for the reason that an officer of the corporation, as required by the law, was not available to sign the claim until the morning of April sixteen, and that the said officer signing the claim was the first officer of the corporation who could sign the claim to return to the office after the report had been prepared; that April fifteen, one thousand nine hundred thirty-eight was on a Friday, and had the claim been mailed on that day, it could not have possibly been received by the Commissioner of Revenue before the close of business at noon on Saturday, April sixteen; the following Monday being April eighteen, was a legal holiday, and all offices of the Revenue Department were closed on that day, and the records of the Revenue Commissioner show that it was handled on the following day, April nineteen, one thousand nine hundred thirty-eight: *Now, therefore,*

Delay in filing of claim for gasoline tax refund.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioner of Revenue is hereby authorized and directed to refund to the Drexel Furniture Company, Drexel, North Carolina, the sum of two hundred forty-four dollars and sixty-five cents (\$244.65), or so much thereof as may be due as per application for refund filed with the Revenue Commissioner and received by him on April nineteen, one thousand nine hundred thirty-eight, as would have been paid had said application been received on April fifteen, one thousand nine hundred thirty-eight, according to law; the said amount being the gasoline tax at five cents per gallon on four thousand eight hundred ninety-three gallons of tax paid gasoline used by it on the quarter ending March thirty-first, one thousand nine hundred thirty-eight in the manufacture of furniture.

Commissioner of Revenue authorized to refund tax to Drexel Furniture Company.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.

## S. B. 396

## CHAPTER 16

AN ACT TO AMEND CHAPTER FOUR HUNDRED TWENTY PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND ONE RELATING TO THE INCORPORATION OF THE FARMERS MUTUAL FIRE INSURANCE ASSOCIATION OF EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 420, Private Laws, 1901, repealed.

SECTION 1. That Section six, Chapter four hundred twenty, Private Laws of North Carolina, session of one thousand nine hundred and one be and the same is hereby repealed.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

## H. B. 1073

## CHAPTER 17

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF COUNTY COMMISSIONERS OF ALAMANCE COUNTY TO PAY COMPENSATION TO THE WIDOW OF SHERIFF M. P. ROBERTSON, DECEASED.

Preamble: Death of M. P. Robertson, Sheriff, Alamance County, and S. W. Vaughn, Burlington City Policeman.

*Whereas*, on December seventh, one thousand nine hundred thirty-eight, M. P. Robertson, Sheriff of Alamance County, and S. W. Vaughn, City Policeman of the City of Burlington, were slain in the line of duty when attempting the arrest of robbers at a business establishment in the City of Burlington; and

Services rendered as police officers of City of Burlington.

*Whereas*, the two officers aforesaid had served as police officers for many years together upon the police force of the City of Burlington, and that two days before their death the said M. P. Robertson had been sworn in as duly elected Sheriff of Alamance County; and

Death of Vaughn compensable under Workmen's Compensation Act.

*Whereas*, the death of the said S. W. Vaughn was and is compensable under the Workmen's Compensation Act of North Carolina because he was serving in an appointive office, and his widow and dependents are receiving compensation therefor; and

Death of Robertson not compensable.

*Whereas*, the death of said M. P. Robertson is not compensable under the Workmen's Compensation Act because of the fact that he was serving in an elective office; and

Whereas, the said M. P. Robertson had never received any compensation as the Sheriff of Alamance County, and his widow having received pay for only the two days which he served as Sheriff: *Now, therefore,*

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Alamance County be, and they are hereby, authorized, empowered and directed to pay to Sallie B. Robertson, widow of M. P. Robertson, weekly payments equal to two-thirds of the amount which she would have received by virtue of the North Carolina Workmen's Compensation Act, had such death of M. P. Robertson been compensable under the Act, and that the same be appropriated for and paid out of the general funds of Alamance County for the period provided in the Act.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

No compensation paid to Robertson as Sheriff.

Compensation to Sallie B. Robertson, widow of M. P. Robertson authorized.

Payable from general funds of Alamance County.

S. B. 487

## CHAPTER 18

### AN ACT TO DIRECT THE DEPARTMENT OF REVENUE TO REFUND TO DORSEY RHYNE OF LINCOLN COUNTY THIRTY-FIVE DOLLARS OVERPAYMENT OF SERVICE STATION LICENSE TAX.

Whereas, Dorsey Rhyne, of Lincoln County, made overpayment of five dollars each for the ten years from one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-seven for service station license taxes; and

Whereas, the Department of Revenue refunded fifteen dollars for the years one thousand nine hundred and thirty-four to one thousand nine hundred and thirty-seven but on account of the statute of limitations running out in three years for filing claim, could not make refund for previous years amounting to thirty-five dollars: *Now, therefore,*

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Department of Revenue be and is hereby authorized and directed to refund to Dorsey Rhyne, of Lincoln County, the sum of thirty-five dollars (\$35.00) for overpayment of service station license taxes for the years one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-four.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

Preamble: Overpayments of service station license taxes by Dorsey Rhyne, Lincoln County.

Refund by Department of Revenue for overpayment made for 1934-1937.

Department of Revenue authorized to make refund for overpayments made for 1927 to 1934.

## H. B. 310

## CHAPTER 19

## AN ACT TO REIMBURSE W. S. WILLIAMS LOSSES RESULTING FROM A COLLISION WITH A SCHOOL BUS IN NASH COUNTY.

Preamble: Collision of employee of W. S. Williams with school bus.

*Whereas*, on the morning of January three, one thousand nine hundred and thirty-eight, a disc harrow drawn by two mules, driven by an employee of W. S. Williams, and owned by said Williams, was struck by a school bus traveling in the same direction on the Middlesex-Bailey Road, in Nash County; and

Damages resulting from accident.

*Whereas*, as a result of said collision, the driver of the harrow was injured, necessitating medical attention, one of the mules severely hurt, necessitating being taken to a veterinarian, and the harrow damaged; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Investigation and payment by State School Commission of claim of W. S. Williams for damages, authorized.

SECTION 1. The State School Commission is hereby authorized to investigate the claim of W. S. Williams, referred to in the preamble of this Act, and if found to be meritorious and just it is authorized to pay to W. S. Williams such loss and damage as said State School Commission may determine, not to exceed, however, the sum of three hundred forty-seven dollars and twenty-five cents. Such payment, if any, as is made shall be made from the funds appropriated for maintenance of the eight months school term.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 471

## CHAPTER 20

## AN ACT TO PROVIDE COMPENSATION TO THE PARENTS OF HAZEL LEE STEWART, DECEASED, WHO WAS KILLED BY A SCHOOL BUS AT COOLEEMEE IN DAVIE COUNTY.

Preamble: Circumstances of accident resulting in death of Hazel Lee Stewart, student at Cooleemee School, Davie County.

*Whereas*, on the twenty-ninth day of September, one thousand nine hundred thirty-seven, Hazel Lee Stewart, age eight, a student at Cooleemee School in Davie County, with other children, was standing in front of said school building near a school bus being operated by J. W. Everhardt. Said Hazel Lee Stewart was awaiting to board said school bus to transport her, with other children, from said school to their homes, and without fault on her part, the driver of said school bus negligently, without first giving



warning and without looking, caused said school bus to start a forward motion, at which said time the said Hazel Lee Stewart was struck by said school bus and thrown under the right rear dual wheel of said bus, said wheel passing over the abdomen of said Hazel Lee Stewart, inflicting serious and permanent injuries which resulted in death on the same date; and

*Whereas*, the parents of the said Hazel Lee Stewart were and are unable to defray the expenses of said child; and

Parents unable to defray expenses.

*Whereas*, on October eighteenth, one thousand nine hundred thirty-seven, the parents of said Hazel Lee Stewart, filed the statement of an account with the State School Commission, Raleigh, North Carolina, reporting the expenses incurred in the treatment and burial of the said Hazel Lee Stewart; and

Statement of expenses filed with State School Commission.

*Whereas*, by Chapter two hundred forty-five of Public Laws of North Carolina, one thousand nine hundred thirty-five, the State School Commission was authorized and directed to set up in its budget for the operation of public schools of the State, a sum of money which it deemed sufficient to pay to parents, guardians, executors and administrators of any school child who might be injured and/or whose death results from injuries received while such child is riding on a school bus to and from the public schools of the State, medical, surgical and hospital and funeral expenses incurred on account of such injuries and/or death of such child in an amount not to exceed the sum of six hundred dollars (\$600.00); and

Authority of State School Commission to pay compensation for children injured or killed while riding on school busses.

*Whereas*, by Section six of said Act, it was provided that the State should not be liable, among other things, for personal injuries sustained while not actually riding on the bus to and from the school, and from personal injuries received otherwise than by reason of the operation of said bus; and

Non-liability of State for injuries received while not actually riding on bus.

*Whereas*, after said claim was filed by the said parents of said Hazel Lee Stewart with the State School Commission as aforesaid, for the sum of five hundred dollars (\$500.00), representing the expenses incurred in the treatment and burial of said Hazel Lee Stewart, the State School Commission while not rejecting, has failed to approve and pay the same due to the fact that the said Hazel Lee Stewart was not actually riding on said bus at the time of the accident; and

Failure of State School Commission to approve claim filed by parents of Hazel Lee Stewart.

*Whereas*, the parents of the said Hazel Lee Stewart have no remedy at law: *Now, therefore*,

No remedy at law.

*The General Assembly of North Carolina do enact:*

Payment of expenses incurred on account of death of Hazel Lee Stewart authorized.

SECTION 1. That the State School Commission of North Carolina is hereby authorized to pay to H. N. Stewart, of Davie County, North Carolina, the father of said Hazel Lee Stewart, who was killed as set out in the preamble of this Act, the bona fide actual expenses incurred in the medical treatment and burial of said Hazel Lee Stewart, resulting from the accident above described, not to exceed the sum of five hundred dollars (\$500.00): *Provided*, that the amount of said burial and medical expenses paid by said School Commission to have been actual and bona fide, not to exceed five hundred dollars (\$500.00), may be paid from the Contingency and Emergency Fund in the discretion of the Director of the Budget in the event that the necessary funds are not available out of the appropriations for the Public Schools.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 546

## CHAPTER 21

AN ACT TO REMUNERATE JEFF CARROLL FOR DAMAGES TO HIS FILLING STATION INCURRED ON THE SEVENTH DAY OF DECEMBER, ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, BY A COLLISION THEREWITH BY A STATE-OWNED SCHOOL BUS DRIVEN BY A STUDENT OF THE TAR HEEL HIGH SCHOOL IN BLADEN COUNTY.

Preamble: Collision of school bus with filling station of Jeff Carroll, Bladen County.

*Whereas*, on the seventh day of December, one thousand nine hundred thirty-seven, a State-owned school bus driven by one Clifton Allen, a student in the Tar Heel High School, collided with and damaged a filling station belonging to one Jeff Carroll in Bladen County; and

Responsibility of driver of bus.

*Whereas*, it has been proven by court action that the driver of the school bus was entirely responsible for the collision and the damages resulting therefrom; and

Amount of damages.

*Whereas*, the damages resulting from the collision herein referred to amount to one hundred dollars (\$100.00); *Now, therefore*,

*The General Assembly of North Carolina do enact:*

State School Commission authorized to reimburse Jeff Carroll for damages incurred.

SECTION 1. That the State School Commission is hereby authorized and empowered, immediately upon the ratification of this Act, to reimburse Jeff Carroll, upon production of satisfactory proof and evidence as to negligence and

damages, in an amount not in excess of one hundred dollars (\$100.00), which amount shall be in full settlement for all damages incurred by him as a result of the accident herein referred to.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 794

## CHAPTER 22

AN ACT FOR THE RELIEF OF MRS. W. J. RASBERRY.

*That Whereas*, on the third day of March, one thousand nine hundred thirty-six one Brady, an employee of the State Highway and Public Works Commission, while working on the State highway near Cary on a road under construction or improvement by the State, carelessly and negligently caused or allowed fire to get out on property belonging to Mrs. W. J. Rasberry and as a direct result of such carelessness and negligence on the part of said employee of the State Highway and Public Works Commission, a tenant house on said property, valued at six hundred dollars (\$600.00) was totally destroyed, and there was one hundred dollars (\$100.00) damage done by said fire to the growing timber on said land, and fifty dollars (\$50.00) damage done to stored crops; *Now, therefore*,

Preamble: Damages to property of Mrs. W. J. Rasberry as result of negligence of employee of State Highway and Public Works Commission.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Highway Commission is authorized to investigate this loss, and in the event they find the loss was caused by the negligence of its employee, acting in the scope of his employment, they are herewith authorized to pay Mrs. Rasberry the actual loss which they find she has sustained, but in no event is the amount to exceed seven hundred fifty dollars (\$750.00).

Payment to Mrs. Rasberry for losses sustained authorized.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## H. B. 925

## CHAPTER 23

## AN ACT TO PROVIDE FOR RETIREMENT COMPENSATION FOR W. DAN TERRY, SUPERINTENDENT OF PUBLIC BUILDINGS AND GROUNDS.

Preamble:  
Service of W. Dan Terry as superintendent of Public Buildings and Grounds.

*Whereas*, W. Dan Terry has served the State of North Carolina faithfully and well for forty-six years in the capacity of Superintendent of Public Buildings and Grounds; and

Inability to perform further duties.

*Whereas*, the said W. Dan Terry recently suffered a stroke of paralysis which has totally incapacitated him and he is no longer physically able to perform his duties in such capacity; and

*Whereas*, the said W. Dan Terry is no longer able to pursue any gainful occupation; *Now, therefore*,

*The General Assembly of North Carolina do enact:*

Retirement compensation for W. Dan Terry authorized.

SECTION 1. That the said W. Dan Terry shall be paid the sum of nine hundred dollars (\$900.00) per annum during the term of his natural life, the same to be paid in equal monthly installments of seventy-five dollars (\$75.00) per month, out of the State Treasury upon warrants duly drawn thereon.

Conflicting laws repealed.

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

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July first, one thousand nine hundred thirty-nine.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

## S. B. 246

## CHAPTER 24

## AN ACT TO REIMBURSE DAVID H. JONES FOR LOSS OF A HORSE KILLED BY A STATE OF NORTH CAROLINA HIGHWAY AND PUBLIC WORKS COMMISSION TRUCK IN ROBESON COUNTY.

Preamble: Horse belonging to David H. Jones killed by State Highway and Public Works Commission truck.

*Whereas*, on March twenty-eight, one thousand nine hundred and thirty-eight, on the public highway leading from United States Highway Number three hundred and one to Barker Ten Mile School in Robeson County, a Percheron mare, the property of David H. Jones, was struck by a State of North Carolina Highway and Public Works Commission truck operated in a careless and negligent manner and the mare injured to such an extent that it had to be killed; and

Whereas, it appears that there was no negligence on the part of the agent of said Jones who was leading the mare on the proper side of the highway: *Now, therefore,*

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Highway and Public Works Commission is hereby authorized to pay to David H. Jones the sum of three hundred dollars to reimburse him in full for the loss sustained in the fatal injury and death of his mare in the aforesaid accident. *Provided,* that if upon investigation by the State Highway and Public Works Commission it is determined that the injury to said mare was caused by the carelessness and negligence of the agent of the State Highway and Public Works Commission, then the said State Highway and Public Works Commission may reimburse the said David H. Jones for such injury to an amount not exceeding three hundred dollars.

State Highway Commission authorized to reimburse David H. Jones for loss sustained.

Investigation of accident by Commission.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

S. B. 414

## CHAPTER 25

AN ACT TO PROVIDE RELIEF FOR MRS. E. E. BELL, A CITIZEN OF THE CITY OF POLLOCKSVILLE, COUNTY OF JONES, STATE OF NORTH CAROLINA.

Whereas, Mrs. E. E. Bell, a citizen of Jones County, North Carolina, suffered damage to her automobile as the result of a collision with a school bus, the property of the State of North Carolina and operated for the Jones County Public Schools, said accident being the proximate result of careless and reckless driving by the operator of said school bus, and it being admitted that there was no contributory negligence on the part of the said Mrs. E. E. Bell; and

Preamble: Collision between automobile of Mrs. E. E. Bell, Jones County, and State school bus.

Accident result of bus driver.

Whereas, as result of the said automobile collision, Mrs. E. E. Bell sustained actual cash damage in the sum of ninety-eight (\$98.00) dollars: *Now, therefore,*

Amount of damage sustained.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission be, and they are hereby, authorized to investigate and determine the validity of the claim of Mrs. E. E. Bell of Pollocksville, Jones County, North Carolina, which grew out of a collision with a school truck operated for Jones County, North

Investigation of claim for damages, authorized.

Payment of claim. Carolina, public schools. Said claim, if allowed, not to exceed ninety-eight (\$98.00) dollars and said commission is hereby authorized to pay said claim, if and when established, the amount to be determined by them.

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

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

## S. B. 496

## CHAPTER 26

AN ACT TO PROVIDE FOR THE COMPENSATION FOR THE INJURY OF ARA REBECCA DAVIS, A SCHOOL CHILD OF CHATHAM COUNTY, RECEIVED WHILE BEING TRANSPORTED TO SCHOOL ON A SCHOOL BUS.

Preamble: Ara Rebecca Davis, Chatham County, injured by school bus.

Whereas, Ara Rebecca Davis, a school child of Chatham County, North Carolina, in January, one thousand nine hundred thirty-six, while in the act of getting on a school bus at the school house grounds to return to her home, was pushed under another school bus which was in motion, and as a result said school bus ran over and caused her right leg to be crushed to the end that she had to spend several days at Watts Hospital in Durham, and incurred considerable hospital expense and doctors' expense; Now, therefore,

Expenses incurred.

*The General Assembly of North Carolina do enact:*

Payment of expenses incurred in treatment of injury of Ara Rebecca Davis authorized.

SECTION 1. That the State School Commission of North Carolina is hereby authorized to pay to C. C. Davis, the father of Ara Rebecca Davis, such sum, or sums, as it may find necessary to compensate the said C. C. Davis for such sum, or sums, as he expended for hospital and doctors' bills in the treatment of the injury received by his said daughter, Ara Rebecca Davis; *provided, further*, that the said C. C. Davis shall furnish to said State School Commission receipted and itemized bills showing amounts which he has expended on account of said injury received by his said daughter, Ara Rebecca Davis.

Itemized statement of expenses required.

Conflicting laws repealed.

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

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 784

**CHAPTER 27****AN ACT TO REIMBURSE E. O. CHANDLER FOR LOSSES SUSTAINED RESULTING FROM A COLLISION WITH A SCHOOL BUS IN ROCKINGHAM COUNTY.**

*Whereas*, on the first day of March, one thousand nine hundred and thirty-nine a school bus being operated by an employee of Rockingham County Board of Education stopped his bus on a public highway in Rockingham County without giving any warning or signal whatever immediately in front of said E. O. Chandler; and

*Whereas*, as a result of said collision the automobile being operated by the said E. O. Chandler was completely demolished: *Now, therefore*,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission is hereby authorized and empowered to pay to E. O. Chandler such damages as he may have sustained as a result of said collision not exceeding six hundred eight dollars and fifty-four cents, *provided* said State School Commission finds that said collision was solely and proximately caused by the negligence of the driver of said school bus without contributory negligence on the part of said E. O. Chandler.

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

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

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

Preamble: Collision between automobile operated by E. O. Chandler and State school bus.

State School Commission authorized to pay E. O. Chandler for damages sustained.

Conflicting laws repealed.

H. B. 933

**CHAPTER 28****AN ACT TO AMEND CHAPTER FORTY-SEVEN, OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF ONE THOUSAND EIGHT HUNDRED SEVENTY-NINE, KNOWN AS "AN ACT TO INCORPORATE THE TRUSTEES OF BALL'S CREEK METHODIST CHURCH AND CAMP GROUND, IN THE COUNTY OF CATAWBA, NORTH CAROLINA."**

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one, of Chapter forty-seven, of the Private Laws of one thousand eight hundred seventy-nine, be and the same is hereby amended, by striking out the following words at the end of Section one, namely: "such officers as they shall deem necessary," and by inserting in lieu thereof, the following: "their officers, consisting of a Chairman, Vice-Chairman, Secretary and Treasurer."

Sec. 1, Ch. 47, Private Laws, 1879, amended.

Sec. 2, amended as to appointment and terms of Trustees of Ball's Creek Methodist Church and Camp Ground.

SEC. 2. That Chapter forty-seven of the Private Laws of one thousand eight hundred seventy-nine, be and the same is hereby further amended by striking out Section two of said Act, and by inserting in lieu thereof the following, namely: "That the number of trustees of the said Ball's Creek Methodist Church and Camp Ground, in the County of Catawba, State of North Carolina, shall not be less than five, nor more than ten; and that the following persons are hereby named, designated, and constitute the Trustees of Ball's Creek Methodist Church and Camp Ground, in the County of Catawba, State of North Carolina, and shall hold their terms as follows, namely: H. F. Jones and D. E. Drum shall serve for five years; C. P. Detter and J. B. Drum shall serve for four years; R. I. Love and J. E. Coulter shall serve for three years; Z. W. Wilkinson and W. F. Cline shall serve for two years; and N. W. Jones and W. O. Rone shall serve for one year, each and all of the aforesaid terms shall begin the first Monday in July, one thousand nine hundred thirty-nine, and two members of said trustees shall be elected on the first Monday of July, one thousand nine hundred forty, who shall serve for five years, and two members shall be elected annually thereafter, each and every year, on the first Monday of July, who shall serve for five years; that in case of death or refusal to act, or for removal, or for any other cause there becomes a vacancy, the said vacancy shall be filled by the remaining trustees, to fill out the unexpired term."

Vacancy appointments.

Chapter further amended.

SEC. 3. That Chapter forty-seven of the Private Laws of one thousand eight hundred seventy-nine, be, and the same is hereby further amended by adding a new section thereto, in the following words:

Regulation of sale of food and drink near camp grounds during worship services.

"SEC. 10-a. That the trustees of said Ball's Creek Camp Ground and Church shall have control of and are hereby empowered to regulate the sales of all food and drink of all kinds, for the convenience, use and comfort of those attending the services of said camp ground, on the grounds, or within one mile of the camp ground, while the same is occupied for worship, and any person who shall sell, or attempt to sell any food of any kind or drink of any kind, at or on said camp ground, or within one mile of same, while said camp ground is occupied for worship, without first obtaining permission from said trustees, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. Each and every sale, or attempted sale, shall constitute a separate offense."

Sales without permission of Trustees made misdemeanor.

Application of Act.

This section not to apply to any person or persons operating or conducting their regular business within the above limits and territory.



SEC. 4. If any part or section of this Act shall be declared unconstitutional or invalid by the Supreme Court of North Carolina, it shall in no wise affect the remainder of said Act, and the remainder shall remain in full force and effect.

Partial invalidity  
clause.

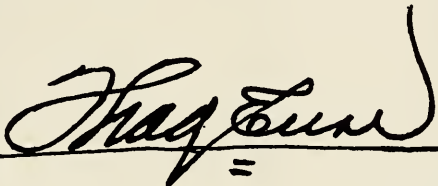
SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

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STATE OF NORTH CAROLINA  
OFFICE OF SECRETARY OF STATE  
RALEIGH, N. C., APRIL 4, 1939

I, THAD EURE, 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.



A handwritten signature in cursive script, reading "Thad Eure", is written over a horizontal line. Below the signature, there is a small equals sign (=).

Secretary of State.



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